

requirement for overlapping parking uses because the hours of Gart Sports and other tenants are not the same as the theater's peak hours.

The Staff requested that the Planning Commission review the parking requirements, conduct a public hearing, and consider approving the project in accordance with the findings of fact, conclusions of law, and conditions of approval listed in the staff report.

Chair Hier opened the public hearing.

Cristol Simmons, vice-president of the Homestake Homeowners Association, stated that the owners of Homestake still have concerns with this project. She mentioned the Salt Lake County code for theaters which she presented last year and noted that this theater would require 148 parking spaces. She believed there was a reason for that based on history and historical precedent. She was particularly concerned with the winter season because Gart Sports is open until 8:00 p.m. and asked if they had planned for Sundance. Homestake owners continue to have issues with the overall scale of the project given the movie theaters and number of seats and trying to accommodate them in the existing space. She asked that the Planning Commission look at these issues very carefully. She noticed that there appeared to be more exits on the east side of the building than what currently exists. She understood them to be emergency exits but wanted to be sure they were for emergency use only and that people would not be filing out those doors after the movie which could be a noise disturbance for the Homestake owners. She stated that she appreciated the scale back of the second story, but there was still a question of economic need coupled with potential impacts of having more space and more activity crammed into the Holiday Village complex.

Chair Hier closed the public hearing.

Planner Kuhlrow noted that five exits are shown on the east elevation. Four are for the movie theater and one is for a stairwell to the second floor office space. All five exits are for emergency purposes only as required by the Building Code.

Mike Nielsen, representing the applicant, stated that the number of exists has not changed. Currently the movie theater has three, the bank has one, and the dry cleaner has one. He remarked that the plan is to have them used strictly as emergency exits. Entrance and exit doors will be in the front.

Commissioner O'Hara asked if the conditions of approval address placement of reserved signs in the parking lot. Mr. Nielsen replied that a reciprocal easement agreement prohibits any members of the easement from doing that. Commissioner O'Hara requested that this matter be covered in the conditions.

Chair Hier stated that he was comfortable with the proposed parking based on Code requirements and the correct tenant mix. It is impossible to foresee whether the tenant mix will remain the same, but there is no other way to judge the adequacy of the parking.

Commissioner Erickson noted that Condition 6 calls for a final landscape plan and asked if that includes the final landscape plan for the east side of the theater building on the Homestake side. Planner Kuhlow replied that the plan should include the entire property. Commissioner Erickson suggested adding a clause stating, "...including the lands adjacent to Homestake." He stated that he was not inclined to fight for the additional .4 percent of landscaping in the parking lot, because parking is critical, and he did not believe it would be helpful. He recommended additional findings for discussion. It is key to make a finding that this project is a remodel of an existing use and not a new use. They need a history of activity with the current tenant mix on site which will allow them to make findings relative to parking, and this would not be the same situation if a new theater complex was coming in. The traffic circulation is improved by the removal of the bank drive-through. Commissioner Erickson asked if there was language to allow this project to support the Homestake apartments with proper signage on their adjacent parking lot. Planner Kuhlow explained that there is currently signage. Ms. Simmons stated that signs are posted, but that does not preclude the problem. Commissioner Erickson suggested a more uniform and orderly instruction not to park there and providing the homeowners with support for keeping the signs in place. Planner Kuhlow asked if Commissioner Erickson was suggesting that the applicant provide additional signs on the neighbor's property. Commissioner Erickson stated that he did not favor more signs. He preferred that the applicant work through a sign plan for the parking lot which would do its best to prevent theater users from using that parking and requested that the Staff arbitrate this issue between the applicant and Homestake. He referred to the signage on the Holiday Village Mall notifying patrons of additional parking at Albertson's and stated that he believed it should carry over to the Albertson's parking lot indicating that parking is available for the theater. He asked for Mr. DeHaan's thoughts on the parking reversal and suggested that they add a condition stating that the restriping plan would improve circulation from the Kearns access rather than from Highway 224.

