

**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
December 10, 2014**



## AGENDA

**MEETING CALLED TO ORDER AT 5:30PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF August 6, 2014**

**ADOPTION OF MINUTES OF October 22, 2014**

**ADOPTION OF MINUTES OF November 11, 2014**

**PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda***

**STAFF/BOARD COMMUNICATIONS AND DISCLOSURES**

**CONTINUATIONS**

Land Management Code Amendments related to:

Transfer of Development Rights (TDR's) Chapter 2.24

*Public hearing and continue to January 14, 2015*

PL-14-02348 95

*Planner Whetstone*

Sign Code Amendments to:

Park City Municipal Code Chapter 12

*Public hearing and continue to a date uncertain*

PL-14-02523 96

*Planner Whetstone*

**REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below:***

1385 Lowell Avenue –

Conditional Use Permit for a timeshare Off-premise Sales office of 1,751 square feet.

*Public hearing and possible action*

PL-14-02541 97

*Planner*

*Astorga*

923 Park Avenue –

An ordinance considering the 923 Park Avenue Subdivision Plat Amendment.

*Public hearing and possible recommendation to City Council on January 8<sup>th</sup>, 2015*

PL-14-02527 117

*Planner*

*Astorga*

30 Sampson Avenue –

Steep Slope Conditional Use Permit for a new single family house.

*Public hearing and possible action*

PL-12-01487 134

*Planner*

*Whetstone*

1000 Ability Way –

National Ability Center Pre-master Development for additional lodging, expanded equestrian arena, and addition to administration building.

*Public hearing and possible actions*

PL-14-02476 317

*Planner*

*Whetstone*

**ADJOURN**

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.



**PARK CITY PLANNING COMMISSION  
SPECIAL WORK SESSION  
FORM BASED CODE  
August 6, 2014**

PRESENT: Nann Worel, Preston Campbell, Stewart Gross, Steve Joyce, John Phillips, Adam Strachan, Clay Stuard, Thomas Eddington, Christy Alexander, Polly Samuels McLean, Scott Polikov and Jay Narayana with Gateway Planning.

**WORK SESSION ITEM(S)**

**Bonanza Park and Form Based Code – Review of draft regulating plan and character zones**

Planner Christy Alexander noted that the Planning Commission and Staff have met over the past few years to discuss Form Based Code. She noted that several Commissioners were new to the Planning Commission and this was their first opportunity to see the draft Code. Following the joint work session meeting with the City Council on May 13<sup>th</sup>, the Staff considered all the input and Scott Polikov and Jay Narayana, consultants with Gateway Planning, revised the draft Code to incorporate some of the changes, including those related to enhanced options and the height limits.

Planner Alexander stated that the objective this evening was to review the draft Code section by section. She outlined four areas for discussion this evening; 1) The Regulating Plan; 2) Parking requirements; 3) Administration and implementation of the Code; 4) Incentive standards offered for additional height.

Planner Alexander reported that the Regulating Plan had changed very little since the May 13<sup>th</sup> meeting. There were still seven character zones, as well as the newly added utility service zone and screening around the Rocky Mountain substation, and the Civic Use Center that would be used for City offices, a future transit hub, workforce housing, etc.

Chair Worel understood that the plan assumed that Recycle Utah would be relocated. Director Eddington stated that currently the plan shows that area as open space, but it did assume a potential relocation of Recycle Utah.

Jay Narayana recalled that they wanted to identify in the Code the areas where they would want commercial on the ground floor because it would not make sense to have ground floor residential. She commented on locations where there was opportunity for future commercial where the ground floor is built to commercial standards, but it could start out as residential because of a weak commercial market. Those spaces could eventually transition to commercial uses as commercial-ready frontage. Jay noted that the Building Code requires a certain floor to floor height and ADA accessible store front designs to

avoid having to remodel the building to accommodate commercial uses as the market changes. She pointed out that the legend identified two designations. The Planning Commission was being asked for their input on the locations where ground floor commercial and future ground floor commercial would make sense.

Scott Polikov cautioned the Commissioners to be careful not to over-designate or apply it too liberally because the market potential can make some locations unreasonable for retail space.

Commissioner Stuard asked where those locations were currently designated. Mr. Polikov replied they had not yet been applied or designated on the proposed regulating plan, although they had some ideas where they might be applied. Chair Worel asked what Gateway Planning would suggest as appropriate locations. Jay stated that activating portions of the Park would be one suggestion. If Bonanza Drive is the main gateway into the District that would be another favored location. She stated that Gateway Planning could work with the Staff to come up with various scenarios for the Planning Commission to consider. Director Eddington believed the Commissioners could expect to see it around the Park area and consolidated in a way to create a walkable district that is geared toward retail. Commercial could also be strongly recommended primarily in the neighborhood/commercial areas.

Mr. Polikov thought they should be careful not to suggest that a strong, pedestrian-friendly design environment should be required to have commercial frontage. Having residential along a pedestrian-friendly street could still feel right. However, there may be a special block base where they would want commercial activated.

Commissioner Strachan asked where Gateway Planning has seen that work in the past. Mr. Polikov replied that one place was Main Street in Park City. Commissioner Strachan clarified that he was asking about other projects around the Nation. Based on their experience he wanted to know where they would put it and why. Mr. Polikov was unprepared to answer on a national level. Using Main Street Park City as an example, he commented on what would happen if Main Street had stretches of residential with the living rooms on the ground floor. If the shades are down and there is no storefront environment, it creates a blank wall and people are no longer interested in walking the rest of the street. Jay commented on the importance of making sure there is the flexibility to transition from storefront to residential if necessary as the markets change. Mr. Polikov stated that they typically recommend letting the market figure it out, but there may be a block face where it makes sense to acclimate it as a general public space with a shop front feel.

Commissioner Phillips thought it would make sense for certain corners and/or intersections. Mr. Polikov agreed and used Munchkin and Woodbine as a potentially good location.

Commissioner Campbell asked if the motivation was to drive pedestrian traffic all the way to the end of the block, around the corner and the continue walking down the block. Mr. Polikov replied that it was the opposite. If a location makes sense, the market is there, it is designed properly, and there is good retail activity, they would not want a block in the middle becoming dead space. Commissioner Campbell believed that if a ground floor space is designed for residential until it becomes retail, and the shades are pulled down, it would have the same effect as an empty building. Mr. Polikov replied that the difference is retail ready versus retail required. Commissioner Campbell reiterated that a retail-ready space would still look empty if it is occupied as residential and the shades are down. He wanted to know what happens in the time between residential and converting to retail. Jay stated that the idea is to have a tenant living in the building generating revenue as opposed to having an empty space.

Commissioner Phillips believed that most of the buildings would be constructed as the market demands, and it could be many years before these transitional spaces would develop. Mr. Polikov clarified that Gateway Planning was recommending retail-ready as opposed to retail required. Therefore, the construction type accommodates commercial activity and includes ADA, the Commercial Building Code, etc. He noted that many cities have gone to retail required, but if there is no market the development never occurs. He preferred to encourage building types and let the market drive the evolution of the type.

Commissioner Stuard acknowledged that most people in the room had attended more meetings on Form Based Code than he had. However, he had spent 40 to 50 hours reading the draft document and found it to be very difficult because the Plan is so ambitious. He commended the Staff and the consultants for such an ambitious document, but he believed this was probably the biggest, most important zoning decision that has ever been made in Park City. It involves a major transformation of a district in town that is central to the community and it was important to take the time to get it right.

Commissioner Stuard stated that one of his initial concerns about the regulating plan was that there is no Frontage Protection Zone along Bonanza, which is designated as a Type A pedestrian-intensive/retail intensive type of street in the scheme. The mixed use that surrounds Bonanza on both sides up to the rail trail would require buildings to be within five to ten feet of the property line. Those buildings would likely be three stories and possibly four or five, depending on which incentive plan is utilized. At the same time, 20,000 to 30,000 cars a day move in and through Bonanza for various reasons. He sees two problems. One is the canyon effect that would be created down Bonanza with a nearly contiguous theme of three to five story buildings five to ten feet away from the property line. The second would be the conflict between the number of cars moving up and down Bonanza and the supposedly pedestrian-friendly retail activity that is supposed to take place. Commissioner Stuard asked if anyone else had focused in on that particular issue.

Commissioner Strachan stated that in the past the Planning Commission looked at the existing zone and the setbacks as they currently exist fully built out. He noted that the issue was previously raised regarding a canyon effect. The specific issue of the traffic coinciding with pedestrians has always been a problem. He did not believe those issues were new and the proposed plan may not cure it.

Commissioner Stuard pointed out that the proposed scheme anticipates considerably more pedestrian traffic going store to store, similar to Main Street. Commissioner Strachan agreed that it would create a bigger problem.

Mr. Polikov suggested that they separate the issues, discuss them separately and put them back together. He stated that if they move the buildings further back and have the Frontage Protection Zone apply to Bonanza, it would encourage faster speeds. Having the buildings closer to the street creates a different feel and makes it uncomfortable to drive cars faster. Commissioner Stuard asked if that was desirable when trying to move a high volume of cars through the area. Mr. Polikov believed that was a third issue. If they are trying to encourage more pedestrian protection in terms of how the street functions, the closer the buildings are to the street the better sense you have of a pedestrian presence. If the view issue is a concern, they should consider treating Bonanza like Kearns Boulevard and Park Avenue. If the speeds are too fast or it is still uncomfortable from a pedestrian standpoint, they may not be able to solve that problem with this initiative. Mr. Polikov remarked that science points to the fact that whenever you move past 30 or 35 miles in an urban condition, it reduces the amount of traffic that can flow through in terms of efficiency. He believed that faster speeds in that environment would not necessarily improve the ability to accommodate the traffic.

Commissioner Stuard noted that there were Frontage Protection Zones on Kearns Boulevard, Park Avenue and Deer Valley Drive, which are the other major circulating streets that bring people into the resorts and Old Town. He thought it would also be appropriate on Bonanza. Mr. Polikov did not disagree, however, Bonanza comes through BoPa as opposed to being a perimeter street. If they want to bind the mixed-use area they need slower speeds and a more pedestrian, walkable feel. The issue is what role they want Bonanza to play. If it functions like Kearns Boulevard it will be act as a perceived divider. It would not be viewed as a connector in terms of function and feel.

Director Eddington stated that when they first started the BoPa plan, the line was drawn on Bonanza Drive. Everything to the east of Bonanza Drive was not part of the Bonanza Park Plan. After many neighborhood meetings, there was a conscious concept to include the east side to protect the fabric of the neighborhood. Therefore, it made sense to have Kearns Boulevard, Park Avenue and Deer Valley be the dividing lines for Bonanza because of what exists on the other side and the limited opportunities for development and

re-development. The reason for adding the area to the east was to bridge that connection. Director Eddington remarked that the ultimate desire is to create an area plan for Prospector that ties into the BoPa plan. There was a concerted effort to take the focus away from the car and focus more on the neighborhood.

Mr. Polikov clarified that he was not suggesting that they not consider a Frontage Protection Zone for Bonanza Drive. He just wanted the Commissioners to understand that the trade-off would be the consequence of creating a perception of a barrier. Commissioner Stuard remarked that the City recently constructed improvements on Bonanza to create a barrier and allow the traffic to move more smoothly. Mr. Polikov thought it was a valid consideration. However, he suggested that they consider all the issues for and against and address each one separately. Once the impacts have been addressed, they can look at how they all relate and prioritize them.

Commissioner Stuard was concerned that once Form Based Code is adopted, every building within BoPa would be a non-compliant building. Anyone wishing to make an incremental re-development improvement would be required to comply with the new Form Based Code. He used Fresh Market as an example of a use that would not be allowed to re-develop their store because it would not fit under the new requirements. The result would be forcing a business to remain in an inefficient building that may not benefit the community and it could drive people to support a competitive business. They would lose the ability to have a newer, better looking facility. Commissioner Stuard reiterated that his concern related to every building in BoPa.

Mr. Polikov stated some of the building could still be conforming, but those buildings would be the exception and not the rule. He pointed out that the Code is written in a way that prohibits adding to the non-conformance. Mr. Polikov thought the example used for Fresh Market would be adding to the non-conformance. He remarked that future Councils are not bound by current Councils and changes can be implemented with compelling reason. Commissioner Stuard believed the process to make that type of change would be very arduous.

Commissioner Stuard asked if the Staff had notified some of the major businesses that they would be non-complying if Form Based Code was approved. Director Eddington stated that the Planning Department had sent letters to all of the property owners explaining the situation. He commented on the issue of non-compliance and noted that Fresh Market would be given more opportunities with Form Based Code because they could expand in any direction because of the zero lot lines. Form Based Code would reduce the degree of non-compliance for the Fresh Market building. Commissioner Stuard pointed out that there is a road going through the Fresh Market parcel. Director Eddington replied that Fresh Market would have to work through the process to address the road issue.

Commissioner Stuard wanted to be sure that the property owners in this area and everyone else in the City were aware of the magnitude of change that Form Based Code would cause. Director Eddington understood his concern because they face the issue of non-compliance in Old Town with the design guidelines. It is a challenge they encounter with every Code change. Mr. Polikov noted that protections are built-in to ensure that properties can be sold. The non-conforming use policy remains unchanged and it allows the current condition to continue in perpetuity. In reality, most of the properties would receive greater entitlements. In terms of making the community aware, Mr. Polikov stated that Park City was at the top of the list in communicating with the citizens and the stakeholders. Multiple community meetings were held, several mailings were sent and there has been press coverage. The reaction from most of the stakeholders has been questions as to why the City was not moving forward with the project. He believed that after three years of working on this project they were beginning to lose credibility and momentum. Mr. Polikov pointed out that you never get 100% participation from property owners but they were all given the same opportunity to have a say.

Commissioner Stuard stated that permanent residents form the base demand for commercial services in this area. If they have not participated and said they would continue to use all the services used in this area once it is redeveloped, it would result in a potential loss of services. Mr. Polikov reiterated that hundreds of people have already participated in public meetings over the past two years. He believed the new Commissioners needed to go through the process to get the details, but his sense was that the Planning Commission and the City Council had already made the decision to move forward. If they keep questioning whether or not to do it, they lose credibility with the community and the market. Commissioner Stuard was comfortable with losing credibility if it means not making a huge mistake.

Mr. Polikov stated that if that was the general feeling they should back up and not go through the details of the document as planned this evening. He suggested that the Planning Commission and the City Council hold another joint session and decide whether or not to move forward. Mr. Polikov remarked that he had participated in two excellent joint sessions in the last year and his sense was a strong consensus from the Planning Commission and the City Council to move forward with the details of this tool they decided to implement. Mr. Polikov stated that no one in the community can claim that there was not ample notice that this project was underway. He and Director Eddington have given out their cell phone numbers and made themselves available to answer questions. They have documented everyone they met with. Mr. Polikov recommended that they separate the issue of whether this was a mistake versus the significant amount of process to get community feedback.

Commissioner Joyce recognized the amount of work that had gone into the roads and the

road locations; and he recalled that a certain amount of movement was based on property lines. Commissioner Joyce was surprised at the number of roads and the number of paths cutting through. He asked if there was consensus in terms of the map and the expectations. Director Eddington stated that when they laid out the road network there were a number of iterations. The map before them was the final product, although it may still need to be tweaked. Director Eddington explained that the roads are generally located half and half on a property line, which should make it easier for the property owners as they put in public rights-of-way. With regard to distances and block creation, they utilized most of what the Congress for New Urbanism recommends, which is 275 x 350 feet for typical blocks to promote connectivity. When they first started looking at the plan for Bonanza Park, lack of connectivity was one of the biggest issues.

Commissioner Joyce clarified that he was most surprised by the number of walking paths that are substantial in size and carve one block into two without leading anywhere. Mr. Polikov noted that it is not a straight line requirement. The plan has to show that a pedestrian can get through the property. He explained the difference between the ones that are recommended and the ones that are required. Commissioner Joyce stated that if some of the pathways are envisioned as being required, he would like to know what they are and whether there was agreement.

Mr. Polikov summarized from the comments regarding the road issue that they should consider adding minor modification language stating that if there is an alternative network compliance design or if the design of the proposed site plan in terms of meeting the intent of the Code outweighs the need for a new road, that it could be obviated. For required pedestrian connections, add language to make it clear that the intent is to get from Point A to Point B through the block rather than making it a direct connection. They should look at all the pathways and determine which ones really make sense as required for the east-west relationship. Mr. Polikov agreed that the perimeter blocks should be recommended rather than required.

Commissioner Strachan stated that he initially had the same reaction as Commissioner Joyce regarding the pathways. He rides his bike through Bonanza and he currently uses Iron Horse to get from east to west. Commissioner Campbell noted that using the green paths would double the number of miles. Commissioner Strachan stated that he would use the green paths that run east-west, but the north-south paths were lacking. He thought they needed to bring in the north-south grid. Commissioner Joyce believed that if there was a nice east-west and north-south road with designated bike lanes, all the bikers would use those lanes. Commissioner Strachan disagreed. If he takes his kids to Bonanza he would not want them riding on the road. He and his family currently navigate through town by finding pathways that are separate from the road because it is safer. Biking by himself he would definitely use the bike lanes, but he thought it was important to have off-road pathways for when people bike with their family.

The Commissioners and Staff discussed possibilities for potential pedestrian and biking pathways. Commissioner Joyce requested that the Staff look at all the proposed paths and find the reason why it was designated. He personally felt that all the ones designated at the top did not meet the criteria.

Chair Worel asked if the City would put in the paths. Director Eddington stated that the City would put in the required paths. If they are part of the enhanced options, the property owner would be responsible for putting in the path as part of their enhanced open space and view corridor options. Mr. Polikov explained that they would want required and recommended options on the table because in some circumstance there may not be the decision to do the enhanced option. In that case, the City could pay for the pathway and work with the property owner on the design. Chair Worel asked what would happen if the property owner did not want the path. Mr. Polikov replied that constitutionally the City could not require it on private property. Mr. Polikov pointed out that much of the Plan would have built-in protections and work itself out, subject to justifying the recommendations. Chair Worel asked if the same constitutional right would apply if an owner did not want a road on the edge of their property line. Mr. Polikov stated that it would unless the City condemned the property.

Commissioner Phillips asked if they anticipate that most people would favor putting a road through or on their property because it gives more frontage and more value to the property. Mr. Polikov replied that it depends on the site and what the owner plans to do with it.

Mr. Polikov stated that “perfect is the enemy of the good.” He remarked that the Planning Commission should take time over the next month or two to get this right with the City Council in terms of the details, but it will never be perfect.

Commissioner Campbell did not believe they had the time to meet with the City Council to go over the details. Mr. Polikov clarified that they have been working on this draft for a year and half. The objective of the current process was to get the details right with Staff and Gateway Planning. However, if the standard is to get all the lines on the regulating plan perfect in anticipation of every scenario and anticipated consequence, it would be an impossible task. Commissioner Campbell agreed.

Commissioner Campbell clarified that he favored the Plan and he likes the idea of Form Based Code. However, he felt like it was already written and the Commissioners were being asked to make decisions on it now or lose credibility. Mr. Polikov stated that he was not asking the Planning Commission to push this through without looking at the details. This is the time to work on the details and he believed it could be done in a couple of month. His concern was delaying it too much longer from a credibility standpoint.

Commissioner Campbell thought there were big questions that still needed to be answered. He would like those questions discussed and answered first before they get into the details. One question was whether to continue to have day skiers use Bonanza Drive to get home to Midway, or whether they should keep them out of BoPa altogether. Director Eddington thought they should continue to encourage the day skiers to go down Bonanza Drive and this proposal would not change that. Commissioner Campbell pointed out that the road changes from Type A to Type B and back to a Type A. Mr. Polikov explained that the Type A aligns with the mixed-use area where there is more density and more walkable environments. The driving pattern and road surfaces would remain the same.

Chair Worel noted that the Staff report asked whether the Planning Commission agreed or disagreed with the proposed Regulating Plan. She asked if they were looking for an absolute yes or no this evening. Director Eddington clarified that the Staff was looking for input as to whether or not they were headed in the right direction and whether or not the Planning Commission had a good understanding and a good feel for the Plan. Mr. Polikov stated that the real question was whether they should be doing this. If the Commissioners were still on the fence of whether or not to do the initiative that was where he believed they would lose credibility. If it takes another six months to make that decision they would lose the momentum. Mr. Polikov emphasized that if they wanted to do the project it was time to start working out the details. If the Planning Commission wanted to step back and have the philosophical discussion, it would be the fifth time in two and half years to have that discussion. He supported having the discussion, but if it takes longer than a couple of months it would indicate that the draft is flawed.

Commissioner Joyce understood the amount of work and the number of discussions that have occurred over the past two years. However, the problem was that the four new Planning Commissioners were not involved in the process; and one of the three who were involved was leaving the Planning Commission. Five people would be looking at this for the first time and they had not been involved in making the decisions. Commissioner Joyce stated that the Plan the Planning Commission was given to review was the most granular level that exists. No one has sat down with the new Commissioners to explain why things were done and why certain decisions were made. He used the road layout as an example. He suggested that if there was a work session or special meeting that would bring the Planning Commission up to speed at the high level, the details may start to fall in place. Commissioner Joyce had underlying questions that he was confident had been answered over the past two years, but he had no idea what those answers were. He did not believe anyone was opposing Form Based Code at this point, but they would have been more ready to provide the input they were being asked for this evening if they had been updated on the background of how and why they reached this point. Commissioner Joyce pointed out that the joint meeting with the City Council did not provide the necessary background because that meeting was also about the details.

Mr. Polikov understood the concern and suggested that they use the meeting this evening to address their issues. However, he encouraged them to move quickly because if they linger, they would be faced with this same dilemma when the Planning Commission changes again and new Commissioners are appointed. Mr. Polikov suggested that they begin with the fundamental assumptions in this project. He explained that the BoPa Plan has ten fundamental principles and those were used to drive the Plan before them. The first is to reconnect the history of the locale. He pointed out that currently there is no connectivity, and places without connectivity become stagnant.

Commissioner Stuard asked why connecting to the history is important and how it was being done; particularly since the Spur was gone. Director Eddington stated that the Spur is gone, but part of the road pattern reconnects to parts of what the Spur was. It converts an old rail right-of-way to a vehicular right-of-way. Part of it is reconnecting with regard to creating a neighborhood center. When it was the Spur it was a place where people performed commercial transactions. Director Eddington noted that it is partly that now and the intent is to further evolve it. Mr. Polikov remarked that the market is no longer interested in investing in this part of Park City because of the lack of connection. An area loses its value if you cannot walk or bike through it. One of the primary objectives was to make Bonanza Park friendly to people who do not use vehicles. Mr. Polikov stated that the proposed regulating plan makes an overly zealous attempt to do that. He believed Commissioner Joyce had made a good point about the pathways and roadways and making sure they could justify each one. They would also add language allowing for flexibility as real projects come forward.

Jay presented a map showing the existing streets. Commissioner Stuard thought the desired connection could be accomplished through the extension of Munchkin over to Homestake and a road behind Rite-Aid. Utilizing the street sections would achieve connectivity. Mr. Polikov agreed. However, a second point of connectivity from a real estate standpoint is being able to layer in a finer grain development pattern, and those two additions would not change the functional nature of the development environment. It would be insufficient to underwrite and attract the higher level of walkable mixed use, which was a fundamental goal of the project.

Mr. Polikov remarked that both Commissioner Stuard and Commissioner Joyce had come up with a tool to figure out how to go from one end of the spectrum, which is only two connections, to the other end of the spectrum which is the recommendation for every block to be 275 x 300 feet. He did not believe either scenario was the solution because they were both theoretical strategies. Mr. Polikov pointed out that the legal and technical implications of primary versus secondary was unclear at this point in terms of being an actual zoning document. He wanted to make sure they encouraged enough intervention to create a walkable environment so the market would respond by underwriting real development. Director Eddington stated that without the rights-of-way, there would not be

the ability to carry the public through private property and that begins to disrupt the connectivity. He believed smaller blocks would be easier for cyclists and pedestrians.

Commissioner Campbell asked if the residents in Bonanza Park should be able to find all their needs inside the four perimeter walls of this development, or whether they would have to cross Kearns Boulevard to buy what they needed. He was unclear as to what they were trying to do. Director Eddington replied that they were trying to create a mixed-use neighborhood so people could live-work-play within this area. There would still be some need to leave the neighborhood, but there would be more opportunities in the area than what exists now.

Commissioner Joyce had concerns in terms of what gets built first. If the plan is to have a mixed-use neighborhood but nothing drives that, they could end up with all condos and no services. Mr. Polikov explained that they were planning for 50 years out and he believes in the market. Development types over 10 to 50 years will be different. Form Based Code provides the ability to have transformation and evolution so fine grain diversity will ebb and flow. If they try to command and control the uses they will end up with what they have today; and Planning Commissions and City Councils will be trying to predict the right uses projecting ten years out. Mr. Polikov stated that the global assumption for doing this plan was the fact that there is a demand for mixed-use in this area that is not happening because of connectivity issues. The intent is to put the Bonanza Park area on a track that creates a culture of evolution.

Commissioner Campbell asked if Mr. Polikov was suggesting that the uncertainty the Planning Commission would create by postponing this decision was stifling new development currently. Mr. Polikov replied that there are people who are ready to develop and they have been talking with investors for the past two years. Some have indicated that if there is not some movement to redevelop Bonanza Park fairly soon, they would use their money for another project. Commissioner Stuard could understand that being the case with the under-developed or undeveloped parcels, but not on the other properties that have ongoing viable businesses. Mr. Polikov stated that they were in an unusual development cycle nationally where the market is moving towards quality. Banks are not underwriting poor projects or projects that will not reform, and they are taking a very strict look at long-term function and structure and how projects relate to one another. Mr. Polikov remarked that the delay was causing some uncertainty in whether or not they can rely on this as an investment opportunity, but the question is whether or not that should be a reason to move forward and rush through the details. The answer is no. However, it is definitely a reason to focus on the big picture and decide whether or not to move forward. Commissioner Stuard stated that he would never base his opinion on a project by what a bank thinks. Banks are not a good predictor of what is good for the community. Mr. Polikov replied that this project would insulate Bonanza Park from the shifting underwriting practices.

Commissioner Campbell asked why the City could not reduce some of the uncertainty by agreeing to the first ten pages of the Plan and then take the time to work on the details. He felt they were asking the Commissioners to do everything at once. Mr. Polikov stated that they were asking them to do everything at the same time because all the pieces need to work together. Mr. Polikov clarified that they were not asking the Planning Commission to make a decision on the details this evening. They were being asked to dig into the details over the next couple of months.

Chair Worel asked for a straw poll of whether or not the Planning Commission liked the big picture concept and whether there was agreement to move forward with the Regulation Plan. Mr. Polikov suggested that they continue to go through the principles and work through the fundamentals and then ask that question at the end. Commissioner Campbell thought they should know whether or not the majority of the Planning Commission wanted to move forward before they wasted time going through the details. Mr. Polikov understood from Commissioner Joyce that they were not prepared to make that decision without knowing the background and history of the work that has been done. Commissioner Campbell agreed. However, he thought it was important to know who was in favor of moving forward with the general concept before they started working on the ideas.

Commissioner Phillips expressed his frustration. He believed a lot of these issues were discussed in the past and he was uncomfortable wasting valuable time. Commissioner Phillips preferred to follow the agenda and answer some of the questions asked in the Staff report because it would give an idea of where everyone stands on the issue. In terms of education, he believed it was partly his responsibility to educate himself to find out what occurred prior to his time on the Planning Commission. As a new Commissioner he understood that there were significant discussions leading up to this point; and he needed to answer the questions as he was expected to do this evening. Commissioner Phillips thought it was important to stay focused to keep the process moving forward.

Commissioner Joyce remarked that if each of the Commissioners independently tried to educate themselves, it would put more burden on the Staff and the consultants because they would be continually answering individual questions. He thought a better approach would be to have a meeting where all the Commissioners were updated at the same time and everyone heard the same answer to all the questions. Commissioner Stuard understood that one of the purposes of this meeting was to bring the Commissioners up to speed. Mr. Polikov thought this discussion to be very helpful and not a waste of time.

Assistant City Attorney McLean recognized that a lot of the Commissioners were new; however, she understood that a decision was made at the last joint meeting with the City Council that the Form Based Code concept would move forward. Ms. McLean remarked that the Planning Commission is a separate body and they could forward a negative

recommendation for Form Based Code, but she believed the question of the general concept had already been decided by the elected officials as being good for the community.

Assistant City Attorney was hearing from the comments this evening that the Planning Commission would like a better understanding of the Regulating Plan. She thought it might be helpful if the Staff and the consultants would educate the Planning Commission on the reasoning behind certain elements that were chosen. Once they understand the bigger concepts it would be easier to work on the details.

Director Eddington reviewed the ten principles, noting that they had already discussed principles one and two. The third concept talks about inward migration. Director Eddington stated that as they worked through the General Plan one of the fundamental premises of development in Park City was to find a place for redevelopment, which was Bonanza Park, and to focus migration in that area. This is an area that could and should accept additional density. They talked about a tighter grid that would accommodate those densities allowing people to move through it fairly easily.

Principle 4 was view corridors and connectivity to the mountains. Director Eddington stated that part of the grid, specifically with the north-south streets, opens up that area within Bonanza Park to look through and start to see view corridors and connectivity to the mountains.

