

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
May 28, 2014**



AGENDA

WORK SESSION – Discussion items only, no action taken

Round Valley Annexation and Zoning Map Amendment – Work Session and Site Visit

PL-13-01857

Planner Whetstone

Site visit at 4:30 PM and continue public hearing to June 25th, 2014

1851 Little Kate Road, Dority Springs Subdivision – Work Session and Site Visit

PL-12-01733

Planner Astorga

Site visit at 5:00 PM and continue public hearing to June 11th, 2014

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF May 14, 2014

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

1201 Norfolk Avenue, Nirvana at Old Town Subdivision – Plat Amendment

PL-14-02298

Public hearing and continuation to June 25th, 2014

Planner Alexander

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

820 Park Avenue – Rio Grande – Condominium Plat

PL-14-02309 47

Public hearing and recommendation to City Council on June 26th, 2016

*Planner
Grahn*

1255 Park Avenue – Carl Winters School – Ratification of MPD Development Agreement

PL-13-02085 65

Possible action

*Planner
Grahn*

Land Management Code Amendments related to:

PL-14-02348 91

1. Public improvement warranty guarantees (LMC Sections 15-1-13)
2. Planning Commission rules of order (LMC Section 15-12-10)
3. Animal services in GC and LI zoning districts (LMC Sections 15-2.18-2, 15-2.19.2, and 15-15-1)
4. Clarify by codifying the existing prohibition of nightly rentals within = April Mountain and Mellow Mountain Estates Subdivisions (Sections 15-2.13-2)

*Planner
Whetstone*

Public hearing and recommendation to City Council on June 26th, 2014

Planning Commission Rules of Order Resolution

Discussion and adoption of Resolution

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 MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
May 14, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Worel, Preston Campbell, Steve Joyce, John Phillips, Adam Strachan, Clay Stuard

EX OFFICIO:

Thomas Eddington, Planning Director; Planning Manager, Kayla Sintz; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Ryan Wassum, 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 except for Commissioner Gross who was excused.

ADOPTION OF MINUTES

April 23, 2014

DRAFT

Commissioner Stuard referred to page 4 of the Staff report, page 2 of the Minutes, second paragraph under Staff/Commissioner Communications. He corrected the second to the last sentence of the paragraph to read, "Commissioner Stuard **was interested in** hearing the opinions **and analysis of others...**"

Commissioner Stuard referred to page 55 of the Staff report, page 13 of the minutes, third paragraph, first sentence, "Commissioner Stuard believed there was consensus for granting a one year extension." The statement was accurate but it was actually made by Commissioner Campbell. The minutes were corrected to read, "**Commissioner Campbell** believed there was consensus for granting a one year extension."

Commissioner Stuard referred to page 25 of the Staff report, page 4 of the Work Session Minutes, and last paragraph, first sentence, and changed "...carefully approve site plan" to correctly read, "...**currently** approved site plan."

Chair Worel referred to page 3 of the Staff report, page 1 of the minutes, second paragraph, second line under April 9, 2014, and changed Commissioner Clay to correctly read **Commissioner Stuard**.

MOTION: Commissioner Stuard moved to APPROVE the minutes of April 23, 2014 as amended. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

Melanie and Ben Martin, property owners in Prospector Park, purchased their home two years ago. They were before the Planning Commission with a request for an exception to their permit to put vinyl siding on their home to replace the current masonite-type product. Ms. Martin stated that after receiving multiple bids from contractors they decided to use a premium grade vinyl. When their contractor tried to pull a permit they discovered that the Municipal Code prohibits vinyl unless it was a pre-existing material on the structure. Ms. Martin noted that per Title 15, Chapter 5-5-5(B) of the Code, the reasons for prohibiting residing with vinyl are that it has been deemed inappropriate for use in Park City due to the extreme weather climate, and that its appearance may negatively affect the values of adjoining or abutting properties.

Ms. Martin cited their opposition to reason #1. She stated that vinyl has come a long way in regards to its durability and performance in extreme weather climate. They personally chose an Alside Odyssey Plus premium grade vinyl. It has a .044" panel thickness, which is above the standard contractor grade thickness. A locking system and double nail hem provide rigidity and extra holding power against high winds up to hurricane strength. The panels are screwed in place rather than nailed. Ms. Martin outlined other benefits of the premium siding, including the fact that it holds up well against excessive fading, hail, blistering, corroding and other damage. If any portion of the siding needs to be replaced, the damaged section can be replaced independently, as opposed to aluminum. Ms. Martin noted that aluminum is given an exception upon approval from the Planning Director when surrounding structures are utilizing the same type of material.

Ms. Martin stated that the vinyl material chosen would provide an R-9 value, reducing energy consumption and creating less environmental impacts than the fiber cement products that are currently approved by the City.

Mr. Martin outlined their opposition to reason #2 of the Code. Their home is currently sided with a very old Masonite type product, which is rotten, swollen and delaminated in some areas. The deteriorated product not only poses a risk to the structural integrity of their home, it is also aesthetically worn out and displeasing in appearance. In its current condition it diminishes the value of their home and the surrounding homes. The damage is too widespread to be repaired and the siding needs to be replaced.

Ms. Martin presented a sample board showing the vinyl product they would like to use. They believe that replacing the existing siding with high grade vinyl could only improve the value of their home and the homes in the neighborhood. Their neighbors support their request and had signed a petition, which was included in the packet they handout out to the Planning Commission. The signatures included all of the surrounding and abutting properties, as well as many others in the neighborhood. The siding had also been approved by the Prospector Park Architectural Committee, and the CC&Rs allow for vinyl siding.

Ms. Martin stated that several independent studies have shown that homes with vinyl siding typically recoup about 70% of the cost upon resale of the home. She remarked that their home is surrounded by vinyl homes, some of which were not previously sided in vinyl. Five of the homes are visible from their yard. A plat map was included in the packet highlighting vinyl homes in the area to show that their home would not be the exception. Ms. Martin stated that one-third of the homes in Prospector Park are sided in vinyl. Photos of their home and other homes in the neighbor with the vinyl siding were included in the packet.

Ms. Martin believed the reasoning behind the Code was outdated and inapplicable to the Prospector Park area. In their opinion the Code should be reviewed and amended to be more current with existing data and the surroundings of Prospector Park. They thought it was reasonable for their request to at least be given the same opportunity for review by the Planning Commission and to be allowed the same exceptions that were given to those who wanted to side with aluminum, stone and veneer.

Ms. Martin clarified that they were requesting an exception to the vinyl siding currently prohibited by Code, and that the Planning Commission consider amending the LMC for the future so other property owners would not have to go through this same process.

Assistant City Attorney McLean explained that the Planning Commission did not have the ability to grant an exception. However, they could consider the request and direct the Staff to come back with a Land Management Code amendment that would allow vinyl siding as an exception.

Board Member Stuard asked if the Martin's were proposing a particular type of texture. Mr. Martin presented a sample of the proposed vinyl material with a wood grain texture. Commissioner Stuard asked if they would prefer a limitation to wood grain texture if the Code is amended. Ms. Martin replied that the neighbors have not expressed a preference for a particular texture. Their preference would be to have the opportunity to present the material to be considered for an exception.

Commissioner Stuard noted that historically the complaint associated with vinyl siding is the popping noise that occurs due to thermal expansion. Ms. Martin stated that they had done a significant amount of research on vinyl siding and she did not recall reading anything about popping. She pointed out that the particular vinyl product they chose is high quality material and it has floating panels that allow for expansion. Mr. Martin stated that in a good, better, best scenario, they choose the best quality.

Commissioner Strachan asked if the Martin's had submitted an application that was denied. Ms. Martin replied that the contractor applied for the permit to install the siding and that was when they learned that vinyl siding was not allowed. They had not applied for a variance, which would cost another \$1,000. They were hoping to come to a logical and reasonable decision without having to go through the variance process. Commissioner

Strachan asked about the status of the application and whether the denial had been appealed. Director Eddington explained that currently in the Prospector area, if someone requests aluminum siding, it could be done based upon approval by the Planning Director. However, it has to be on a house that already has aluminum siding, or is compatible with other aluminum sided homes within its proximity. He noted that the Code does not have that same provision for vinyl siding. Currently under the Code, vinyl could be replaced on an already vinyl sided home upon determination by the Planning Director, based on compatibility and the characteristics of the house. If the home does not currently have vinyl siding, vinyl is not allowed and there is no exception for it.

Director Eddington recalled that the Planning Commission and Staff have had this same discussion at least two times over the past five years. In one discussion the Planning Commission definitely did not want to move in the direction of vinyl siding. A second discussion was more ambivalent, and the focus turned more to cultured stone. Director Eddington suggested that after five years it may be time to reassess the issue again.

Commissioner Strachan remarked that the only recourse the Planning Commission could offer at this time was to consider an amendment to the Land Management Code to allow vinyl siding. Director Eddington agreed that they could do nothing more because there was no variance for vinyl siding. He stated that the Planning Commission would see proposed amendments to the LMC overall over the next three years. Director Eddington asked whether the Planning Commission wanted the Staff to do a reconnaissance analysis over the next few weeks and provide their assessment to the Planning Commission; or whether they still felt that vinyl was still an inappropriate siding material.

Commissioner Strachan thought the analysis was in order. He lives in the Prospector area and he is familiar with the vinyl siding houses that were shown in the packet. He has aluminum siding on his house and he cannot tell the difference between his siding and the

vinyl siding. He stated that if this was an antiquated section of the Code that needed to be updated, particularly with evidence that vinyl is a more energy efficient material, the Planning Commission should revisit it. Commissioner Stuard concurred and suggested that it be fast-tracked.

Assistant City Attorney McLean noted that the next meeting has been noticed for LMC amendments. However, the Code requires two weeks noticing and it was too late for siding to be discussed as a proposed amendment at the next meeting. It could be noticed for the June meeting.

Commissioner Joyce was concerned about the different quality of vinyl siding. It was obvious that the Martin's had done their research and decided on the best quality siding. He used to live in North Carolina and he has seen the effects of poor quality vinyl siding. Commissioner Joyce asked if they could specify a specific quality of vinyl siding in the LMC. Director Eddington stated that if they choose to amend the Code he would suggest upgrading the section that talks about the thickness of aluminum siding and require a thicker aluminum. If they decide to allow vinyl, he would recommend specifying the thickness and quality.

Planning Manager Sintz clarified that the Planning Commission forwards a positive recommendation to the City Council on Code amendments for their review and final action. She wanted everyone to be aware that going to the City Council adds additional time to the amendment process. Commissioner Stuard remarked that six weeks for a Code change versus three years would make a significant difference to the Martin's and others in their situation.

Commissioner Strachan believed the direction towards vinyl siding required some analysis. He was part of the previous discussion regarding cultured stone and he could not recall any home in Prospector with stone siding. This situation was different because existing homes in Prospector have vinyl siding and a provision in the Code allows the vinyl siding to be replaced with approval. Commissioner Strachan thought the Staff should do the analysis and the Planning Commission should have the discussion before making a decision.

Commissioner Phillips thought the Planning Commission should definitely look into the possibility of allowing vinyl siding. There are a lot of positives for using vinyl siding in addition to affordable. He likes the thicker corners and it looks more like wood.

Commissioner Preston preferred to give the Planning Director more leeway in the Code rather than to precisely define the requirements. Allowing the Planning Director the same leeway he has with aluminum siding would keep the applications moving forward more

quickly. Director Eddington stated that regardless of the proposed siding material, he would recommend keeping the process of Planning Department determination. Commissioner Campbell fully supported the recommendation.