Commissioner Powers asked what would happen to the theater monument sign. Mr. Nielsen replied that they have agreed to remove the sign, and that is addressed through a condition of approval.

Commissioner Larson believed they should calculate parking on the more restrictive case. He believed there was sufficient parking with the overlap except for worst case scenarios such as Christmas and Sundance. A benefit that works in their favor is that there is only a net increase of 50 seats in the theater. He concurred with Commissioner Erickson that parking and traffic circulation, striping, and signing are key goals.

Commissioner Erickson stated that he hated to disagree with Mr. DeHaan, but he would like to persuade the City Engineer into restriping the spaces in front of Gart's to park in the other direction.

Commissioner Larson stressed the importance of a good sign plan that would not be obtrusive but would clearly get people from the parking spaces in front of Holiday Village Mall over toward Albertson's. He

requested language limiting the types of commercial uses in the new commercial space to be daytime, low traffic generating uses.

Commission Erickson clarified that Commissioner Larson is suggesting a finding of fact stating that the LMC requires a certain number of parking spaces, and that number is provided in front of the project and in accordance with the reciprocal agreement.

Commissioner Larson was not sure it was clear that they were interpreting the LMC to require one space per four seats. Planner Kuhlow replied that there is no finding for that requirement.

Commissioners O'Hara asked where the Olympic mitigation plan falls within the construction mitigation plan. Planner Kuhlow replied that the remodel of the northern portion of the building must be completed by December 2001 to accommodate Sundance. Construction of the southern portion will not occur until after the Olympics.

Planner Kuhlow reviewed additional findings and conditions as stated by the Planning Commission:

Finding 17 - The Holiday Village Mall is a remodel of an existing use.

Finding 18 - There is a current history of activity for the tenant mix on the site. The Land Management Code requires one parking space for four theater seats. With the reciprocal parking agreement and the current tenant mix, the parking requirement of the Land Management Code is met.

Findings 19 - The circulation plan for the parking lot, by removal of the bank drive-through in the parking lot, is an improvement to the site.

Condition 14 - New commercial retail will be restricted to low intensive uses primarily oriented toward daytime hours.

Condition 15 - Parking spaces shall not be signed for use of individual tenants.

Condition 16 - The applicant shall work with the adjacent property owner, the Homestake Condominiums, to facilitate a sign plan regarding parking uses.

MOTION: Commissioner Erickson moved to APPROVE the Conditional Use Permit for the Holiday Village Mall in accordance with the staff report and the findings of fact, conclusions of

law, and
conditions of
approval as
modified by the
Staff with the
additional
corrections and
ratification of
the conditions of
approval at the
next meeting.

Planner Kuhlow revised Condition 12 to read, "The southeast corner of the applicant's property lying adjacent to the Yarrow Hotel lot shall be reconstructed in order to produce a better turning radius to facilitate circulation for the entire parking lot." Condition 13 was revised to read, "A parking circulation plan drawn by a certified engineer shall be submitted to the Park City Engineer for review and approval prior to the issuance of a building permit."

Chair Hier asked if the Planning Commission intended to approve the CUP this evening or if they wanted to bring it back on a Consent Agenda for ratification of findings, conclusions, and conditions.

Commissioner Erickson clarified that his motion would bring this back for ratification at the next meeting.

Commissioner Larson seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Holiday Village Mall

1. The project is located within the General Commercial (GC) District.
2. This proposal requires a Conditional Use Permit because a portion of the reconstruction is located within the Frontage Protection Zone. A Conditional Use Permit is also required for relocating the drive-up window.
3. The proposed construction complies with all setback requirements of the General Commercial District (GC).
4. A reciprocal parking agreement exists between the Holiday Village Mall, Gart Sports, and Albertson's. This agreement allows the use of the parking spaces by customers of any of the businesses named within the agreement.
5. The proposed tenant mix for Holiday Village Mall lists only these tenants who operate past 7:00 p.m. The theater's peak hours occur in the evening beginning at 6:45 p.m.