Principle 5 was internal circulation. Director Eddington believed that had been discussed thoroughly. There is currently no internal circulation and the hope is to have some in the future.

Principle 6 was redevelopment utilizing future environmentally conscious development practices. Director Eddington noted that in the Bonanza Park Area Plan they talked about trying to get to net zero buildings. An initial discussion talked about incentivizing buildings to go to net zero; however, in subsequent meetings it was not viewed as being that important to enhance or incentivize. At the last joint Planning Commission/City Council meeting, the idea of incentivizing was taken off the table. It would still be encouraged and Utah is moving toward Green Building Codes.

Principle 7 deals with economic development and supplementing the Golden Goose. The Golden Goose is Main Street and the resort industry. However, Bonanza Park is an opportunity to supplement that by offering a place where locals can live/work/shop. It could also be a non-entertainment corridor of commercial development. The intent is to incentivize those types of opportunities and create it in an area that has higher densities and walkability.

Principle 8 addressed the affordable needs of Park City. Director Eddington stated that there are very few opportunities in Park City for affordable housing in suburban neighborhoods. Affordable housing opportunities would probably be more urban and more dense. That is the reason why the Tier 1 enhanced option allows for additional density and height for putting in affordable housing. Director Eddington remarked that an ordinance already mandates affordable housing for certain developments over 9 units in MPDs. However, that does not produce enough affordable housing, which is why it was being incentivized in BoPa with the enhanced option.

Principle 9 was housing and social needs for the neighborhood's diverse population. Director Eddington stated that this was also an area with opportunities for smaller, local shops and business incubation that would not be good on Main Street.

Principle 10 was an authentic and lively district, paying attention to design. Director Eddington stated that this was the only place in town where they could start to recreate opportunities. It's the only real redevelopment as part of Lower Park Avenue. There are opportunities for new development and infill development.

Director Eddington noted that the attempt to address these ten principles resulted in the draft Code presented this evening. It was how they determined the character zones, the rights-of-way, the cycle ways and the pedestrian paths. Director Eddington invited the Commissioners to come into the Planning Department and look at the draft Bonanza Park Area Plan that led to the current plan. He was also willing to schedule a work session if they preferred.

Assistant City Attorney McLean asked if the Staff had a map of the existing buildings with the new regulating plan overlaid on top. Mr. Polikov stated that one could be created. Commissioner Stuard stated that a zoning change of this significance called for a 3-D model. He was told that a model had been done and he would make it available to the new Commissioners.

Mr. Polikov recommended that they follow the suggestions this evening and take another thorough, comprehensive look at each proposed street and pathway and decide what is fundamentally justified as a DNA building block for the assumptions and the principles; or what is recommended that should be flexible to allow the property owners to come forward with suggestions on whether or not to taking advantage of the recommendation. They could send that back with translucent layers and the existing aerial underneath so the Commissioners get a better sense of place. Director Eddington thought that would be helpful, but he emphasized that this was a bold, long range plan and they were at the end of the low-hanging fruit in terms of development. He pointed out that if they see a road going over a building it could denote the thought that the building might go away and that over the next 50 years they will see redevelopment and change.

Commissioner Joyce stated that he would like to look through the Plan and understand where the more difficult areas are located. He believed the design fundamental was the connectivity piece and breaking it up into something more urban and denser. However, in doing that they run the risk that none of the four major roads get done end to end. If they end up with a hodge-podge of new roads and still no connectivity they will have failed. Commissioner Joyce requested that they look closely at the primary roads and consider the likelihood of having them completed at one time. Director Eddington explained that the primary roads typically run down the property lines and are not currently impacted by buildings. The secondary roads have more impacts. Mr. Polikov stated that from his redevelopment experience using Form Based Code, nothing completely reinvents itself and it never will. He believed that in 30 or 40 years at least a third of the existing buildings will still be here. However, nobody builds a road that does not connect to something else and he was certain that the City would control it. In order for the Code to be effective, public investment in the roads will have to occur because the property owners will never be able to invest in these roads on their own. The City would not spend money on roads until there is enough connectivity and enough property owners who agree to make meaningful connections. Mr. Polikov believed that was a built-in protection to address the concern raised by Commissioner Joyce. However, he felt it was equally as important for the Planning Commissioner to use this process to make priority decisions on where the streets that make a difference are located and what it means. Mr. Polikov stated that they could show the Commissioners what has already been done and then they could update it with another thorough look and test any challenges to make sure it is fundamentally valid.

Commissioner Joyce was comfortable with the fact that the consultants and the Staff had given this a lot of thought. The problem is that he had looked at the Regulating Plan but he did not have enough knowledge and background to answer the question. Mr. Polikov asked if they were at least moving in the right direction to begin building the blocks necessary for the Planning Commission to review an updated version at the next meeting and to think critically about answering the question. Commissioner Joyce personally felt they were providing the information he needed.

Commissioner Joyce stated that another issue was whether the parking ratios proposed were adequate. He assumed a lot of thought and discussion went into the parking ratios that are different from the existing LMC, but none of it was explained in the Plan. He needed to know why and how they determined the numbers proposed. Director Eddington stated that they had talked about incentivizing a reduction in parking for this area to keep it an urban village neighborhood. They would look at providing alternative modes of transportation and encourage people to walk and bike as opposed to using a vehicle. He noted that even though a parking reduction is encouraged, developers still want to build parking and people want to have parking. Director Eddington assumed that even though the City would reduce the parking requirement, the developers would build what the market

demands. Mr. Polikov stated that another assumption is to simplify the parking and let the market do the job of rationalizing and assigning value. Jay remarked that another assumption is to have more on-street parking than what currently exists.

Commissioner Strachan recalled that at one point the City was contemplating subsidizing a large community parking structure. He believed it was a high-level discussion that was started but needed to be finished. If the area is going to be as dense as planned, there needs to be parking for cars. Commissioner Strachan thought this was the best area to put parking because it is the only place in town with undeveloped land and room for cars. He believed there were good reasons for the City to subsidize a parking structure similar to China Bridge. Mr. Polikov agreed with Commissioner Strachan. Some things need to occur in parallel for the Code to be successful, and the infrastructure piece is critical. Mr. Polikov stated that he and Jay would recommend removing all parking requirements and allow the market to determine the parking. He realized it was a radical position, but the market will never severely under park. Putting caps on parking discourages shared-parking and takes an opportunity off the table. Mr. Polikov remarked that the consensus internally was to find a realistic floor and invent it in the Code.

Mr. Polikov recommended that they not specify areas for public parking in the Regulating Plan. Commissioner Strachan wanted to know how they could memorialize public parking in the Regulating Plan if there was consensus for City subsidized parking infrastructure. Director Eddington thought it could be part of the Bonanza Park Area Plan. Mr. Polikov stated that it could be put at the beginning of the Regulating Plan as intent language stating that this Code assumes a full range of parking options, including public parking, shared parking, etc.

Assistant City Attorney McLean recalled a discussion at a previous joint meeting regarding infrastructure and how it would be paid for. The City Council was willing to look at a range of options, and public support for some of those options was one of the tools. Commissioner Strachan preferred that it be delineated in the Code as addressing parking because infrastructure can mean a variety of things such as a water or sewer line. In addition to having it as intent language, Commissioner Strachan thought it should also be addressed in the parking section.

Chair Worel called for public comment.

Ruth Meintsma referred to the comment about the north-south paths that were redundant. She is a walker and she runs a lot of errands in this area. She stated that walking through every little pathway is an advantage and makes doing errands more pleasant. Ms. Meintsma pointed out that she is not the only one walking around and other people and children will take a cut or a corner wherever possible because it makes the path more enjoyable than a cubic square. Ms. Meintsma remarked that finding a way through these

block is a good idea and it would make the area more enjoyable and more lively.

Catarina Blais thought Mr. Polikov and his group had done an amazing job going through this process and it was a testament to process. In the past some projects have been railroaded through without she was grateful for this process. Ms. Blais questioned two primary assumptions. The first is the density issue. She asked if five stories was appropriate for a ski town and if that was how they wanted Park City to look, live and breathe in the future. She noted that the consultants do not live in Park City and have no idea what the residents experience, particularly during the winter. In her opinion, even talking about running traffic on to Park Avenue is ludicrous. Ms. Blais stated that adding more side streets to carve up more places to park to deal with more retail and get to the five-story building is insanity. Park City is a ski town, not an urban developed area. Ms. Blais stated that water quality was another serious issue to be considered. She noted that Park City has serious problems with water quality and she was currently being treated for heavy metal poisoning. She has filtered water but that is not good enough. If they start digging up Prospector to put in underground parking, Poison Creek would turn into Re-poisoned Creek. She was concerned about the consequences of disturbing the ground and digging up the mining district. Ms. Blais stated that she had done the recap projects in Prospector as a landscaper and she believes that is where she got sick. Ms. Blais questioned the assumption that everything will be okay and what will happen in the process. Once the plan is put in place there is no turning back. Ms. Blais stated that Park City has the highest arsenic content in its water than is legally allowed in the United States and it has never been remediated. She asked if anyone had done a water study to find out if there was enough water to supply the added density. She asked if a study had been done regarding the water quality and the amount of available water.

Council Member Liza Simpson stated that the City has done numerous studies. She asked Catarina to send her an email and she would send her a list of the studies and the information she was asking for. Ms. Simpson stated that Ms. Blais had made inaccurate comments and she wanted her to have accurate information.

Ms. Blais wanted to make sure the assumptions moving forward were all accurate and properly documented, and that there is an understanding of the history of the area that goes behind streets and retail.

Alex Butwinski noted that the questions have been asked of the entire community through charrettes and meetings over the past two and a half years. He thought it was important not to fall in the trap of believing that none of this has been discussed and the questions were not asked. Mr. Butwinski stated that at some point they have to assume that the policy direction has been given to proceed with Form Based Code. The job now is to make sure that Form Based Code meets the goals of what they want to accomplish. He agreed that the four new Commissioners have to get up to speed, but if they do not continue to

move forward, there will be new people again. They cannot continually start over and revisit every decision made by the previous group. The General Plan was a good example. The document is not perfect and not everyone likes everything, but at some point you have to move on.

Planner Alexander noted that Mary Ann Cone had attended the open house earlier that day. She was unable to attend this evening and had submitted her comments in writing. Planner Alexander read her comments into the record. "Dear Planning Commissioners. Having reviewed the concepts for Bonanza Park I have one strong suggestion. Above three-stories of any height exception should be given only for open space, setbacks or other ideas that show in the physical space. Affordable housing does not show in the landscape and shouldn't be traded for extra height. In addition, I would like to see extra height next to the substation where there is now height and no screening is necessary."

Director Eddington stated that Mike Todd had also attended the open house and asked Director Eddington to pass along his comments. Mr. Todd lives in the Fireside Condo area. He was looking at the crosswalks and he liked the pedestrian ability and everything else. Mr. Todd asked that they also look at crosswalks across the rail trail.

Chair Worel closed public comment.

Commissioner Gross stated that he has been involved in the discussions from the beginning and he thought the consultants had done a good job getting to this point. During that time they have addressed a lot of the questions, and he recognized that it was not perfect. Commissioner Gross believed this was the area to put the density for a variety of reasons, as well as the fact that the infrastructure could support it. He thought the City should continue to work towards completing the process and implementing the Plan.

Commissioner Stuard stated that he still did not know enough to answer yes or no on the questions regarding the regulating plan, the parking requirement and the incentive standards. It is a major decision and he would like to see a model and have more information about the parking assumptions. He also had concerns regarding the frontage setback along Bonanza Drive. Commissioner Stuard noted that one question was whether the Planning Commission generally supported the administration plan. He pointed out that this was a technical document that was drafted inside the Planning Department with the help of a consultant. Much of what is allowed under this Plan could be approved by the Planning Director without a public hearing. He preferred to have more of the actions required under the regulating plan go through the public hearing process. Commissioner Stuard stated that Park City is an inclusive community and people deserve the chance to know about projects before they occur.

Commissioner Phillips stated that in looking at the big picture he believed it had good

intentions and a good balance. He liked the Plan overall. Commissioner Phillips shared the same concerns regarding Bonanza Drive. The setbacks made sense for the side streets but he would recommend something more in the middle for Bonanza Drive. It is a key road and they need to find a better balance and help protect the view corridors to the mountain. Commissioner Phillips stated that more connections and pathways were needed going into the Fireside residential area because it has the highest concentration of people in Park City. If the purpose is to create a walkable community, they should create paths for the population. The fact that there is an existing goat path shows the demand is already there. He encouraged them to look at more cross connections over the rail trail and at the entrance to the entire community across the road to help with pedestrian circulation through the area. Commissioner Phillips thought the parking question was difficult. He did not understand the parking and he was concerned about the consequences of under parking. However, if the project is under parked and they later realize that more parking is required, they could consider building a parking structure as the demand requires.

Commissioner Campbell stated that he was totally in favor of the Form Based Code idea. He understood that it was done with good intentions by a lot of people who had spent more time with it, and that he was not up to speed on why certain decisions were made. However, the Commissioners received this draft at the last minute and they needed more time to read it and digest it. Commissioner Campbell liked what he saw, but it was a level of detail that he was not ready to get into. He would prefer to have broad principles to vote on with some agreement. Commissioner Campbell respected the fact that the Planning Commission is an advisory panel to the City Council and that the City Council would be making the ultimate decision. However, if the Planning Commission is called upon to give advice, this was too much information to digest in a short period of time. Commissioner Campbell thought it was important to discuss the document in smaller pieces, and he was willing to do it in extra meetings to keep the process moving forward. He suggested that the first meeting should be on the ten principles. Commissioner Campbell was in favor of the process and he liked the idea but he wanted consensus on more of the broader issues before getting into the details.

Commissioner Strachan stated that he has seen the history of this draft and has been part of the process. While extra meetings would be more helpful to the new Commissioners, it would serve as a review for him. Commissioner Strachan remarked that he has always disagreed that adding density to this town was a good idea, but he sees the writing on the wall and he believes that Form Based Code will be implemented by the City Council. With that in mind, they should try to make it as good as possible. Commissioner Strachan agreed that this is a town of public process and he continually voices his objections to having the Planning Director make big decisions on projects that could be as large as 24,000 square feet. He acknowledged that Director Eddington is a good Planning Director, but future Directors may not be as good. Commissioner Strachan preferred to put that process in the hands of publicly elected and appointed officials who take public input. He

understood that language in the new addition of the Form Based Code states that the Planning Commission and the City Council will review projects over 25,000 square feet. That is a step in the right direction, but it encourages developers to keep the size at 24,999 square feet to avoid that process. Commissioner Strachan believed there needed to be a qualitative trigger for Planning Commission and City Council review. Commissioner Strachan concurred with Commissioner Phillips about connecting Fireside. Regarding the questions in the Staff report, Commissioner Strachan thought they were getting close on the Regulating Plan, but he wanted the new Commissioners to feel as comfortable about it as he was. He agreed with the proposed parking requirements, subject to his earlier comments about a parking subsidy. It should be clear in the preamble and in the parking section that the City will financially help a developer with parking. He believed the help should be significant because parking is the sticking point of every good development. Commissioner Strachan felt he had already answered the question regarding administration requirements. He did not understand the incentive standards and was not prepared to answer yes or no. He thought the table format was confusing and the standards were unclear.

Commissioner Stuard noted that the appendix showed the street sections, but he could not find a map delineating the street sections and where they would be used. Jay replied that it was still a work in progress and they needed to clean up that section.

Chair Worel stated that she had become a fan of Form Based Code over the past two and a half years as she learned more about it. However, she felt they needed to be cautious in the process to protect the rights of property owners as they move forward. Chair Worel agreed with Commissioner Phillips on the need to improve the connectivity of the Fireside area. One of the goals is to promote inclusiveness and if they do not connect that area it would be sending the wrong message. Chair Worel liked Commissioner Campbell's comment about moving from the general concepts down to the specifics. She was impressed but surprised to see how much had been done and the extent of granularity, but it was still important to review it layer by layer. She requested that the Staff provide an outline for going through that process systematically to obtain the necessary information to answer the questions, and still reach the end goal in a timely manner. From an administrative standpoint, Chair Worel liked the concept of being very clear within Form Based Code because it would be helpful to the applicant. However, she agreed that the process should be transparent. They need to set parameters on size and scope to determine when a project should require a public hearing.

Commissioner Campbell stated that the chicken and egg issue was his biggest problem. He could not see a clear way to get from what exists now to what they want. Commissioner Campbell suggested that they take some time to brainstorm that issue. He was generally opposed to using public funds for parking because the developers should use their own money; but he was not opposed to offering incentives to provide parking. He

was aware that tax incentives were difficult to do under Utah law. Director Eddington clarified that it was difficult relative to private property. However, relative to the rights-of-way, the City Council and the Planning Commission have already agreed to begin funding. Commissioner Campbell was willing to consider a possible recommendation to the City Council for the use of public funds to jump start the planning process.

Director Eddington outlined the timeline and the hope of completing the process in October or November. That would allow potential developers to begin the construction documents during the winter and be ready for construction in the spring. Commissioner Strachan thought the schedule was too ambitious. He recalled from the General Plan process that the timing slowed down once they started working on the details. Also, once it reached the City Council level the amount of public input increased and that took additional time. Commissioner Strachan stated that this was the second largest document he has ever seen come through the Planning Commission and probably one of the biggest the City has seen.

The Work Session was adjourned at 8:20 p.m.



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
OCTOBER 22, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Pro Tem Adam Strachan, Melissa Band, Preston Campbell, John Phillips, Steve Joyce, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington; Kirsten Whetstone, Planner; John Boehm, Planner; Polly Samuels-McLean, Assistant City Attorney

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REGULAR MEETING

The Planning Commission held a site visit to 510 Payday Drive prior to the meeting. All Commissioners were present except Commissioner Worel who was excused.

**ROLL CALL**

Chair Pro Tem Strachan called the meeting to order at 5:50 p.m. and noted that all Commissioners were present except Commissioner Worel, who was excused.

**ADOPTION OF MINUTES**

There were no minutes to approve. The minutes of October 8, 2014 would be on the November 12, 2014 agenda for approval.

**PUBLIC COMMUNICATIONS**

Council Member Liza Simpson informed the Planning Commission that due to scheduling conflicts she and Council Member Peek would be sharing the role of liaison to the Planning Commission. She assured the Commissioners that one of them would be present at each meeting.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Commissioner Joyce commented on the most recent delivery of the very large LMC documents. He asked if it was possible for the Staff to create the LMC in a smaller pdf that could be placed in their dropbox. Director Eddington stated that dropbox should take the

entire LMC in pdf. and he would make sure it was put in the dropbox. Commissioner Strachan noted that he still preferred to have the physical LMC binder and he would pick his up in the Planning Department.

## **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

### **1. 920 Empire Avenue – Conditional Use Permit in the Historic Residential (HR-1) zoning district. (Application PL-14-02462)**

Planner John Boehm reviewed the request for a Steep Slope CUP for 920 Empire Avenue. The applicant was requesting a Steep Slope CUP to allow for construction of a new single family home on a vacant lot located at 920 Empire Avenue, which is in the HR-1 District. Planner Boehm explained that a Steep Slope CUP was required for this project because the total floor area would be in excess of 1,000 square feet and on a slope of 30% or greater.

The Staff had reviewed this application against the nine steep slope review criteria and found that there would be no unmitigated impacts caused by the issuance of this Steep Slope CUP.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP for 920 Empire Avenue, based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

The applicants were present to answer questions.

Chair Pro Tem Strachan opened the public hearing.

There were no comments.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Thimm had visited the site and he thought the proposal was consistent with what was currently being built next door. The scale looked good and it appeared to be a good fit for the street seam.

Commissioner Band pointed out that it was a tight lot and she wanted to know where they planned to stage construction. She understood that it would be addressed in the construction mitigation plan, but she was interested in knowing their plan for staging. Planner Boehm replied that staging would be addressed at the time of Building Permit.

Commissioner Band clarified that she only asked the question out of curiosity and not as an objection.

MOTION: Commissioner Joyce moved to APPROVE the 920 Empire Avenue Steep Slope Conditional Use Permit based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 920 Empire Avenue

1. The property is located at 920 Empire Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot 27, Block 15 of the Snyder's Addition to the Park City Survey. The lot area is 1,875 square feet. The lot is vacant.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This is an infill "Old Town" lot. There is no existing significant vegetation on this lot. A non-historic structure was demolished on this property in July of 2014. This is a downhill lot.
6. Access to the property is from Empire Avenue, a public street.
7. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage, within the lot area.
8. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes and duplexes. There are condominium buildings to the north on Empire Avenue.
9. The proposal consists of a single family dwelling of 2,003 square feet, including the basement area and a single car garage.
10. The driveway is designed with a maximum width of twelve feet and is approximately

thirty feet in length from the garage to the existing edge of street with a minimum of eighteen feet of driveway located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.

11. The proposed driveway has a maximum slope of 14% with sections at 5% (in front of the garage) and 10% (from property line to edge of street). Overall slope is 9.7% as measured from the front of the garage to the edge of the paved street.

12. An overall building footprint of 812 square feet is proposed. The maximum allowed footprint for this lot is 844 square feet.

13. The proposed structure complies with all setbacks.

14. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.

15. The proposed home includes a split level configuration created by a mezzanine level for the front interior entry area. The proposed structure complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC amendments adopted by City Council on November 21, 2013.

16. There is a fourteen and one-half foot (14.5') step back from the first two stories. The stepping occurs within the first twenty- three feet (23') of the rear (lower) facade.

17. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Empire Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.

18. Retaining is necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at 4' (four) feet or less. Retaining walls between four (4) and six (6) feet will require approval by the Planning Director and the City Engineer. Retaining of grade at rear is minimized by the stepping foundation. There are no window wells.

19. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.

20. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% slope areas.

21. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.

22. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

23. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

24. This property is required to have independent utility services for water, sewer, power, etc. Stubbing of these utilities was completed during the Empire Avenue reconstruction project.

25. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

26. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.

27. The findings in the Analysis section of this report are incorporated herein.

28. The applicant stipulates to the conditions of approval.

### Conclusions of Law – 920 Empire Avenue

1. The Steep Slope CUP application is consistent with requirements of the Park City Land Management Code, specifically Section 15-2.2 for the HR-1 zoning district.

2. The Steep Slope CUP application is consistent with the Park City General Plan.
3. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
4. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.

#### Conditions of Approval – 920 Empire Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. Separate, individual utility service is required for 920 Empire Avenue.
5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
7. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
8. As part of the building permit review process, the applicant shall submit a certified

topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions and that the driveway complies with the required slope restrictions.

9. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the north and existing retaining wall on the south property line.

10. This approval will expire on October 22, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.

11. Modified 13-D residential fire sprinklers are required for all new structures on the lot.

12. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.

**2. 95 King Road – Conditional Use Permit for Nightly Rental use in the Historic Residential Low Density (HR-L) zoning district. (Application PL-14-02468)**

Planner Boehm reviewed the request for a nightly rental conditional use permit for 95 King Road. The applicant was requesting that the Planning Commission review the proposal to allow nightly rentals in the existing single family home located at 95 King Road. The property is located in the HR-L District where nightly rentals are a conditional use and must be approved by the Planning Commission.

The Staff had reviewed this application against the 15 conditional use permit criteria and requested discussion on three of the criterion; parking, circulation and control of service vehicles.

Planner Boehm requested discussion on the parking issue related to Criteria 5 on page 29 of the Staff report. He stated that according to the LMC 15-3-6, parking for the first six bedrooms of a nightly rental is based on the parking requirement for the dwelling. As outlined in the Staff report, this home was built prior to the current requirement, which

would be two off-street parking spaces. Planner Boehm noted that the home has two parking spaces; one in the garage and one in front of the garage. However, only one of those spots is legal because the second one extends half-way into the City right-of-way on King Road.

The Staff has determined that the existing home does meet the nightly rental parking requirement, since the parking for nightly rentals is based on the requirement for the dwelling. The existing home was built prior to the requirement for two off street parking spaces. However, due to the winter conditions on King Road, the Staff recommended that the Planning Commission add a condition of approval stating that all lease agreements for nightly rental at 95 King Road include language limiting the number of vehicles allowed to one vehicle. The Staff believed there was no possible way to fit a vehicle in the 18' x 10' space due to snow removal and the steepness of the road.

Planner Boehm stated that the second issue for discussion was Circulation, Criteria 6. Due to the narrow and steep nature of King Road, the Staff recommended a condition of approval that the nightly rental lease agreement include language indicating that access may require a four-wheel drive vehicle, and that there may be times when King Road is impassable and the renter would need to park in an approved overnight parking lot and walk to the property.

Planner Boehm remarked that the last issue for discussion related to control of service vehicles, Criteria 13; specifically trash cans being left on the street. The Staff recommended that the Planning Commission add a condition of approval that garbage receptacles shall be placed out for trash pickup no more than 15 hours prior to anticipated pick up, and that the receptacles be placed properly back on to the property no more than 15 hours after the actual pickup time.

Commissioner Phillips wanted to know how the conditions could be enforced to make sure the owner included the recommended language in the lease. Planner Boehm stated that prior to issuance of a business license for nightly rentals they would make sure the lease included the language. There were several mechanisms for enforcement. For example, parking would be enforced by the City's residential parking zone regulations. If a car is parked in the road it could be ticketed or towed.

Chair Pro Tem Strachan stated that based on past discussions it was evident that the impacts from nightly rentals were always the same. Commissioner Phillips stated that he had attended the public hearing for the nightly rental at 60 Sampson Avenue because it was in his neighborhood. He remembered the discussion and agreed that the impacts were similar. Commissioner Phillips liked the recommended conditions because it would help to mitigate some of the issues related to nightly rentals in Old Town.

Planner Boehm clarified that the Staff had based their recommendations on what they saw occurring with nightly rentals at 60 Sampson and 99 King Road.

Chair Pro Tem Strachan remarked that one issue that was never resolved for 60 Sampson was where the renters would park if they could not park next to the house. It was suggested that they park at China Bridge and walk up, but he never thought that was a realistic solution. He was concerned that there was not a parking alternative for 95 King Road if they bring more than one car. He noted that parking for guests was another impact that needed to be addressed.

Commissioner Band thought it was a condition of the lease for 60 Sampson that only one car was allowed for the rental. Chair Pro Tem Strachan recalled that they did condition the lease to limit only one car, and that it needed to be specified in the market materials. Commissioner Phillips pointed out that the Staff was recommending the same condition for 95 King Road. Chair Pro Tem Strachan reiterated his concern about guest parking. Commissioner Band noted that the parking restriction was primarily due to snow removal. If a renter had guests for two or three hours it should not present a problem. Commissioner Band pointed out that it is a two bedroom house and she believed the renters would be less likely to have two cars.

Commissioner Band wanted to know what would happen if the conditions were not met and the impacts were not mitigated. She asked if the City could pull the CUP if they consistently had issues with garbage cans and/or parking. She understood that the applicant intended to have a property manager and she believed most of the property management companies were good about following the rules, but there is always the exception.

Planner Boehm stated that the CUP is reviewed in one year to see if there were complaints or issues reported. If there appears to be a consistent issue it would come back to the Planning Commission for review. The one-year review was addressed in Condition of Approval #9.

Commissioner Phillips commented on nightly rentals in general and asked if a change in ownership would require the new owner to apply for a new business license to operate a nightly rental. Planner Boehm answered yes. Chair Pro Tem Strachan pointed out that the CUP runs with the property and that is different than a business license. Director Eddington replied that a business license must be renewed annually, which is separate from the CUP. A new owner would be bound by the conditions of the CUP and they would have to apply for a new business license in their name. Commissioner Phillips understood that the new owner would be bound by the conditions but the question was whether or not

they would abide by them. He assumed there was a mechanism but he just wanted to make sure.

Commission Thimm asked if there was a precedent with other nightly rentals for the four-wheel drive requirement. Planner Boehm replied that the recommended conditions were actual conditions of approval taken from the comparable nightly rental CUPs for 99 King Road and 60 Sampson to include the language in the lease agreement.

Commissioner Thimm asked if the lease becomes part of the business license application. Assistant City Attorney McLean explained that the owner just needs to abide by the conditions. The Staff does not review the lease, but not including the language would violate the CUP. Chair Pro Tem Strachan remarked that neighbors are the best regulators in those situations.

Council Member Simpson did not believe that the parking lot at the bottom of King Road was completed at the time they were discussing 60 Sampson Avenue. An alternative place to park other than China Bridge would be the public parking lot at the bottom of Hillside and King Road. Chair Pro Tem thought they should let the landlords and the tenants figure out the best parking solutions to meet the conditions of approval. Planner Boehm agreed, which was why the language was vague. Commissioner Thimm remarked that his point was to control the parking or the lack of parking on the property. How that is accomplished should be left to the people involved.

Chair Pro Tem Strachan opened the public hearing.

There were no comments.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Joyce agreed with the comments regarding the parking. His concern was the language related to the garbage cans unless it applies to everyone on the street. He was unsure why they would single out the nightly rental.

Assistant City Attorney McLean recalled from previous nightly rental discussions that there were comments where people who rent over the weekend take out the garbage before they leave and the can sits out for days until the scheduled pickup day. In contrast, a resident living on the street would take the cans to the street and remove them within a 24 hour period. Ms. McLean noted that the Municipal Code states that garbage cans cannot be left on the street for more than 24 hours. The reason for including the language is to highlight it for the owner to make sure the property management company understands the

problem. Commissioner Joyce understood the reasoning, but he was still uncomfortable requiring 15 hours for one property when everyone else is allowed 24 hours by Code.