Assistant City Attorney McLean understood that there was consensus from the Commissioners to address the vinyl siding issue as soon as it could be scheduled on the agenda; most likely in June. The Commissioners concurred.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Chair Worel stated that she would be absent from the June 11th Planning Commission meeting.

CONTINUATIONS – Public Hearing and Continuation to date specified.

1. 1201 Norfolk Avenue, Nirvana at Old Town Subdivision – Plat Amendment

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

MOTION: Commissioner Strachan moved to CONTINUE 1201 Norfolk Avenue, Nirvana at Old Town Subdivision to May 18, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. Round Valley Annexation and Zoning Map Amendment – Work Session and Site Visit

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

MOTION: Commissioner Strachan moved to CONTINUE the Round Valley Annexation and Zoning Map Amendment to May 28, 2014.

VOTE: The motion passed unanimously.

The Planning Commission moved into Work Session for CIP Projects and Building Department Updates and General Plan Implementation. The discussion can be found in the Work Session Minutes dated May 14, 2014.

The Planning Commission moved out of Work Session and convened the Regular Agenda.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1897 Prospector Avenue, re-subdivision of Lots 25A, 25B and Parking Lot for Prospector Square Subdivision – Plat Amendment (Application #PL-12-01744)

Planner Kirsten Whetstone introduced Steve Schueler with Alliance Engineering and Rhonda Sadaris, Hank Lewis and Alison Butz representing the owners and co-applicants.

Planner Whetstone reviewed the application for a plat amendment to re-subdivide Lots 25A, 25B, parking Lot F, and the associated walkway area to the west of Lots 25A and 25B of the Prospector Square supplemental amended plats. The purpose is to re-configure two vacant development lots, reconfigure the common parking areas and provide for access to the lots compliant with the LMC access requirements. Three property owners were involved in this application, including the Prospector Square POA. Planner Whetstone noted that the Prospector Square POA held a vote and gave their consent to the plat amendment application.

Planner Whetstone stated that the property is in the General Commercial Zone and is subject to the Prospector Square subdivision overlay requirements. Planner Whetstone noted that the plat amendment reconfigures Lots 24A, 25B and parking lot F. The two lots that would be created are comparable square footage to Lots 25a-R and 25b-R. The plat amendment would not create additional development lots and the density would remain the same. There is no net loss of parking. Reconfiguring the parking lot would increase the parking from the current 99 spaces to 110 spaces. When lot B is reconfigured the future design could potentially provide 20 additional private spaces on the ground floor in addition to the 110 spaces.

Planner Whetstone stated that development of the lots would not require additional parking. Prospector Square has parking lots A through J, which is common, assigned parking for the Prospector Square POA. The overlay allows an FAR of two. Planner Whetstone remarked that three stories are allowed if the first story is parking. Parking is not included in the FAR of two.

Planner Whetstone stated that parking lot F currently exists adjacent to Silver Creek. It is also within the flood plain area. The owners have been working diligently to get a State Engineer order to allow them to do work no closer in proximity than where the

pave parking is to the stream. The order was included in the Staff report as Exhibit I and it sets out requirements for doing work in that area. Planner Whetstone outlined the permits required for working in a flood plain prior to obtaining a building permit. The Staff had reviewed the plat amendment and the proposed lots against the GC zoning district requirements as shown on page 50 of the Staff report. The Staff found that the proposal complies with those requirements. The Staff also finds good cause for this plat amendment.

Planner Whetstone reported that the proposed reconfiguration allows for better utilization of the property in terms of urban design, better solar access, and opportunities for improved architectural and site design. It also allows the parking to be located behind or between the buildings and breaks up the parking lot. The Staff believes the requested plat amendment allows for Best Planning and Design Practices while preserving the character of the Prospector Square neighborhood. It also allows for easements to be platted for utilities and access in compliance with the LMC. Planner Whetstone pointed out that all future development of the property must be reviewed by the Planning Staff at the time of the building permit or by the Planning Commission if the use requires a Conditional Use Permit. The Prospector Square POA also actively review development plans for compliance with the CC&Rs.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the proposed plat amendment.

Hank Lewis corrected the parking numbers reported by Planner Whetstone. He clarified that the 110 parking spaces included the future 20 additional private parking spaces at ground level.

Mr. Schueler remarked that the plat would not only improve the applicants' property values and access, it would also improve other lots in the area by providing better access to the walkway, and better circulation to access the buildings. It would also separate uses such as deliveries versus lodging.

Rhonda Sandaris stated that when they first approached the Army Corp of Engineers they were told it could not be done. However, at her request they conducted a site visit and after visiting the site and saw all the trash in the creek, they agree that the plat amendment would be an improvement.

Director Eddington asked if landscaping was proposed on the east side to provide a break between the public and private parking. Mr. Schueler replied that the parking lot on the east actually spreads into the POA property. They would have to restrict and cut

the parking back to address the encroachment. He believed there was some opportunity for landscaping. Ms. Sandaris understood from the project manager who was rehabbing Prospector Square that a condition of receiving the permit was to correct the encroachment.

Commissioner Strachan asked if something would be done to the walkway area on the left that is incomplete and is actually a sidewalk to nowhere. He indicated another area that is a bike and footpath and asked if improvements were planned for that area. Ms. Sandaris stated that they had talked about improving it at one point, but Prospector Square asked them to keep it the way it was. Mr. Lewis concurred. He stated that the intention for the new 25b-R is to have it connected to the rail trail. They would like to do a live-work design with access to the rail trail.

Alison Butz noted that the sidewalk on the easternmost side would be more usable because it would lead to the parking lot behind the building.

Commissioner Joyce thought it looked to be far enough down that the integrate parking would not directly influence the BoPa Plan. Director Eddington stated that Prospector has its own HOA agreements with parking lots. The number of spaces has always been a challenge and fronting the building on the right-of-way with parking behind actually fits better with the form based code and Bonanza Park.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Phillips liked the idea of breaking up a larger parking lot. Commissioner Campbell agreed. He thought it would be definite improvement. Commissioner Joyce had no concerns and he thought it was a better option. Commissioner Strachan was comfortable with the proposal.

Assistant City Attorney pointed out that Finding of Fact #5 needed to be amended. She asked if it was not net loss in parking or if 9 spaces would be lost. Mr. Lewis replied that there would be an increase of 10 or 11 additional spaces with the proposed layout. Planner Whetstone suggested striking the last sentence in Finding #5 to reflect the accurate parking count.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the Gigaplat Replat Plat Amendment based on the Findings of Fact,

Conclusions of Law and Conditions of Approval as found in the draft ordinance and as amended. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Gigaplat Replat

1. The properties are located at 1893 and 1897 Prospector Avenue within the General Commercial (GC) zoning district.
2. On December 10, 2012, the applicant submitted an application for a plat amendment to re-configure Lots 25a, 25b, Parking Lot F, and associated walkway area of the Prospector Square Supplemental Amended Plat. The purpose of the plat amendment is to re-locate the two development pads to be better oriented for energy efficient design, improved parking lot layout, to provide access and utility easements, and to reconfigure the common parking taking into consideration the relocated pads.
3. The application was deemed complete on January 14, 2014 upon receipt of the required letter from the Homeowner's Association, due to the POA being party to this application.
4. The proposed Lots 25a-R and 25b-R contain the same lot area as existing Lots 25a and 25b, specifically 4,950 square feet and 5,760 square feet respectively.
5. There is no net loss of parking spaces as a result of the reconfiguration of these lots. There are currently 99 parking spaces and the reconfigured plat will allow 110 common parking spaces within Parking Lot F for a net increase of eleven (11) spaces.
6. Existing Lots 25a and 25b do not have access to a public street or access easement leading to a public street. These lots are undeveloped vacant lots.
7. Parking Lot F is an existing paved and striped parking lot utilized by the Prospector Square Subdivision development as common parking for the entire Subdivision. Parking Lot F currently exists adjacent to Silver Creek and the owner of future Lot Giga-b applied to the State Engineer for streamside construction permit for work that will not extend beyond the existing pavement of Parking Lot F and was granted an Order of the State Engineer outlining all requirements for work
8. As conditioned, the proposed plat amendment does not create any new non-

complying or non-conforming situations.

9. The GC zone has no minimum lot sizes. Setbacks within the Prospector Square Overlay are permitted to be zero (0") for front, side and rear yards. Maximum building height is 35' from existing grade, with LMC height exceptions allowed.

10. Amended Lot 25a-R will have access and frontage on Prospector Avenue and amended Lot 25b-R will have access to Prospector Avenue via an access easement over Parking Lot F.

11. The plat amendment will resolve access and utility easement issues that currently exist.

Conclusions of Law – Gigaplat Replat

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Gigaplat Replat

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers may be required for new construction, to be determined by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

4. A 10 foot (10') wide public snow storage easement is required along the frontage of the lots with Prospector Avenue, with the exception of Lot 25a-R and shall be shown on the plat.
5. The plat will reflect access and utility easements as required by the City Engineer and utility providers.
6. Future development on Lot 25b-R is required to comply with the Order of the State Engineer regarding streamside construction application number 12-35-50SA, or as amended and restated. Reference to this requirement shall be noted on the final plat prior to recordation.
7. All required Army Corps of Engineer permits are required prior to any work in the stream corridor, including stream rehabilitation work.
8. Flood plain certificates are required prior to issuance of building permits as required by the Chief Building Official.
9. Existing access and utility easements will be adjusted accordingly to reflect existing utilities and future built out conditions.
10. The final plat shall indicate uses and easements on the POA walkway and parking lot.

**2. 1800 Yarrow Hotel – Conditional Use Permit for temporary tent
(Application PL-14-02251)**

Planner Ryan Wassum reviewed the application for a conditional use permit for a proposed temporary structure to be located within the existing Yarrow Hotel property. The applicant was requesting the temporary structure for longer than the 14 days or no more than five times per year currently allowed by the LMC. The property is located in the General Commercial District and requires a conditional use permit to be reviewed by the Planning Commission.

Planner Wassum reported that the applicant was proposing to allow a temporary structure within the hotel courtyard up to twice per year in a maximum period of 180 days. That would allow the tent to be up for 180 consecutive days up to two times per year. The Staff conducted an analysis and recommended that the applicant be given a maximum of 260 days out of a full year to operate the temporary structure. It would allow more flexibility to utilize the space for indoor and outdoor events based on the

season. The Staff finds that allowing the temporary structure to be operable for two times per year and up to a maximum of 180 days consecutively as requested by the applicant would make it more of a permanent structure with a temporary use, rather than a temporary structure with a temporary use.

Planner Wassum stated that the Staff had reviewed the request against the criteria for temporary structures and the conditional use permit and found no unmitigated impacts. The Staff requested input from the Planning Commission on the maximum number of days the temporary structure should be allowed to be operable within a given year.

Melanie Guvara, representing the applicant, was available to answer questions. Ms. Guvara explained that the tent has been erected in a designated area for several different events and they would like more flexibility on the usage of that space. It is completely enclosed and the tent is valuable in terms of adding space for events and functions.

Chair Worel asked if the Hotel has considered building a permanent structure. Ms. Guvara was unaware of any discussions regarding a permanent structure.

Commissioner Stuard asked for clarification on the rationale behind the existing limitation in the LMC and what might be affected if the time period was extended. Planner Wassum stated that under the current requirements a temporary tent can be up for 14 days five times a year and a separate application is required each time. Commissioner Stuard asked if temporary structures require Building Department Inspection. Planner Wassum explained that the applicant applies for a permit and the temporary structure is inspected by Fire and Safety. Commissioner Stuard asked if the longer time frame would only reduce the number of applications or if it would also reduce the number of inspections. He asked if the Staff had asked the Building Department and the Fire Marshall for their opinions on extending the time period. Planner Wassum stated that he spoke with the Building Department and the most they allow for a temporary structure is 180 days consecutively. If the Planning Commission was to accept the 260 day per year time frame, the structure would have to come down after 180 days, obtain a new permit from the Building Department, and the structure would have to be re-inspected before it could be erected again.