6. The proposal includes 20,675 square feet of shopping center area and 11,200 square feet of Indoor Entertainment Area.
7. The total number of movie theater seats proposed is 590.
8. The parking and internal circulation system are adequate for the project and meet the minimum parking requirement of the Land Management Code, Section 15-3-6.
9. Section 15-3-7 of the Land Management Code allows the Planning Commission to reduce the initial parking requirements to prevent excessive parking and spacing.
10. The applicant has proposed phasing the construction of the project by demolishing the northern portion of the building and reconstructing the building in the summer of 2001. The remainder of the building is proposed to be remodeled the summer of 2002.
11. The proposed height of the reconstruction is thirty-six (36) feet above grade. The General Commercial building has a maximum height for pitched roof of forty (40) feet.
12. The findings in the Analysis section are incorporated herein.
13. The total number of available spaces included with the reciprocal easement for all three properties is 361 parking spaces.
14. The applicant has increased the number of theater seats to 590, which is 50 additional seats over what exists within the three theaters.
15. The parking lot currently contains 94 parking spaces.
16. Gart Sports is open until 7:00 p.m. in the summer and until 8:00 p.m. during the ski season.
17. The Holiday Village Mall is a remodel of an existing use.
18. There is a current history of activity for the tenant mix on the site. Finding #20 - The Land Management Code requires one space per four seats for an indoor entertainment theater use. The Land Management Code requires one parking space for four theater seats. With the reciprocal parking agreement and the current tenant mix, the parking requirement of the Land Management Code is met.
19. The circulation plan for the parking lot, by removal of the bank drive-through in the parking lot, is an improvement to the site.

Conclusions of Law - Holiday Village Mall

1. The application complies with all requirements of the surrounding residential and commercial structures in use, scale, mass, and circulation.

2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use, scale, mass, and circulation.
3. The use is consistent with the Park City General Plan.
4. Any differences in use or scale have been mitigated by the Conditions of Approval.

Conditions of Approval - Holiday Village Mall

1. All standard conditions of project approval shall apply to this project (see Exhibit G).
2. The parking lot lighting for the entire lot shall be brought into compliance with the Land Management Code requirements during the first phase of construction.
3. The parking lot restriping and landscaping shall occur prior to the issuance of a certificate of occupancy on the new construction within the project's first phase.
4. The Planning Department shall review and approve the Master Sign Plan for the project for compliance with Municipal Code Title 12. The signs shall be constructed of wood and metal materials.
5. The Developer shall provide a detailed Construction Management Plan (CMP) prior to issuance of any building permits that addresses the construction staging, storage, circulation, and parking plan.
6. A final landscape plan will be submitted by the applicant for approval by the City and shall comply with Section 15, Chapter 3, prior to issuance of any building permits.
7. Final architectural design of the structure shall be reviewed and approved by the Community Development Staff and shall comply with Chapter 9 of the Land Management Code prior to issuance of any building permits. Materials and colors shall be compatible with the remainder of the shopping center.
8. The applicant shall submit an application for a subdivision to change a metes and bounds parcel into a platted lot of record. The plat shall be recorded prior to the issuance of a certificate of occupancy.
9. The City Engineer shall review and approve or deny appropriate grading, utility, public improvements, and drainage plans for compliance with City standards as a condition precedent to permit issuance.
10. This approval shall be null and void as of May 23, 2002, unless the applicant has received a building permit for the project.