Commissioner Campbell agreed that everyone should have to abide by the Code provision that is already in place. Commissioner Phillips concurred.

Commissioner Thimm asked if the 24 hour timeframe specified in the Code was the total time for taking out the cans and removing them from the street. If that was the case, the 15 hours language as written for the nightly rental would actually allow 30 hours total. Assistant City Attorney McLean was unsure and needed to verify it with the Municipal Code.

Commissioner Campbell recommended changing the language to say that they must abide by the rule that is already in place. Ms. McLean thought that would be sufficient. Planner Boehm clarified that the language was taken directly from the conditions in the 60 Sampson Avenue approval, and the condition was placed by the City Council as part of the appeal. Commissioner Band remarked that since there were five or six nightly rentals within the vicinity they should keep it consistent.

Assistant City Attorney McLean read from the Municipal Code, "Trash collection, which ensures the trash cans are not left at the curb for any period in excess of 24 hours. And the property must be kept free from accumulated garbage and refuse". Commissioner Thimm reiterated that the condition as written suggested a period of 30 hours for the nightly rental. He thought they should change the language to be consistent with the Municipal Code.

Commissioner Phillips recalled from the 60 Sampson discussion, that parking was a major issue because the house had so many beds and there was so little parking. However, since the time the CUP was awarded he has not noticed any issues and the restrictions appear to be working.

MOTION: Commissioner Phillips moved to APPROVE the Conditional Use Permit for nightly rental for 95 King Road based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended to revise Condition #6 to state, "Property Management shall abide by the Municipal Code 14-2-18C4F regarding the trash cans". Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 95 King Road

1. The property is located a 95 King Road. The property is improved with a nonhistoric 1,175 square foot, two bedroom, two bath single family house.
2. The subject property is located within the Historic Residential Low Density (HRL) zoning district.
3. The house at 95 King Road is located on Lots 23 and 24 of Block 76 of the Park City Survey. The total area of Lots 23/24 is 3,485 square feet which is smaller than the minimum lot size of 3,750 sf currently required in the HRL zoning district for a single family house.
4. The earliest record that staff was able to locate regarding the structure at 95 King was a building permit for fire damage repair dated March 6, 1986. The Building Department keeps records dating back to 1980 so the home was constructed sometime prior to 1980. The site is not listed on the City's Historic Sites Inventory.
5. The setback to the west property line (4'6") does not meet the current LMC required setback for front yards on lots up to 75 feet in depth (10').
6. The house has one legal parking spot in a single car garage and one noncompliant parking spot in front of the garage that is partially in the City Right-of-Way.
7. Nightly rental uses are subject to a Conditional Use Permit in the HRL zoning district.
8. On August 22nd, 2014, the owner of 95 King Road submitted a complete application requesting approval of a Conditional Use Permit to allow nightly rental use of the existing home.
9. According to the City's business license records, there are currently eight (8) active nightly rental business licenses in the surrounding neighborhood of King Road, Sampson and Ridge Avenues.
10. The business license and inspection of the property by the Building Department are required to ensure that the business owners are verified and the property meets all applicable fire and building codes.
11. Staff finds that there are no unmitigated impacts regarding size and location of the site as the existing structure is not changing.

12. Staff finds that there are no unmitigated impacts regarding traffic considerations as trip generation for long term rentals, seasonal work force rental, and/or housing for permanent residents, is generally greater than that of short term vacation rentals.

13. Staff finds that there are no unmitigated impacts regarding utility capacity as no additional utility capacity is required for this project.

14. Staff finds that there are no unmitigated impacts regarding emergency vehicle access as nightly rental use does not change the requirement for emergency vehicle access which exists on King Road and Ridge Avenue.

15. Staff finds that there are no unmitigated impacts regarding the location and amount of off-street parking as the house was built prior to the requirement of two off street spaces and the fact that the applicant has agreed to limit the number of vehicles allowed for nightly rentals to one (1).

16. Staff finds that there are no unmitigated impacts regarding circulation as the applicant has agreed to provide information in the nightly rental lease agreement regarding the occasional need for a four wheel drive vehicle and the possibility that the renter may need to find legal parking in a free or pay lot and then walk to the property during times that King Road is impassable.

17. Staff finds that there are no unmitigated impacts regarding fencing, screening and landscaping as no changes to these elements are proposed.

18. Staff finds that there are no unmitigated impacts regarding building mass, bulk, orientation and the location on site as no changes are proposed to the existing building.

19. Staff finds that there are no unmitigated impacts regarding signs and lighting as no signs or additional lighting is proposed at this time. Existing lighting was previously approved.

20. Staff finds that there are no unmitigated impacts regarding physical design and compatibility with surrounding structures as the existing home is compatible with surrounding structures in mass, scale, and style.

21. Staff finds that there are no unmitigated impacts regarding noise, vibration, odors, steam, or other mechanical factors as there is no outdoor hot tub.

22. Staff finds that there are no unmitigated impacts regarding control of delivery and service vehicles as the applicant will be using a local property management company who will adhere to the condition of approval that trash receptacles cannot be placed on the street more than 15 hours prior to expected pick-up and must be removed with 15 hours of actual pick-up.

23. Staff finds that there are no unmitigated impacts regarding expected ownership and management of the property as the applicant will be utilizing a local property management company.

24. Staff finds that Criteria #9 and #15 of LMC 15-1-10 do not apply to this application as there is no open space required for this use and the property is not in the sensitive lands overlay.

25. The applicant stipulates to the conditions of approval.

#### Conclusions of Law – 95 King Road

1. The proposed application as conditioned complies with all requirements of the Land Management Code.
2. The proposed nightly rental use is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed nightly rental use is consistent with the Park City General Plan.
4. The effects in difference in use or scale of the nightly rental have been mitigated through careful planning and conditions of approval.

#### Conditions of Approval – 95 King Road

1. All standard project conditions shall apply.
2. All existing and any new exterior lighting shall be subdued in nature and shall conform to the City's lighting ordinance, LMC Section 15-5-5-(l) and 15-3-3(c) prior to the issuance of a nightly rental business license.
3. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of business license application is required as a condition precedent to issuance of a business license.

4. No exterior commercial signs are approved as part of this CUP. All signs are subject to the Park City Sign Code.
5. All lease agreements for nightly rental shall include language that limits the number of vehicles allowed at 95 King Road to one (1) vehicle.
6. Property management shall abide by Park City Municipal Ordinance 4-2-18(C)-(4)(f) which states that trash receptacles may not be left at the curb for a period longer than twenty-four (24) hours.
7. All lease agreements for nightly rental shall include language indicating that during heavy snow fall or bad road conditions, access to the lot may be limited or may require a four-wheel drive vehicle in order to gain access. There may be times when renters need to park off-site in an approved overnight public parking lot and walk to the property.
8. Nightly rental use of 95 King Road prohibits Commercial uses such as hospitality houses, screening rooms, reception centers, etc.
9. The CUP will be reviewed after one year, on October 22nd 2015, by staff. If there are recorded complaints, staff will bring the matter before the Planning Commission.

**3. 510 Payday Drive – Thayne’s Creek Ranch Estates Phase II Subdivision Plat (Application PL-14-02427)**

The Planning Commission held a site visit on this item prior to the meeting.

Chair Pro Tem Strachan summarized the site visit to 510 Payday Drive. The applicant, Frank Richards, met them on site and pointed out the boundaries of the no-build zone and the boundaries of the wetland area. Mr. Richards had flagged some of the contours of the various building footprints and answered the Commissioners questions regarding the location of the existing footprints and the proposed changes to those footprints.

Planner Kirsten Whetstone reviewed the request for a subdivision plat for three lots of Phase II of the Thaynes Creek Ranch Estates subdivision, which was a recent annexation that occurred a year ago between Frank Richards and the Park City Municipal Corp. Planner Whetstone noted that the annexation incorporated the City open space west of Highway 224, as well as the Franklin Richards Ranch.

Planner Whetstone noted that Exhibit H in the packet were the minutes from previous Planning Commission meetings; however, after the packets were printed they noticed that the pages were mixed-up. She provided the Commissioners with corrected copies of Exhibit H.

Planner Whetstone reported that the Planning Commission reviewed this item on September 24th and requested to see the minutes of the previous meetings to better understand the restrictions that were placed on this subdivision. The property was zoned in the single-family zone, which has an allowed height of 28'+5' for a total of 33'. When the property was annexed, a preliminary plat for seven lots and one parcel for the riding arena was approved. The January 31st, 2013 City Council minutes in Exhibit H reflect the discussion regarding the preliminary plat and no build zones. Planner Whetstone stated that the lots being discussed this evening was Lot 5, which is the existing house and ranch, Lot 6 across the driveway, and Lot 7, the lot they looked at during the site visit.

Planner Whetstone recalled discussion on Lot 1, 2 and 6 of an 80-foot no-build zone from the east property as shown on the plat, Exhibit A. There was additional discussion as to whether there should be a no-build for the northern part of Lot 7 of 250 feet. Planner Whetstone noted that the previous minutes also reflect a 336' no build zone. She noted that measuring from the north property line down south, 336' is at the line shown on the preliminary plat that was approved with the annexation. Planner Whetstone stated that the plat also had height restrictions that called out a maximum height of 30' for Lots 5 and 6, which would be 25'+ 5' for a pitched roof. However, Lot 7 had a maximum height of 28', or 23'+5'.

Planner Whetstone reported that at the last meeting the applicant made a request to move the line north. The Planning Staff had conducted an analysis of the plat that was submitted based on the preliminary plat and the annexation agreement. The Staff reiterated their recommendation for consistency with the preliminary plat. The maximum footprints should be 4,900 square feet for lots 5, 6 and 7. The maximum height for lots 5 and 6 would be 30' and Lot 7 would have a maximum height of 28'.

Planner Whetstone noted that the Staff had prepared a draft ordinance included on page 61 of the Staff report that reiterates some of the conditions of approval with the annexation. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation per the ordinance in the Staff report.

Frank Richards, the applicant, did not believe that 30 feet was excessive for Lot 7 and he thought it should be consistent with the other lots. He stated that the adjacent property to the west, Aspen Springs, was 33' in height. The adjoining Lots 1 and 2 have a maximum

height of 28'+5'. He did not think it was unreasonable for Lot 7 to have a maximum consistent with the next three lots they were bringing into the subdivision.

Mr. Richards stated that the no-build zone on Lot 7 was originally set at 250'. At some point it was increased to 336' and he was unsure how that occurred. He was requesting a no-build zone of 300' to give some flexibility to the location of the proposed on Lot 7. Mr. Richards remarked that the Lot is already handicapped because there is a 20' right-of-way on the west boundary, the no-build zone on the north boundary, and the wetlands and a 50-foot buffer on the east boundary. Mr. Richards noted that the remaining parcel to locate the home was approximately one-quarter of an acre of the 3.25 acre lot. By expanding to the north by 35' allows room for a barn and still keep the 75' separation required between the barn and the house; with some flexibility on where to locate the home.

Chair Pro Tem Strachan asked why there needed to be a 75' separation between the barn and the house. Planner Whetstone stated that there is a requirement in the Code on properties that allow horses that the barns must be 75' from any adjacent residence. Mr. Richards stated that of the 35' reduction they were requesting, 70% of that was no-build anyway because of the buffer zone to the wetlands.

Commissioner Joyce understood that the intent for requesting the reduction of the no-build area was to move the barn 35' to the north. Mr. Richards replied that this was correct. Mr. Richards clarified that the barn is 48' and they were asking for 35'. Therefore, the barn would project into that area. Planner Whetstone pulled up an exhibit that Mr. Richards used to identify the area he was talking about and to explain his comments.

Chair Pro Tem Strachan asked Mr. Richards to explain why the 150' x 100' foot building area was not sufficient. Mr. Richards replied that there needed to be some flexibility to locate the home. Planner Whetstone referred to the drawing Mr. Richards had submitted and noted that what he had put as a 75' separation from the house to the barn actually measured out as 35'. She pointed out that the building area needed to be smaller because otherwise it projects into the no-build zone.

Commissioner Thimm clarified that they were looking at a two-scale drawing. Planner Whetstone replied that this was correct. She reiterated that Mr. Richard's barn setback was actually scaled at 35'. When she scaled it at 75' she ended up with the barn being in the area where he was asking for additional space. Planner Whetstone reviewed the calculations. Chair Pro Tem Strachan understood that the 150' should actually be 125'; however, the building area was still approximately one-quarter of an acre. Planner Whetstone calculated that the building area would be approximately 12,500 square feet and the footprint would be limited to 4900 square feet including the garage. The barn would be separate.

Chair Pro Tem Strachan opened the public hearing.

Roger Armstrong, a neighbor, stated that the requested extension would put the barn right behind his property. He requested that Mr. Richards find a way to keep the barn further up and cluster the development. Mr. Armstrong noted that the houses coming up that line would be impacted to a lesser extent because of the direction they face; but in terms of view sheds he would be looking over the top of the barn rather than his current view. He appreciated anything Mr. Richards could do to further mitigate the impacts. Mr. Armstrong remarked that his house faces due east and if the barn is moved north it would come down to probably the first third of his property.

Mr. Richards pointed to Mr. Armstrong's property and the 30' tall pine trees along the edge. They were unable to put the sewer line in that location because of the trees. If they move the barn 35' it would be hidden by the pine trees because the barn would only be 18' high.

Mr. Armstrong reiterated his request to cluster the development a little tighter. He noted that he purchased the house from the neighbor who previously agreed to the plan, but that person was gone and Mr. Armstrong had concerns with the impacts.

Chair Pro Tem Strachan closed the public hearing.

Regarding home size, Mr. Richards had reviewed the analysis Planner Whetstone had done on Aspen Springs. He noted that Aspen Springs permits 8,000 square foot homes on a half-acre lot. Any lot over three-quarters is allowed up to 12,000 feet. He was asking to have the same privilege of an 8,000 square foot total house on his three-quarter acre, which would give a footprint of 5,000 square feet rather than 4900 square feet.

Commissioner Campbell understood that Mr. Richards was asking the Planning Commission to change the agreement he made with the previous Planning Commission. He was comfortable with that because one Planning Commission does not have the right to bind the hands of a future Planning Commission. However, before they decide whether to overturn that agreement, it was important to make sure there was a legitimate reason to do so. Commissioner Campbell asked Mr. Richards why he did not make this request the first time when it came before the previous Planning Commission. Mr. Richards stated that at the time he did not understand the 50' buffer of the wetlands.

Commissioner Campbell believed there were many impacts on the property, particularly in terms of how much of the lot is carved up in ways that could not be used. Mr. Richards remarked that when they first started they were not aware of the 20-foot easement that the Sewer District required.

Jeff Petersen, the builder, explained that the 35' setback plus the building pad, plus the 75' barn separation really restricted the potential for building the house. They did not fully understand those impacts when they met with the previous Planning Commission. Commissioner Campbell believed that was a legitimate reason to make the request to re-negotiate.

Commissioner Band understood why Mr. Richards was requesting the reduction and she agreed that the surrounding houses have larger footprints. In her opinion, the difference was the wetlands on Lot 7. She believed that whoever purchases the property would pay a lot of money for three-quarters of an acre, but they should also understand that restrictions come with wetlands. Commissioner Band remarked that it is a beautiful property and she hoped a buyer would be excited to have it. However, she could not see the justification for moving the lines. She believed the barn location in the original plan is less impactful to the neighbors. Commissioner Band recognized that 12,500 square feet of a building pad with a 4900 square foot house is going to be tight, but she thought there was enough wiggle room to make it possible.

Commissioner Phillips concurred with Commission Band. When he was at the site he walked away from the group and went from where the lines were to where they were proposed to be. He noticed the negative impacts it would have on Mr. Armstrong and he believed it would put the barn in his view. Commissioner Phillips understood that the purpose of the no-build area was to prevent the development from going further into the field to keep the space open. In his opinion, that was another reason not to reduce the no-build area. He could not see a good reason to change what has already been platted. Commissioner Phillips stated that he is in construction business and he personally lives on a 25' x 75' lot so he understands the constraints. He also knows that architects are really good at working with the space and he believes there is enough room to fit a nice home.

Commissioner Joyce echoed Commissioner Phillips. He had not seen a good cause aside from the fact that it would make the lot worth more to the potential buyer. In his opinion, that was not a compelling reason to change what was done under the previous Planning Commission.

Commissioner Thimm agreed with his fellow Commissioners. He had visited the site three times and he tried to line up the view shed. In looking at the drawing that defined the building pad area, and thinking about the 4900 square foot footprint in comparison to 12,500 square feet, he believed there would be sufficient space. Commissioner Thimm concurred that there needed to be a very good reason to change what was put in place, and he had not found a good reason based on what was presented. Whether it was 150'

or 125' he was unsure how it would fit on the lot; but if 125' leaves over 12,500 square foot of buildable area, it would be ample enough space to locate a 4900 square foot footprint.

Commissioner Campbell noted that during the site visit the question was asked about who the Planning Commission represented as their constituency. He noted that one of the Commissioners suggested that their constituency was the LMC. Assistant City Attorney McLean stated that whoever said it was correct. They are not elected officials and, therefore, they do not have constituents. Commissioner Campbell wanted to know what part of the LMC the other Commissioners were referencing when they said it was enough space to locate the house. He felt like they were making it up as they go. Commissioner Campbell stated that the Planning Commission always looks for consistency and that properties and property owners should be treated the same. He believed that Mr. Richards' argument for wanting to be treated the same as the adjacent property had more validity than their personal opinions of how large the house should be.

Commissioner Band stated that her calling card has always been to do things consistently. However, this was a different subdivision from the one Mr. Richards used as a comparison. Commissioner Campbell clarified that if there was not a specific place in the Code that was being violated, then the cause should go to the landowner.

Commissioner Joyce stated that his issue was not whether there was enough space. An agreement was put in place as part of the annexation and a lot of effort went into the discussions and the end result. They have seen the minutes and all the drawings and maps, and that was the agreement. Commissioner Joyce remarked that the wetlands did not suddenly appear and the drawings from a long time ago show the house right where it was supposed to be. Commissioner Joyce remarked that there was an annexation agreement that went into a lot of detail to force things into certain places to accomplish a certain appearance. A lot of thought went into those details and he could find no compelling reason to undo the Annexation Agreement.

Commissioner Band stated that this is an entry corridor and the LMC talks about protecting the entry corridor and as much open space as possible. That would include clustering the development in accordance with the original Annexation Agreement.

Commissioner Phillips believed that protecting the open space was the major point. He only addressed the issue of sufficient space for the house because that was Mr. Richards' reason for wanting to move it.

Planner Whetstone stated that she was the planner on the Annexation, and the entry corridor, the City open space, and clustering buildings were major considerations. At the same time they wanted to provide large lots to keep an agrarian look and feel. Planner

Whetstone noted that the height restrictions placed on the lots were done for the purpose of visibility. She pointed out that the houses in Aspen Springs are all in the single family zone and have a maximum height of 33'. However, the lots above the white barn have a height restriction of 30' because they can be seen from the entry corridor.

Chair Pro Tem Strachan stated that the Planning Commission would be forwarding a recommendation to the City Council. He pointed out that the City Council had weighed in the first time and as reflected in the minutes, they weighed in thoroughly and with a good eye, and they reached the correct conclusion. Chair Pro Tem Strachan clarified that he was not in favor of changing the original agreement. He believed that building a 4900 square foot house on a 12,500 square foot footprint was doable and it allowed some flexibility.

Chair Pro Tem Strachan noted that there was not a finding of fact or conclusions of law about how the final building footprint should be memorialized; and he suggested that Exhibit C on page 91 of the Staff report should be incorporated in the motion. Exhibit C is the preliminary plat and whoever makes the motion could make it the final plat.

Mr. Richards stated that the Commissioners were suggesting that he abide by the Annexation agreement, but the Annexation agreement identifies a 250' no-build zone. He pointed out that he was willing to give 50 feet as a compromise.

Commissioner Joyce asked where the 336' no-build zone came from. Planner Whetstone pointed to a line that was drawn in during the discussion for the preliminary plat and the annexation before it went to City Council. The Planning Commission originally suggested that the 80' on the east side be ROS zoned. She could not find in the minutes where a decision was made on that line, but they did talk about having to have a driveway, a house, a separation and then a barn. The line was drawn with rulers and the location was discussed. Planner Whetstone showed the preliminary plat with the line when it went to the City Council, and the Council left the line.

Planner Whetstone stated that it was possible that the 250' reference could have been from the cul-de-sac north. She did not think it was clear in the minutes.

Mr. Peters had a recorded copy of the Annexation agreement and on Exhibit C, and the line Planner Whetstone mentioned did not exist on the exhibit. Planner Whetstone stated that the Exhibit Mr. Peters had did not have the recorder's stamp. Mr. Richards stated that he requested that the County send him a packet including the plats and all the documents that were recorded, and those were the documents he had this evening.

Chair Pro Tem Strachan stated that Exhibit C on page 91 of the Staff report was a Concept Subdivision and Phasing Plan done by Alliance Engineering on 1/8/13. Planner Whetstone remarked that it was actually the one that was approved by the City Council and recorded. Chair Pro Tem Strachan believed that was even more reason to make it the final plat through a motion and override the preliminary plan.

Planner Whetstone remarked that the Annexation Agreement did not mention an actual number for the no-build zone. Mr. Richards stated that the plat that was submitted did not mention a number either.

Mr. Richards stated that when the annexation was made there was a concept but no definition of exactly where the house would sit. They were trying to get the first phase approved and the Planning Commission wanted an idea of what they were proposing for Phase 2. For that reason they submitted a concept plan. It was only a concept and it was never intended to be final. Mr. Richards remarked that the home shown on the plan was only something that could potentially be built. Mr. Richards did not believe that when Phase 1 was approved that Phase 2 was approved at the same time. The concept was to place a home on the lot reasonably near the cul-de-sac and that the barn would be 75' from a home.

Commissioner Joyce clarified that he was mostly concerned about the demarcation line of the no-build zone. He understood it was not the actual house that would be built and he was not concerned with the placement because it would be restricted by the wetlands.

Mr. Richards stated that somebody will have to look at the barn. He realized that Mr. Armstrong would be looking at third of the barn, but the rest would be hidden by the trees. If they move it for Mr. Armstrong, then another neighbor would have to look at it.

Commissioner Joyce clarified that he personally was not saying that Mr. Armstrong should not have to look at the barn. That was not his issue. His issue was finding a compelling reason to change an agreement. Accommodating a buyer so he can build the house he wants is not a compelling reason because there are ways to build within the constraints of the lot. Commissioner Joyce stated that protecting the entry corridors was more important than protecting the view of one individual.

Mr. Richards pointed out that the distance between the barn and the house would not change because they could not bring it in any closer. Wherever the house and the barn sits would be as close as they could be regardless of whether they are closer to the cul-de-sac or 35' beyond the cul-de-sac. Mr. Richards stated that Lot 4 in Aspen Springs is 100 feet closer to the highway than the home on Lot 7 would be.

Commissioner Campbell was unclear as to where the no-build line came from. He was under the impression that it had to do with the Annexation Agreement but that did not appear to be the case. Commissioner Campbell wanted to know when it was inserted into the plat, who had the idea and who approved it.

Planner Whetstone referred to page 139 of the Staff report and noted that the January 9, 2013 minutes reflect that the Planning Commission forwarded a recommendation to the City Council on the annexation. Commissioner Wintzer made a motion to forward a positive recommendation to the City Council as approved in the draft ordinance and as amended by Planner Whetstone, and the amendment to Condition 3 to include the hard surfaces, and a request to add a zone line to zone the eastern portion of Lots 1, 2 and 6 and the wetlands portion of Lot 7 to ROS. Planner Whetstone noted that the minutes show some discussion among the Commissioners and the motion was voted on and passed. Later in the minutes it states that, “Assistant City Attorney McLean recommended that the Planning Commission consider where they wanted the absolute no-build zone as opposed to defining building pads. That would add some flexibility for shifting the building pads as long as it stayed out of the no-build area. Commissioner Hontz remarked that there was already agreement on areas where building could not occur because of wetlands, and this was another added layer of protection. Commissioner Savage was comfortable with an ROS designation on the wetland area because it was already an unbuildable area.” Planner Whetstone clarified that they were talking about the wetland area and the 50' foot buffer.

Planner Whetstone referred to page 140 of the Staff report, also the January 9, 2013 minutes, and read, “Planner Whetstone reviewed the proposed changes in addition to the ones she had revised earlier and condition #3 was read to define driveways and hard surface areas at the time of final plat, and the recommendation that the easternmost 80 feet of Lots 1, 2 and 6 and the northernmost 250' of Lot 7 be zoned Recreation Open Space, with the remaining portions zoned SF.” Planner Whetstone remarked that the City Council did not think the lots should be separate zones and there should just be a no-build zone.

Planner Whetstone pointed out that the language talked about the wetlands area and then suddenly it was 250'. She and Director Eddington recalled that people were using rulers to figure out where the line should be based on a driveway, a house, a setback and a barn and the wetland area. The line was drawn on the preliminary plat by Alliance Engineering. She was unsure whether someone had measured it and believed it was 250' or how that came about. She clarified that the minutes say, “the northernmost 250 feet”. Planner Whetstone stated that if that was the case then some of the wetlands would not be in the no-build area.

Commissioner Thimm remarked that the wetlands have their own protection for where building would not be allowed to occur. He thought it went back to the question of where the 336' no-build came from if it was identified as 250' in the minutes.

Planner Whetstone referred to the minutes of the January 31, 2013 City Council meeting on page 146 of the Staff report. She read, "She explained that the Planning Commission recommended that the north 250' of Lot 7 be zoned ROS and the easternmost portion, as opposed to the Staff recommendation which was to place a no-build designation." Planner Whetstone read from the same minutes at the end of page 146 and a comment by then Council Member Alex Butwinski, "The Annexation Agreement is consistent about the Park City Municipal Corporation parcel being ROS and the zoning of single family, except for the back 250' of Lot 7, which will also be zoned ROS."

Planner Whetstone noted that 250' keeps showing up in the minutes from both the Planning Commission and City Council meetings, but Exhibit C in the Staff report was the preliminary plat that was approved.

Chair Pro Tem Strachan pointed out that Exhibit C was dated 1/8/13 and the City Council approved it on 1/31/13. The Exhibit pre-dates the City Council's decision. Chair Pro Tem Strachan recalled that the City Council looked at the plat and the line on the plat and approved it. He was certain that the line did not somehow show up after the City Council approval.

Commissioner Campbell remarked that in the minutes Commissioner Savage had stated that the line was arbitrary. Chair Pro Tem Strachan replied that it Commissioner Savage's opinion that the line was arbitrary, and he was the lone dissenter.

Commissioner Joyce stated that if everything discussed in both the City Council and Planning Commission meetings was 250-feet, it appeared that someone may have drawn the line in the wrong place on the preliminary plat for Lot 7. Commissioner Campbell thought that was exactly what happened.

Commissioner Phillips thought the discussion where everyone sat down with rulers was where it all changed. He asked if that discussion was reflected in any of the minutes and whether it occurred at the City Council meeting or with the Planning Commission. Chair Pro Tem Strachan recalled that it was in the City Council meeting. He noted that Alliance Engineering was retained by Mr. Richards and the plat was submitted to the City Council in their packet of materials for approval.

Commissioner Campbell pointed out that all the documents say 250', except for Exhibit C, which is what the applicant submitted.

Mr. Richards wanted to know why the plat that was submitted for recording did not show the no-build zone. Planner Whetstone clarified that the annexation plat would not have shown it. It was only an exhibit that indicated that it was a preliminary plat. She explained that an annexation has to come with a master plan or some kind of preliminary plat, and gets finalized when the Planning Commission looks at the final plat, which they were looking at this evening. The first and final plat included the 80 feet and that was all clear. Planner Whetstone stated that the Planning Commission had the ability to look at this as a final plat. The Annexation agreement talks about no-build and protecting wetlands and protecting the views and the entry corridor. It does not have to comply completely but it should be consistent with the preliminary plat to the greatest extent possible.

Commissioner Joyce felt like someone had drawn a made-up line and it became the decisive line.

Director Eddington recalled that when this was first being discussed early in the preliminary stages there was concern with regard to whether a Lot 7 should even exist because it would be located between two wetlands. Six lots were proposed and the 7th lot was proposed between the two wetlands. There was concern with that lot being located between the two wetland areas. It already had so many constraints that the question was whether it should even exist. It went forward and was noted on the plat as a possible lot. The discussions went from annexation discussions to the final plat, which is where they were tonight. Director Eddington thought from the earlier discussions that there was a 250' ROS discussion on the north part of this property. He also remembered a discussion about doing something similar for Lots 1, 2 and 6 and adding the 75' no-build zone. He thought it was the 250' plus 75', but that would only total 325 not 336. Director Eddington acknowledged that he could be wrong but that was his recollection of how it all evolved. He did remember that there was significant concern about reducing that lot because of its location between the two wetlands.

Commissioner Campbell remarked that this was a conflict that the City Council would have to resolve regardless of what the Planning Commission decided. He asked if the Planning Commission could forward a recommendation to the City Council to look carefully at where the 250' zone really is, rather than try to force the applicant to live by what seemed to be an imperfect document.