Commissioner Stuard clarified that safety was his primary concern. He wanted to know how the Fire Marshall felt about going from 14 days to 180 days on a temporary structure. Ms. Guvara stated that she had spoken with the Deputy Fire Marshall, Kurt Simister, and he told her that the most he would allow was 180 days. Ms. Guvara noted that the tent was brand new and she was not opposed to regular inspections.

Director Eddington remarked that the Montage and other places have been allowed longer time frames for temporary structures and the Fire Marshall inspects the structure for safety, materials, etc. Director Eddington noted that what was inspected and what was improved cannot change once the structure is up because it would be in violation.

Planning Manager Sintz stated that the Fire Marshal inspections are the same as those for temporary structures that are erected during Sundance. Part of the inspection includes review of the structural drawings occupancy drawings calculated for the space. She pointed out that the longer time frame gives the property owner more flexibility and they do not have to apply for a permit as often. There would be no reason for multiple inspections unless something changed because the safety features would be inspected with the initial permit on the structure. A change that would trigger another inspection would be changing the floor plan which would change the occupancy calculation.

Commissioner Phillips assumed that if the temporary structure was up for 180 consecutive days multiple types of events would occur. He asked if an inspection would be required when the nature of the event changes, such as a wedding to a conference. Planning Manager Sintz remarked that a variety of scenarios are analyzed with the initial inspection. If there is a significant change with an event, the owner would have the responsibility to contact the Fire Marshall. However, the Fire Marshall can do a “drop-in” inspection at any time.

Assistant City Attorney McLean wanted to know how long the hotel intended to keep the structure erected each time. Ms. Guvara stated that they would like to keep it up as long as possible to save on the wear and tear of putting the structure up and taking it down. Leaving it up would also allow them to utilize the structure for spontaneous events or for unplanned overflow with a scheduled event.

Planner Wassum noted that the area proposed for the temporary structure is a totally enclosed courtyard that cannot be seen from the public right-of-way.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Campbell stated that he lives 100 yards from the Yarrow and he did not think it would be detrimental to the neighborhood because it cannot be seen from the street. His only concern was safety.

Commissioner Strachan felt that the request for 360 days was another way around building a permanent structure. He pointed out that there was a reason why these were conditional uses rather than allowed uses. Commissioner Strachan was not opposed to granting the request on the Staff's recommendation of 260 days.

Chair Worel asked if they could leave the structure in place for 260 consecutive days. Planner Wassum answered no, because the Building Code only allows a maximum of up to 180 days. The structure would have to be removed within that 180 day time frame, and then it could be erected again.

Assistant City Attorney McLean recommended that the conditions of approval clarify that the tent must come down at or before 180 days. Commissioner Strachan concurred. The Building Code was drafted by fireman, contractors and other professionals and he believed there were good reasons for the 180 day limit. Commissioner Strachan could not think of another temporary structure in Park City that was up for 260 days. He recalled putting strict restrictions on the temporary structure at Montage, and the temporary structures erected during Sundance are only up for two weeks.

Commissioner Joyce felt like it was gaming the Code to avoid building a permanent structure. He pointed out that a temporary structure is design to be used temporarily for short periods of time. If the intent is to have something that can be up and available for use at any time, it falls under the Code for permanent structures. Commissioner Joyce remarked that one benefit is that it encompassed by the building so it is not visible from the street or would create parking impacts. However, there are requirements for permanent structures that were being avoided by having an almost non-stop temporary structure. He believed it was counter to what a temporary structure should be.

Commissioner Strachan recalled that the Planning Commission had approved an MPD for the Yarrow several years ago. Director Eddington stated that it was a pre-MPD application that was expired.

Planner Wassum noted that Condition #4 puts a three-year limit on the CUP and then it would expire.

Commissioner Stuard asked if granting this request would encourage similar requests for temporary structures. Planner Wassum stated that it was possible, but it was unlikely that anyone else would have the space on an interior courtyard.

Ms. Guvara understood that the reason for the 14 days limitations was to avoid tents from being a visual obstruction. She reiterated that the space at the Yarrow is

completely enclosed and visibility was not an issue. She emphasized that the intent is to have the space available for an unexpected need that may arise and they would not have the ability to apply for a permit in time. Ms. Guvara stated that she only wanted the ability to use the space and she was willing to obtain any permits or abide by other requirements the Planning Commission would impose. Reducing the wear and tear of the structure was another reason for wanting to keep it up longer.

Commissioner Stuard stated that if the Planning Commission chooses to approve the request, he would like a finding of fact indicating that the courtyard area is fully enclosed and not visible from the street. He assumed that was covered by the language in Finding #9. He asked if the findings should also indicate that the temporary structure would not require additional parking spaces. Commissioner Strachan was unsure if they could make that finding because there was nothing to support it as being true. Commissioner Stuard clarified his comment to mean that the tent would not be erected over existing parking spaces. Commissioner Stuard thought it was important to address the visibility issue and the parking to avoid setting a precedent. If future applications do not have those attributes it could be a reason to deny.

Commissioner Strachan believed they might hear something from the Riverhorse because they came to the Planning Commission with a similar request and they were denied. Director Eddington noted that there were other issues related to the Riverhorse and one was a visibility factor.

Chair Worel stated that she has planned many large events and she understood the needs for a temporary structure. However, she has an issue with a temporary structure being up 360 days out of the year. Chair Worel was more comfortable with the Staff recommendation. She suggested that the Yarrow should consider building a permanent structure in that space if the need is that great.

Ms. Guvara offered to pass along that suggestion. She pointed out that the tent was their only option for outdoor space, which is quite often requested and more desirable to people visiting Park City.

Assistant City Attorney asked if the Yarrow anticipated using the structure both winter and summer. Ms. Guvara answered yes. Ms. McLean assumed it would be left up during the winter months. Ms. Guvara stated that they also have needs for the tent during the shoulder season. Ms. Guvara clarified that they were asking to keep the temporary structure up for longer time periods primarily to handle spontaneous events and other unforeseen needs. She remarked that it did not have to be the 360 days they requested but she would like the ability to keep it up as long as possible for all the

reasons mentioned.

MOTION: Commissioner Strachan moved to APPROVE the Conditional Use Permit application for 1800 Park Avenue with the following amendments to the Findings of Fact, Conclusions of Law, and Conditions of Approval:

Finding of Fact #6 – Delete entirely. Re-number the findings.

Condition of Approval #5 – “The applicant will need to remove the tent and obtain a new building permit with safety and fire inspections after the tent has been up for 180 days consecutively.”

Condition of Approval #6 – Delete entirely. Re-number the conditions.

Director Eddington recommended revising the second part of Finding of Fact #8 (re-numbered as #7) to read, “The applicant will need to remove the tent and obtain a new building permit with safety and fire inspections after the tent has been up for 180 days consecutively.”

Assistant City Attorney McLean clarified that by removing Finding #6 and Condition #6, they were not limiting how many times the tent could be put up or taken down, which allows the applicant the flexibility to take down the tent more often.

Commissioner Stuard seconded the motion.

Commissioner Campbell clarified that the Yarrow could take the tent up and down as many times as they want during the year as long as it did not exceed 180 days consecutively, and it could not be up for a more than 260 days total. He was told that this was correct.

Commissioner Phillips asked if the tent would have to be inspected each time it is taken down. Planner Wassum replied that each time the tent is taken down they would have to reapply for a building permit and the tent would be inspected.

VOTE: The motion passed unanimously.

Findings of Fact – 1800 Park Avenue

1. On April 15, 2014, the City received a complete application for a CUP for a temporary tent structure to be located within the Yarrow Hotel up to up to twice (2) per year for a maximum period of one-hundred and eighty (180) days (i.e. the tent

could be up 180 days consecutively, up to two (2) times per year).

2. Temporary structures require a CUP in the General Commercial (GC) Zone.
3. No additional signs or lighting are proposed with this application.
4. In 2013, the hotel pulled five (5) separate Administrative CUPs for temporary structures.
5. Within the Land Management Code (LMC) section 15-4-16(A)(7) a temporary structure may only be installed for a duration longer than fourteen (14) days and for more than five (5) times a year with an Administrative CUP and the Planning Commission must approve a CUP for any longer duration or greater frequency consistent with CUP criteria in LMC section 15-1-10(E) and the criteria for temporary structures in LMC section 15-4-16(C).
6. Staff recommends the temporary structure shall be operable for a maximum of two-hundred and sixty (260) days out of three-hundred and sixty-five (365) days in a year.
7. Building Code only allows a temporary structure to be up for one-hundred and eighty (180) days; therefore, the applicant will need to remove the tent and obtain a new building permit with safety and fire inspections after the tent has been up 180 days consecutively.
8. The Yarrow Hotel has one (1) location for a temporary structure and that is within the interior courtyard of the Hotel (see Exhibit B).
9. The Yarrow Hotel Valley may be accessed via Park Avenue and Kearns Boulevard. People using the temporary structures would have to abide by the same parking restrictions as other hotel guests.
10. According to a recent parking analysis, there are 166 parking spaces. The applicant conducted a parking study on the busiest day of the year where occupancy was 100% and found full usage of the parking lot. Staff estimates that the addition of a temporary structure at maximum capacity would not increase parking usage since hotel events are typically for hotel guests; Police records indicate no parking-related complaints from events held at the Yarrow.
11. On April 30, 2014, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park

Record on April 26, 2014.

12. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law – 1800 Park Avenue

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.

3. The Use, as conditioned is consistent with the Park City General Plan.

4. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.

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

6. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits and 15-4-16(C) review criteria for temporary structures.

Conditions of Approval – 1800 Park Avenue

1. All temporary structures require a permit issued by the Building Department. All temporary structures must be inspected by the Building Department prior to occupancy. The Building Department will inspect the structure, circulation, emergency access, and all other applicable public safety measures.

2. Prior to installing a temporary structure, the Planning Department must sign off on a building permit and record the date within the CUP application folder.

3. The temporary structure within the Hotel courtyard shall be operable for a maximum of two-hundred and sixty (260) days out of three-hundred and sixty-five (365) days in a year.

4. The CUP shall be permitted for three (3) years; however, the applicant must then resubmit an application for an extension at that time or the CUP will expire.

5. The applicant will need to remove the tent and obtain a new building permit with safety and fire inspections after the tent has been up 180 days consecutively.

6. The use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the CUP becoming void.

7. Exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.

8. Operation of the temporary structure with expired permits from any applicable City Department may result in the CUP becoming void. Building and Fire Permits must be up to date to operate the temporary structure.

**3. 129 Main Street – Steep Slope Conditional Use Permit
(Application PL-14-02251)**

Planner Anya Grahn stated that the property at 129 Main Street has had a long and varied history on a very challenging lot. Several variances have been granted, one of which was reduced the required lot size from 1875 square feet to 1208.5 square feet. The applicant obtained the property in 2007 and he was the architect for the previous owner. Variances were also granted to reduce the required front, rear and side setbacks, as well as a height exception for stairs within the front yard setback.

The applicant was proposing to build a single-family structure with three bedrooms and two bathrooms. Planner Grahn stated that the total square footage of 1709 square feet represented in the Staff report was incorrect. The actual square footage would be approximately 1,530 square feet.