11. Upon Albertson's approval, the applicant shall place signs within the Holiday Village Mall parking lot notifying patrons of additional parking spaces available in front of Albertson's.
12. The southeast corner of the applicant's property lying adjacent to the Yarrow Hotel lot shall be reconstructed in order to produce a better turning radius to facilitate circulation for the entire parking lot.
13. A parking circulation plan drawn by a certified engineer shall be submitted to the Park City Engineer for review and approval prior to the issuance of a building permit.
14. New commercial retail will be restricted to low intensive uses, primarily oriented toward daytime hours.
15. Parking spaces shall not be signed for use of individual tenants.
16. The applicant shall work with the adjacent property owner, the Homestake Condominiums, to facilitate a sign plan regarding parking uses.
5. 128-134 Ontario Avenue - Plat amendment to reconfigure and improve 3 lots/Conditional Use Permit to extend private drive across City right-of-way

Administrator Putt reported that the Planning Commission will discuss two applications. The first is a plat amendment for Block 52 of the Park City Survey. The second is for a CUP to extend a private driveway into a platted but unbuilt City right-of-way. This is a new requirement for a CUP under the recently revised Land Management Code. The property is located in the HRL zone which limits construction to single-family residences on minimum lot sizes of 3,750 square feet. He described the location of the property and noted that it has moderate to steep sloping terrain and is vegetated with a mix of oak, scrub, conifer, and ground cover. The Old Union Pacific spur line runs through the property, and people have used it for hiking and equestrian uses. The proposal would combine 15 full or partial HRL lots into three new lots of record. The entire property in the replat area consists of just over half an acre. The three lots would range in size from 5,700 square feet to a little over 12,000 square feet. Access to the property would be by extension of a private driveway easement from the Ivers replat across platted but unbuilt Second Street through the property and into a portion of the platted but unbuilt Marsac right-of-way. The easement would be 30 feet wide and would accommodate a driveway 20 feet wide. The proposed driveway easement would also overlap with a pedestrian trail easement to make a connection from Thrill Hill and Ontario Avenue through the properties and formalize pedestrian access onto a railroad spur line.

Administrator Putt stated that the application for the plat amendment was reviewed by the Planning Commission on May 9, and the consensus was that the density reduction resulting from this proposal is a positive amenity of the project. There was discussion as to why the Ivers replat recently

approved by the City only included a private driveway easement. After reviewing the record, it was clear that the condition of approval intended to allow the City some review control over the density that would occur in Block 52 and review how access to Block 52 would be accommodated. Administrator Putt commented that the Ivers plat is near recordation. Regarding a specific analysis for the plat amendment, the lot size and lot configuration exceed the minimum requirements of the HRL zone. It is consistent but slightly larger than lot sizes developed as part of the Ivers replat. The purpose of the HRL zone and a fundamental reason for rezoning this portion of town was to recognize that there were access limitations and topographic considerations that would limit density. In this case, the density would be reduced by approximately half. Access via extension of the private driveway easement will satisfy the Fire Marshall's requirements for access and fire protection. It also meets the minimum Land Management Code requirements. The Staff has determined that the lot size, configuration, access, and utility needs meet Code requirements and have been reviewed by the Chief Building Official, Fire Marshall, and City Engineer. The public hearing was closed at the last meeting, and the Planning Commission was encouraged to reopen the public hearing if anyone wished to comment.

Administrator Putt reported that a public hearing this evening would also involve a CUP for the area of Second Street and a small portion of undeveloped but platted Marsac Avenue. The Staff report contains the CUP criteria and additional criteria set forth in Chapter 15.3 of the Land Management Code dealing specifically with proposals for driveways and unbuilt City rights-of-way. Administrator Putt referred to Criterion 2, traffic considerations, and noted that the Staff has made a finding that this complies. Execution of a private driveway easement through the Ivers replat is a condition precedent to recordation and building permit.

A condition of approval states that the plat cannot be recorded or any construction commenced without that easement. He commented that he did not believe this would create a circulation problem given the number of lots that would access the area and the overall reduction in density. Administrator Putt referred to Criterion 3, utility capacity, and noted that this proposal will not impact existing utilities in platted Second Street or platted Marsac Avenue. A utility plan will be required and reviewed by Eric DeHaan and Ron Ivie. An slurry line runs through the existing railroad grade, but Mr. DeHaan felt that a plan could be developed to construct the necessary utilities. Administrator Putt noted that the Staff has made a finding that the project complies with Criterion 4, emergency vehicle access. Mr. Ivie has determined that the three lots accessed off of Ontario Avenue and the Ivers replat area are within the necessary spatial requirements for fire suppression occurring off of Ontario Avenue. As part of the utility plan, three Fire Department standpipes will be constructed at the intersection of the private driveway and Ontario Avenue.