Commissioner Melissa noted that the Planning Commission had continued this item at the last meeting so they could have all the meeting minutes to understand where the 336' number came from. She thought they needed to be fair to Mr. Richards, and after reading the minutes and seeing 250' consistently they were still looking to understand what happened.

Chair Pro Tem Strachan suggested that they send it to the City Council with a positive recommendation that Exhibit C should be the final plat, and let the Council determine whether it was in the right place or the wrong place. Commissioner Campbell thought their recommendation should have language that makes the City Council aware of the discrepancy. Chair Pro Tem Strachan noted that the City Council would have the minutes from this meeting. Council Member Simpson was in attendance and she would also relay their discussion.

Commissioner Joyce stated that aside from the question of how the line was drawn, he understood that they were talking about a line in the middle of Lot 7. When the first half of the subdivision was done on Lots 1 through 4, the applicant had not asked for approval for Lot 7. Since the approval of Lot 7 was part of the final plat, he wanted to know how much the Planning Commission was constrained by the previous agreements. Chair Pro Tem explained that when the applicant came in for lots 1, 2 and 3, a large bulk of the discussion was about Lot 7. Commissioner Joyce asked if the line that was drawn for Lot 7 in the preliminary plat was a definitive plat that was expected with the approval, or whether it was a concept of what Lot 7 might look like with the details to be determined at the time of approval for Lot 7. Chair Pro Tem Strachan replied that it was only a concept in the annexation discussion. However, he believed it was one of the more thorough annexation discussions because they actually talked about where the building footprint should be located. Because the site is so sensitive and delicate and contains wetlands and open space on the entry corridor, the Planning Commission and the City Council looked at this annexation petition with more scrutiny in contrast to other annexations.

Commissioner Campbell remarked that based on the minutes from both the Planning Commission and City Council meetings, everyone repeatedly assumed that the line would be at 250'. It is referenced often and no one corrects it.

Chair Pro Tem Strachan summarized that none of the Commissioners were clear as to whether Exhibit C on page 91 of the Staff report reflects the accurate no-build line. He understood that there was consensus that the current building footprint and barn footprint did not need to be changed. Chair Pro Tem Strachan stated that the Planning Commission could make a motion to forward a positive recommendation to the City Council and include those two items; and let the City Council decide whether or not to accept it.

Commissioner Campbell wanted the recommendation to include the fact that the Planning Commission was unclear about where the line should exist. He thought they should be clear that the Planning Commission was not asking the City Council to codify the existence of the line where it was currently drawn.

Mr. Richards was disappointed that Steve Schueler was unable to attend this evening because he was told by Staff to add the line and he might be able to provide some clarity. Commissioner Campbell informed Mr. Richards that Mr. Schueler could still attend the City Council meeting since they would be making the final decision.

MOTION: Chair Pro Tem Strachan moved to forward a POSITIVE recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as contained in the draft ordinance, with specific reference to Exhibit C on page 91 of the Staff report as indicating the no-build zone for Lot 7. Commissioner Phillips seconded the motion.

Commissioner Campbell did not believe the motion expressed their lack of clarity on the 250' issue. Council Member Simpson stated that she understood the confusion; however, she was unsure where they would find clarity. She suggested that they amend the motion to ask the City Council to make a final determination on where the line should be; or the request could come from Staff. Ms. Simpson assured the Planning Commission that she would remember this discussion when the City Council has their discussion. Council Member Simpson questioned whether or not the motion needed to be that specific.

Chair Pro Tem Strachan amended his motion to say that the Planning Commission would leave it the City Council to determine where the no-build line should be on Exhibit C on page 91. Commissioner Phillips seconded the amendment to the motion.

VOTE: The motion passed unanimously.

Assistant City Attorney McLean recommended that the Staff include the draft minutes from this meeting in the Staff report for the City Council meeting. Planner Whetstone would notify the Planning Commission when the item is scheduled so at least one Commissioner could attend. Ms. McLean noted from the agenda that this item was scheduled to go before the City Council on November 13th.

#### Findings of Fact – 510 Payday Drive

1. The property is located north of Payday Drive (north of the Thayne's Creek Ranch Subdivision), south of Aspen Springs Subdivision, east of Iron Canyon Subdivision, and west of Highway 224.
2. The property was annexed into Park City with the Richards/PCMC Annexation approved by the City Council on January 31, 2013 and recorded at Summit County on April 12, 2013.

3. The property is zoned Single Family (SF).
4. Access to the property is from Payday Drive at the existing driveway to the Richard's property. The driveway has been improved to a private street known as Country Lane.
5. On January 31, 2013, concurrent with the Annexation, the City Council reviewed and approved a preliminary subdivision plat for a total of seven single family lots and one common lot for the riding arena. The proposed phase two plat is consistent with the preliminary subdivision plat and consists of four (4) lots. Three of the lots are single family development lots and one lot is a common, non-residential lot for the existing riding arena.
6. The property is not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of the plat is within the Park City Soils Ordinance boundary.
7. The subdivision creates non-conforming rear setbacks for an existing outbuilding and a guest house on Lot 5.
8. The subdivision complies with the Land Management Code regarding final subdivision plats, including SF zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
9. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; and 5) preservation of natural amenities and features, have been addressed through the Annexation and subdivision plat review process as required by the Land Management Code.
10. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
11. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 20-07. One Affordable Unit Equivalent equals 900 square feet. The affordable housing obligation determined at the time of the annexation is 15% of 6 new units or 0.9 AUE (810 sf). The affordable housing obligation has been satisfied with payment of an in-lieu fee as approved by the Park City Housing Authority.
12. Land uses proposed in the second phase subdivision include three single family lots and one lot to be dedicated to the HOA for common recreation

facilities, such as the existing riding arena. Only one single family home and one barn are permitted to be constructed on each of Lots 6 and 7. Lot 6 contains an existing hay barn that may remain. Lot 5 contains an existing house, a guest house, a storage shed, and two barns that may remain. Lots 5 and 7 are allowed up to six (6) horses and therefore the barns are larger than on Lots 1, 2, and 6.

13. Per the Land Management Code, a maximum of 2 horses per acre of lot area are permitted on lots containing one acre or more, subject to an administrative conditional use permit and an animal management plan.

14. The PCMC Parcel that is adjoining Lots 6 and 7 allows only those uses permitted by the Deed of Conservation Easement.

15. The subdivision plat is consistent with the purpose statements of the SF zone. The SF zone does not allow nightly rental uses and restricting this use is consistent with the character of the surrounding neighborhood.

16. Areas of wetlands and irrigation ditches, and any required setbacks from these areas for the private road were identified during the annexation.

17. The proposed subdivision is outside the City's Soils Ordinance District.

18. Wetlands are protected by language in the LMC and Annexation Agreement requiring building pad locations, setbacks, and requirements for protection of sensitive lands during construction. Delineated wetland buffer areas are shown on the plat.

19. There is good cause for this subdivision plat in that it creates legal lots of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides access easements for adjacent property; provides no build areas for protection of the City's Open Space and wetland buffer areas, and is consistent with the approved the Richards/PCMC Annexation Agreement and preliminary subdivision plat.

20. The findings in the Analysis section are incorporated herein.

#### Conclusions of Law – 510 Paydrive Drive

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Richards/PCMC Annexation Agreement approved by the City Council on January 31, 2013.
4. The subdivision is consistent with the Richards/PCMC preliminary plat approved by the City Council on January 31, 2013.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat.
6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval – 510 Payday Drive

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County on or prior to the date that is one year from the final City Council approval. If recordation has not occurred within this extended timeframe, the plat amendment approval will be void, unless a complete application requesting a further extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Conditions of approval of the Richards/PCMC Annexation, as stated in the Annexation Agreement, continue to apply.
4. Final approval of the sewer facilities plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
5. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. All applicable requirements of the LMC regarding top soil preservation, final grading, and

landscaping shall be completed prior to issuance of a certificate of occupancy.

6. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with LEED for Homes Silver rating, per the Annexation Agreement.

7. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and conditions of the Annexation Agreement prior to building permit issuance.

8. A financial guarantee, in a form and amount acceptable to the City and in conformance with the conditions of approvals has been provided to the City for public improvements. A portion of the guarantee, to be determined by the City Engineer, shall be held by the City through the warranty period and until such improvements are accepted by the City.

9. All standard project conditions shall apply.

10. Recordation of a final subdivision plat is a requirement prior to issuance of building permits.

11. The final subdivision plat shall include plat notes stating that the maximum density of the second phase subdivision is three (3) single family dwelling units and that no lot shall be further subdivided to increase the overall density of the subdivision. Lot 8 (to be renamed Parcel 8) is not a residential building lot and shall be dedicated to the Thaynes Creek Ranch Estates HOA as a common recreation parcel that may contain the existing riding arena, a storage area, and other associated uses identified in the CCRs. Barns shall not be used for human occupation.

12. All exterior lighting shall be reviewed with each building permit application for compliance with best lighting practices as recommended by the Dark Skies organization.

13. Fencing shall be consistent through-out the subdivision. A fencing plan shall be submitted with each building permit application to allow Staff to review all fencing for consistency through-out the subdivision and to review impacts of fencing on wildlife movement through the site. The fencing plan shall include location of fences and materials, dimensions, and installation methods and

shall be consistent with the fencing plan approved with the preliminary plat.

14. Construction of a five foot wide public side walk along Payday Drive connecting the existing sidewalk on the north side of the street with a pedestrian crossing at Iron Mountain Drive is required to provide connectivity to Rotary Park. The sidewalk and all required public improvements, including landscaping of the public right-of-way along Payday Drive, shall be completed prior to issuance of a certificate of occupancy for any new house located on either the Phase One or Phase Two plats.

15. A grading plan and landscape plan shall be submitted with each building permit application and this requirement shall be noted on the final subdivision plat. Excavated materials shall remain on site to the greatest extent possible and shall be addressed with the grading plan.

16. A note shall be included on the final subdivision plat requiring each new house in the development to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.

17. A note shall be added to the final subdivision plat stating that the Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn located within an identified building pad on the final subdivision plat, provided the application complies with the LMC requirements for raising and grazing of horses and providing an Animal Management Plan is submitted and approved.

18. A note shall be added to the final subdivision plat indicated that barns may not be used for human occupation.

19. A note shall be included on the final plat indicating that barns shall be designed to be architecturally compatible with the house on the same lot, including architectural design, materials, colors, and character.

20. All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision plat and shall be noted on the plat prior to recordation.

21. Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the Property at the time of development of the lots as further described in the Annexation Agreement.

22.Modified 13-D residential fire sprinklers are required for all new construction as required by the Chief Building Official.

23.The plat shall note that Lots 5, 6 and 7 are restricted to a maximum house building footprint of 4,900 sf, including the garage. New barn footprint is restricted to 1,300 sf for Lot 6 and 1,800 sf for Lot 7. Lot 5 has an existing single family house (3,906 sf footprint), an existing guest house and garage (1,398 sf footprint), a shed with a studio apartment (2,349 sf footprint), and two barns (2,203 sf and 1,690 sf) that may remain. Lot 6 has an existing hay barn with a 1,585 sf footprint that may remain and be enclosed with no additional building footprint allowed. All new construction shall meet LMC lot and site requirements in effect at the time of the building permit and shall comply with these plat notes.

24.Maximum building height for barns is 18' (to peak of roof).

25.Maximum building height for houses on Lots 5 and 6 is 30' (25' plus 5' for pitched roof). Maximum building height for Lot 7 is 28' (23' plus 5' for pitched roof).

26.Maximum irrigated area for finished landscape (excluding pasture areas irrigated with private irrigation shares) is 12,000 sf for Lots 6 and 7. All landscaping shall comply with LMC Section 15-5-5 (M). Trees, such as cottonwoods, willows, aspens, and fruit trees may be planted in the pasture areas provided they are irrigated only with private irrigation shares.

27.Maximum LOD area (including house and barn footprints, paved driveways, patios and other hardscape, and irrigated landscaping) for Lots 5, 6 and 7 is restricted to a maximum of 45% of the Lot Area. Area necessary for utility installation is excluded from the maximum LOD area calculation and if utility installation is within the pasture areas it shall be re-vegetated with like pasture vegetation. Designated "no-building zones" and wetland buffer areas shall not be impacted or disturbed by construction activities, with the exception of necessary utilities, irrigation facilities, and fence installation and repairs. Use of these areas by horses is subject to an Administrative Conditional Use permit and Animal Management Plan.

28.All new construction on Lot 5 shall comply with the Land Management Code in effect at the time of building permit application for the new construction.

29. Lot 8 shall be renamed on the final plat as Parcel 8 and clearly noted as a non-residential parcel.

**4. 1825 Three Kings Drive – Three Kings Realty at Silver Star Conditional Use Permit for Office Building (Application PL-14-02329)**

Planner Whetstone reviewed the request for a conditional use permit for a 2,260 square foot single-story office building which would include 1325 square feet of real estate offices, 615 square feet for the existing mine tunnel entrance, and 320 square feet for storage for the Silver Star Café. The building is an existing historic structure. The proposal is to restore the historic structure and add the addition to the south side.

Planner Whetstone presented a slide showing the existing historic structure, the area of the proposed addition, and the affordable housing building to the north. The existing Silver Star ski shop is to the south. She indicated the Silver Star ski lift and noted that the Silver Star Café was across the plaza in a different building.

Planner Whetstone reported that the conditional use permit is required because the MPD states that any new construction requires a conditional use permit. The structure is in the RDM zone, which allows office uses in a re-use building as a CUP. She noted that the MPD already acknowledged that there would be 14,500 square feet of commercial offices. Sundance takes a larger amount of the square footage. Based on the Staff calculation there appeared to be an existing 12,692 square feet with the addition of this office building, which under the 14,500 square feet allowed by the MPD.

The Staff conducted an analysis of the project against the 15 criteria in the LMC for conditional uses and found that there were no unmitigated impacts. Since parking is always an impact at Silver Star, the Staff recommended a condition of approval that within a year of Certificate of Occupancy the applicant would come back to the Planning Commission with a parking study to show how they were managing the parking. Planner Whetstone stated that parking for this use was already part of the 110 spaces that were constructed, but the issue is how it is managed and whether the affordable housing units are impacted by the uses.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the conditional use permit for the office uses at 1825 Three Kings Drive to be located within a restored historic building with the proposed addition, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval attached to the Staff report.

John Shirley, the architect representing the applicant, stated that he was the architect who planned Silver Star and he was excited to have the opportunity to complete the plaza. Mr. Shirley noted that a proposal was presented in 2008 for a bar use that was approved. Due to the economic downturn the bar never materialized.

Mr. Shirley presented slides and reviewed their proposal. They intend to renovate and utilize the existing mine structure as part of the entrance. He explained that the main purpose of the project is to complete the plazas and renovate and clean up the last piece of the area.

Mr. Shirley noted that a 16" inch water line comes out of the mine shaft and the applicant has been working with Roger McClelland with the Water Department to make sure the Water Department would still have access in and out. The design was modified to meet those needs.

Chair Pro Tem Strachan could not recall when the bar was approved whether the Planning Commission attached a condition of approval requiring a parking analysis after one year. Mr. Shirley could not recall. Planner Whetstone thought they had placed that condition. Mr. Shirley stated that Steve Perkins, the project manager, was present to address any parking questions. He believed Mr. Perkins has done a great job maintaining the parking, even during challenging periods. Chair Pro Tem Strachan concurred.

Chair Pro Tem Strachan opened the public hearing.

Planner Whetstone read into the record an email she had received from Claire Jackson, a resident on Kings Court, which is directly to the north of Silver Star. Ms. Jackson stated that she has been the owner of 5 Kings Court for twelve years. She had received the notice from Silver Star and she opposed the addition of any more building on that site. Noise, traffic congestion and lack of parking are all issues. Parking is so tight in that locale that people park on Kings Court. There is no need for an office building there. They should leave the open space open space.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Band pointed out that a bar was approved in 2008, which would have created many more impacts than the proposed office use. She had no issues with the request.

Commissioner Campbell was unclear as to how Claire Jackson could refer to it as open space when the building already exists. Planner Whetstone stated that she had responded to Ms. Jackson and offered to provide her with additional information. She also explained

what the proposal was for and Ms. Jackson never responded back. Commissioner Campbell clarified that he was only interested in noting for the record that it was not open space. He felt that if the Planning Commission remained silent it would indicate that they agreed with Ms. Jackson that it was open space when that was not the case.

Commissioner Thimm agreed with Commissioner Campbell. He had visited the site and what was being proposed is to put building where building already exists. Commissioner Thimm thought the proposal was consistent with what was on record as having been approved.

Planner Whetstone noted that there was a small area that was not building. She had done an analysis and found that the open space is 76.4% which was provided at the time of the approval was. Sixty percent was required. Adding the entire footprint, the open space is reduced to 74.41%, which still exceeds the 60% required.

Commissioner Joyce stated that as a customer in that area for hiking, shopping and eating, the parking is very challenging. However he did not believe that adding the small addition would make it worse. Commissioner Joyce noted that over the past few years more spaces are being marked as reserved. He asked whether additional spaces would be reserved for this new business, and if so, how many. He thought the Staff report was conflicting because it said there would be four to five employees, but later stated that there would generally only be one employee in the office at one time. Commissioner Joyce was concerned that three or more parking spaces would be allocated to the real estate business.

Steve Perkins, the General Manager for Silver Star, replied that the agreement is that they could not assign any parking spaces on the southern end of the parking lot. He noted that flex parking was the easiest way to keep those problems from occurring. Commissioner Joyce asked if it was safe to assume that there would be no new allocated spaces specifically for this business. Mr. Perkins answered yes.

Commissioner Joyce did not believe it was necessary to require the applicants to return with a parking study in one year since they were only adding a small addition to an existing building in an already parking challenged area. He preferred to strike the condition.

Commissioner Band concurred with Commissioner Joyce. She had visited the site at 11:37 a.m. and there were empty spaces in front of the restaurant and retail shops. However, the parking lot for the trail access was completely full.

Assistant City Attorney McLean stated that parking for the overall subdivision came in for Planning Commission review a few years ago. She suggested that the Planning

Commission could ask the developer to come in and provide an update on how they were managing the parking. Ms. McLean understood that there was underground parking that was not being used. She thought the question was how they could better use the underground parking since Silver Star has become a popular destination.

Commissioner Phillips was satisfied with the proposal and he had no concerns. He complimented Mr. Shirley on the architecture and trying to preserve the history.

Chair Pro Tem Strachan concurred with his fellow Commissioners. He liked the proposal and he thought the parking was self-regulating. He favored the suggestion to strike Condition #11 because there was no reason for the applicant to provide a parking analysis. He noted that parking was discussed in great length when it was originally built and there were several parking studies. Chair Pro Tem Strachan was unsure what they would accomplish by having the applicant do a study because the parking was already done.

MOTION: Commissioner Phillips moved APPROVE the conditional use permit for Three Kings Realty at Silver Star based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Staff report and as amended to remove Condition of Approval #11 and renumber the conditions. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 1825 Three Kings Drive

1. The subject property is located at 1825 Three Kings Drive.
2. The property is located in the Residential Development Medium density (RDM) zoning district and within the Spiro Tunnel Master Planned Development (aka Silver Star MPD).
3. The project site is located within the Residential Development Medium Density (RDM) zoning district. Office uses are allowed with an MPD. The Spiro Tunnel MPD and CUP approved office uses at this site and no MPD amendment is required for this proposed CUP application.
4. On October 27, 2004, the Planning Commission approved the Spiro Tunnel Master Planned Development and Conditional Use Permit for a mixed use development consisting of 97 residential unit equivalents (74 condominium units, 22 cottage units and one single family house with guest); an artist-in-residence campus with up to 14,500 sf of offices, studios, and gallery retail space; support commercial uses and support meeting space; and 16.11 (AUE) of affordable housing units (21 units in Buildings N and O).

5. Support commercial and support meeting space (up to 10% of the total residential floor area is 19,400 sf based on a total of 97 residential UE) was specifically allowed during the MPD approval for the Silver Star project, as the project was considered a nightly rental condominium project.
6. The CUP is subject to the Silver Star Plaza Condominiums Buildings N, O, P, Q, and R condominium plat approved by City Council on November 30, 2006 and recorded at Summit County on February 19, 2008. The building is located in the common area of this condominium plat and is currently owned by the Silver Star Plaza Condominiums Homeowner's Association.
7. The existing single story historic mine shed consists of approximately 615 square feet. The proposed single story addition consists of approximately 1,645 square feet of gross floor area, including 1,325 sf for office uses and 320 sf for storage and walk-in cooler for Silver Star Café to replace the temporary storage shed located at this site. The mine shed area will continue to be used for access to the mine tunnel for maintenance of water facilities.
8. The site is listed on the Historic Sites Inventory as a Significant Historic Site.
9. There are currently 110 shared parking spaces at the property. All parking within Spiro Tunnel MPD (Silver Star), with the exception of the private garages for the 22 cottage units, is shared parking, and was provided at the time of construction of the project in accordance with parking requirements for the approved uses.
10. No outdoor storage of goods or mechanical equipment is proposed. The existing temporary structure housing a walk-in cooler and storage for the Silver Star Café will be removed upon completion of the addition and these uses (storage for the Café) will be relocated to a 320 sf portion of the addition, completely enclosed within the building.
11. Additional traffic to the site will primarily be due to the 4-5 employees, as the office is primarily to provide real estate services to the Silver Star MPD owners. Additional trips on the surrounding streets are estimated at 20-25 trips (5 trips per employee per day) during the day between 8AM and 5 PM. A public transit stop is located at the property on Three Kings Drive near the main entrance.
12. Any additional utility capacity, in terms of water requirements due to added fire flows, will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit.

13. The proposed development will not interfere with access routes for emergency vehicles.

14. No signs are proposed at this time. Any new signs will be reviewed under a separate sign permit for compliance with the approved Master Sign Plan for Silver Star.

15. Exterior lighting will be reviewed at the time of the building permit review.

16. The proposal exists within the Park City Soil Ordinance Boundary.

17. The findings in the Analysis section of this report are incorporated herein.

#### Conclusions of Law – 1825 Three Kings Drive

1. The application satisfies all Conditional Use Permit review criteria for residential uses as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)];

2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.

3. The Applicant complies with all requirements of the LMC;

4. The Use is consistent with the Spiro Tunnel Master Planned Development and the Park City General Plan, and

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

#### Conditions of Approval – 1825 Three Kings Drive

1. All standard conditions of project approval shall apply to this project.

2. All signs associated with the use of the property must comply with the Silver Star Master Sign Plan and the City's Sign Code.

3. All exterior lighting shall comply with the lighting requirements in the LMC and shall be down directed and shielded.

4. No outdoor storage of goods or mechanical equipment is allowed on-site for this use. The existing temporary storage shed shall be removed from the site upon completion of the building.

5. A storm water and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit.

6. Prior to recordation of the plat amendment for this property a utility plan and any amended utility, drainage, and access easements shall be provided as required by the City Engineer and utility providers.

7. A utility and grading plan shall be submitted and approved by the City Engineer, City Water Department, Fire District, and Sewer District prior to issuance of a building permit. Existing water service will need to be evaluated and may need to be upgraded to meet fire flow requirements for the proposed uses and required fire sprinkler system.

8. A Historic District Design Review application is required to be submitted and the plans shall be reviewed for compliance with the Design Guidelines for Historic Buildings and Sites prior to issuance of a building permit for any work on the historic building.

9. The site exists within the Park City Soil Ordinance Boundary, therefore any soil disturbance or proposed landscaping must adhere to Park City Municipal Code 11-15-1.

10. The Silver Star Plaza Condominium plat will have to be amended prior to issuance of a building permit to identify the building and addition on the plat. If the HOA intends to sell the building then the condominium plat would have to be amended to indicate the building as a private commercial condominium unit, similar to the designation of the other buildings on the plat. If the building remains commonly owned, the amended plat can identify the building and indicate that it is common area.

11. A construction mitigation plan (CMP) shall be submitted with the building permit and shall identify how construction activity and construction parking impacts on the residential units and commercial activity on the plaza will be mitigated. The CMP shall indicate where the temporary storage building will be relocated to during construction of the permanent building.

5. **Land Management Code Amendments related to:**

**1) Pet services in GC and LI zoning Districts (LMC Sections 15-2.18-2, 15-2.19.2 and 15-15-1).**

## **2) Definitions regarding Pet Services (LMC Chapter 15).** **(Application PL-14-02348)**

Planner Whetstone requested that the Planning Commission review the proposed amendments to the Land Management Code and provide a recommendation to the City Council on the amendments regarding animal services. The request is to amend Chapter 2 and Chapter 15. In Chapter 2 they were looking at the General Commercial and Light Industrial zone.

Planner Whetstone reported that on May 28<sup>th</sup> the Planning Commission discussed other LMC amendments. At that time the Staff proposed allowing animal services such as boarding, grooming, kennels and daycare. The Staff suggested that the General Commercial and Limited Industrial zones might be appropriate places where these uses could occur as either an allowed use, an administrative conditional use, or a conditional use. Planner Whetstone remarked that some of the definitions were more consistent with the Municipal Code and less specific to the types of uses that people had requested to be in these zones.

Planner Whetstone stated that the Staff did some research and looked at Aspen, Colorado; Sedona, Arizona; Santa Fe, New Mexico; and Summit County, Utah where all the proposed uses are allowed.

Planner Whetstone reviewed the proposed definitions, which addressed household pets. She noted that household pets include dogs, cats, rabbits, birds, and other small companion animals. The definitions talk about pet boarding being a commercial establishment for overnight boarding and care of four or fewer dogs and five or fewer other household pets. She explained that the language specified four or fewer dogs because five or more dogs is defined as a kennel. Planner Whetstone stated that the definition of a pet daycare would be a commercial establishment for providing same-day short-term care for household pets. It is a purposely designed establishment that excludes the keeping or boarding of animals overnight. Planner Whetstone noted that pet grooming is currently allowed in Park City and the Staff was suggesting a definition for pet grooming. They also clarified the definition for Veterinary Clinic per Planning Commission input.

Planner Whetstone stated that the Staff was proposing Pet Boarding as a conditional use in the GC and the LI zones. The Pet Daycare would be a conditional use in these same zones. There would be no limitation on the number of animals for Pet Daycare. Pet Grooming was proposed as an administrative conditional use permit in both the GC and LI zones.

Planner Whetstone explained that the Planning Commission could place these uses as a full conditional use permit where an application is reviewed against the same 15 CUP criteria. However, with a regular conditional use permit process there is a 14 day public notice period, the property is posted and notices are sent to everyone within 300 feet. The Planning Commission reviews the CUP request and conducts a public hearing. Planner Whetstone noted that with an Administrative CUP the application is reviewed against the same criteria, the adjacent property owners are notified, and the property is posted. After review and proper noticing, the Staff makes the decision to approve or deny the application.

The Staff recommended leaving kennels out of the discussion at this time to allow for further study.

Planner Whetstone noted that with animal services another layer is added to the process that involves licensing requirements for Animal Control, the Health Department or other related entities.

Chair Pro Tem Strachan opened the public hearing.

Bob Sailor stated that he had addressed the Planning Commission in May and he wanted to address the same issues. Mr. Sailor stated that he came to Park City in May and tried to obtain a license for his daughter to open a doggy day care business. Since that time it became apparent from his own observations that daycare, grooming and pet boarding are already established services in Park City, and hundreds of Park City citizens seek out and pay for those services every day. Mr. Sailor commented on the website and social media sites where Park City residents and visitors reach out to the individuals who offer these services. Because the services are not addressed or permitted in the Code, he assumed these individuals were operating without a business license. Mr. Sailor stated that in addition to the Park City residents who obtain these pet services, destination visitors also contact these service providers to arrange care for their pets while they ski, shop, and dine in Park City. He noted that pet friendly hotel and lodging establishment ask their guest not to leave their pets unattended. Therefore, they need to have a place to take them when they are out. Mr. Sailor stated that some lodging managements who are not yet pet friendly would like to be and they are looking for a solution that would empower them to be pet friendly.

Mr. Sailor commented on the taxes and license fee revenue that the City is losing by not addressing these services in the Code. The fact that these services are being provided indicates that there is a market for it. It is a thriving business market that is currently unlicensed, unregulated, uninsured and untaxed.

Mr. Sailor asked the Planning Commission to consider allowing these animal services as an allowed use rather than a conditional use permit. In his opinion a conditional use is not a solution because of the burdens attached in terms of the time and money involved in the process. He stated that if someone finds a building to locate their business and they have to wait for the conditional use permit to be approved, it would be a hardship because they would either lose the building or have to pay for it on the hope that their request would be approved. Making it a conditional use would also keep those already in the business from coming forward and applying for a conditional use for time and money reasons. If it was an allowed use those same people would be more willing to come forward and seek the proper licensing. Mr. Sailor stated that the conditional use is too onerous for those already in the business making money. He reiterated his suggestion for making it an allowable use and for the Planning Commission to forward that recommendation to the City Council.

Mr. Sailor thought the daycare, grooming and boarding services as recommended by the Staff were circular businesses. He explained how they could overlap each other and use the example of dropping your dog off in the morning to be groomed but not picking him up until after work. In that circumstance, grooming and daycare overlap. Mr. Sailor named other scenarios where daycare and boarding could overlap. He felt there was very little distinction between the three services.