Planner Grahn noted that the applicant was working on an HDDR application, which is dependent on approval of this request Steep Slope CUP, as well as variance request. The applicant was seeking a fourth variance for an exception to LMC 15-2.3-6(B), which requires the 10' horizontal stepping at 23' on the downhill facade. Planner Grahn stated that if the Planning Commission were to approve the Steep Slope CUP this evening, Condition of Approval #15 states that if the Board of Adjustment denies the variance for the 10' horizontal step, the applicant would be required to redesign the project and bring it back for Planning Commission review.

The Staff had reviewed the application against the steep slope CUP criteria and found that the applicant has been very sensitive to the site. The house is very small with a footprint of 535 square feet. The garage was kept lower and in the basement to minimize the visibility from the street. The width of the driveway is approximately 12'. Grading and retaining walls will be necessary due to the slope of the site. Planner Grahn believed the applicant had done a good job minimizing the plan so it does not

take over the site. He has worked hard on architectural compatibility and achieving a design that reflects the design guidelines and is in character with the neighborhood.

The Staff supported the Steep Slope CUP and recommended that the Planning Commission review the application and conduct a public hearing.

Planner Grahn noted that Finding of Fact #17 should show that the driveway width is 12 feet.

Jeff Creveling, the applicant, commended the diligent work of Planner Grahn and other Planning Staff who have seen this project over the years. Mr. Creveling noted that the variances were granted at two different times under different owners. The first was to allow a home to be built on a lot smaller than the minimum lot. Mr. Creveling outlined a number of challenges with the property. The lot is irregular, small and steep. It has an encroachment by the neighboring property. It requires two parking stalls. Mr. Creveling stated that he has lived in Park City since the early 1970's and he has worked in the town for 30 years. The house that was previously on the property was an enormous house that leaned over on the Alaska house. Mr. Creveling noted that he has been working on this property for over ten years. The lot is challenging and the process has been long and difficult but he was willing to continue with it.

Mr. Creveling believed there was a strong argument for waiving the 10' horizontal step and he intended to present that argument to the Board of Adjustment. He stated that the conditional use permit was initially going to be done administratively; however, the process changed over the years and a steep slope CUP is required. The land has been vacant for a long time and the neighbors support his project.

Chair Worel commented on the slope of the driveway and asked if the driveway would be heated. Mr. Creveling replied that the driveway would be heated. In addition, because he is so close to his neighbors and one neighbor is not willing to sign a snow shed storage agreement, he also intends to put a perimeter concrete waterway that will also be heated. Any snow that drains around the property will drain down to the same catch basin with a silt trap.

Chair Worel opened the public hearing.

Doug Stephens, a property owner to the north at 133 Main Street, stated that it is his primary residence and he lives there with his 16-year-old son. He also owns a house at 140 Main Street across the street and to the south. Mr. Stephens referred to the streetscape elevations on page 109 of the Staff report. He stated that looking at the street from where Swede Alley comes together with Park Avenue and Main Street. It is

a unique part of Main Street because it is a uniquely historical residential area. Mr. Stephens pointed out that this would be the second new home to be built in that area of the street. The first home was built in the early 1990's. He noted that both sides of the street, with the exception of the Alaska House and the Centennial, all the homes are one-story on single lots. The proposed house would be a two-story home on a single non-conforming lot. He believed the house was somewhat out of proportion. Mr. Stephens stated all there is the opportunity for landscaping the front yards on all the other homes on the street to soften the appearance of the home. This home is actually entirely hardscape. Between the 12' wide driveway and the width of the steps there is no room for landscaping from the front property line to the façade of the house. Mr. Stephen stated that this part of the street is very populated with pedestrian traffic patterns. Walking up the sidewalk people will see a garage and two stories above that. From the garage drainage level up to the peak of the roof is 34-1/2' the perception will be much higher than what it appears on the streetscape. Mr. Stephens asked the Planning Commission to keep his comments in mind as they make their decision and to consider that other issues still needed to be resolved. As they look at the future of Park City and the experience of pedestrians walking around, this will be a critical part of the experience for visitors coming into town.

Commissioner Stuard asked Mr. Stephens about parking for his residence and others along the street that do not have garages. Mr. Stephens stated that all the homes are historic and parking is not required. He personally purchased a small parking at the top of the street that he uses for parking. He bought another lot next to the Sullivan House and built a detached single car garage. The other homes typically find off-street parking somewhere in the area. He noted that parking is not allowed on the street because the street is narrow and emergency vehicles need room to get through.

Chair Worel closed the public hearing.

Commissioner Joyce had visited the lot and noticed that the lot is mostly flat across and then kicks up at the back. The concerns he typically has about steep slope issues do not apply to this lot. Given the litany of limitations on this lot, he believed Mr. Creveling had done the best job he could possibly do. Commissioner Joyce had no concerns with not having the 10' horizontal stepback, particularly since the façade of the house on the north side has more of a flat level than what Mr. Creveling was proposing. He was comfortable granting the steep slope CUP.

Commissioner Strachan stated that when he reviewed the steep slope criteria he did not find any impacts that were not adequately mitigated. He also found no issues regarding compatibility, with the exception of the stepping required in the LMC, which Mr. Creveling was seeking a variance. Commissioner Strachan stated that if the Board

of Adjustment grants the variance and HDDR is approved, he would be comfortable granting the steep slope CUP based on his review of the criteria.

Commissioner Stuard thought the stairwell leading into the front door looked incompatible. He asked if there was a different way to design the stairs to fit in better with the streetscape. Mr. Creveling stated that he had gone through three different renditions of materials and sizes and this was the one that was suggested to move forward. He was not opposed changing it. Commissioner Stuard suggested that if the retaining wall could be extended upward and have a stone veneer it would look more compatible with the rest of the street.

Commissioner Phillips agreed that the stairs looked incompatible with the streetscape. He asked if there was an existing historic wall at the front of the lot. Mr. Creveling answered no. There have been different elements over the years for that first jump at the sidewalk. Currently, there is a stone wall on 133 Main and the Alaska House has a railroad tie wall, which is not desired. Further up is a stone wall with a concrete surface. Mr. Creveling stated that through the HDDR process he found that stone was not desired and the stone wall was taken out. It was replaced with a sandblasted vertical 1 x 3 pine that gave deep rooted grains as the inside face of the concrete forms with gaps between each. Mr. Creveling was willing to make changes because he wanted to build on his lot.

Planner Grahn noted that the houses on the left side of the drawing did not have historic retaining walls. However, 133 Main Street does have a historic retaining wall. If they use stone, the concern is to make sure they respect the historic retaining wall and differentiate between the two walls. That would be an HDDR decision.

Commissioner Campbell pointed out that whether the material is wood or stone is not within the purview of the Planning Commission. He was comfortable with the steep slope CUP as proposed.

Chair Worel admired Mr. Creveling's tenacity and perseverance in working through the process and achieving a great design.

MOTION: Commissioner Joyce moved to APPROVE the Steep Slope Conditional Use Permit for 129 Main Street according to the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 129 Main Street

1. The property is located at 129 Main Street.
2. The property is described as Lot 8, Block 13 of the Park City Survey. It measures 25 along Main Street (east side), 45.09 feet across the south property line, 26.83 feet across the west (rear) property line, and 51.59 feet across the north property line.
3. This is a substandard lot that contains 1,208.5 square feet. The allowable building footprint is 565 sf for a lot of this size. The proposed building footprint is 533 sf.
4. The site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.
5. The property is located in the HR-2, Subzone B, zoning district, and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.
6. The Board of Adjustment (BOA) granted a variance to the required lot size in 2005, reducing the minimum lot size from 1,875 to 1,208.5 square feet for this property.
7. The BOA approved a variance to the front yard setback in order for the applicant to construct a staircase eight feet (8') in height within the front yard setback in 2007.
8. In 2007, the BOA approved a variance to reduce the required setbacks to 1'6" on the south (side) yard, 6'8" on the east (front) yard, and 6'10" on the west (rear) yard.
9. In 2008, the BOA denied a request for a variance to the maximum allowed footprint as well as a special exception to the staircase height in the front yard setback. The applicant appealed this determination to District Court; the court upheld the denial of the footprint variance, but overturned the BOA's denial for the special exception of the staircase.
10. Access to the property is from Main Street, a public street. The lot is an uphill lot.
11. Two (2) 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.
12. The neighborhood is characterized by primarily historic and non-historic single family, duplex, and boarding houses.

13. A Historic District Design Review (HDDR) application is under review by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.

14. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation.

15. The roof of the historic structure at 125 Main Street encroaches over the north property line and on to 129 Main Street.

16. The proposed design is a single family dwelling consisting of approximately 1,709 square feet of total area (including the 252 sf single car garage) with a proposed building footprint of 533 sf.

17. The driveway is proposed to be a maximum of 12 feet in width and 18 feet in length from the edge of the front property line to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width and height of nine feet (9').

18. The proposed structure complies with all setbacks, outlined by the 2008 variance.

19. The proposed structure complies with allowable height limits and height envelopes for the HR-2B zoning as the three (3) story house measures no more than 27 feet in height from existing grade, and the structure is less than the maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

20. The applicant submitted a variance application on March 26, 2014. The application was deemed complete on April 17, 2014, and the BOA hearing is tentatively scheduled for June 17, 2014.

21. The proposal, as conditioned, complies with the Historic District Design Guidelines as well as the requirements of 15-5-5 of the LMC.

22. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood.

23. The 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 the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also complies with the Design Guidelines and is consistent with the pattern established on the west side of Main Street

24. No lighting has been proposed at this time. Lighting will be reviewed at the time of the building permit for compliance with the Land Management Code lighting standards.

25. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.

26. There will be no free-standing retaining walls that exceed six feet in height within the front yard setback, and the portion of the retaining wall within the front yard setback will not exceed four feet (4') in height. 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.

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

28. The plans include setback variations, increased setbacks, decreased building heights and an overall reduction in building volume and massing that mimics the scale and smaller proportions of neighboring landmark and significant historic structures.

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

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

31. The applicant stipulates to the conditions of approval.

Conclusions of Law – 129 Main Street

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.3-7(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
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 – 129 Main Street

1. All Standard Project Conditions shall apply.
2. No Building permit shall be issued until the Plat has been recorded.
3. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house to the north from damage.
4. 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.
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 to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.
7. 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.

8. This approval will expire on April 23, 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 is granted by the Planning Director.

9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.

10. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.

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

12. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.

13. Construction waste should be diverted from the landfill and recycled when possible.

14. 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 surrounding wall color or painted and screened to blend with the surrounding natural terrain.

15. Approval by the Board of Adjustment of a variance to the ten foot (10') horizontal step in the downhill façade is a condition precedent to final approval of the CUP plans as submitted. If the BOA does not approve the requested variance then these Steep Slope CUP plans shall be revised to comply with the LMC regarding horizontal articulation on the downhill façade and this CUP will have to be amended.

**4. 919 Woodside Avenue Subdivision – Plat Amendment
(Application PL-12-02296)**

Planner Christy Alexander reviewed the request for a plat amendment to combine 1.5

Old Town lots for the purpose of removing the lot line between Lot 5 and the southerly half of Lot 6. Both properties are owned by the same owner. A historic home existed over the property line and the home was demolished in 2010. The applicant has a preservation plan and a financial guarantee in place to reconstruct the home, but the interior lot line first needs to be removed.

The Staff found good cause for this plat amendment in order to proceed forward with reconstructing the home. Planner Alexander stated that there is a lot of history to the site as outlined in the Staff report. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the plat amendment as requested.

Carla LeHigh, representing the applicant, thanked the Staff for working with the applicant on the reconstruction of the house.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan referred to the history on page 125 of the Staff report and read from one of the bullet points. "A plat amendment application was also received on March 17, 2011 and was deemed complete on March 21, 2011. The plat was reviewed by the Development Review Committee on April 12, 2011. There is no further record as to what happened to the plat amendment application as it was not taken to the Planning Commission." Planner Alexander stated that in her research she found out that the applicant became ill and did not pursue moving forward. Director Eddington added that due to the recession the applicant decided not to proceed with the application. When the applicant made his decision the application should have been closed.