Administrator Putt reviewed the CUP criteria for construction of driveways in unbuilt City rights-of-way. The driveway does not exceed a 10% slope, is virtually flat, and will require a limited amount of disturbance. Adequate snow storage easements exist, and the Staff feels there is more than sufficient snow storage area on the downhill side.

The driveway must be paved with concrete or asphalt and must not pre-empt any existing physical parking which may occur on the platted street. Administrator Putt did not anticipate any utility conflicts, and no staircases are anticipated in the area. The driveway construction requires a CUP, and the applicant is requesting review and possible action on the CUP. An encroachment permit is required for the driveway, and the City Engineer will base his determination on issuing an encroachment permit consistent with the Planning Commission's decision on this application. Private utilities, including snow melt devices, within the City street require approval from the City Engineer, but no private snow melt is proposed.

The Staff has found that the plat amendment and CUP comply with the standards of the Land Management Code. Staff's comments and concerns have been memorialized as part of the findings and conditions. The Staff recommended that the Planning Commission forward a positive recommendation to the City Council on the plat amendment and approve the CUP for the driveway extension across the unbuilt platted City rights-of-way based on the findings of fact, conclusions of law, and conditions of approval outlined in the staff report.

Chair Hier opened the public hearing.

There was no comment.

Chair Hier closed the public hearing.

Commissioner O'Hara corrected Condition 1 to read that the CUP will expire in 2002.

Administrator Putt recommended that Finding of Fact 7 be modified to read, "The proposed driveway extension crosses platted Second Street and Marsac Avenue rights-of-way." Finding of Fact 6 for the CUP was modified with the same correction. Administrator Putt noted that the criteria for an encroachment permit are not addressed as a condition of approval. He added a condition to the plat amendment and CUP stating that, "An encroachment permit for the driveway extension and the City rights-of-way shall be obtained from the City Engineer prior to plat recordation."

MOTION: Commissioner Volkman moved to APPROVE the Conditional Use Permit to construct a private driveway located at 128-134 Ontario Avenue in accordance with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report and as modified and to forward a POSITIVE recommendation for a proposed plat amendment at the same location with separate modified findings of fact, conclusions of law, and conditions of approval. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Larson requested that, when the Ivers replat comes in for a construction mitigation plan, the construction parking be restricted to the two driveways for all three lots on the downhill side.

Findings of Fact - 128-134 Ontario - Plat Amendment

1. The 25,777-square-foot (.59 acres) property is in the HR-L District.
2. The property is located to the south of the Ivers replat and the 2nd Street right-of-way.
3. The property is currently vacant.
4. The plat amendment reconfigures 15 full and partial HR-L District lots in Block 52 of the Park City survey into 3 lots of record.
5. The plat amendment also includes a request to vacate 488 square feet of platted, unbuilt Marsac Avenue. Action on street vacation requests is taken by the City Council.
6. Access to the applicants' property is via a proposed extension of a private driveway off of existing Ontario Avenue through the Ivers replat.
7. The proposed private driveway extension crosses platted Second Street and Marsac Avenue rights-of-way.
8. The Second Street right-of-way is an unbuilt City Street.
9. The proposed driveway easement (the extension of the Ivers Replat private driveway) is 30 feet in width.
10. The proposed driveway width is 20 feet.
11. The applicant proposes to dedicate the private driveway easement as a public pedestrian trail easement.
12. The lot sizes and maximum building footprints are:

<u>Lot Size</u>	<u>Maximum Building Footprint</u>
Lot 1 12,139 sq. ft.	3,068 square feet
Lot 2 5,719 sq. ft.	2,078 square feet
Lot 3 7,919 sq. ft.	2,539 square feet

13. The project is located in the Ontario Avenue/Thrill Hill Area. Minimal construction staging area is available in this neighborhood.
14. The findings from the analysis section are incorporated herein.
15. The applicant stipulates to all conditions of approval.