Chair Pro Tem summarized that Mr. Sailor believed the proposed animal services were very necessary and he thought it should be an allowed use.

Mr. Sailor felt his comments were accurately summarized and he was happy to answer any questions.

PJ Sailor stated that they moved from Virginia specifically to set up a dog daycare business. She believed that dog daycare is an allowed use in Aspen because it evolved that way. Ten years ago people did not take their dogs to doggy daycare the way they do now. Mrs. Sailor reiterated her husband's request that doggy daycare be considered as an allowed use rather than a conditional use. She noted that restrictions and regulations are currently in place through the Health Department and Animal Control that govern how a dog daycare is run. Aspen and many other locations they researched do not believe it is a zoning issue. She believed that making it a conditional use would be a tough sell to a business owner who only charges \$25 for an entire day of care. Rent in Park City is another major consideration. Mrs. Sailor remarked that dog daycare is not an extremely profitable business. Her daughter has been in the veterinary business for 10 years. She also has autism and this is her first try at opening a business and being her own boss. Making the move from Virginia was difficult for her daughter and they did not expect to encounter these problems when they made the decision to move. She again urged the Planning Commission to consider dog day care as an allowed use

Chair Pro Tem Strachan closed the public hearing.

Commissioner Joyce believed there was good reason to make it a conditional use. He has a dog that he sometimes takes to dog daycare and there is always noise, odors and other issues. He clarified that the intent of a CUP is not to tell someone how to run their business. The purpose is to address impacts and inconveniences to the surrounding neighbors.

Commissioner Joyce was not opposed to the recommendation for pet grooming to be an allowed use. However, he was unsure why the number of dogs allowed was different between a dog daycare and a kennel. He did not believe there was enough difference between the two uses to differentiate the number of dogs.

Commissioner Thimm concurred with Commissioner Joyce. In researching zoning codes in other resort communities he was struck by the idea of a commercial kennel being enclosed and entirely soundproofed. He noted that conditions of approval address noise, odors and safety issues. Commissioner Thimm thought an allowed use made sense for a dog grooming business; however, overnight and daycare facilities should be conditional uses for the reasons stated by Commissioner Joyce.

Commissioner Phillips concurred with Commissioners Joyce and Thimm. Understanding how difficult it would be for a small business to go through the process, he suggested that the City should do whatever possible to move the process forward as quickly as possible. If the City could have a comprehensive list of items that would be addressed in the CUP, the applicant could come fully prepared to avoid having to come back with additional or missing information. Commissioner Phillips supported the Staff recommendation for a conditional use for dog daycare and boarding.

Commissioner Campbell stated that he has lived in Park City for 12 years and over time dogs are becoming allowed everywhere. He was surprised that dog owners were not already choked with regulations. Commissioner Campbell could not understand why they would want to further regulate this type of service when there are already many regulations on small businesses. He preferred that it be an allowed use. Commissioner Campbell pointed out that these types of services are not in residential neighborhoods. They are in areas with other businesses where noise and disruption already exist.

Commissioner Phillips asked if they could put requirements or definitions in the LMC to address decibel levels, etc.

Commissioner Band referred to the comments that doggy daycares already exist. She tried to look them up prior to the meeting and she tried to call Animal Control and Summit County. Commissioner Band wanted to know what the Planning Commission needed to do in terms of what was being requested to open up that type of business.

Commissioner Campbell agreed with Mr. Sailor's point that if someone wanted to open up a business the dilemma would be holding on to the building while waiting for the CUP. He personally knows that the conditional use permit process can take as long as a year. A person would use all their money paying rent on the business before getting an approval to operate it. He thought it was an unfair restriction to put on a small business that he believed would do well in Park City.

Commissioner Joyce pointed out that this same type of business was a conditional use in Summit County.

Council Member Simpson suggested that the Planning Commission could keep the conditional use aspect, but make it an Administrative CUP. The applicant would not be required to come to the Planning Commission, which would streamline the process. In reference to an earlier comment about dogs being allowed everywhere including dining decks, Ms. Simpson clarified that dogs are not allowed on dining decks unless the restaurant applies for a permit with the Health Department. She sat on the Board of Health and it was a vigorous discussion that was dog supported, much to the dismay of the Environmental Health Officer.

Planner Whetstone stated that she had contacted the County. They do not have a separate definition for doggy or pet daycare. It is all under one definition of kennels. Planner Whetstone noted that the County does a low impact permit in the commercial districts. She explained that it was similar to an Administrative CUP, and the Planning Department has the discretion of deciding whether or not to take it to the Planning Commission.

Chair Pro Tem Strachan believed that making it an Administrative CUP was the right direction. He agreed with Mr. Sailor's that the uses will overlap and one business could provide all services. For that reason, he thought all three uses should be treated the same, whether it is an allowed use, a conditional use, or an Administrative CUP. His preference was to make them all Administrative CUPs.

Chair Pro Tem Strachan re-opened the public hearing for an additional comment.

Tory Sailor understood that the Commissioners were concerned about noise and smell; but those impacts already occur in residential neighborhoods. She referred to their earlier

discussion regarding trash cans as an example. Ms. Sailor remarked that the business owners need to abide by certain rules not only for the people but also for the animals. The animals need a clean place and a good environment. She wanted to open this business and she would not be reckless.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Joyce reiterated his concern regarding the restriction on the number of dogs. If they intend to address all the issues through the conditional use process, he did not understand why they would arbitrarily limit the number. Chair Pro Tem Strachan understood that the number came from limits placed in other jurisdictions. Director Eddington stated that there was a distinction between kennels and pet boarding or pet daycare and the kennel was defined differently. Chair Pro Tem Strachan noted that Summit County has the five dog restriction for kennels.

Commissioner Band understood the distinctions between the uses and she recalled that they decided not to have kennels in the City, even as a conditional use. Commissioner Band believed it was important to have doggy daycare in Park City, but they also need to recognize that they are a town full of nymbies and she had concerns with it being an allowed use. She pointed out that people rarely complain that children are playing too loudly, but they will complain about barking dogs. Commissioner Band supported an Administrative CUP.

Chair Pro Tem Strachan pointed out that neighbors are noticed with an Administrative CUP and it would be left to the Staff to mitigate the impacts.

Commissioner Campbell asked about the time frame for the Administrative process, and if the application was denied, whether it could be appealed to the Planning Commission. Director Eddington replied that a denial could be appealed to the Planning Commission. He stated that once the application is received it is reviewed by Staff and letters are sent to the neighboring properties. The noticing period is ten days. Following the noticing period the Staff makes the decision to approve or deny. Commissioner Thimm understood that if the Staff identified issues with a particular circumstance, they would have the ability to send it to the Planning Commission. Director Eddington stated that a few days prior to sending the notices the Staff addresses any conditions that would be part of the application approval. He reiterated that if the Staff denied the application it would be appealed to the Planning Commission and that would start a new process. Director Eddington noted that the neighbors would also have the right to appeal the action taken by Staff.

Commissioner Joyce noted that the numbering of the conditional uses starting on page 250 of the Staff report were out of sequence and should be corrected before it was forwarded to the City Council.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council to adopt the Land Management Code amendments related to Pet Services in the GC and LI zoning districts, and the definitions regarding pet services found in the draft ordinance and as amended. Commissioner Thimm seconded the motion.

Chair Pro Tem Strachan clarified that the amendment is that all proposed uses would be administrative conditional use permits as opposed to conditional use permits.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 8:45 p.m.

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



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
NOVEMBER 12, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Adam Strachan, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington, Francisco Astorga, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

**ADOPTION OF MINUTES**

October 8, 2014

Commissioner Strachan referred to the Work Session Minutes regarding the Alice Claim subdivision and Plat Amendment. He referred to page 9 of the Staff report, page 7 of the Minutes and the sentence beginning with "Assistant City Attorney McLean noted..." In addition to the sentence in the minutes, he added an additional sentence that was stated by Ms. McLean. "**Ms. McLean also disputed that there was consensus for the plan**".

MOTION: Commissioner Strachan moved to APPROVE the minutes of October 8, 2014 as corrected. Commissioner Band seconded the motion.

VOTE: The motion passed 5-1. Commissioner Campbell abstained since he was absent from the meeting.

October 22, 2014

Commissioner Band referred to page 106 of the Staff report, page 46 of the Minutes, third paragraph, fourth line and corrected the word newbies to **nimbys**.

MOTION: Commissioner Strachan moved to APPROVE the minutes of October 22, 2014 as corrected. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

**NOTE:** At the end of the meeting Director Eddington noted that Planner Whetstone had recommended corrections to the October 22, 2014 minutes regarding 510 Payday Drive, the Thaynes project. He had failed to mention them during the approval of the minutes. However, her corrections were difficult to follow and he requested that the approval of minutes be withdrawn and continued to the next meeting to allow the recommended changes to be verified with the recording.

MOTION: Commissioner Strachan withdrew his approval of the October 22, 2014 minutes and Continued the minutes to December 10, 2014. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

## **PUBLIC INPUT**

There were no comments.

## **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Eddington noted that the Commissioners were given direct deposit authorization forms. Those who choose to use direct deposit to receive their Planning Commission compensation must attach a voided check to the form and return it to the Planning Department or to Karen in the Finance Department.

Director Eddington stated that as employees of Park City Municipal Corp., the Commissioners would be receiving a W-2 or a 1099 in late January or early February. He reminded the Commissioners that their pay would remain the same or possibly higher, but it was now on an hourly basis to comply with State regulations.

Director Eddington updated the Planning Commission regarding Bonanza Park. Based on comments that the Planning Department had not done a good job of reaching out to the neighborhood and the property owners, the Staff decided to spend the next six or seven weeks on a public outreach campaign. They have reached out to property owners and individuals, and they will be doing individual/character zone neighborhood meetings in Bonanza Park. They mailed out flyers and hand delivered flyers regarding individual meetings for specific neighborhood groups. The format will be smaller and more intimate and it will allow the Staff the opportunity to listen to ideas and input and to answer specific

questions. In the interim the Staff was also meeting with a number of community groups including the Board of Realtors and the Chamber of Commerce. Public Outreach meetings have been scheduled from now until the first or second week in December.

Commissioner Band asked if the Planning Commission was encouraged or discouraged from attending the outreach meetings. Director Eddington stated that if the Commissioners want to attend they need to check with one another or coordinate through the Planning Department to make sure that only two or three attend a meeting to avoid having a quorum. Assistant City Attorney McLean stated that if the Commissioners attend a neighborhood meeting they should only attend to listen to the comments and not allow the public to engage them in discussion.

Planner Christy Alexander noted that the Planning Department had scheduled a community-wide open house for Bonanza Park on Tuesday, November 25<sup>th</sup> from 5:30 to 7:30 at the Blind Dog. Planner Alexander stated that the Staff would be updating the City Council on the public outreach campaign and the Planning Commission would be invited to attend the City Council meeting.

Director Eddington reported that due to the Holidays the Planning Commission would only have one meeting in November and December. They would meet on November 12<sup>th</sup> and December 10<sup>th</sup>.

Commissioner Strachan asked if the Staff had a date when the 510 Payday Drive Thaynes Canyon project would go before the City Council. Director Eddington understood that it would be scheduled for November 20<sup>th</sup>. Commissioner Phillips or Commissioner Band would attend.

Planner Francisco Astorga reported that Chair Nann Worel had nominated the Park City General Plan for an award with the American Planning Association. The Planning Department was notified last month that Park City was given an award for the General Plan for a small jurisdiction.

### **CONTINUATIONS (Public Hearing and Continue to date specified.)**

1. Land Management Code Amendments related to Transfer of Development Rights (TDRs), Chapter 2.24 (Application PL-14-02348)

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

MOTION: Commissioner Strachan moved to CONTINUE the LMC Amendment related to TDRs to December 10, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. Sign Code Amendments to Park City Municipal Code Chapter 12  
(Application PL-14-02523)

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

MOTION: Commissioner Strachan moved to CONTINUE the Sign Code Amendments to the Park City Municipal Code, Chapter 12 to October 8<sup>th</sup>, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

## **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

1. 1138 Lowell Avenue – Steep Slope Conditional Use Permit in the Historic Residential (HR-1) zoning district. (Application PL-14-02437)

Planner Alexander reviewed the application for a Steep Slope Conditional Use Permit for a new addition to an existing home at 1138 Lowell Avenue. At the time the Staff report was written she had recommended that the Planning Commission continue this item. However, in the past few days she and Director Eddington had discussed the LMC requirement for a 10-foot step back at the 23' height. Planner Alexander explained that technically the applicant was not doing the stepback on the new addition; but the addition was already stepped back 12 feet from the rear façade of the existing home. Therefore, Director Eddington's interpretation is that the addition would meet the LMC requirement because it is not flush with the rear façade.

Planner Alexander amended her recommendation and requested that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP this evening. The Staff found that the application meets all the criteria for the Steep Slope CUP analysis and there were no unmitigated issues.

Planner Alexander reviewed an elevation drawing and pointed out the 12-foot stepback on the rear façade.

Director Eddington explained that when the drawings were submitted early in the process it was not clear whether just the existing building protruded into the setback on the third floor, and whether the new structure did not setback in that area. It was later determined that the existing structure is the only part that does not meet the setback, which makes it an existing non-compliant structure. The new addition does meet the 10-foot setback.

Planner Alexander stated that if the Planning Commission chooses to approve this application, she suggested amending the Findings and Conditions as follows:

Delete Finding of Fact #16 and renumber the Findings.

Amend Finding of Fact #15 to read, “The proposed addition complies with the LMC required total building height of 35 feet from the lowest floor plane to the highest wall plate, and is in compliance with the LMC requirement setback of 10-feet of the building height of 23-feet at the rear façade. The new addition steps back 12-feet from the existing rear façade.

Delete Condition of Approval #7 and renumber the conditions.

Craig Kitterman, representing the applicant, was available to answer questions. He understood that the applicant had met all the requirements and the Staff was recommending approval this evening.

Commissioner Strachan asked if the design met the three or four story limitation in the LMC. Director Eddington reminded Commissioner Strachan that the limitation was removed from the LMC and the Code had been amended to address multi-levels. Planner Alexander explained that the applicant could step four levels as long as they meet the exterior requirement of 27’ and the interior requirement of 35’.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Thimm stated that he had visited the site and the neighborhood. In looking at the neighboring houses he thought this appeared to be a lot of house. However, it is well articulated and there was movement in the face of the house. Commissioner Thimm was comfortable that this addition would work nicely in the neighborhood.

The Commissioners had no issues or concerns.

MOTION: Commissioner Joyce moved to APPROVE the Steep Slope Conditional Use Permit for 1138 Lowell Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report and as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 1138 Lowell Avenue

1. The property is located at 1138 Lowell Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot A of the 1138 Lowell Avenue Subdivision. The lot area is 3,750 square feet.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This lot is a combination of two “Old Town” lots, one which was previously vacant and the other with an existing non-historic single family home. This is a downhill lot.
6. Access to the property is from Lowell Avenue, a public street.
7. Two parking spaces are existing on site. One space exists within an attached garage and the second is on the driveway in a tandem configuration to the garage, within the lot area.
8. The neighborhood is characterized by primarily non-historic residential structures, single family homes and duplexes. There are historic structures and condominium buildings on the street to the east on Empire Avenue.
9. The proposal consists of a 2,135 square foot addition to an existing single family dwelling that is 2,534 square feet for a combined total of 4,669 square feet, including the basement area and a single car garage.
10. The existing driveway was designed with a maximum width of twelve feet and is approximately 36 feet in length from the garage to the existing edge of street with a

minimum of 18 feet of driveway located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.

11. The existing driveway has a maximum slope of 10% with sections at 4.2% (in front of the garage) and 10% (from property line to edge of street). Overall slope is 6.4% as measured from the front of the garage to the edge of the paved street.

12. An overall combined building footprint of 1479 square feet is proposed with the 617 square feet addition being added to the existing 844 square feet footprint. The maximum allowed footprint for this lot is 1,519 square feet.

13. The proposed addition to the existing structure complies with all setbacks.

14. The proposed addition to the existing structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.

15. The proposed addition complies with the LMC required total building height of 35 feet from the lowest floor plane to the highest wall plate, and is in compliance with the LMC requirement stepback of 10-feet of the building height of 23-feet at the rear façade. The new addition steps back 12-feet from the existing rear façade.

16. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this addition on the cross canyon views and the Lowell Avenue streetscape.

17. Retaining is not necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls. There are no window wells.

18. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

19. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas.

20. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.

21. The proposed massing and architectural design components are compatible with

both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

22. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

23. No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.

24. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.

25. The findings in the Analysis section of this report are incorporated herein.

26. The applicant stipulates to the conditions of approval.

#### Conclusions of Law – 1138 Lowell Avenue

1. The Steep Slope CUP application is consistent with the Park City General Plan.

2. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

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

#### Conditions of Approval – 1138 Lowell Avenue

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
7. The plat approved by City Council on April 3, 2014 shall be recorded at the County prior to April 3, 2015 and Building Permit approval.
8. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on November 12, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.
10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
11. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the Planning Commission- November 12, 2014 Page 120 of 298night sky is prohibited.
12. Construction waste should be diverted from the landfill and recycled when possible.
13. All electrical service equipment and sub-panels and all mechanical equipment,

except those owned and maintained by public utility companies and solar panels, shall be painted to match the surroundings.

**2. 1000 Ability Way – National Ability Center Pre-master Planned Development for additional lodging, expanded equestrian arena, and addition to administration building. Application PL-14-02476**

Planner Francisco Astorga stated that the project planner, Kirsten Whetstone, was out of town and he would be presenting this application in her absence this evening.

Planner Astorga reviewed the pre-application for an MPD for the National Ability Center. He provided a brief history of the site and explained the Staff analysis. The parcel is 26.2 acres and it was annexed into Park City in 2004 as part of the National Ability Center/Quinn's Recreation Complex annexation. Prior to that annexation it had received a SPA, which is a specially planned area permit through Summit County. A SPA is very similar to the Park City MPD process. Planner Astorga reported that the applicant was requesting to amend the concept plan. The review process before the Planning Commission was starting with this pre-MPD application, which would eventually turn into an MPD as required to amend the SPA.

Planner Astorga explained that under the Code required pre-MPD application the applicant is entitled to a public hearing and the opportunity to introduce their plan to the Planning Commission. The City is charged with finding whether the MPD concept is in general compliance with both the General Plan, as well as the purpose statements of the Recreation and Open Space (ROS) District. Planner Astorga noted that the purpose statement was included on page 139 of the Staff report. The same page also included a Finding regarding general plan compliance.

The Staff found that the proposed preliminary plan is in general compliance with both the General Plan and the purpose statement of the ROS zone.

Michael Barille with Plan Works Design, representing the applicant, stated that the work on the plan was a collaborative effort between Plan Works and Craig Elliott with Elliott Work Group. Mr. Barille stated that his team also worked closely with the staff at the National Ability Center, their facilities committee, and the Board of Directors to understand their needs and to decide how best to meet those needs within the context of the community and the General Plan.

Mr. Barille stated that the objective this evening was to provide context and history and to walk through the plan to show how they arrived at some of the conclusions.

Mr. Barille introduced John Serio, Facilities Director for the National Ability Center; John Hanrahan, a member on the Board of Directors; Gail Loveland, the Executive Director; and Andy Dahmen, Board of Directors and Chair of the Facilities committee. They were prepared with a power point presentation and each person would be involved in presenting the areas of their expertise.

Gail Loveland remarked that need was the reason for building out their facilities. They have seen an unprecedented amount of program growth over the last four years that has been driven by a couple of key areas. They have a large military program that has grown significantly from serving 50 veterans a year to 950 annually. There has been a dramatic increase in the diagnosis of children and adults with autism, and the National Ability Center has stepped up to better serve that population. A new target audience is the aging population and there is great opportunity to provide more programming for those groups as well. Ms. Loveland stated that there are a lot of adaptive programs across the country, but there are very few like the National Ability Center. People look to them for training and education opportunities. They also work with other organizations such as the MS Society, Autism, and Muscular Dystrophy to name a few.

Ms. Loveland stated that when they grow programs they also need to grow the support groups, which includes volunteers, donors and staff. She stated that when they look at building new facilities they remain focused on their mission and the needs they can fulfill. However, they also partner with other community organizations that provide services that the National Ability Center is not equipped to provide.

Ms. Loveland remarked that the National Ability Center is looking ahead in an effort to plan for growth. They have moved slowly through the process and made sure they did all of their due diligence for build out to meet their future needs.

Mr. Barille pointed out that they were seeing program growth in the 125-150% range. He emphasized that wherever possible the National Ability Center has tried to grow the programs by partnering with the Resort, State Parks or with others in the community, instead of trying to squeeze new facilities on their current site. However, they have reached the point where that is no longer possible and they need to expand.

Mr. Barille provided a brief history of the growth at Quinn's Junction and where the National Ability Center fits into that. He noted that the National Ability Center was the first presence at Quinn's Junction. Mr. Barille commented on some of the plans that were being considered at Quinn's Junction when he first came into the community as a planner for Summit County in 2000. When he became the Summit County Planning Director five years later a City/County Joint Land Use Study was initiated to do a core plan for the area from the Silver Summit intersection all the way down to Quinn's Junction. Mr. Barille noted

that the SPA that Planner Astorga mentioned was a piece of the history but not the whole context. The property was later annexed and following that a Water Service and Development Agreement was approved by the City. That document and the SPA plan were fairly restrictive in terms of the property. Since that time a lot has changed and they intended to point out those changes this evening.

Mr. Barille stated that the initial context required ranch/rural style architecture with the buildings tightly clustered. He noted that while this new plan would add facilities to help with program growth, they were still trying to respect the original intent.

Mr. Barille outlined the number of projects that have been approved at Quinn's Junction since the NAC originally built their facility. He pointed out that Quinn's Junction has really changed but it still feels open and it still feels like part of the community. Mr. Barille believed that as the facilities were proposed, the intent was clearly articulated by previous Planning Commissions and former Staff members that it should be done with a vision towards health and recreation. That was the purpose for all the development that was approved at Quinn's Junction. Mr. Barille believed the National Ability Center fits within the context of that vision.

Mr. Barille commented on how Quinn's Junction has evolved and the positive outcomes of it becoming a hub and a place used by all the community.

John Hanrahan thanked the Planning Commission for their extraordinary service to the community. Mr. Hanrahan remarked that the first positive synergy is that the NAC has great bathrooms that the trail users use. He stated that they are a community hub and dozens of non-profits use their facilities either at a great discount, for free or at cost. Over 29 years the National Ability Center has become an integral part of the community. The NAC provides diversity and brings in people with different cultural backgrounds and different ability levels. Scholarship programs allow people of economically diverse backgrounds to enjoy what the community has to offer. Mr. Hanrahan stated that the National Ability Center has grown into one of the top programs for disabled people and abled people and their families both nationally and internationally. The NAC is a gem in the community and they try to give back what they get from the community.

Mr. Barille stated that the next part of their presentation would show how the plan fits into the language of the General Plan and the neighborhood piece of the General Plan in the broader context. Ms. Loveland believed the NAC fit within the goals of small town, natural setting and sense of community, including athletic development. They are a Paralympic legacy and they provide that type of athletic training. Ms. Loveland stated that the NAC wants to continue to work with the City to talk about future opportunities and to make sure they are answering the needs of the community. She noted that the NAC is a primary user

of the recreation facilities in Park City and Summit County. They utilize the ice sheet, work with Mountain Trails on the trail connections, and try to provide accessible options. In the future they would like to partner with the City on indoor facilities and to be a user of those facilities. Ms. Loveland noted that event space is designed in the plan for meetings, conferences, activities, etc. They would like to have conversations with the City and the community on how they could utilize the space to serve a larger need when appropriate.

Mr. Barille believed their presentation provided a broader context than what is typical for most applications in terms of how their plan relates to small town and sense of community. He could find no better way to accomplish that other than being an open door for all the community partners. In terms of natural setting, they tried to do a nice job of keeping the buildings tightly clustered using architectural colors, materials and scale that is consistent with the surroundings. Mr. Barille stated that the property has a long history of down lighting and zero off-site exposure. He commented on the solar array on the roof of the administration building. Those types of elements would be carried forward with the next iteration of the plan. Mr. Barille anticipated a site visit with the Planning Commission where they could personally see the context pieces.

Mr. Barille outlined the National Ability Center process. He stated that they were before the Planning Commission early in the process, but not before they understood their own needs and could articulate them to the Planning Commission. Mr. Barille stated that the first thing NAC embarked upon was to hire Design Plan Works to talk with their staff about the programs, growth and the participants, as well as the issues with facilities that caused problems and lowered the quality or level of programming. Through those discussions and the interview process, as well as meeting with the Facilities Committee and the Board of Directors, they achieved a few iterations of the plan and looked at the options. The result was the refinement of the plan being presented this evening.

Mr. Barille reviewed how Plan Works Design and the NAC dovetailed their process with the City process. He walked through their meetings with the Planning Staff and how they previewed some of their plan options. Based on feedback from the Staff they tried to understand what the General Plan and the LMC required and how that was incorporated into their plan.

Mr. Barille noted that the National Ability Center also hired a consultant to look at fundraising feasibility and how much it would cost to implement the final plan. They expected to receive that report by the first of next year. Mr. Barille pointed out that the NAC needs to raise the funds before moving forward with construction drawings or coming back to the Planning Commission for approval.

Ms. Loveland stated that the process started with the growth and programs, but also a request from the Board of Directors to look at the master plan. At that point they realized the importance of looking at the overall facility to make sure they were considering all future needs to meet the growth.

Mr. Barille remarked that that the third step of the process is to come back after the MPD discussion and approval and determine which priority projects could go straight to building permit and which ones would require a conditional use permit. Mr. Barille noted that the process would be slow and even the shorter term would be a two to three year timeline.

Mr. Barille reviewed the proposed plan and provided a general overview. The three primary areas for new constructions was the addition to the indoor riding arena, the addition off the back side of the administration building, and a proposed new lodge building. Additional accessory structures were also included in the Plan. The three primary areas mostly relate directly to the program growth and growth of the staff in trying to accommodate the basic needs.

Ms. Loveland explained the reasons for expanding the arena and the administration building. Ms. Loveland stated that the National Ability Center is a premiere accredited PATH Center, which is the Professional Association of Therapeutic Horsemanship. They are the only one in Utah and they provide training to other adaptive equestrian programs. Ms. Loveland commented on the proposed Lodge. She remarked that the issue of athlete housing in the community is a challenge, and the NAC sees it as their own challenge as well. They took 18 athletes from nine countries to Sochi and it was not easy finding accessible housing for athletes with disabilities. She pointed out that the rooms in the existing NAC Lodge do not meet that need at all. Mr. Barille stated that the plan for the new Lodge building addresses issues related to long-term stays and provides a kitchenette with counters at an accessible height.

Ms. Loveland stated that internship programs are a key part of providing programming. They were asked by the community to begin workforce training for individuals with disabilities. It was outside of their mission so they incorporated it into their internship program. A specific internship program called the Coach Program is specific for individuals with disabilities. She reiterated that finding housing for interns working for a three or six month period is difficult. Having the ability to provide housing on-site for people with disabilities while they are doing their internship would be a major opportunity.

Mr. Dahmen commented on other needs related to the Lodge facility. He started coming to the National Ability Center nine years ago. He has his own disability due to a spinal cord injury. For that reason, Mr. Dahmen believes he brings another perspective to the table. A unique problem is that it is difficult to travel and one of his goals for the entire facility is to

create a world class facility for people who normally do not venture out. Mr. Dahmen stated that many people with his level of injury do not travel because they do not have the security of what to expect. They were trying to create a lodge with an atmosphere that encourages people to come who normally would not travel. Mr. Dahmen stated that one aspect would be to partner with IHC to bring in nursing facilities for people in need; as well as engineering the rooms for wider bathrooms and other amenities to help facilitate the people who normally would not get out.

Ms. Loveland stated that the existing lodge can accommodate 53 individuals in double and triple occupancy. People generally stay three to five days and it would be a great opportunity to have overflow space in the new lodge to accommodate additional groups that are currently turned away.

Mr. Barille walked through the site plan and identified the other uses related to the National Ability Center. One was the Archery Center that would be relocated on-site to accommodate the new Lodge building. Mr. Barille indicated a Yurt on the property that is used for Nordic use in winter and camps in the summer. The Yurt is not an appropriate place for those activities and the new plan allows for an enclosed climate-controlled area. Ms. Loveland stated that the NAC is in need of additional restroom facilities and she pointed out areas where new restrooms were proposed. Mr. Barille continued with his review of the site plan and explained the uses and which ones would be accommodated differently in the new plan.

Chair Worel asked about a dining facility. Ms. Loveland stated that there is already a commercial kitchen in the dorm and a cafeteria. The new proposed Lodge would have kitchenettes. Chair Worel asked if a cook currently prepares meals for a large group. Mr. Loveland replied that they partner with the community and catering is provided for either day groups or overnight groups. They try to seek nutritional partners to reflect the mission of the NAC regarding health and nutrition. Ms. Loveland clarified that meals are prepared off site and brought in. Chair Worel asked if they expected that to continue. Ms. Loveland answered yes.