Ms. LeHigh further explained that the HDDR got denied and the applicant put the project on hold. She noted that the Planning Department applied the application fee that was paid at the time to this plat amendment application.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 919 Woodside Avenue Subdivision plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Stuard seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 919 Woodside Avenue

1. The property is located at 919 Woodside Avenue within the Historic Residential (HR-1) District.
2. On March 26, 2014, the applicant submitted an application for a plat amendment to amend one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record which will remove an existing lot line and enable the historic home to be reconstructed without sitting on the lot line.
3. The proposed Lot will contain 2,812.5 square feet.
4. The application was deemed complete on March 26, 2014.
5. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single-family dwelling and 3,750 square feet for a duplex.
6. Based on the lot area, the maximum footprint allowed for the Lot is 873.8 square feet.
7. The properties have frontage on and access from Woodside Avenue.
8. The Lot contains a Preservation Plan to reconstruct a historic single family dwelling in the same location as it was located before being demolished in 2010.
9. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations.
10. The plat amendment secures public snow storage easements across the frontage of the lots.

Conclusions of Law – 919 Woodside Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 919 Woodside Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. No building permit for any work shall be issued unless the applicant has first made application for a Historic District Design Review and a Steep Slope CUP application if applicable, if any additions are proposed.

4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

5. A 10 foot (10') wide public snow storage easement is required along the frontage of the lots with Woodside Avenue and shall be shown on the plat.

6. The historic structure shall be reconstructed exactly as was approved in the October 30, 2009 Preservation Plan and any proposed addition would need to comply with current LMC requirements.

7. The applicant must move the existing fence, on the southeast side of their property, off of the property of 909 Woodside Avenue. The fence may be removed altogether or moved to the property line, prior to receiving certificate of occupancy.

8. The applicant must record the plat within 30 days of plat approval and submit an application for a building permit within 30 days of HDDR and plat approval, whichever comes first. The applicant then has 90 days to pull a building permit from the time of application. The applicant must keep the building permit active and receive a certificate of occupancy on the home within 12 months from the time they pulled the building permit. If this timeline is not adhered to then the City reserves the

right to declare default and claim all the funds described in the Encumbrance and Agreement for Historic Preservation for 919 Woodside Avenue dated July 2, 2010.

5. 500 Deer Valley Drive, Broph's Place Condominiums – Condo Record of Survey (Application PL-14-02269)

Planner Francisco Astorga reviewed the application for a condominium of record survey plat for Broph's Place Condominiums. He clarified that a condominium is a type of ownership and not a use.

Planner Astorga noted that upon reviewing the application the Staff found a discrepancy with the front and side yard setbacks. He reviewed the 1995 building permit and found that it was the standard at that time. Therefore, this would be considered a non-complying structure in terms of the setbacks. Planner Astorga reported that in 1995 the City did not have the current policy to do a plat amendment to combine the two lots before applying for a building permit.

Planner Astorga stated that the condominium record of survey would remove the lot line between Lots 15 and 16. In terms of the setbacks, the structure would continue to be a non-complying structure based on evidence that it legally met the ordinance that was in place at the time of approval. Planner Astorga reported that the applicant, Ed Brophy, was the applicant who pulled the building permit in 1995 and he still lives there.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the requested condominium record of survey.

Eileen Kitner, Mr. Brophy's daughter and representative, clarified that the intent was to keep the property, and in the event they wish to sell one unit or the other she could keep one side for her family's estate. They were trying to do things according to her father's wishes now rather than waiting until he passes.

Chair Worel asked if the full duplex was currently being used as assisted living. Ms. Kitner stated that currently only one part is being used. Broph's Place is Level 1 assisted living. Her mother is selling her property in Pennsylvania and would like to move to Park City and live in the two-bedroom side. That was another reason for this application.

Commissioner Preston disclosed that he has known Ms. Kitner for years. He had not disclosed their relationship earlier because he had missed reading her name in the

Staff report as representing the applicant. Commissioner Preston stated that Ms. Kitner has been very careful not to talk to him about the specifics of this application and he was comfortable voting on this item.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan appreciated that the Brophy's have been very careful backing out of their driveway because it goes right on to the sidewalk and the bike path. He hoped that whoever lives in the units would be as careful and conscientious. Ms. Kitner stated that only the Staff drives there. She would pass along the compliment and remind them to continue to be careful about pedestrians and bikers.

Chair Worel thanked Ms. Kitner for having an assisted living facility in Park City because it is a much needed use in town. Ms. Kitner replied that it was a challenge; however, she agreed that it is a much needed use and the need is growing.

Assistant City Attorney McLean asked Planner Astorga to revise Condition of Approval #3 to mirror the standard language regarding the 10' wide public snow storage easement required along the frontage.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council on the Broph's Place Condominium Record of Survey Plat, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance and as amended. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 500 Deer Valley Drive

1. The property is located at 500 Deer Valley Drive.
2. The property is in the Residential (R-1) District.
3. The property consists of Lots 15 and 16, Block 63 of the Park City Survey.
4. In 1995 the property owner built a duplex on the property.

5. In the 1990's the City did not require the property owner to combine the lots in order to obtain a building permit.
6. A duplex is currently an allowed use in the R-1 District.
7. The proposed condominium Record of Survey plat memorializes each dwelling unit within the duplex as a separate unit that can be leased or owned separately.
8. A condominium is not a type of use but a form or ownership.
9. The duplex does not meet the minimum requirements of front and rear yard setbacks of 20 and 10 feet, respectively.
10. When the duplex was built in 1995 it met the front and rear yard setback requirements of 10 and five feet, respectively, as was required by the Land Management Code at the time of the permit.
11. The structure is considered a legal non-complying structure because it does not meet current development standards but was legally constructed.
12. There are no provisions that would prohibit approval of a Condominium Record of Survey plat for a legal non-complying structure.
13. The proposed record of survey plat removes the common lot line between Lots 15 and 16 and separates the duplex into two (2) separate units.
14. This application allows unit 1 to be 2,118 square feet and unit 2 to be 1,232 square feet.
15. Common spaces include the roof, foundation, exterior walls, and shared staircase.
16. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 500 Deer Valley Drive

1. The condominium record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed

condominium record of survey.

3. Approval of the condominium record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 500 Deer Valley Drive

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 year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10 foot (10') wide public snow storage easement shall be provided along Deer Valley Drive.
4. A tie breaker mechanism shall be included in the CC&Rs.

**5. 1851 Little Kate Road, Dority Springs Subdivision – Plat Amendment
(Application PL-12-01733)**

Planner Astorga handed out copies of an email he received today from the Holiday Ranch HOA.

Planner Astorga reported that in 2012 the Planning Department received the plat amendment application for 1851 Little Kate Road. The application was delayed because the Staff was working on the General Plan, which took longer than expected. The applicant was also advised by the Staff to work with the Army Corp of Engineers for a determination of the wetlands, and that took some time as well. Planner Astorga stated that throughout the delay the applicant, Michael Baker, kept in contact and provided status updates. For that reason, the application was kept active.

Planner Astorga reviewed the requested plat amendment to split Lot 83 in the Holiday Ranchette Subdivision. He presented a survey of the site by Alliance Engineering with the existing improvements. He also presented a photograph of the site. Planner Astorga stated that Lot 83 is on the outer perimeter of the Holiday Ranchette

Subdivision. Surrounding properties include the Racquet Club condos and Park Meadows Phase 5.

Planner Astorga commented on two citations in the CC&Rs. One was the definition of a lot and the other was a section called Private Owners, which specifically indicates that Lots 83 and 53 are exempt from any of the CC&Rs. Planner Astorga clarified that the City does not get involved with CC&Rs; but the applicant felt it was important for the Planning Commission to have that information. The reason for exempting the two lots was unknown; however, historically the fire department used to pump water out of the spring. They stopped using the pond when the City started installing the proper infrastructure for fire hydrants. Planner Astorga thought that might be one reason why the lots were exempt. He welcomed any information anyone has for why the lots were exempt.

The Staff was looking for input and direction from the Planning Commission on the LMC standards. The item was scheduled for public hearing and no action was being requested.

Planner Astorga stated that the maximum density in the Single Family (SF) District is three units per acre. The minimum lot size in terms of density alone would be 1/3 of an acre, which equates to approximately 14,000 square feet. Purpose Statement (B) of the SF District states that the purpose of the SF District is to allow for single family development compatible with existing development. The Staff analyzed the parameters of the Holiday Ranchette Subdivision and found that most are one-acre lots. However, in looking at the existing development the Staff thought it was better to do an analysis of the neighborhood rather than all of the Holiday Ranchette Subdivision.

Planner Astorga presented the vicinity map on page 157 of the Staff report. The redlines represented a 300 foot buffer, a 600 foot buffer and a 900 foot buffer. The Staff calculated the average lot size of all the lots found within the vicinity map, and the results were shown in the table on page 158 of the Staff report. The breakdown showed the number of lots in each neighborhood radius and the average lot size.

Planner Astorga noted that Mr. Baker had questioned why the Racquet Club condos were not included and he told him that it was not a single family dwelling. Mr. Baker pointed out that the purpose statement says, "allow for single-family development compatible with existing developments." Mr. Baker believed everything in the vicinity should be included and not just single-family dwellings. Based on Mr. Baker's request, Planner Astorga calculated the numbers for the Racquet Club condominiums.

Planner Astorga asked the Planning Commission to provide input on: 1) whether this

type of analysis was appropriate in terms of the radius; 2) should it only include single family dwellings or should it include everything in the District. Planner Astorga pointed out that if they look at development within the 900 foot radius, which includes 66 lots, the average size is .7. The applicant was asking for one lot to be .6. That would be appropriate; however, the remaining lot area would be reduced to .4 of an acre. Under that scenario, the Staff would have a difficult time finding compatibility with existing developments. If they include the Racquet Club condos in the calculation, the results would be completely different. The lot sizes would be significantly smaller in terms of the average within the same radius.

Planner Astorga presented the wetlands delineation of Dority Spring that was submitted to the Army Corp of Engineers and accepted as the proper delineation. If the delineation would be disturbed the applicant would have to file a proper permit through the Army Corp of Engineers.

Steve Schueler with Alliance Engineering, emphasized that the applicant's position would be to include all the uses in the neighborhood in the compatibility analysis and not just single family. He noted that there were single-family development in other subdivisions within the 300, 600, 900-foot radius. For example, Park Meadows 5 has $\frac{1}{4}$ acre lots. Some of the lots that surround the property in question are larger and others are smaller. Mr. Schueler thought it was appropriate to consider everything as part of the analysis.

Mr. Schueler believed this was a good project because it creates additional density within an existing streetscape with existing utilities and roads. It is a walkable community and this project would add to the walkable element. Mr. Schueler referred to the streetscape and stated that even though some of the lots in the Holiday Ranchette Subdivision are larger than what the applicant was proposing, the distances between the buildings at the streetscape were roughly the same, and this project would support the same distances between houses because the lots are long and skinny.

Kathleen Baker introduced herself and stated that they have lived in their home 18 years and raised their family there. They were pursuing the plat amendment because they do not believe it would be detrimental to the neighborhood.

Michael Baker stated that he is a dentist. He provided a brief history of his work providing dental care to mentally and physically handicapped individuals. He now works with two other doctors and 55 nursing homes throughout the Salt Lake Valley providing dental services to seniors who are Medicaid only recipients. Dr. Baker stated that he has always had concern for all aspects of the community and he would never do anything detrimental to the community he lives in.