Conclusions of Law - 128-134 Ontario Avenue - plat amendment

1. There is good cause for the amendment.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 2.1 and Chapter 15 and State subdivision requirements.

Conditions of Approval - 128-134 Ontario Avenue - plat amendment

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Execution of a private driveway easement in a form and manner acceptable to the City Engineer and City Attorney is a condition precedent to plat recordation.
3. An acceptable utility plan shall be submitted to and approved by the City Engineer. The power, phone, and cable TV lines may be overhead. The 20-foot driveway will contain a sewer main, one or more water lines, the UPCM slurry line, one or more dry FDC connections, and one or more gas lines. A financial guarantee for the installation of public improvements is required.
4. Approval of a Conditional Use Permit to construct the private driveway within the Second Street right-of-way is a condition precedent to plat recordation.
5. This approval shall expire one year from the date of City Council approval unless this plat amendment is recorded prior to that date.
6. All Standard Project Conditions shall apply.
7. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.
8. An encroachment permit for the driveway extension and City rights-of-way shall be obtained from the City Engineer prior to plat recordation.

Findings of Fact - 128-134 Ontario Avenue - CUP

1. The 25,777-square-foot (.59 acre) property is in the HR-L District.
2. The property is in Block 52 of the Park City Survey and is located south of the Ivers replat and the Second Street right-of-way.
3. The property is currently vacant.

4. The applicant has submitted a plat amendment application to reconfigure 15 full and partial HR-L District lots in Block 52 of the Park City Survey into 3 lots of record.
5. Access to the applicants' property is via a proposed extension of a private driveway off of existing Ontario Avenue through the Ivers Replat.
6. The proposed private driveway extension crosses platted Second Street and Marsac Avenue rights-of-way.
7. The Second Street right-of-way is an unbuilt City street.
8. The Land Management Code, Section 15-3-5, requires a Conditional Use Permit prior to constructing a private driveway in an unbuilt City street.
9. The proposed driveway easement (the extension of the Ivers replat private driveway) is 30 feet in width and approximately 1,500 square feet in area.
10. The proposed driveway surface is 20 feet.
11. The applicant proposes to dedicate the private driveway easement as a public pedestrian trail easement.
12. The findings from the analysis section are incorporated herein.
13. The applicant stipulates to all conditions of approval.

Conclusions of Law - 128-134 Ontario - CUP

1. The application complies with all requirements of the Land Management Code, specifically Section 1.13 and 15-3-5.
2. The use, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. Any negative effects of the project have been mitigated through planning and conditions of approval.
4. The proposal is consistent with the Park City General Plan.

Conditions of Approval - 128-134 Ontario - CUP

1. The Conditional Use Permit will expire on May 23, 2001, if the plat amendment is not recorded.
2. Execution of a private driveway easement in a form and manner acceptable to the City Engineer and City Attorney is a condition precedent to any plat recordation and the issuance of any building permits.

3. An acceptable utility plan shall be submitted to and approved by the City Engineer. The power, phone, and cable TV lines may be overhead. The 20-foot driveway will contain a sewer main, one or more water lines, the UPCM slurry line, one or more dry FDC connections, and one or more gas lines. A financial guarantee for the installation of public improvements is required.
4. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.
5. All standard conditions of approval shall apply.
6. An encroachment permit for the driveway extension and City rights-of-way shall be obtained from the City Engineer prior to plat recordation.

VII. NEW BUSINESS

1. 581 Park Avenue - Lot line adjustment

The Staff requested that this item be continued to June 13.

MOTION: Commissioner O'Hara moved to CONTINUE this matter to June 13. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

2. 2346 Park Avenue, Radisson Inn - Conditional Use Permit for remodel

This application has been withdrawn.

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

Approved by Planning Commission _____