Mr. Barille provided images to show the tent platform, cabin, and sensory garden. He thought it would give the Commissioners a sense of the character they were trying to achieve with those uses. He also presented floor plates and programming for a few of the facilities discussed in the master plan and explained how the design promotes better functionality. Mr. Barille presented massing studies to show how the new and existing buildings would read together. They tried to maintain consistency by using the existing materials and colors so the old and the new read as one facility.

Mr. Barille reiterated that they were not looking to speed through the process and there were still a number of steps to be done. However, as they begin the fundraising it was important to hear from the Planning Commission so they could proceed accordingly.

Ms. Loveland welcomed their input and noted that they were looking at a three to five year timeline. Chair Worel asked if the timeline meant shovel in the ground in three years or the first phase would be up in three years. Ms. Loveland stated that the timing would depend on the fundraising. She believed it would likely be shovel in the ground at the three year mark. Mr. Barille assumed it would be a phased plan unless someone was generous enough to fund the entire project. It was likely they would have to set some priorities and that the MPD would identify the phases of highest priority. Those would be the first to have a shovel in the ground and the later phases would come back for a review process and conditional use permit.

Chair Worel asked whether they were confident that in three years the projections and the facilities proposed would meet the needs at that point. Ms. Loveland stated that they have tried to look ahead and some decisions were based on those projections.

Mr. Barille stated that prior to coming back with the MPD they need to double-check with all the service providers regarding capacity and to have initial planning discussions related to storm water, wetlands, parking, trip generation and circulation. They have an existing approved final site plan that serves as a plat and defines the boundaries of the property. However, they all agree that it should be tightened up and they would probably come back with a partial plat for the entire property. It would allow them the opportunity to have the conversation to make sure they were meeting the setbacks.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Planner Astorga noted that the Staff was requesting input on two issues. The first was whether or not the Planning Commission finds that the proposed MPD amendments are consistent with the ROS Zone, or if they needed additional information to make the determination regarding the ROS zone in terms of purpose and use. The second issue was whether or not the Planning Commission finds that the proposed MPD amendments comply with the General Plan, or if the Planning Commission needed additional information in order to make the determination regarding compliance with the General Plan.

Planner Astorga requested that the Planning Commission continue this item to December 10, 2014 following their discussion this evening.

Commissioner Strachan wanted to know if anyone had projected the number of years a new facility would serve the NAC. Ms. Loveland replied that in the initial discussions they had set a goal for ten years. However, they also looked at the entire 26.2 acres and believe they have planned for what the acreage can accommodate. Beyond that they would be looking at other opportunities to partner with community organizations.

Commissioner Strachan remarked that ten years goes by quickly, particularly if it would be three years before the shovel goes into the ground. He was comfortable with the use and the expansion, and he understood that the project was driven more by fundraising than by dreams and desires. However, if they could find the money he thought this was a good opportunity to plan a facility that would serve for longer than ten years.

Mr. Hanrahan stated that the Board was slightly nervous about the fundraising component, but they could still plan for 20 years and phase it out with another fundraising campaign in ten years. He thought Commissioner Strachan had raised a good point and it was a good idea.

Commissioner Band agreed. With the growth the NAC has seen with all their programs and the fact that they have already outgrown the existing facility, she did not think the proposed expansion was large enough. Commissioner Band asked if the pasture area in the back could potentially be a future growth area if the horses were relocated.

Ms. Loveland replied that it could be used for growth. Currently, it is a key part of the programming that is provided and it contributes to the feel of the ranch. There is a therapeutic benefit from being around the animals even for those who do not ride the horses. Ms. Loveland stated that they typically keep between 16 to 18 horses to meet the needs and they need the room to house the horses. She appreciated the input and the suggestion would be discussed with the Board.

Commissioner Strachan thought it would be helpful if Mr. Barille could come back with a phasing plan for the Planning Commission to discuss with the applicant. Mr. Barille stated that a phasing plan had been mentioned. They would have additional discussions and come back with options for Planning Commission input.

Commissioner Band stated that she loves the NAC and their programs and there is a great need for it in the community. She liked the uses proposed, the clustering and the buildings. Her only concern was having enough space for future growth.

Commissioner Campbell believed the entire Planning Commission was in favor of the NAC and what they do, and they wanted to make this work. He suggested that one way the Commissioners could help would be to allow the applicant whatever flexibility they needed. Commissioner Campbell did not think the Planning Commission should be involved in locating the buildings on the site or determining the use for each building. He felt those decisions should be left to the applicant as long as they stay on course with the current use. Commissioner Campbell stated that the NAC should not have to come back to the Planning Commission unless they run out of space and needed to expand further.

Commissioner Strachan pointed out that without Planning Commission approval the NAC could sell the property and a new owner may plan a use that is not appropriate.

Mr. Barille noted that there were already use restrictions associated with this property limiting it to recreation, and in some cases adaptive recreation uses.

Commissioner Campbell clarified that his comments were intended to encourage Mr. Barille to come back with plans that were less specific rather than more specific than what was shown this evening. He did not believe the Planning Commission needed to be involved in the details. Commissioner Strachan stated that his reason for asking for a phasing plan was help the applicant by providing input on what might or might not work. He was not opposed to Commissioner Campbell suggestion if the applicant was not interested in having their input.

Commissioner Phillips informed Mr. Barille that the Planning Commission would definitely want to know the parking plan and where the cars would be parked.

Chair Worel asked if there was consensus among the Planning Commission that the amendments were consistent with the ROS zone.

Commissioner Joyce stated that in looking through the conditional use criteria for the ROS zone and while everything else was consistent, he had concerns with the Lodge. He could find nothing in the ROS zone of conditional uses that allows lodging. Commissioner Joyce asked if the Lodge would be compliant with the ROS zone.

Director Eddington explained that the application came in as part of a SPA or Special Planned Area, and there were already existing uses associated with it. The City gave it ROS zoning when it came in, which is more protected zoning than any other zone in Park City. Director Eddington stated that they would need to include those uses in the ROS zone as part of the MPD amendment. He clarified that it would not be hotel lodging, but it would include lodging for this type of use. Director Eddington pointed out that the language would have to be very specific.

Commissioner Strachan stated that he would not define the use as a lodging use. The use was actually an adaptive facility. Planner Astorga concurred. Director Eddington remarked that there would be overnight visitors and clarifying the use would protect the NAC.

Commissioner Campbell felt the operative word was to “protect” them so it is not questioned in the future. He agreed with clarifying the use in the MPD.

Mr. Barille reiterated that the use restrictions associated with the property are very specific. The land grant that came from the family was very clear that there could be lodging facilities on the property but it could not be for commercial purposes. The lodging use was strictly to support the adaptive recreation and recreational uses on the property. Mr. Barille thought it was appropriate to specifying that in the MPD, but he did not believe it needed to be a Code change.

Commissioner Thimm stated that he had the same question as Commissioner Joyce. He agreed with Commissioner Campbell and the other Commissioners on how to handle this application. He was proud to have this type of facility in the community. Commissioner Thimm thought it was best to protect what exists and to make the findings. If it was an existing use as part of the SPA and it works he would be comfortable with that. However, Commissioner Thimm felt it was a bit of a stretch to say that adaptive use includes lodging. He asked if the MPD process allows a use that is prohibited by the ROS zone.

Planner Astorga stated that he would call it an accessory structure greater than 600 square feet, which would include the lodging building plus other structures. In response to Commissioner Thimm’s question, Planner Astorga did not believe the MPD gives the flexibility to bring in other uses that are not in the ROS table; however, he believes the interpretation of the use could be modified in the language of the MPD.

Commissioner Thimm understood that the ROS zone has a conditional use for accessory buildings. He asked if part of the approval could allow this accessory use as being site specific to this approval. Planner Astorga believed they could. Director Eddington stated that it was a non-conforming use based on the SPA. He believed the NAC was generally protected, but he recommended that it be clarified in the MPD. Commissioner Band pointed out that the lodging use currently exists.

Commissioner Joyce understood that a non-conforming use was allowed but it could not be increased. He thought adding another lodging structure would be increasing the use. Commissioner Strachan stated that lodging was not the specific use. Director Eddington concurred. Commissioner Joyce agreed that the Planning Commission as a whole supported the application and they were not opposed to expanding the current lodging.

However, he wanted to be able to approve this without feeling like they were “pulling something off” to allow it. Commissioner Joyce asked the Planning Department to find a way to allow it that is very clear and can be supported by the LMC and the General Plan when it comes back as an actual MPD.

Commissioner Joyce asked the applicant to address the open space requirement of either 30% or 60% in an MPD. When they talk about expanding out he wanted to make they were not pushing the open space limits. Commissioner Joyce noted that the three-story lodging building exceeded the height for the ROS zone. He thought that issue needed to be discussed if a three-story building was the final plan. Commissioner Joyce agreed with the ranch style feel and the openness and he was disappointed to see another tall building popping up in Quinn’s junction. Planner Astorga remarked that the maximum height is 28’ in the ROS zone, but a roof pitch of 4/12 or greater allows an additional five feet. The maximum height could potentially be 33 feet. Director Eddington pointed out that within the MPD process the Planning Commission has the ability to change height.

Commissioner Joyce clarified that he was not opposed to this application, but he thought the Planning Commission should be cautious to avoid putting themselves in an awkward position. He saw red flags as he read through it and he would like those issues to be addressed.

Commissioner Band remarked that in terms of “gives and gets”, the “get” for the community is the NAC program, and that would be her argument for allowing exceptions.

Commissioner Campbell remarked that clarifying the issues raised by Commissioner Joyce would protect the NAC in the future when they have to come back to a different Planning Commission.

Mr. Barille felt certain that Craig Elliott believed he could design a three story structure within the 33 feet height limit, but he would confirm that with Mr. Elliott. In terms of having findings in an MPD, Mr. Barille stated that as a community member, Chair of the Recreation Board, and someone wearing different hats, he believed the elements of the programming were the “gives” for the “gets”. Mr. Barille agreed that there could be legitimate language formed in findings to address some of the issues that were raised. He would work with the Staff before the next meeting.

Chair Worel asked if the Commissioners thought the proposed amendments comply with the General Plan.

Commissioner Strachan believed this project complied with the General Plan. Commissioner Joyce thought it was a “slam dunk” project in terms of the General Plan.

Commissioner Thimm agreed. As a new Commissioner this proposal gave him the opportunity to look into the General Plan and he found full compliance. Chair Worel was excited that this was such a great project to test the General Plan for the first time. Commissioners Phillips and Band concurred.

Planner Astorga requested that the Planning Commission keep the exhibits from this Staff report for the December 10<sup>th</sup> meeting.

MOTION: Commissioner Strachan moved to CONTINUE the discussion on 1000 Ability Way to December 10, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 7:25 p.m.

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



## Planning Commission Staff Report



**Application No:** PI-14-02348  
**Subject:** Revisions to Park City Land Management Code  
**Author:** Kirsten Whetstone, MS, AICP  
**Date:** December 10, 2014  
**Type of Item:** Legislative – LMC Amendments

### **Summary Recommendations**

Staff recommends the Planning Commission conduct a public hearing and continue the item to January 14, 2015 to allow Staff additional time to complete the redlines and conduct an internal department review of the proposed amendments.

### **Description**

**Project Name:** LMC Amendments regarding Transfer of Development Rights (TDR) - LMC Section 15-2.24  
**Applicant:** Planning Department  
**Location:** City-wide  
**Reason for review:** Amendments to the Land Management Code require Planning Commission review and public hearing with final action by the City Council.

## Planning Commission Staff Report



**Application No:** PI-14-02523  
**Subject:** Revisions to Park City Municipal Code- Title 12, Signs  
**Author:** Kirsten Whetstone, MS, AICP  
**Date:** December 10, 2014  
**Type of Item:** Legislative – Sign Code Revisions

### **Summary Recommendations**

Staff recommends the Planning Commission conduct a public hearing and continue the item to a date uncertain to allow Staff additional time to redline the draft Sign Code.

### **Description**

**Project Name:** Sign Code Revisions  
**Applicant:** Planning Department  
**Location:** City-wide  
**Reason for review:** Amendments to the Municipal Code regarding the Sign Code are reviewed by the Planning Commission with final action by the City Council.

# Planning Commission Staff Report



**Application #:** PL-14-02541  
**Subject:** 1385 Lowell Avenue, Unit COM7  
**Author:** Francisco Astorga, Planner  
**Date:** December 10, 2014  
**Type of Item:** Administrative – Conditional Use Permit

## Summary Recommendations

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for a Timeshare Off-premise Sales Office at 1385 Lowell Avenue Unit COM7, conduct a public hearing, and consider approving the conditional use based on the findings of fact, conclusion of law, and conditions of approval found in this staff report.

## Description

**Applicant:** Village Venture, Ltd, a Utah limited partnership represented by Gary Ranes, Horne Construction, Inc. and Mike Covelo, Marriott Ownership Resorts, Inc.  
**Location:** 1385 Lowell Avenue, Unit COM7  
**Zoning:** Recreation Commercial (RC) District  
**Adjacent Land Uses:** Residential condominiums/resort commercial  
**Reason for Review:** Conditional Use Permits require review and final action by the Planning Commission

## Proposal

Applicant requests to remodel the existing unit, interior only (tenant improvement) to have a timeshare off-premise sales office at 1385 Lowell Avenue, Unit COM7. The proposed use requires a Conditional Use Permit in the Recreation Commercial (RC) District.

## Background

On November 11, 2014, the City received a completed Conditional Use Permit (CUP) application requesting approval of a Timeshare Off-premise sales Office at 1385 Lowell Avenue, Unit C7. This is an interior remodel only and does not affect any exterior areas. The space was previously used as a restaurant. The entire unit, COM7, or Parcel PVC-1A-C7, is 2,968 square feet. The entire unit is not requested to be utilized as the requested use. The applicant requests to utilize a portion of the unit as a timeshare off-premise sales office which equates to 1,751 square feet with the remaining area to be used for a restaurant. The other portion of unit is currently in use by The Cutting Board, as a restaurant, and is not subject to this application. The unit was platted as *Retail Space Commercial Unit 7* of the Park City Village Condominiums. This plat was recorded in 1983. The site is also known as *The Lodge at the Mountain Village* formerly known as *The Resort Center Condominiums* (as indicated on their Bylaws).

The development was originally approved in February 1981 as it was designated a Conditional Use Permit (CUP) rather than a planned development because of the size of the site on which the project was constructed. The project was known as the Park City Village Master Plan. The Plan included approximately 750 dwelling units, approximately 45,000 square feet of net leasable space, restaurant facilities with seating for approximately 625 persons, parking spaces for each phase of the development, approximately 5,000 square feet of meeting (conference) rooms, an ice rink, amenities for private residences, public pedestrian plaza, etc.

**Purpose of the Recreation Commercial District**

The purpose of the Recreation Commercial (RC) District is to:

- a) allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- b) allow for resort-related transient housing with appropriate supporting commercial and service activities,
- c) encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- d) limit new Development on visible hillsides and sensitive view Areas,
- e) provide opportunities for variation in architectural design and housing types,
- f) promote pedestrian connections within Developments and to adjacent Areas,
- g) minimize architectural impacts of the automobile,
- h) promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,
- i) promote Park City’s mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and
- j) promote the preservation and rehabilitation of Historic Buildings.

The table below is shown to illustrate the allowed uses vs. conditional uses in the RC District, specifically in terms of conditional uses that may be allowed as administrative review by Planning Staff, or support use to the primary development /use allowed as a Planning Commission review.

Allowed uses:	Conditional Uses:		
	Administrative review or Administrative CUP by Planning Staff	As support Use to the primary development or use, subject to MPD	Planning Commission review
<ul style="list-style-type: none"> <li>• Single-Family Dwelling</li> <li>• Duplex Dwelling</li> <li>• Triplex Dwelling</li> </ul>	<ul style="list-style-type: none"> <li>• Private Residence Club Project &amp; Conversion</li> </ul>	<ul style="list-style-type: none"> <li>• Office, General &amp; Moderate</li> <li>• Office &amp; Clinic, Medical</li> </ul>	<ul style="list-style-type: none"> <li>• Multi-Unit Dwelling</li> <li>• Group Care Facility</li> <li>• Public and Quasi-Public Institution,</li> </ul>

<ul style="list-style-type: none"> <li>• Secondary Living Quarters</li> <li>• Lockout Unit</li> <li>• Accessory Apartment</li> <li>• Nightly Rental</li> <li>• Home Occupation</li> <li>• Child Care</li> <li>• Accessory Building and Use</li> <li>• Conservation Activity</li> <li>• Agriculture</li> <li>• Bed &amp; Breakfast</li> <li>• Boarding House, Hostel</li> <li>• Hotel, Minor</li> <li>• Parking Area of Structure with 4 or fewer spaces</li> <li>• SLC 2002 Winter Olympic Games/Legacy Displays</li> </ul>	<ul style="list-style-type: none"> <li>• Temporary Improvement</li> <li>• Outdoor Events and Uses</li> <li>• Special Events</li> </ul>	<ul style="list-style-type: none"> <li>• Financial Institution w/out drive-up window</li> <li>• Minor Retail &amp; Service Commercial</li> <li>• Retail and Service Commercial, personal improvement</li> <li>• Transportation Service</li> <li>• Neighborhood Market without gasoline sales</li> <li>• Café or Deli</li> <li>• Restaurant, General &amp; Outdoor Dining</li> <li>• Bar</li> <li>• Hospital, Limited Care Facility</li> <li>• Recreation Facility, Public and Private</li> <li>• Recreation Facility, Commercial</li> <li>• Entertainment Facility, Indoor</li> <li>• Commercial Stables, Riding Academy</li> <li>• Heliport</li> </ul>	<ul style="list-style-type: none"> <li>Church, and School</li> <li>• Essential Muni. Public Utility Use, Facility, Service, and Structure</li> <li>• Telecommunications Antenna</li> <li>• Satellite Dish Antenna greater than 39" in diameter</li> <li>• Raising, grazing of horses</li> <li>• Cemetery</li> <li>• Hotel, Major</li> <li>• Timeshare Project and Conversion</li> <li>• <b><u>Timeshare Sales Office*</u></b></li> <li>• Parking Area of Structure with 5 or more spaces</li> <li>• Passenger Tramway Station and Ski Base Facility</li> <li>• Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge</li> <li>• Master Planned Development</li> <li>• Amenities Club</li> </ul>
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\*Requested use.

The Planning Director and Chief Building Official reviewed a request made by the applicant to make these improvements to turn this space into a timeshare off-premise sales office. At the applicant's request, both the Planning Director and the Chief Building Official authorized a building permit to take place prior to the Planning Commission action regarding the conditional use. The building permit was issued by the City on November 11, 2014. The applicant understands that the issued building permit for the tenant improvement is an at-risk permit. If the Planning Commission does not approve the requested use, the applicant shall be responsible of removing any

improvements associated with the permit for a timeshare off-premise sales office as the use would not be allowed.

**Analysis**

Land Management Code (LMC) § 15-2.16-2(B)(11) indicates that a timeshare sales office is a conditional use in the RC District. The LMC defines the use as *an office outside of a timeshare project, wherein timeshare sales presentations are made and other marketing related activities are conducted in an effort to generate timeshare interval sales or re-sales* (LMC § 15-15-1.272). The LMC does not specify that the use is “allowed” as a support use to the primary development or use; therefore this use requires a conditional use permit

The Planning Commission must review each of the following items when considering whether or not the proposed conditional use mitigates impacts of and addresses the following items as outlined in LMC § 15-1-10(E):

- 1) Size and location of the site.  
**No unmitigated impacts.** The entire unit is 2,968 square feet. The applicant is not requesting to use of the entire unit for the requested use. The applicant requests to utilize a portion of COM7 as a timeshare off-premise sales office which equates to 1,751 square feet. Due to the size of the requested use, staff does not find any impacts that need to be mitigated regarding size and location.
- 2) Traffic considerations.  
**No unmitigated impacts.** The requested use of the space is similar in nature to the support uses to the primary development/use in the area. Staff does not find that additional impacts need to be mitigated in terms of traffic considerations due to the small size of the requested use.
- 3) Utility capacity.  
**No unmitigated impacts.** No additional utility capacity is required for the requested use.
- 4) Emergency vehicle access.  
**No unmitigated impacts.** Emergency vehicles can easily access the unit and no additional access is required.
- 5) Location and amount of off-street parking.  
**No unmitigated impacts.** The LMC does not specify the required number of parking spaces for the requested use, a timeshare off-premise sales office. The LMC has parking ratios for both general offices and intensive offices as shown below:

General Office	3 spaces per 1,000 sf of leasable floor Area
Intensive Office	5 spaces per 1,000 sf of leasable floor Area

Staff considers the requested use an intensive office use, which triggers a parking requirement of nine (9) parking spaces based on the maximum floor area of 1,751 square feet. The former use of the space was a restaurant that required the following parking ratio:

Restaurant, Standard and Bar	1 space for every 100 sf of net leasable floor Area, including kitchen Areas
------------------------------	--

The former use, a restaurant, triggered a parking requirement of eighteen (18) parking spaces based on the maximum floor area of 1,751 square feet.

Staff finds there is a parking reduction based on the required parking spaces of the former use and the current parking requirement based on the proposed use. The parking reduction consists of nine (9) parking spaces from the former use to the requested use. Staff does not find that additional impacts need to be mitigated in terms of Location and amount of off-street parking centered on the parking reduction and based on the change in use from a use allowed as support to the primary development/use and the requested use.

The applicant indicated that there are approximately 700 parking spaces in the parking garage that is part of the same structure that houses the subject space, 120 of those parking spaces are allocated to the Lodge at the Mountain Village, the building/development where this space is located.

- 6) Internal circulation system.  
**No unmitigated impacts.** The parking area/driveway is directly accessed off Lowell Avenue.
- 7) Fencing, screening and landscaping to separate uses.  
**No unmitigated impacts.** Fencing, screening, and landscaping are not proposed at this time and are not needed to separate uses as the uses are fully enclosed within the building.
- 8) Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots.  
**No unmitigated impacts.** The applicant requests to remodel the existing unit, interior only (tenant improvement) to have a timeshare off-premise sales office. The requested use will not affect the existing building mass, bulk, orientation and the location on site, including orientation to adjacent building. Staff does not find that additional impacts need to be mitigated in terms of this criterion.
- 9) Usable open space.  
**No unmitigated impacts.** No useable open space will be affected with the requested use from what is currently found on site.

10) Signs and lighting.

**No unmitigated impacts.** No signs and lighting are associated with this proposal. Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application. All signs are subject to the Park City Sign Code.

11) Physical design and compatibility with surrounding structures in mass, scale and style.

**No unmitigated impacts.** The applicant requests to remodel the existing unit, interior only (tenant improvement) to have a timeshare off-premise sales office. The requested use will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style. Staff does not find that additional impacts need to be mitigated in terms of this criterion due to the small size of the requested use.

12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site.

**No unmitigated impacts.** Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the retail/commercial/office use.

13) Control of delivery and service vehicles, loading and unloading zones, and screening.

**No unmitigated impacts.** The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.

14) Expected ownership and management of the property.

**No unmitigated impacts.** The expected ownership and management of the property is not projected to add impacts that would need additional mitigation. The entire unit is owned by Village Venture, Ltd., both spaces, the Cutting Board, next door, and this requested space are being leased.

15) Sensitive Lands Review.

**No unmitigated impacts.** The proposal is not located within the Sensitive Lands Overlay.

**Park City Village Master Plan and Plat**

Unit COM7 is shown on the master plan as part of the commercial area designation. The master plan identifies two (2) categories: residential and commercial. Commercial areas include retail, meeting rooms, and restaurants. The Condominium Plat for this project notes residential and commercial units. All of the commercial units are noted as retail space. The proposed office space would be located within the proposed retail – commercial space noted on the Plat.

## **Park City Municipal Code (PCMC) Title 4 Licensing**

The following Municipal Code references are currently in effect and pertain to limiting business to enclosed buildings as well as certain acts that are prohibited that are often associated with the requested use:

### *PCMC § 4-3-3. Business Confined to Enclosed Building.*

*Except as authorized by this Title, all businesses within Park City are to be conducted within a fully enclosed building, except for outdoor dining or other permanent conditional uses which have been given approval under Title [15] Land Management Code.*

The LMC does not authorize the requested use to be conducted outside of the area. Staff recommends that a condition of approval is added regarding this municipal ordinance.

### *PCMC § 4-3-8. Street Vendors.*

*It shall be unlawful to sell food, flowers, agricultural products, ice cream, candy, popcorn or other goods or merchandise from push carts, mobile wagons, or motor vehicles on private or public property except as authorized and licensed under this Chapter.*

[...]

The rest of this section indicates specific places where street vendors may operate as well as their terms and conditions. The Municipal Code does not make an exception referring to the requested use, a timeshare off-premise sales office to be conducted outside the enclosed building on private or public property. Staff recommends that a condition of approval is added regarding this municipal ordinance.

### *PCMC § 4-3-15. Certain Acts Prohibited.*

*It shall be unlawful for any person, business, corporation, partnership or other entity to attract or attempt to attract people to that person or that licensee's place of business by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them. It shall be unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.*

Staff recommends that a condition of approval is added regarding this municipal ordinance.

### **Process**

Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC § 1-18. A Building Permit is publicly noticed by posting of the permit.

### **Department Review**

This project has gone through an interdepartmental review. No further issues were brought up at that time.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.

### **Public Input**

No public input has been received at the time of writing this report.

### **Recommendation**

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for a Timeshare Off-premise Sales Office at 1385 Lowell Avenue Unit C7, conduct a public hearing, and consider approving the conditional use based on the findings of fact, conclusion of law, and conditions of approval found in this staff report.

### **Findings of Fact**

1. Applicant requests to remodel the existing unit, interior only (tenant improvement) to have a timeshare off-premise sales office at 1385 Lowell Avenue, Unit COM7.
2. The proposed use requires a Conditional Use Permit in the Recreation Commercial (RC) District.
3. The interior remodel only and does not affect any exterior areas.
4. The current space was used as a restaurant.
5. The entire unit, COM7, or Parcel PVC-1A-C7, is 2,968 square feet.
6. The entire unit is not requested to be utilized as the requested use.
7. The applicant requests to utilize a portion of the unit as a timeshare off-premise sales office which equates to 1,751 square feet with the remaining area to be used for a restaurant.
8. The unit was platted as Retail Space Commercial Unit 7 of the Park City Village Condominiums recorded in 1983.
9. The site is also known as The Lodge at the Mountain Village formerly known as The Resort Center Condominiums.
10. The project was known as the Park City Village Master Plan.
11. Land Management Code (LMC) § 15-2.16-2(B)(11) indicates that a timeshare sales office is a conditional use in the RC District.
12. The Land Management Code defines the a timeshare sales office as an office outside of a timeshare project, wherein timeshare sales presentations are made and other marketing related activities are conducted in an effort to generate timeshare interval sales or re-sales (LMC § 15-15-1.272).

13. The applicant requests to utilize a portion of COM7 as a timeshare off-premise sales office which equates to 1,751 square feet.
14. Due to the size of the requested use, staff does not find any impacts that need to be mitigated regarding size and location.
15. Staff does not find that additional impacts need to be mitigated in terms of traffic considerations due to the small size of the requested use.
16. No additional utility capacity is required for the requested use.
17. Emergency vehicles can easily access the unit and no additional access is required.
18. The requested use, considered an intensive office use, triggers a parking requirement of nine (9) parking spaces based on the maximum floor area of 1,751 square feet.
19. The former use, a restaurant, triggers a parking requirement of eighteen (18) parking spaces based on the maximum floor area of 1,751 square feet.
20. There is a parking reduction based on the required parking spaces of the former use and the current parking requirement based on the proposed use of nine (9) parking spaces.
21. The applicant indicated that there are approximately 700 parking spaces in the parking garage that is part of the same structure that houses the subject space, 120 of those parking spaces are allocated to the Lodge at the Mountain Village, the building/development where this space is located.
22. The parking area/driveway is directly accessed off Lowell Avenue.
23. Fencing, screening, and landscaping are not proposed at this time and are not needed to separate uses as the uses are fully enclosed within the building.
24. The requested use will not affect the existing building mass, bulk, orientation and the location on site, including orientation to adjacent building.
25. No useable open space will be affected with the requested use from what is currently found on site.
26. No signs and lighting are associated with this proposal.
27. Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application.
28. All signs are subject to the Park City Sign Code.
29. The requested use will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style.
30. Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the retail/commercial/office use.
31. The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.
32. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.
33. The entire unit is owned by Village Venture, Ltd., both spaces, the Cutting Board, next door, and this requested space are being leased.
34. The proposal is not located within the Sensitive Lands Overlay.