Dr. Baker commented on the history of the lot and why it was exempted from the subdivision. He stated that the pond has always been there as evidenced by 50-year-old photos. Dr. Baker stated that when the City was looking for new water sources due to the growth of the City, they put in a Rockport pipeline and a new water treatment facility. Still needing additional water sources the City put in a new well, which is the well down by the Fire Hall on Little Kate Road. Dr. Baker remarked that the City was aware that when the well was put in it would eliminate the Dority Springs pond. People had water rights to Dority Spring for years. The City maintains the pond but it is only full two weeks out of the year. Dr. Baker stated that in conversations with City Attorney Mark Harrington, he was told that the City has transferred the water rights from the pond to another water source. He pointed out that his family has been harmed by the process because the pond is a dirt hole in their backyard 50 weeks out of the year. They are not allowed to landscape it because of the two weeks that it does have water.

Dr. Baker remarked that the Code allows for a subdivision of up to three lots per acre, and he was only asking for one additional lot. He noted that his lot and Lot 53 were the only lots in Park Meadows that could do this plat amendment. They have the legal right to do it and it meets all the guidelines. Dr. Baker clarified that their plan is to build a one-level energy efficient home approximately 2700 square feet on the newly created lot. Their current home is 2700 square feet but it has a lot of interior stairs. He believed the proposed home would be compatible with the other homes in the area.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Planner Astorga reported that in addition to the letter he received from the HOA today and handed out to the Planning Commission, he had received three other letters that were included as Exhibit L in the Staff report.

Commissioner Stuard did not think it was appropriate to include multi-family dwellings in the analysis. The compatibility should be with single-family structures in close proximity to the Baker's property. Commissioner Stuard stated that the radius distance shown on the vicinity map meant less to him than the actual physical distance between the adjacent structures and other similar single-family structures within the 300-600 foot radius. Commissioner Phillips concurred.

Commissioner Campbell stated that he would be uncomfortable if every lot had the right

to request this plat amendment. If he understood it correctly, this lot had an unusual set of circumstances because of the pond and it was exempt per a provision in the CC&Rs. He asked if denying the application would be a defensible position for the City.

Assistant City Attorney McLean felt it would be based on the compatibility issue. She clarified that the objective of this meeting was to present the issues to the Planning Commission for discussion and direction. They would not be voting on the plat amendment this evening.

Commissioner Campbell noted that larger homes were built on the street in the last few years and there are older existing houses. Because there were already a variety of structures along the street, he was more comfortable considering their request.

Planner Astorga noted that the CC&Rs would prohibit the lot from being further subdivided. Commissioner Campbell clarified that the CC&Rs do not apply to Lot 83 in this case. Planner Astorga answered yes. Per the CC&Rs the lot was exempt from the requirement for no subdividing.

Assistant City Attorney emphasized that the City does not enforce CC&Rs, and it is a civil matter between the HOA and the lot owner.

Mr. Baker felt strongly that the condos should be included in the calculation because the Code specifically says "the neighborhood". It does not specify compatibility with single-family homes. He noted that there are 35 small condos across the street within the 300 foot radius. The golf course is also across the street and it has a quarter to one-third acre lots. Mr. Baker believed his proposal was very compatible with what exists on the street.

Commissioner Stuard clarified that while he did not agree with including multi-family structures, he thought it was appropriate to look at the physical distances between the adjacent homes in Holiday Ranchette, as well as the other single family homes on the other side of Little Kate Road.

Commissioner Joyce stated that he was not concerned with the CC&Rs and the exemption because the City does not enforce CC&Rs. He did not believe the history and background on the wetlands were pertinent to what they were being asked to consider this evening. Commissioner Joyce thought the discussion should focus on the radius the Staff used and what it means for compatibility. He personally believes the intent of compatibility is truly about a neighborhood. It is compatibility with the houses next door and directly across the street. Commissioner Joyce felt that not including the condos was an obvious exclusion. He was not in favor of the 300-600-900 foot radius

because it goes beyond the “neighborhood” and it was the wrong approach. He thought a better question was what a normal person on the street would describe as the neighborhood. That should be the benchmark for compatibility. Commissioner Joyce stated that if the majority of lots on the street are 1 or 2 acres, and Mr. Baker plans to build on .4 of an acre, he would struggle finding compatibility.

Commissioner Phillips asked Commissioner Joyce how he felt about the ¼ acres lots across the street. Commissioner Joyce referred back to his benchmark of perception of the neighborhood from the street. He felt the condos were a very different neighborhood than the houses on the right. If he were being asked to make a de novo decision, he would have driven the street to see what feels like the neighborhood. Commissioner Joyce thought compatibility was a difficult issue.

Commissioner Strachan noted that compatibility analyses are different depending on the zone, and the compatibility analysis for this plat amendment would be different if it were Old Town. Commissioner Strachan was unsure how they could choose between 300, 600 and 900 feet without being arbitrary. He could not see a rational basis for the numbers. He pointed out that the noticing requirement is 300 feet. Commissioner Strachan thought there was a rational basis for the impacts of a plat amendment on the surrounding lots and the ramifications of increasing the density in that area, and how it impacts the neighbors. Commissioner Strachan was not prepared to find the answers without seeing the proposed construction. His first inclination was that it could not be done because these are planned developments where the size and location of the lots were platted in a way that made sense and still does. That was the reason why the CC&Rs prohibit subdivision on all lots except for two.

Commissioner Strachan did not believe that the 300, 600 and 900-foot approach was the right way to analyze the application because the numbers are arbitrary and could not be supported. He thought a better analysis would be to simply compare it to the structures that are most similar. He recognized that it was a judgment call by the Staff, but the Staff has the experience and expertise to do it. Commissioner Strachan suggested that the Staff should start over and re-do the analysis.

Commissioner Campbell believed they were getting an unnatural metric by measuring by lot size. From the standpoint of walking or driving by, he thought that looking at the length of the lot and frontage along the road was a more meaningful metric. He would be curious to know the road frontage of the two new lots, compared to the other lots inside the radius circle. He believed they would still have as much road frontage as most of their neighbors. Commissioner Campbell pointed to other long, skinny lots that are unusable, and noted that people driving by have no idea that the lot extends for 600 or 700 feet beyond. A 2 acre lot could look like a ¼ acre lot from the street.

Mr. Schueler agreed. That was his reason for doing the analysis of measuring the distance between the facades. Mr. Schueler stated that Dority Springs currently has 325 feet of frontage; whereas, some of the larger lots have 120 feet of frontage. Commissioner Campbell reiterated that he personally felt that the frontage was much more meaningful than the average lot size.

In terms of compatibility, Mr. Schueler noted that the lots in Park Meadows range from ¼ acre to 3 acres and the building square footages range from 1500 square feet to 10,000 square feet. He wanted to know at what point they would draw the line.

Commissioner Strachan remarked that good cause is the standard for plat amendments. He questioned whether the desire to build another house and increase the density was a good cause. He asked Mr. Schuler what other good causes he would propose for the plat amendment. Mr. Schuler replied that it was making good use of infill potential. Commissioner Strachan pointed out that infill was increased density. Mr. Schueler stated that if the Planning Commission had concerns with building a large home on a small lot, they could restrict the building envelope to limit the square footage.

Planner Astorga read the definition of good cause in the LMC, "Providing positive benefits and mitigating negative impacts. Determined on a case by case basis to include such things as providing public amenities and benefit, resolving existing issues and non-conformities, addressing issues related to density, promoting an excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City, and furthering the health, safety and welfare of the Park City Community."

Commissioner Strachan felt the key wording for this particular application was "addressing issues related to density". He asked if they could argue that the neighborhood was not dense enough and the density needed to be increased; or if they could argue that it is too dense and this plat amendment helps defray the density.

Commissioner Phillips asked if Commissioner Strachan was implying that density was a bad thing. Commissioner Strachan replied that density is bad. Commissioner Phillips stated that density is not necessarily bad if the City is looking for infill projects that use existing infrastructure. Commissioner Strachan replied that it would only apply if there was a density issue. He stated that Bonanza Park is obviously the place for an infill discussion; not Park Meadows or other neighborhoods. It is a density issue because there is community-wide consensus for putting density in Bonanza Park. Commissioner Strachan felt there was the opposite consensus in Park Meadows in that the majority

does not want more density in the existing neighborhoods.

Commissioner Strachan stated that someone needed to identify the density issue that needed to be solved so they could find good cause for this plat amendment. In his opinion, wanting to build another structure and increase the density was not good cause. He suggested that there may be an opportunity to satisfy good cause with some of the other criteria in the good cause definition and brush aside the density issue.

Planner Astorga asked if it would make a difference if they added the wording affordable housing. Commissioner Strachan was unsure whether that would make a difference one way or the other in terms of satisfying the good cause definition.

Commissioner Phillips stated that in his opinion, conforming is what you see walking down the street. He thought there was a uniquely large distance between the Baker's existing house and the next house. Commissioner Phillips could see space for a house and the frontage distance between houses. The other houses are all set back on the lots, but the Baker house is closer to the road. It also appeared to fit it in what is across the street. Commissioner Phillips could see why they would use the ¼ acres lots in the calculation, because the Baker lot is tied into them as much as they are the larger lots because it is all on the same street. Commissioner Phillips remarked that distance between houses was more important than the actual lot size. He could potentially see it working with additional analysis.

Chair Worel asked if it would be helpful to see a house drawn on the site. Commissioner Phillips thought it would be very helpful. He would also like to see it relative distance between the other homes because they appear to be close together. Commissioner Phillips requested that they look at space between, size and depth to look at the scale in three different directions.

Planner Astorga stated that it works in terms of spacing, but a potential drawback is that the setbacks on the other lots are significantly greater than the existing home, as well as the proposed home.

Commissioner Campbell recalled that Commissioner Joyce had said the condos across the street were clearly another neighborhood. Driving down the street someone could look out the driver side window and see one neighborhood and then look out the passenger window and see another neighborhood. Commissioner Campbell stated that if someone was only looking out the passenger window they would assume there was an empty lot. He used to drive that street several times a day and he always thought it was an empty lot because there is so much space between the houses. He always

assumed it was one of the last infill lots waiting to be developed. Finding out that it is legally attached to another house does not stop the perception that there is space for another house.

Commissioner Joyce remarked that in general the City does not allow someone to subdivide a plat in a well-structure neighborhood where the lots were platted and people purchased their property for specific reasons. As soon as a lot is subdivided and another house is built, it takes away from someone who built their house based on how the neighborhood was platted. Commissioner Joyce thought it was imperative to find good cause and a good reason to justify the plat amendment before it could be approved.

Dr. Baker reiterated his previous comment that he would never do anything that would harm his neighbors. He noted that his lot is on a curve and the house next door faces directly to Hole 6 on the golf course. The house he intends to build would not even be visible from the house next because it is around the curve and blocked by trees. Dr. Baker stated that over the years Santa Barbara started allowing long lots within the City to be divided, and nearly every house in town has another house right behind it. Dr. Baker cited all the reasons why it benefits the community.

Commissioner Joyce noted that the previous Planning Commission and City Council discussed that possibility during the General Plan re-write for the reasons Dr. Baker outlined, and it was adamantly opposed by the public. The Planning Commission made a conscious decision at that time not to encourage density in already platted single-family neighborhoods.

Commissioner Phillips remarked that the key word was “not to encourage”. He agreed that during the General Plan process they all agreed not to encourage density in those areas; but if they had made the decision to discourage it they would have put it in the General Plan. Commissioner Phillips believed the City had remained neutral on that issue. He thought density could still be added if it made sense. Commissioner Phillips clarified that he was not taking a position on the plat amendment, but he did not want to rule it out.

Chair Worel understood that there was consensus that the Planning Commission did not like the 300-600-900 foot radius analysis. The Commissioners concurred. She asked what other direction the Staff needed from the Planning Commission. Planner Astorga requested consensus on what would constitute compatibility with existing development.

Director Eddington offered different ideas for doing the analysis, and he felt there was

also an opportunity to look at a massing model to get an idea of the site and what a house would look like on the site. Director Eddington believed the analysis needed to be a combination of radius and distance to get what they wanted from the analysis.

Commissioner Stuard had heard two other important criteria mentioned. One was the frontages and the other was setbacks. Commissioner Campbell clarified that his comments were not intended to imply that everyone should be allowed to subdivide their lot and sell off the back half. In this case there was an exception. He encouraged the other Planning Commissioners to drive by and see for themselves that it looks like an empty lot.

Chair Worel asked if the Commissioners were comfortable with Director Eddington's suggestions for the analysis. The Commissioners answered yes.

Based on the direction this evening to redo the analysis, as well as the time needed to prepare a Staff report, Planner Astorga requested that this item be continued to June 11th.

MOTION: Commissioner Strachan moved to CONTINUE the 1851 Little Kate Road, Dority Springs Subdivision plat amendment to June 11, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 9:00 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Subject: 820 Park Avenue Condominiums –
Record of Survey Plat
Author: Anya Grahn, Planner
Date: May 28, 2014
Type of Item: Administrative – Condominium Record of Survey plat
Project Number: PL-14-02309

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the 820 Park Avenue Condominiums Record of Survey Plat 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.

Description

Applicant: 820 Park Avenue, LLC, represented by Rory Murphy
Location: 820 Park Avenue
Zoning: Historic Recreation Commercial (HRC) District
Adjacent Land Uses: Residential condominiums, single-family residential, vacation rentals, commercial and retail
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal:

The applicant is requesting a condominium record of survey plat for the purpose of creating ten (10) residential condominium units and four (4) commercial condominium units at 820 Park Avenue. The condominium plat is necessary to sell these individual units.

Background

820 Park Avenue, LLC submitted a Historic District Design Review (HDDR) application for the renovation of the Significant Rio Grande railroad shed as well as a new multi-use building which will contain ten (10) condominium units and four (4) commercial condominium units. As part of this application, the applicant requested to move the historic structure to the southeast corner of Park Avenue and 9th Street; however, the Planning Director and Chief Building Official determined that unique conditions did not exist that warranted the relocation of the structure on October 9, 2013. This determination was overturned by the Historic Preservation Board (HPB) on November 13, 2013.

The HDDR application which included a design with the shed's relocation was deemed complete on October 17, 2013. The HDDR was approved by staff on April 14, 2014.

The Planning Director has also granted a height exception based on LMC 15-2.5-5(A)(4) in order to allow the clearstory architectural feature to extend fifty-percent (50%) above zone height, or to forty-eight feet (48'). This architectural feature does not include habitable space.

The Planning Commission also reviewed the applicant's request for a Conditional Use Permit (CUP) on January 8, 2014, with final approval granted on February 12, 2014. The CUP approval included the following uses:

- Multi-Unit Dwellings (a building containing four (4) or more dwelling units);
- Commercial Retail and Service, Minor;
- Café or Deli
- Outdoor dining;
- Office (intensive);
- Parking Area or Structure with five (5) or more spaces

The ground level storefront spaces and historic Rio Grande Building will contain 3,637 square feet of commercial retail and service, minor; café or deli; or office (intensive) use. Office (Intensive) is a conditional use in the HRC district; this use is prohibited in storefronts adjacent to the Park Avenue Right-of-Way, but excludes those HRC zoned areas north of 8th Street. The 820 Park Avenue site is located just south and adjacent to 9th Street, and this site is exempt from the vertical zoning provision in the code. The developer has not yet leased these spaces and has not yet determined the final mix of these uses. A condition of approval was added to the CUP to ensure that all future commercial retail uses of this development must meet the Parking Requirements for Specific Land Use Categories, as outlined by LMC 15-3-6. The development includes ten (10) residential condominium units, as well as four (4) commercial condominium units.

The parcel at 820 Park Avenue is a metes and bounds parcel. The applicant purchased approximately 229 square feet at the north end of the property from the City in early May 2014. The applicant also intends to purchase approximately 123 square feet of Lot B-3 of the Town Lift Subdivision, Plat B1-3 in order to connect the new development at 820 Park Avenue to the Town Lift development directly to the south at 838 Park Avenue; the applicant is currently negotiating the sale of this parcel with the Sweeneys. Condition of Approval #5 states that Rio Grande LLC shall have purchased approximately 123 square feet of Lot B-3 of the Town Lift Subdivision, Plat B1-3 prior to recording the record of survey plat with Summit County.

The Planning Commission unanimously (6-0) forwarded a positive recommendation to City Council on April 26, 2014, for the Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended & 820 Park Avenue Subdivision plat amendment, located at the same address. City Council reviewed and approved this plat amendment on May 15, 2014. It is currently under internal review for redlines.

The applicant submitted a condominium record of survey plat application on April 10, 2014. The application was deemed complete on April 22, 2014.

Purpose

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

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate Density bed base at the Town Lift,
- (G) allow for limited retain and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) encourage preservation and rehabilitation of Historic Buildings and resources, maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Analysis

On April 10, 2014, the City received an application for a condominium plat to create ten (10) residential and four (4) commercial condominium units as well as common space within the proposed Rio Grande development in conformance with the approved Historic District Design Review (HDDR).

The applicant is proposing to redevelop the site into a mixed-use development containing a multi-unit dwelling of ten (10) residential condominium units; 4,241 square feet of commercial retail and service, minor; cafe or deli; outdoor dining; office, intensive; and a twenty-four (24) space underground parking structure.

One (1) level of underground parking is proposed, accessible from 9th Street. Above this, the historic Rio Grande building will be relocated to the corner of 9th Street and Park Avenue and restored to its Historic appearance c.1940 when two-thirds (2/3) of the freight shed was demolished. The proposed development meets the requirements of the HRC zoning district as specified in the chart below:

	HRC Zone Designation	Conditions, prior to relocation of historic structure	Proposed Conditions (including new development)
<i>Lot Size</i>	Not specified	Parcels will be combined under 820 Park Ave LLC ownership: 12,660.06 SF	Parcels will be combined under 820 Park Ave LLC ownership: 12,660.06 SF
<i>Setbacks</i>			
Front (West)	10 ft.	25 feet	10 ft.
Rear (East)	10 ft.	37 ft.	10 ft.

Side (North)	5 ft.	37 ft.	5 ft.
Side (South)	5 ft.	31 ft.	0 ft. (A side yard between connected structures is not required where the structures are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.)
Height above existing grade	32 ft.	26 ft.	26.5 ft. (new rear addition)
Floor Area Ratio (includes residential and non-residential uses)	4.0	.05	2.37

Exterior plaza space will be constructed between the historic building and new development to isolate the historic structure on the east elevation. The L-shaped new construction will wrap the historic building on the north, east, and south sides of the property. There will be one (1) level of underground parking containing twenty-four (24) spaces located underground.

The first level will include 694 square feet of commercial space in the existing historic Rio Grande building as well as approximately 2,943 square feet of Commercial Retail and Service, Minor; Café or deli; Outdoor Dining; and/or Office (Intensive), and two (2) ground level condominium units containing 938 square feet (Unit 105) and 1,532 square feet (Unit 106). Four (4) condominium units ranging from 1,078 square feet to 1,987 square feet will be built on the second (2nd) level; the second level of the Rio Grande building also contains 604 square feet that may be utilized by its ground floor commercial tenant. The third (3rd) level will contain four (4) condominium units ranging from 1,705 square feet to 1,993 square feet. One (1) condo (Unit 304) will also occupy the Loft/Roof Deck Level. Because the applicant is still determining the uses in the storefront space, the CUP application included a condition of approval requiring any significant modifications of the use of this building to be re-reviewed by the Planning Commission for approval. The following is proposed:

Level	Square feet (+/-)
Parking Level	
Parking Garage	10,669 SF
Mechanical Room	161 SF
Storage Areas	795 SF

Ground Level	
Unit C-101	694 SF
Unit C-102	602 SF
Unit C-103	1,279 SF
Unit C-104	1,062 SF
Unit 105	938 SF
Unit 106	1,532 SF
Storage Areas	195 SF
Interior Circulation	2,930
Second Level	
Unit C-101	604 SF
Unit 201	1,078 SF
Unit 202	1,705 SF
Unit 203	1,987 SF
Unit 204	1,776 SF
Storage Areas	183 SF
Interior Circulation	1,188 SF
Third Level	
Unit 301	1,078 SF
Unit 302	1,705 SF
Unit 303	1,993 SF
Unit 304	1,583 SF
Storage	181 SF
Interior Circulation	1,161 SF
Fourth Level	
Unit 304	1,010 SF
Mechanical	101 SF
Circulation	1,392 SF
Storage (Ski Lockers)	285 SF

***C denotes a commercial unit*

Common areas include the exterior plaza space, parking ramp and parking garage, elevator and stairs, and mechanical areas. Limited common areas include the spaces directly in front of each storefront, the rear yard to the east, patio areas and rooftop deck, storage areas, and the interior staircase on the southeast corner of the building.

The applicant intends to construct one (1) level of underground parking containing twenty-four (24) spaces. The applicant will provide fifteen (15) residential parking spaces; ten (10) spaces will be reserved (one for each unit) for residents, and five (5) will be used for guest parking. The additional nine (9) spaces will be utilized for the commercial uses. A Condition of Approval to the CUP application stated that any uses of the retail or commercial space must meet the parking requirement set by Land Management Code (LMC) 15-3-6 Parking Ratio Requirements for Specific Land Use Categories.

Per LMC 15-2.5-3 (G)(1), the Floor Area Ratio (FAR) for non-residential structures built after October 1, 1985, and located east of Park Avenue is 1.0. The FAR, Gross Commercial, is defined as the Area of a Building including all enclosed Areas excluding parking areas. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area. The following floor areas are proposed:

	Commercial Gross Floor Area Square Footage
Lower Parking Area	0 SF
Upper Parking Area	0 SF
Ground Level Area (Commercial Retail, including historic Rio Grande)	3,637 SF
2 nd Level	604 SF
3 rd Level	0 SF
Loft/Roof Deck Area	0 SF
Total Square Footage	4,241 SF

The total lot area is approximately 12,660 square feet. The Floor Area Ratio for commercial use is .33 and is less than the allowable FAR of 1.0.

Staff finds that the condominium plat, as conditioned, will not cause undo harm to adjacent property owners because it meets the requirements of the Land Management Code (LMC), is consistent with the approved HDDR, and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements in effect at the time of application for building permits. The plat also memorializes required access, parking, and utility easements and is consistent with the recorded one lot subdivision plat that removed the underlying property lines.

Overall, staff finds that the condo plat is in keeping with the previous HDDR, CUP, and plat amendment approvals.

Good Cause

Staff finds good cause for the Condominium Record of Survey as the form of ownership is not detrimental to the overall character of the neighborhood. Moving forward with the condominium plat amendment will allow the applicant to sell the ten (10) residential condominium and four (4) commercial condominium units.

Process & Future Process

Approval of this 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. There were no issues brought up at the time of initial review, that have not been addressed with conditions of approval.

Notice

On May 13, 2014, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record two weeks prior to the meeting.