35. Unit COM7 is shown on the master plan as part of the commercial area designation. The master plan identifies two (2) categories: residential and commercial. Commercial areas include retail, meeting rooms, and restaurants.
36. The Condominium Plat for this project notes residential and commercial units. All of the commercial units are noted as retail space. The proposed office space would be located within the proposed retail – commercial space noted on the Plat.
37. The Land Management Code does not authorize the requested use to be conducted outside of the area.
38. The Municipal Code does not allow the requested use, a timeshare off-premise sales office to be conducted outside the enclosed building on private or public property.
39. The Municipal Code indicates that it is unlawful of a business to attract people by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them.
40. The Municipal Code indicates that it is unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

#### **Conclusion of Law:**

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

#### **Conditions of Approval**

1. The requested use shall be conducted within the specified space at 1385 Lowell Avenue, Unit COM7 as approved by the Planning Commission, which is within a fully enclosed building per Park City Municipal Code § 4-3-3.
2. The requested use shall not be conducted outside the enclosed building on private or public property per Park City Municipal Code § 4-3-8.
3. The requested use shall be in full compliance with Park City Municipal Code § 4-3-15 which states the following:  
It shall be unlawful for any person, business, corporation, partnership or other entity to attract or attempt to attract people to that person or that licensee's place of business by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them. It shall be unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

**Exhibits**

Exhibit A – Applicant's Project Intent

Exhibit B – Vicinity Map

Exhibit C – Demolition Plan

Exhibit D – Floor Plan

Exhibit E – Alternate Floor Plan

Exhibit F – Park City Village Condominiums Plat Map (sheet 1&3)

Exhibit G – Site Photograph

Exhibit A – Applicant’s Project Intent

Park City

Request for Conditional use

1385 Lowell Ave Suite C-7

Park City, Utah

Resort Center

Item 1 page 3 of application:

The surrounding uses are a mix of Retail, Office space, and Restaurants. This vacation sales office will fit in with both the office space and the retail that are already established. It will add walking traffic to the existing restaurants and retail stores.

This vacation sales office will increase tourism by helping tourists establish a place to stay when they return.

Yes it is consistent with the current zoning district and with the General Plan however it requires a conditional use permit.

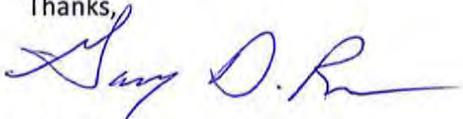
The use is very suitable for the proposed site.

No noise, dust, pollutants, or odors will be emitted from this site.

I expect there will be 5 people employed there and they will work from 8am to 5pm.

No special issues know.

Thanks,



Gary Rane



**Request for Conditional use permit**

Resort Center

1385 Lowell Ave Suite C-7

Park City Utah

We request that a Conditional Use Permit be granted to allow Marriot Vacation Club to open a sales office at the above listed address.

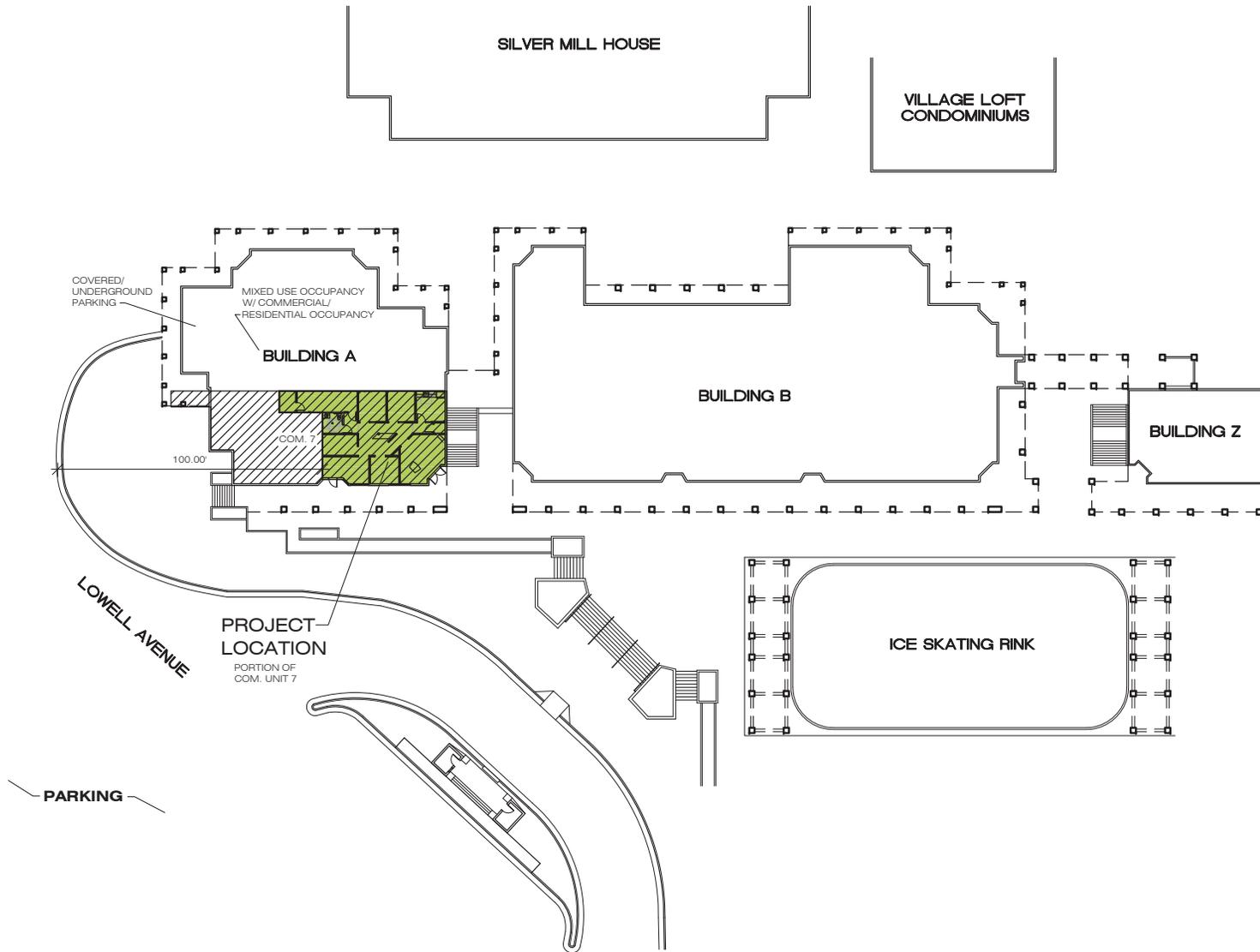
Thanks,

Gary D Rane

Horne Construction Inc.



Exhibit B – Vicinity Map



**SAMUEL J. BRADY**  
ARCHITECTS

200 E. South Temple  
Suite 160  
Salt Lake City, Utah 84111  
(801) 595-1752  
FAX: (801) 595-1757



1385 LOWELL AVE.  
PARK CITY  
RESORT CENTER

PARK CITY, UTAH  
**MVC**  
**MOUNTAINSIDE**  
**SALES CENTER**

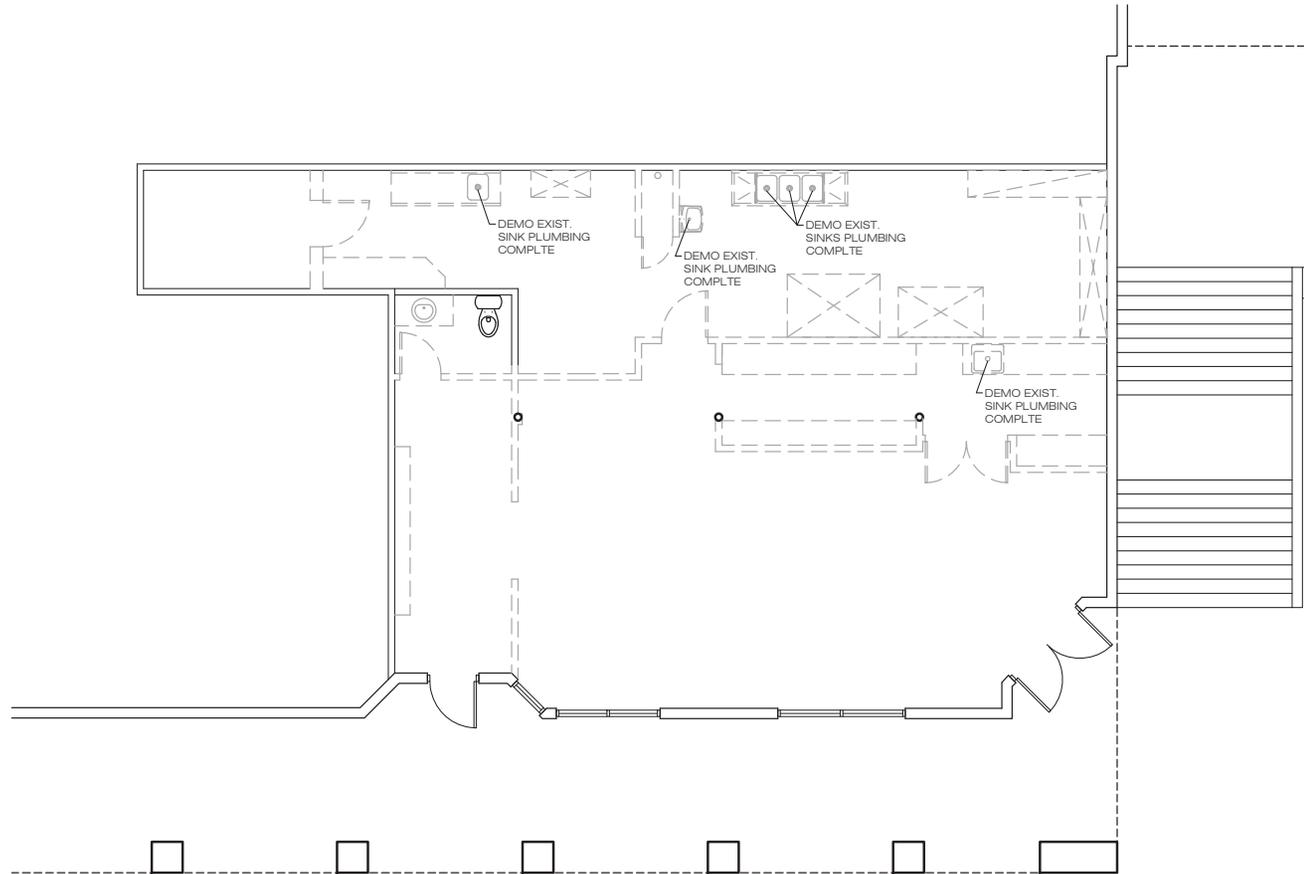
VICINITY MAP

SCALE: 1" = 40'-0"  
OCTOBER 21, 2014  
14K00209.dwg



**A0.9**

# Exhibit C – Demolition Plan



**SAMUEL J. BRADY**

ARCHITECTS

200 E. South Temple  
Suite 100  
Salt Lake City, Utah 84111  
(801) 595-1762  
FAX: (801) 595-1757



1385 LOWELL AVE.  
PARK CITY  
RESORT CENTER

PARK CITY, UTAH

**MVC  
MOUNTAINSIDE  
SALES CENTER**

DEMOLITION PLAN

SCALE: 1/8" = 1'-0"  
OCTOBER 21, 2014  
14K00210.dwg



**A1.0**

DEMOLITION PLAN NOTES

1. PATCH & REPAIR ALL SURFACES FOR NEW FINISHES.

**WALL TYPES**

- ===== EXISTING WALLS TO REMAIN
- - - - - EXISTING WALLS, DOORS, WINDOWS ETC. TO BE REMOVED AS REQ'D FOR NEW TENANT CONSTRUCTION. SALVAGE ALL DOORS, FRAMES AND H.W. FOR REUSE. PATCH AND REPAIR ALL SURFACES AS REQUIRED FROM DEMOLITION WORK.



# Exhibit E – Alternate Floor Plan



**SAMUEL J. BRADY**  
ARCHITECTS

200 E. South Temple  
Suite 180  
Salt Lake City, Utah 84111  
(801) 595-1762  
FAX: (801) 595-1757



1385 LOWELL AVE.  
PARK CITY  
RESORT CENTER

PARK CITY, UTAH  
**MVC MOUNTAINSIDE SALES CENTER**

ALTERNATE FLOOR PLAN

SCALE: 1/8" = 1'-0"  
OCTOBER 21, 2014  
14K00211A.dwg



**A1.1**

**FINISH KEY**

FLOOR	FLOOR WALLS CEILING
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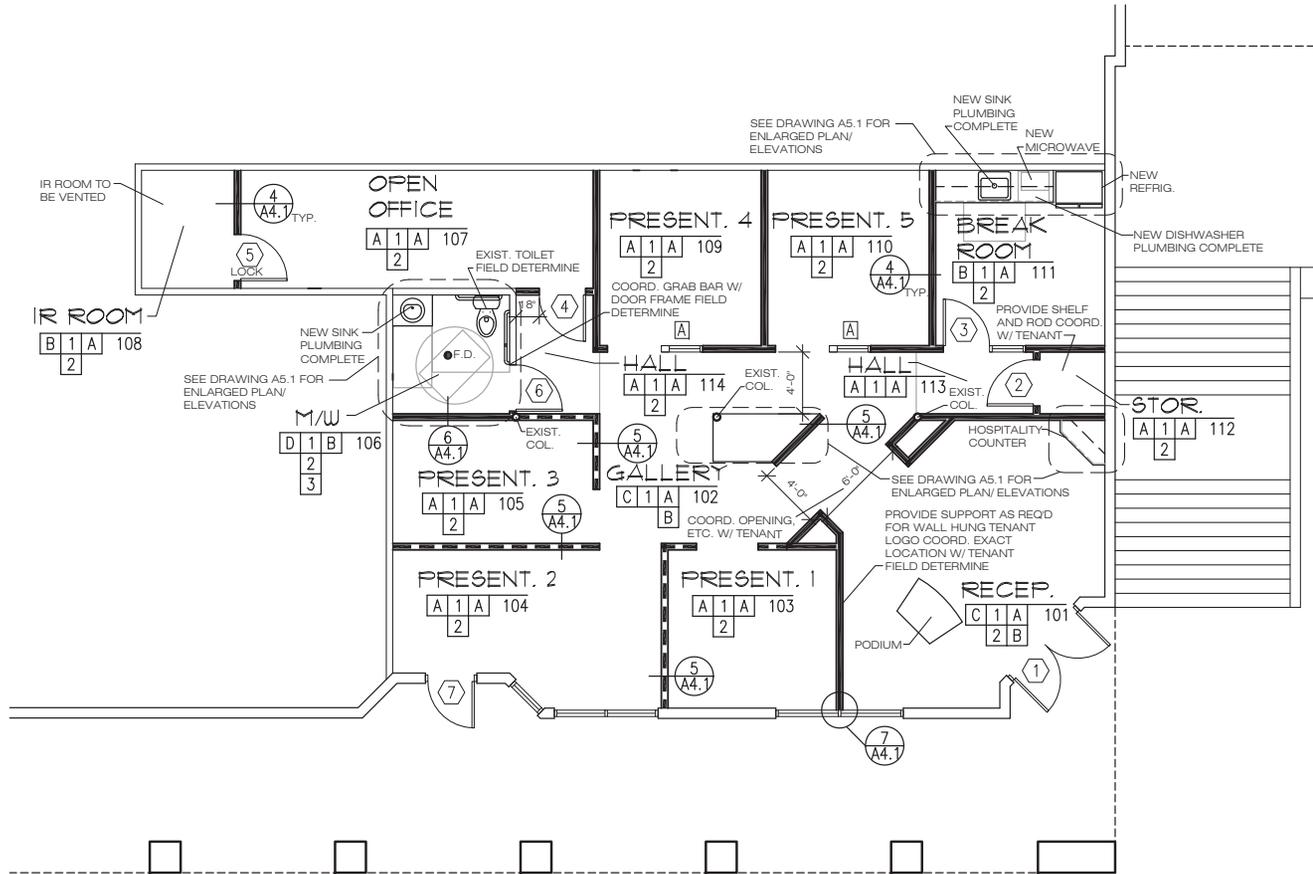
- FLOOR**
- A CARPET GLUE DIRECT W/ 6" HARDWOOD BASE
  - B 12" x 12" x 1/8" V.C.T. FLOORING W/ 4" POPPE COVERED RUBBER BASE W/ CONTINUOUS LENGTH.
  - C LAMINATE HARDWOOD FLOORING W/ 6" HARDWOOD BASE
  - D 12" x 12" CERAMIC MOSAIC TILE FLOOR W/ 12" x 6" CERAMIC BASE.
- CONTRACTOR TO PROVIDE CARPET CUT SHEET/ SPECIFICATIONS FROM CARPET MANUFACTURER, FOR THE CARPET INCLUDED IN THE BID FOR THIS PROJECT. SUBMIT THIS INFORMATION TO OWNER'S REPRESENTATIVE WITH BID.

- WALLS**
- 1 PAINTED GYPSUM BOARD (TYPE 'X') (COLOR TO BE SELECTED BY TENANT) ALL PAINTED SURFACES TO BE ONE COAT PRIMER, AND TWO COATS FINISH PAINT.
  - 2 EXISTING WALL SURFACE PATCH, REPAIR AND PAINT. (2) COATS FINISH.
  - 3 14" x 14" TILE WAINSCOT 4'-0" A.F.F. AT WET WALLS AND ALONG WALL AT SIDE OF WATER CLOSET, W/ 6" TILE BASE.

- CEILING**
- A NEW 2' x 2' SUSPENDED ACOUSTICAL TILE CEILING SYSTEM W/ 12 GA. WIRE HANGERS INSTALLED PER DETAIL 1.2/A4.1 ARMSTRONG 'DUNE' ANGLED TEGULAR TILE. 9/16" GRID SYSTEM (WHITE).
  - B NEW SUSPENDED GYP. BD. (TYPE 'X') CEILING ON METAL FURRING. PAINT.

NOTE:  
ALL NEW FINISHES TO BE SELECTED BY THE TENANT AND APPROVED BY BLDG. REP.  
ALL FINISHES TO MATCH BUILDING STANDARDS UNLESS NOTED OTHERWISE

NOTE:  
PAINT WALLS AND CEILING ONE COLOR, PAINT TRIM SECOND COLOR.

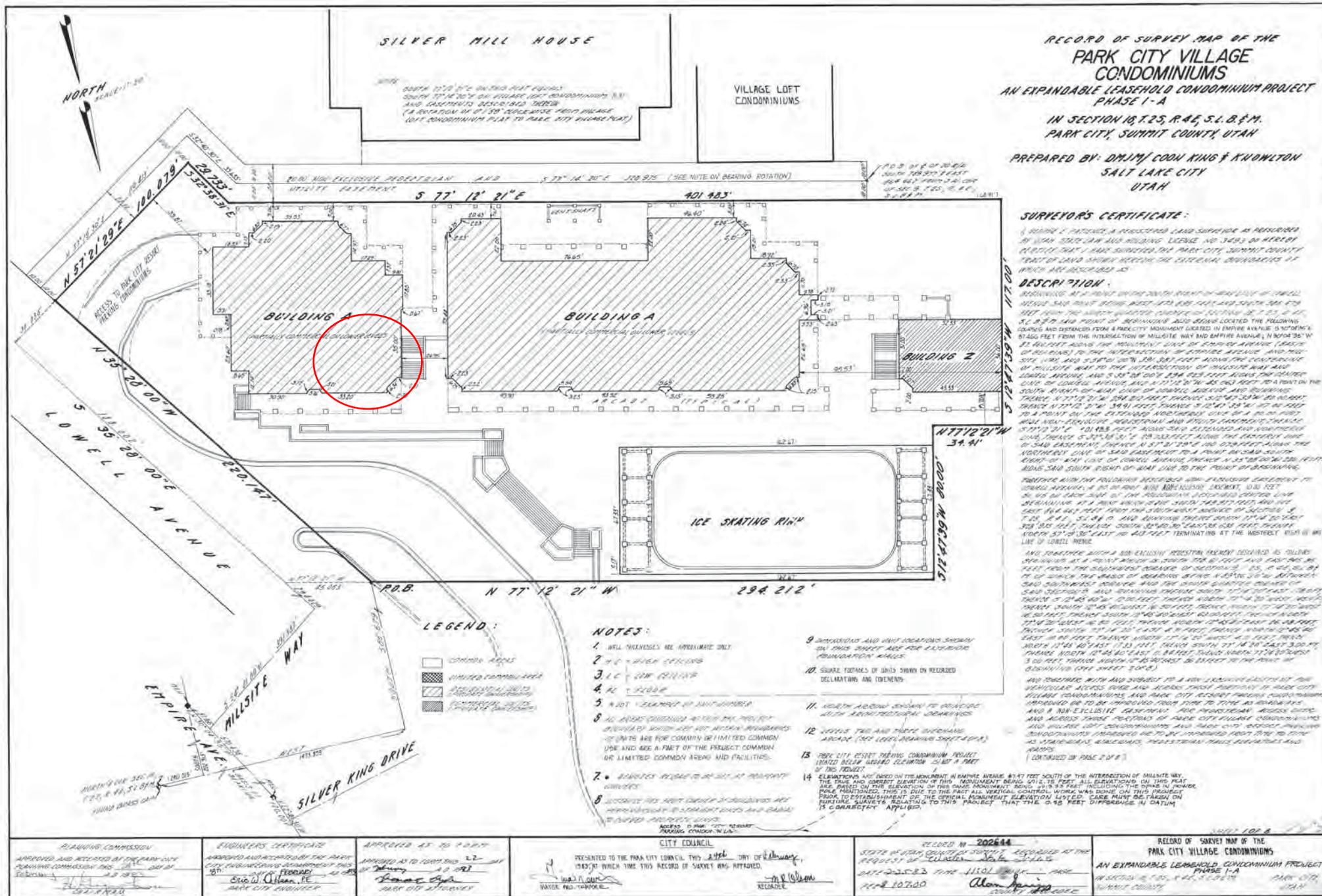


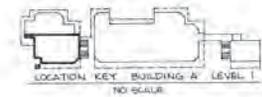
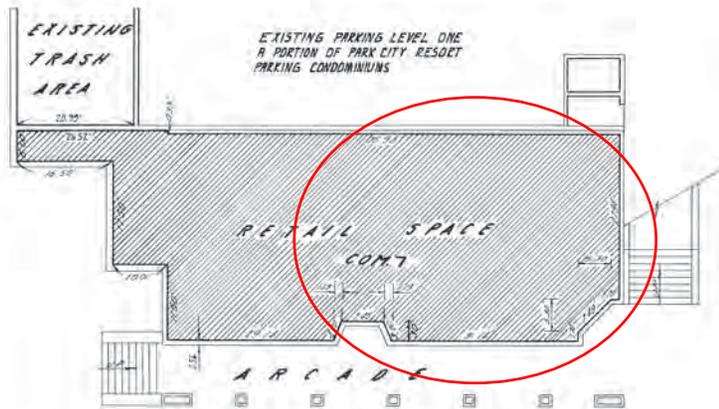
**WALL TYPES**

- EXISTING WALLS TO REMAIN
- NEW 3-5/8" 25 GAUGE METAL STUDS @ 24" O.C. W/ 5/8" GYPSUM BOARD (TYPE 'X') EACH SIDE
- 6'-0" HIGH PARTITION WALL 3-5/8" 25 GAUGE METAL STUDS @ 24" O.C. W/ 5/8" GYPSUM BOARD (TYPE 'X') EACH SIDE PROVIDE STRUCTURAL SUPPORT AS REQUIRED FOR TRUE, STRAIGHT AND PLUMB WALLS.

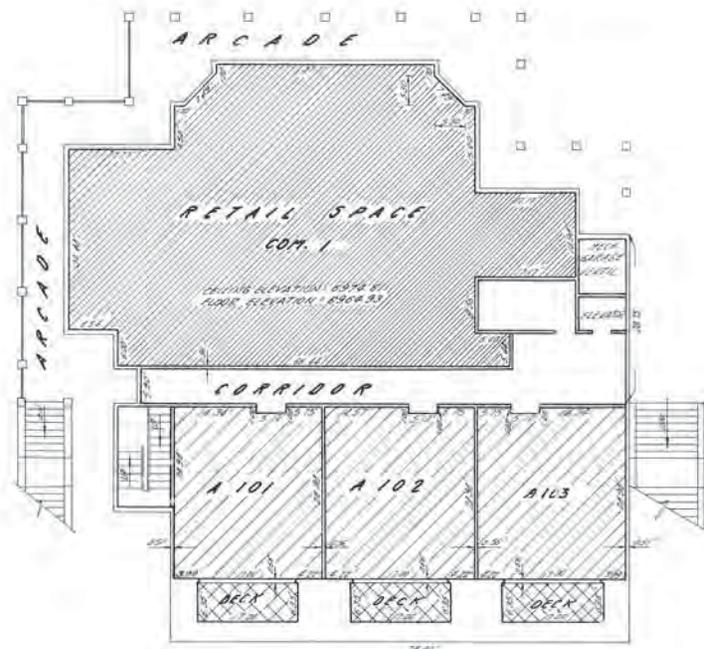
GENERAL CONTRACTOR SHALL CHALK-LINE ALL NEW WALLS FOR ARCHITECTS APPROVAL, PRIOR TO ANY NEW CONSTRUCTION, TO INSURE THAT SPACE BUILD-OUT MEETS TENANT REQUIREMENTS.

Exhibit F – Park City Village Condominiums Plat Map (sheet 1&3)

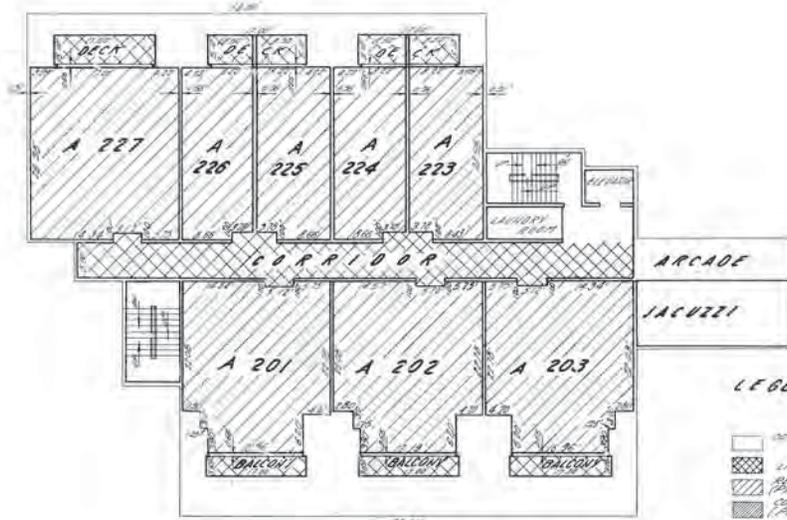




**BUILDING A - LEVEL ONE**  
FLOOR ELEVATION - 6954.70  
CEILING ELEVATION - 6964.58



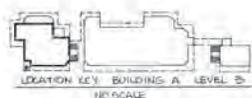
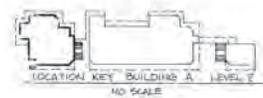
**BUILDING A - LEVEL TWO**  
RESIDENTIAL UNIT ELEVATIONS  
CEILING ELEVATIONS - 6974.61  
FLOOR ELEVATIONS - 6965.60



**BUILDING A - LEVEL THREE**  
FLOOR ELEVATION - 6975.63  
CEILING ELEVATION UNITS, A 201, A 202 AND A 203  
SEE CEILING PLAN (SHEET 04.73)  
UNITS A 223 THROUGH A 227 - 6983.58

- LEGEND:**
- COMMON AREAS
  - LIMITED COMMON AREAS
  - RESIDENTIAL UNITS
  - PRIVATE OWNERSHIP
  - COMMERCIAL UNITS
  - PRIVATE OWNERSHIP

**NOTE:**  
ALL DISTANCE DIMENSIONS SHOWN  
HEREIN ARE APPROXIMATE TO BE  
CHECKED BY THE FIELD.



PROBATION NO. 202444  
STATE OF UTAH, COUNTY OF BOHEMIA, RECORDS OF THE  
REGISTER OF DEEDS - Salt Lake City -  
DATE 04-23-2014 11:01 AM  
FILE # 202400  
Alan Spang  
COUNTY RECORDS

RECORD OF SURVEY MAP OF THE  
PARK CITY VILLAGE CONDOMINIUMS  
AN EXPANDABLE LEASEHOLD CONDOMINIUM PROJECT  
PHASE 1-A  
IN SHERBOURNE ST., PARK, S.L.B.F.M., PARK CITY  
SUNNYSIDE COUNTY, UTAH  
1288-08-01

Exhibit G – Site Photograph





## Planning Commission Staff Report

**Subject:** 923 Park Avenue Subdivision  
**Author:** Francisco Astorga & Georgie Corkery  
**Project Number:** PL-14-02527  
**Date:** December 10, 2014  
**Type of Item:** Administrative – Plat Amendment

### **Summary Recommendations**

Staff recommends the Planning Commission hold a public hearing for the 923 Park Avenue Subdivision Plat Amendment located at 923 Park Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

*Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.*

### **Description**

**Applicant:** EZ Executive Holdings LC  
represented by Marshall King with Alliance Engineering Inc.  
**Location:** 923 Park Avenue  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat Amendments require Planning Commission review and City Council review and action

### **Proposal**

Lot 6 and portions of Lots 5 & 28, Block 3, Snyder's Addition to the Park City Survey are owned by the same entity. The original lot lines from the historic survey still exist on said lots. The owner desires to unify the property into one (1) lot of record by removing the existing interior lot lines.

### **Background**

On October 27, 2014 the City received a completed Plat Amendment application for the 923 Park Avenue Subdivision. The property is located at 923 Park Avenue. The property is in the Historic Residential (HR-1) District. The subject property consists of all of Lot 6, the northerly eight (8) feet of Lot 5, and a small portion of Lot 28, Block 3, Snyder's Addition. The entire area is recognized by the County as Parcel SA-13 (Tax ID).

Currently the site contains a one-and-one half (1½) story single-family dwelling. The site is listed on Park City's Historic Site Inventory and is designated as a significant historic site. According to Summit County records the structure was built in 1901 and

contains a total living area of 973 square feet. According to the submitted survey the building footprint of the existing historic dwelling is approximately 997 square feet. The site is partially located in a FEMA Flood Zone X.

**Purpose**

The purpose of the Historic Residential (HR-1) District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

**Analysis**

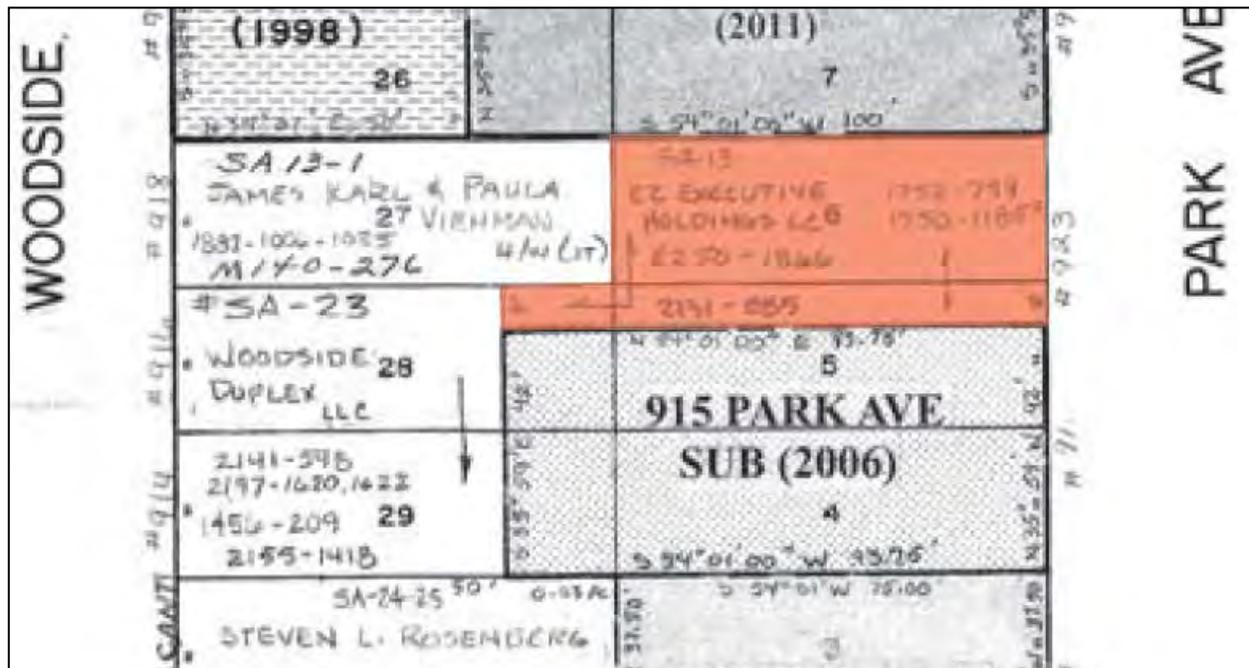
The proposed plat amendment creates one (1) lot of record from the existing lot and portions of lots consisting of 2,625 square feet. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for a single-family dwelling. The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). The proposed lot is thirty three feet (33') wide. The proposed lot meets the minimum lot width requirement. The following table shows applicable development parameters in the Historic Residential (HR-1) District:

<b>LMC Requirements</b>	<b>Parameter</b>
<b>Building Footprint</b>	1132.5 square feet, maximum based on lot size.
<b>Front/Rear Yard Setbacks</b>	10 feet minimum.
<b>Side Yard Setbacks</b>	3 feet minimum, 6 feet total.
<b>Building (Zone) Height</b>	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
<b>Final Grade</b>	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].
<b>Lowest Finish Floor Plane to Highest Wall Top Plate</b>	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
<b>Vertical Articulation</b>	A ten foot (10') minimum horizontal step in the downhill façade is required [...].
<b>Roof Pitch</b>	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

Staff has identified that the existing historic structure does not meet the north side yard

setback. The structure is one-and-one-half feet (1½') from the north side yard property line. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures. Furthermore, this same section indicates that additions to historic structure must comply with building setbacks, etc.

Staff finds good cause for this plat amendment as the existing remnant parcels will become part of a legal lot of record. The other portion of Lot 5 is owned by another entity and has been incorporated into the adjacent 915 Park Avenue Subdivision replatted in 2006. The other portion of Lot 28 is owned by another entity and is recognized as parcel SA-23 which has a duplex over the two (2) lots west of the 915 Park Avenue Subdivision. See County Plat Map below:



The existing historic structure straddles the lot line between Lot 5 and Lot 6; therefore, this plat amendment would make the historic structure be in one (1) of lot of record instead of having most of the structure on Lot 5 and a small portion of the south wall on Lot 5, a separate remnant parcel.

#### Rear Retaining Wall

The site contains a small encroachment of a timber retaining wall of approximately four feet (4') in height. This retaining wall is sits on the rear portion of the rear neighbor, 918 Woodside Avenue, and it encroaches approximately six inches (6") over the rear property line. The applicant is currently working with the rear neighbor to issue an encroachment agreement. See Exhibit H – Neighbor's retaining wall.

#### Pole Line Easement

The submitted title report indicates a pole line easement recorded with the county in 1959. This easement is in favor of Utah power and light company as is currently shown

on the proposed plat. The property owner is currently working with Rocky Mountain Power to remove this pole line easement as it is currently not in use.

### **Process**

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-18.

### **Department Review**

This project has gone through an interdepartmental review. No further issues were brought up at that time.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

### **Public Input**

No public input has been received by the time of this report.

### **Alternatives**

- The Planning Commission may forward positive recommendation to the City Council for the 923 Park Avenue Subdivision Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 923 Park Avenue Plat Subdivision Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 923 Park Avenue Subdivision Plat Amendment.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application.

### **Consequences of not taking the Planning Department's Recommendation**

The site would remain as is. The site would contain one (1) single Old Town lot (25'x75') and two (2) remnant parcels. The existing historic structure would continue to straddle the interior lot lines.

### **Summary Recommendation**

Staff recommends the Planning Commission hold a public hearing for the 923 Park Avenue Subdivision Plat Amendment located at 923 Park Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

### **Exhibits**

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Applicant's Project Description

- Exhibit C – Aerial Photograph
- Exhibit D – Existing Survey
- Exhibit E – County Tax Map
- Exhibit F – Site Photographs
- Exhibit G – LMC § 15-2.2-4
- Exhibit H – Neighbor’s retaining wall

**Ordinance No. 14-XX**

**AN ORDINANCE APPROVING THE 923 PARK AVENUE SUBDIVISION PLAT AMENDMENT LOCATED AT 923 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 923 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on December 10, 2014, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on December 10, 2014, forwarded a recommendation to the City Council; and,

WHEREAS, on January 8, 2015, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 923 Park Avenue Subdivision Plat Amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

**SECTION 1. APPROVAL.** 923 Park Avenue Subdivision Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 923 Park Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 6, the northerly eight (8) feet of Lot 5, and a portion of Lot 28, Block 3, Snyder's Addition.
4. The entire area is recognized by the County as Parcel SA-13.
5. The site is listed on Park City's Historic Site Inventory and is designated as a significant historic site.
6. The building footprint of the existing dwelling is approximately 997 square feet.
7. The proposed plat amendment creates one (1) lot of record from the existing area consisting of 2,625 square feet.

8. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.
10. The proposed lot meets the minimum lot area for a single-family dwelling.
11. The minimum lot width allowed in the district is twenty-five feet (25').
12. The proposed lot is thirty three feet (33') wide.
13. The proposed lot meets the minimum lot width requirement.
14. The existing historic structure does not meet the north side yard setback. The structure is one-and-one-half feet (1½') from the north side yard property line.
15. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
16. LMC § 15-2.2-4 indicates that additions to historic structure must comply with building setbacks, etc.
17. The site contains a small encroachment of a timber retaining wall of approximately four feet (4') in height which sits on the rear portion of the rear neighbor, 918 Woodside Avenue.
18. The retaining wall encroaches approximately six inches (6") over the rear property line onto the subject site.
19. The applicant is currently working with the rear neighbor to issue an encroachment agreement.
20. The submitted title report indicates a pole line easement recorded with the county in 1959.
21. The pole line easement is in favor of Utah power and light company as is currently shown on the proposed plat.
22. The property owner is currently working with Rocky Mountain Power to remove this pole line easement as it is currently not in use.
23. The site is partially located in a FEMA Flood Zone X.
24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

#### Conclusions of Law:

1. The Plat Amendment 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 Plat Amendment.
3. 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:

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, 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 (1) years' 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. A ten feet (10') wide public snow storage easement will be required along the front of the property.
4. The applicant shall resolve the wood tie retaining wall which encroaches onto their property from 918 Woodside Avenue by providing an encroachment agreement to the neighboring property owner or by removing the wood tie retaining wall encroachment before plat recordation.
5. The applicant shall resolve the pole line easement recorded with the county. The property owner is currently working with Rocky Mountain Power to remove this pole line easement as it is currently not in use. If the applicant fails to remove this pole line easement prior to plat recordation, it shall be noted on the plat. If the easement is removed then it shall not be shown on the plat.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 8<sup>th</sup> day of January, 2015.

PARK CITY MUNICIPAL CORPORATION

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Jack Thomas, MAYOR

ATTEST:

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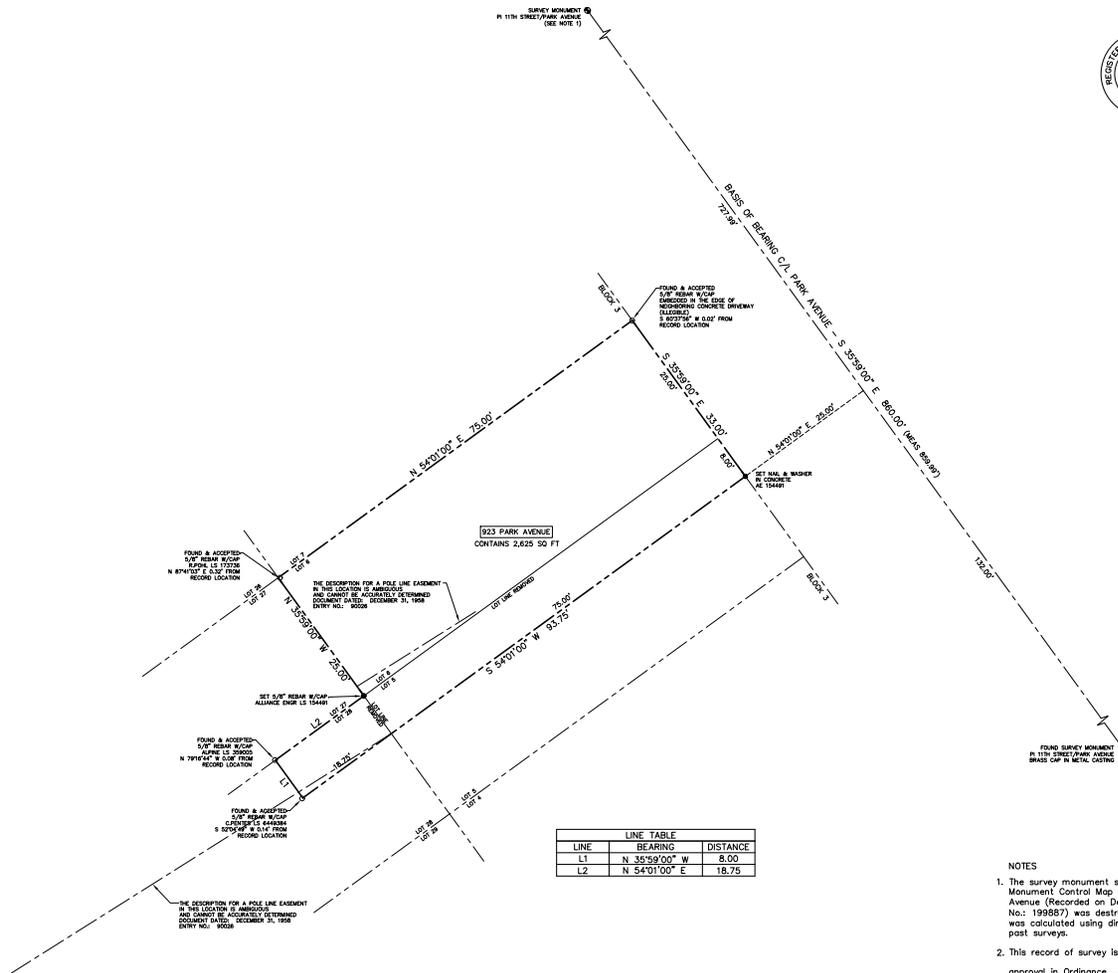
Marci Heil, City Recorder

APPROVED AS TO FORM:

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Mark Harrington, City Attorney

**Attachment 1 – Proposed Plat**



**SURVEYOR'S CERTIFICATE**

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938730, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the 923 PARK AVENUE SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

**BOUNDARY DESCRIPTION**

All of Lot 6 and the Northerly eight (8) feet of Lot 5, Block 3, Snyders Addition to Park City, according to the official plat thereof on file and of record in the Summit County Recorder's office.

and

The Easterly 18.75 feet of the Northerly 8.00 feet of Lot 28, Block 3, Snyders Addition to Park City, according to the official plat thereof on file and of record in the Summit County Recorder's office.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that EZ Executive Holdings, LC, a Utah limited liability company, the undersigned owner of the herein described tract of land to be known hereafter as 923 PARK AVENUE SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Andrew J. Nielson, Manager  
EZ Executive Holdings, LC

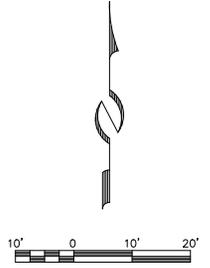
**ACKNOWLEDGMENT**

State of: \_\_\_\_\_ ss: \_\_\_\_\_  
County of: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, Andrew J. Nielson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Andrew J. Nielson acknowledged to me that he is a managing member of EZ Executive Holdings, LC, a Utah limited liability company, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_



BLOCK 3, SNYDER'S ADDITION TO PARK CITY SURVEY  
**923 PARK AVENUE SUBDIVISION**  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

<p>(435) 648-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	<p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b></p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015</p> <p>BY _____ S.B.W.R.D.</p>	<p><b>PLANNING COMMISSION</b></p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015</p> <p>BY _____ CHAIRMAN</p>	<p><b>ENGINEER'S CERTIFICATE</b></p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015</p> <p>BY _____ PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b></p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2015</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p><b>CERTIFICATE OF ATTEST</b></p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015</p> <p>BY _____ PARK CITY RECORDER</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b></p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015</p> <p>BY _____ MAYOR</p>	<p><b>RECORDED</b></p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____</p> <p>ENTRY NO. _____ FEE _____ RECORDER _____</p>
	<p>10/27/14 JOB NO.: 10-9-14 FILE: X:\SnydersAddition\dwg\lrv\plat2014\100914.dwg</p>						

SNYDER’S ADDITION TO PARK CITY SURVEY, BLOCK 3,  
LOT 6 AND A PORTION OF LOTS 5 & 28,

(923 PARK AVENUE)

PROJECT INTENT

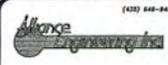
Lot 6 and portions of Lots 5 & 28, Block 3, Snyder’s Addition to Park City Survey, (also known as 923 Park Avenue) are owned by the same entity. The original lot lines from the Snyder’s Addition to Park City Survey still exist on said lots. The owner desires to unify the property into one lot of record by extinguishing the existing lot lines, with the ultimate goal of renovating the existing residence.



Exhibit C – Aerial Photograph



SUBJECT  
PROPERTY

 (435) 848-8467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2054 Park City, Utah 84302-2054	STAFF: MARSHALL KING HARRISON HOLLEY	AERIAL PHOTOGRAPH LOT 6 & PORTIONS OF LOT 5 & 28, BLK 3 SNYDER'S ADDITION, 923 PARK AVENUE	SHEET 1 OF 1
	DATE: 10/7/14	FOR: ANDREW NELSON JOB NO.: 10-9-14 FILE: X:\SnyderAddition.dwg\Exhibit\923 park ave-orlho.dwg	

RECEIVED  
 OCT 27 2014  
 PARK CITY  
 PLANNING

# Exhibit D – Existing Survey

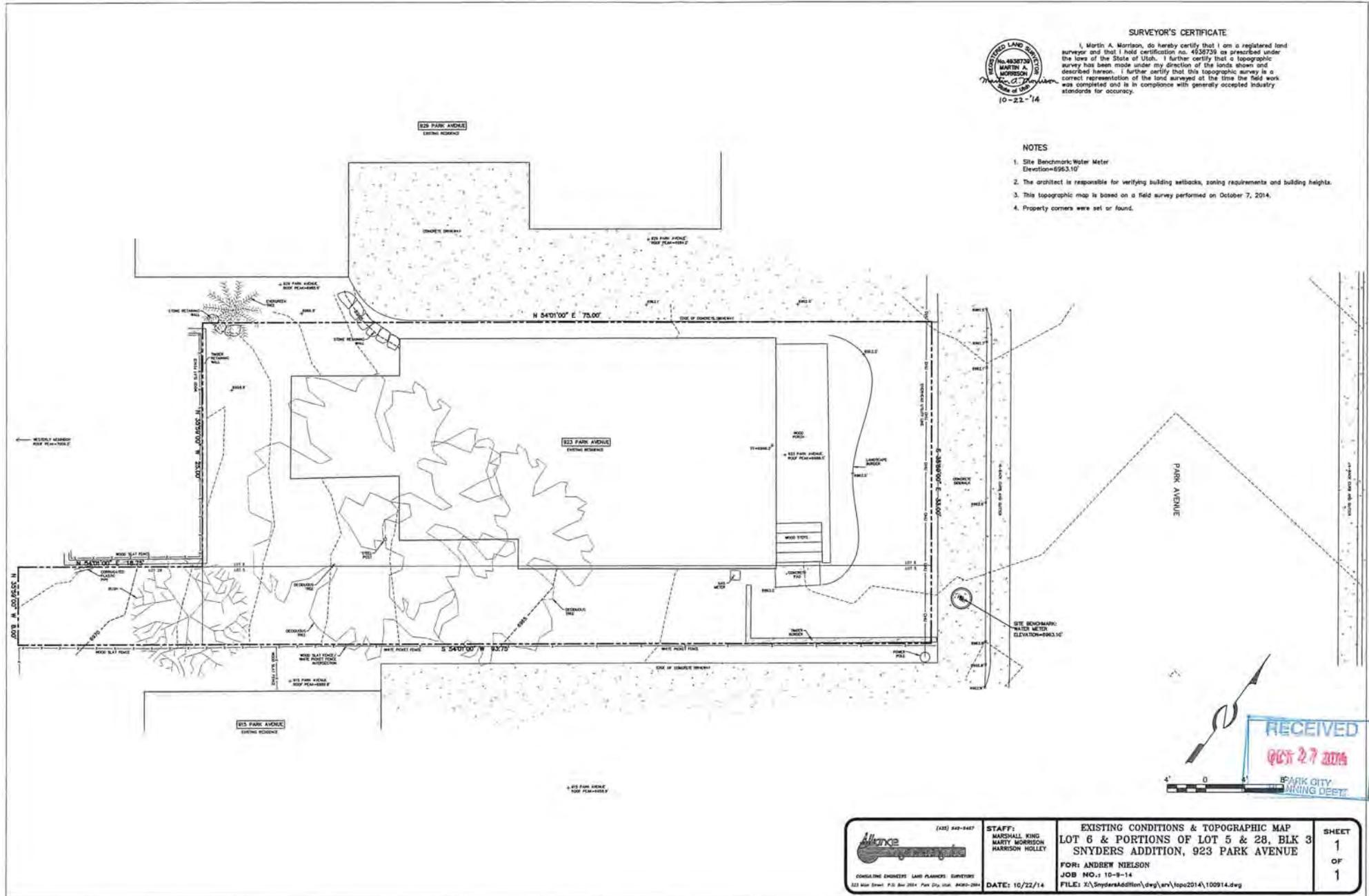
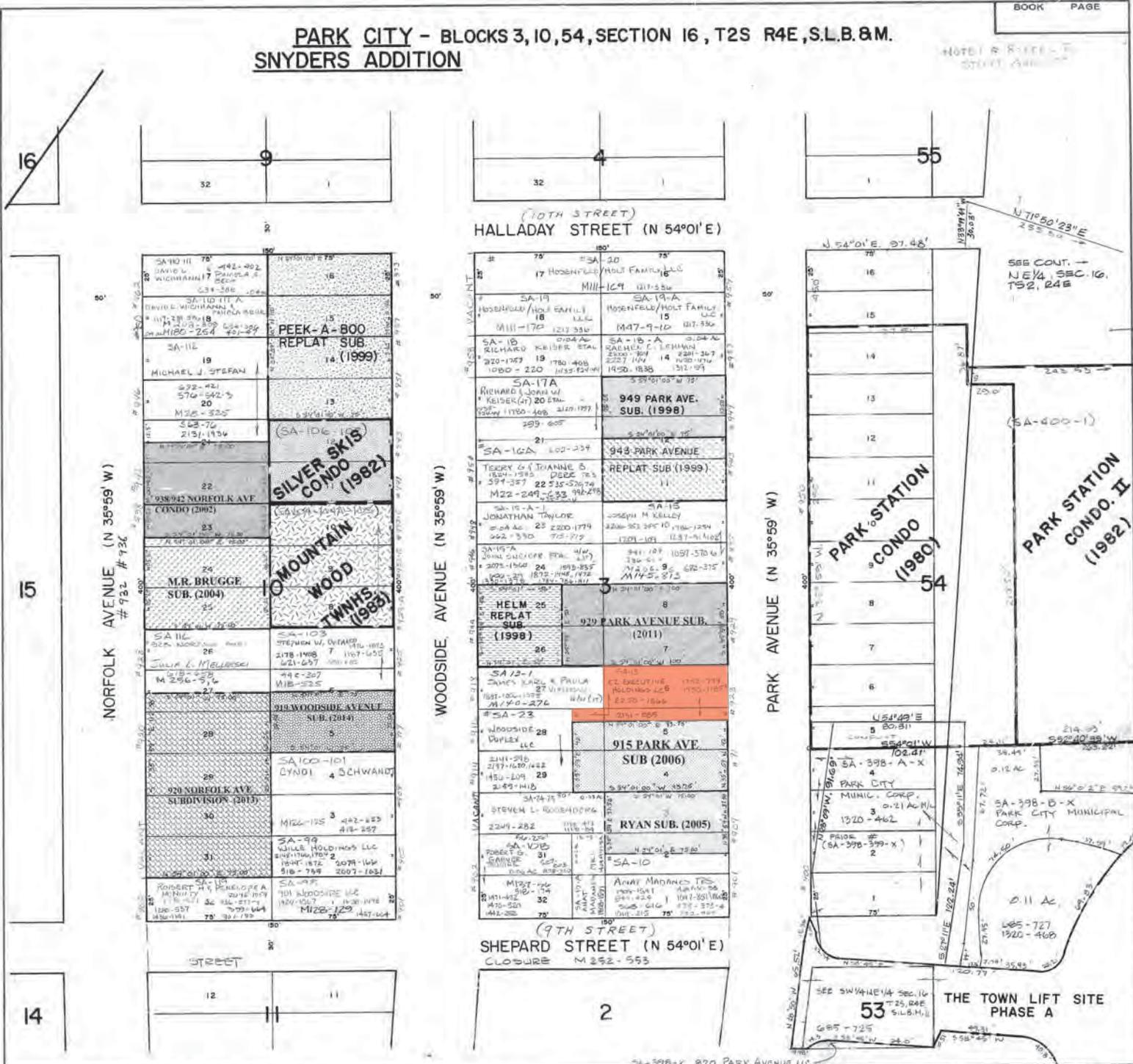


Exhibit E - County Tax Map

**PARK CITY - BLOCKS 3, 10, 54, SECTION 16, T2S R4E, S.L.B.&M.  
SNYDERS ADDITION**

BOOK PAGE  
HOTEL & RESTAURANT  
STREET ADDRESS



Approved	REVISIONS - DATE AND INITIAL	(In Pencil)
Utah State Tax Comm	Sept 29, 2014	
Date	By	

**SUMMIT COUNTY, UTAH**

SCALE  
ONE INCH = 40 FEET  
BOOK PAGE



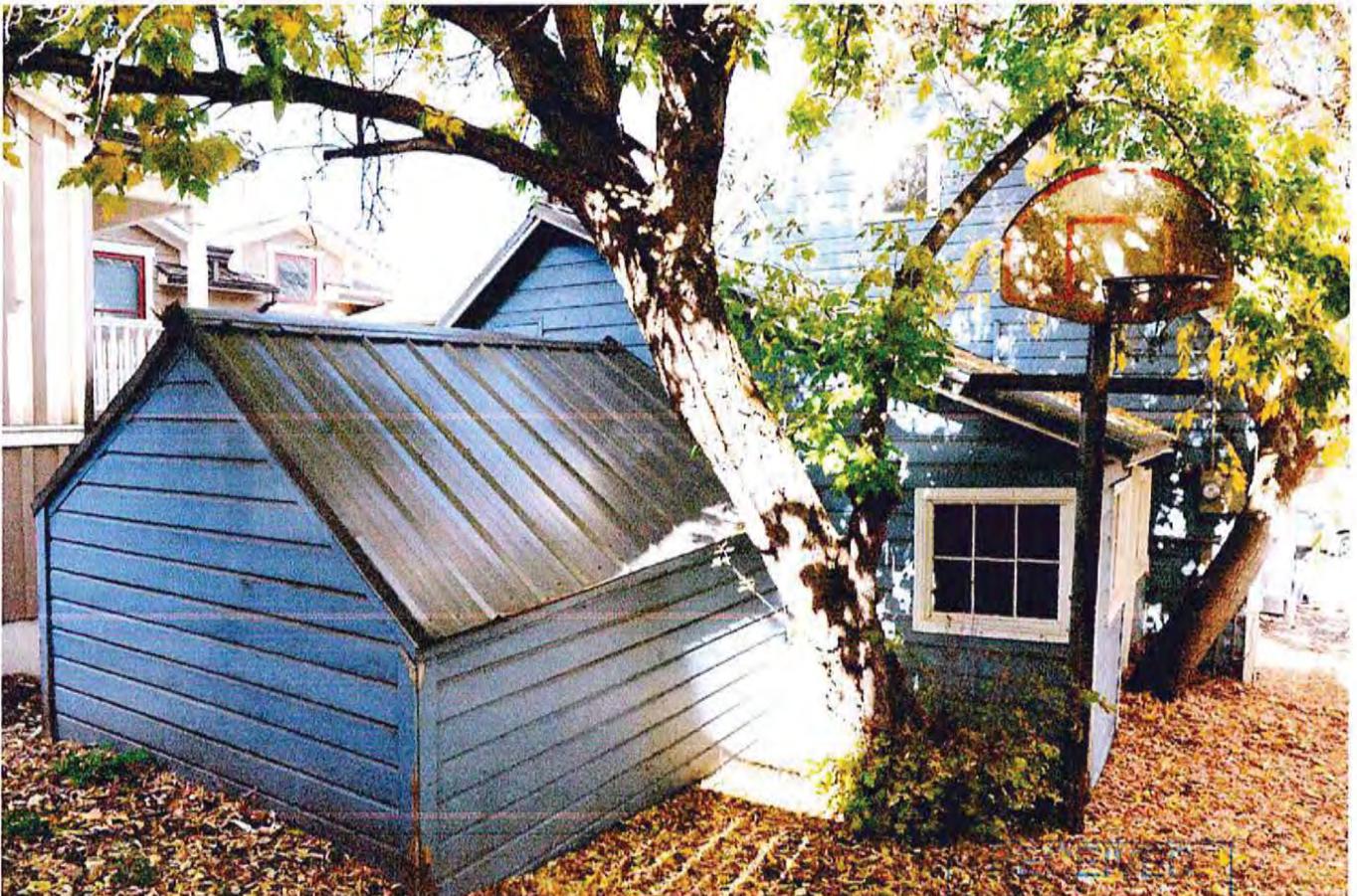
923 Park Avenue – Facing Northwesterly



923 Park Avenue – Facing Southwesterly



923 Park Avenue – Facing Southeasterly



923 Park Avenue – Facing Northeasterly

**PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.2 - HR-1 District**

**15-2.2-8**

Setback of three feet (3').

(11) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(J) **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

*(Amended by Ord. Nos. 06-56; 09-10)*

**15-2.2-4. EXISTING HISTORIC STRUCTURES.**

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(A) **EXCEPTION.** In order to achieve

new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

(1) Upon approval of a Conditional Use permit,

(2) When the scale of the addition or driveway is Compatible with the Historic Structure,

(3) When the addition complies with all other provisions of this Chapter, and

(4) When the addition complies with the International Building and Fire Codes.

*(Amended by Ord. Nos. 06-56; 07-25)*

**15-2.2-5. BUILDING HEIGHT.**

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

(A) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

(B) A ten foot (10') minimum horizontal