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meetings.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 820 Park Avenue Condominiums Record of Survey Plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 820 Park Avenue Record of Survey Plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 820 Park Avenue Condominiums Record of Survey Plat to a date certain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the applicant would not be able to convert the ten (10) residential and four (4) commercial units to condos, nor sell these units to individual owners.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 820 Park Avenue Condominiums Record of Survey Plat and forward 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 – Ordinance and Proposed Condominium Record of Survey

Exhibit B – Survey

Exhibit C – Aerial and site photographs

Exhibit A—Draft Ordinance

Ordinance No. 14-

AN ORDINANCE APPROVING THE 820 PARK AVENUE CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 820 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 820 Park Avenue have petitioned the City Council for approval of the 820 Park Avenue Condominiums Record of Survey Plat; 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 May 28, 2014 to receive input on the 820 Park Avenue Condominium Record of Survey Plat;

WHEREAS, the Planning Commission, on May 28, 2014, forwarded a recommendation to the City Council;

WHEREAS; the City Council, held a public hearing on June 26, 2013; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 820 Park Avenue Condominiums Record of Survey Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 820 Park Avenue Condominiums Record of Survey Plat as shown in Exhibit B 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 820 Park Avenue within the Historic Recreation Commercial (HRC) District.
2. City Council approved the Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended and 820 Park Avenue Subdivision plat amendment on May 15, 2014. This plat amendment combined approximately 229 square feet of the City-owned property which was sold to the applicant on the north edge of the lot, the metes and bounds parcel at 820 Park Avenue, and approximately 123 square feet of Lot B-3 of the Town Lift Subdivision to the south.
3. The sale of the 229 square feet of the City-owned property at the southeast corner of 9th Street and Park Avenue to 820 Park Avenue LLC was ratified by City Council on

May 15, 2014.

4. The applicant is currently negotiating the sale of the 123 square feet of Lot B-3 of the Town Lift Subdivision to the south.
5. The Planning Director and Chief Building Official determined unique conditions did not exist to warrant the relocation of the historic Rio Grande building to the southeast corner of 9th Street and Park Avenue on October 9, 2013. This determination was overturned by the Historic Preservation Board during the appeal hearing on November 13, 2013.
6. The Planning Director granted the applicant a height exception based on LMC 15-2.5-5(A)(4) in order to allow the clearstory architectural feature to extend fifty percent (50%) above the zone height, or forty-eight feet (48'). This determination was made on April 14, 2014.
7. The Historic District Design Review (HDDR) was approved by staff on April 14, 2014.
8. The Planning Commission reviewed and approved the applicant's request for a Conditional Use Permit (CUP) on February 12, 2014. The CUP included the following uses: multi-unit dwelling; commercial retail and service, minor; café and deli; outdoor dining; office (intensive); and a parking area or structure with five (5) or more spaces.
9. The applicant intends to redevelop the site into a mixed-use development containing ten (10) residential and four (4) commercial condominium units. It will also include 4,241 square feet of commercial retail and service, minor; café or deli; outdoor dining; office, intensive; and a 24-space underground parking structure accessible from 9th Street.
10. The first level of the development will contain 3,637 square feet of commercial space: Unit C-101 containing 694 square feet; Unit C-102, 602 square feet; Unit C-103, 1,279 square feet; and C-104, 1,062 square feet.
11. The ground level will also have two (2) residential condominium units: Unit 105 containing 938 square feet, and Unit 106, 1,532 square feet.
12. The second level will contain 604 square feet of commercial space on the second story of the historic Rio Grande building as well as four (4) residential condominium units: Unit 201 containing 1,078 square feet; Unit 202, 1,705 square feet; Unit 203, 1,987 square feet; and Unit 204, 1,776 square feet.
13. The third level will contain four (4) residential condominium units: Unit 301 containing 1,078 square feet; Unit 302, 1,705 square feet; Unit 303, 1,993 square feet; and Unit 304, 1,583 square feet.
14. Unit 304 has two (2) stories and 1,010 square feet of its second floor will be located on the fourth floor.
15. Common areas include the exterior plaza space, parking ramp and garage, elevator and stairs, and mechanical areas. The parking level will contain 10,830 square feet of common area; the ground level, 3,512 square feet of indoor and exterior space; the second level, 953 square feet; the third level, 716 square feet; and the fourth level, 615 square feet.
16. Limited common areas include the spaces directly in front of each storefront, the rear yard to the east, patio areas and the rooftop deck, storage areas, and the interior staircase on the southeast corner of the building. The parking level will

contain 795 square feet of limited common area; the ground level, 2,461 square feet; the second level, 358 square feet; the third level, 626 square feet; and the fourth level, 3,228 square feet.

17. One (1) level of underground parking will be constructed, accessible from 9th Street. It will include twenty-four (24) parking spaces. Ten (10) spaces will be reserved for resident parking and five (5) additional spaces for residents' guest parking. The remaining nine (9) spaces will be utilized by the commercial spaces on the ground level.
18. Per Land Management Code 15-2.5-3(G)(1), the floor area ratio (FAR) for non-residential structures built after October 1, 1985, and located east of Park Avenue is 1.0. The proposed FAR of this development is .33, which is less than the allowed maximum FAR of 1.0.
19. The proposed condominium record of survey memorializes each portion of the development as separate units.
20. The proposed development will meet the required front and rear yard setbacks of ten feet (10').
21. The proposed development will meet the required five foot (5') side yard setback along the north property line.
22. The development will have a zero foot (0') side yard setback along the south property line; this is permitted by LMC 15-2.5-3(E) where the structure are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.
23. The applicant submitted a Condominium Record of Survey plat application on April 10, 2014; the application was deemed complete on April 22, 2014.
24. The property was posted and notice was mailed to affected property owners within 300 feet (') of the property on May 13, 2014.
25. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The condominium record of survey is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed condominium record of survey.
3. Approval of the condominium record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. All original Conditions of Approval for the 820 Park Avenue Subdivision shall apply, and shall be noted on the plat.
4. Rio Grande LLC shall have purchased approximately 123 square feet of Lot B-3 of the Town Lift Subdivision, Plat B1-3 prior to recording the record of survey plat with Summit County.

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

PASSED AND ADOPTED this ____ day of June, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

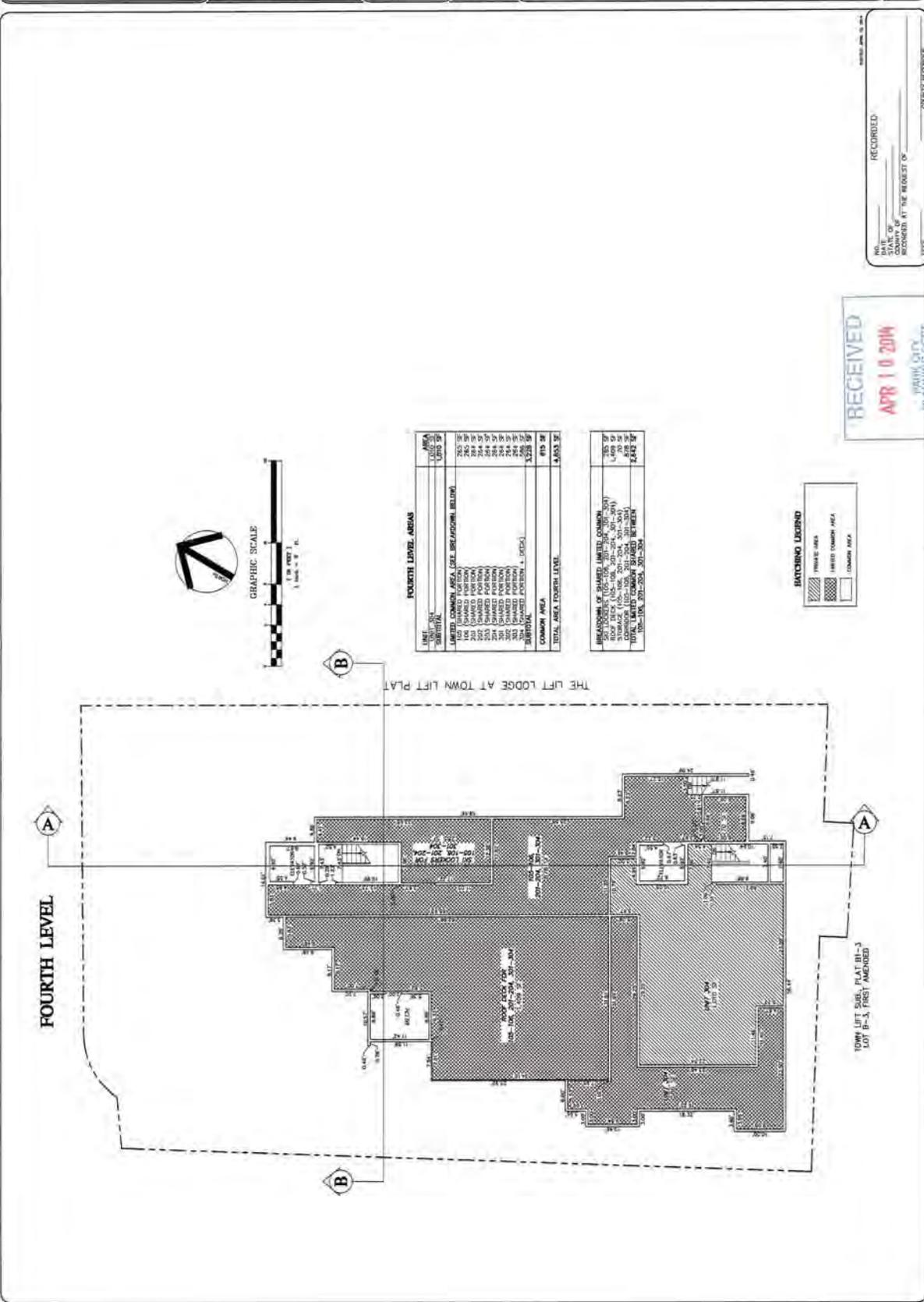
ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



PANORAMAS
HDDR-01

PROJECT # 201302
DATE 02/20/14
RECORD OR PLAN

820 PARK AVENUE
MIXED USE DEVELOPMENT
PARK CITY, UTAH 84060

GME
REGISTERED ENGINEERING
MECHANICAL
ELECTRICAL
PLUMBING
MECHANICAL
PAPER ENGINEERS

WOW
PRELIMINARY
NOT FOR
PERMIT OR
CONSTRUCTION

RECEIVED
APR 10 2014
PARK CITY
PLANNING DEPT.

SITE AERIAL IMAGE - PANORAMA KEY







8 5 4 2

The contents, design, drawings and specifications herein are the property of WOW Mechanical, Electrical, Plumbing and Mechanical, Inc. and shall remain the property of WOW Mechanical, Electrical, Plumbing and Mechanical, Inc. No part of this document may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of WOW Mechanical, Electrical, Plumbing and Mechanical, Inc.

Planning Commission Staff Report



Subject: Park City Library and Education Center (Carl Winter's School)
Author: Anya Grahn
Date: May 28, 2014
Project #: PL-13-02085
Type of Item: Development Agreement

Topic

Applicant: Park City Municipal Corporation
Location: 1255 Park Avenue
Zoning: Recreation Commercial (RC)
Adjacent Land Uses: Recreation Open Space (ROS) and Single Family (SF)
Reason for Review: Master Planned Developments require ratification of a development agreement

Summary Recommendation

Staff recommends that the Planning Commission review the proposed development agreement and consider ratifying the agreement as written.

Background

Attached is the 1255 Park Avenue Park City Library and Education Center Master Planned Development (MPD). Section 15-6-4 (G) of the Land Management Code states that once the Planning Commission has approved a Master Planned Development for a project, the approval shall be finalized in the form of a Development Agreement and lists, at a minimum, what the development agreement must contain. The Development Agreement must be ratified by the Planning Commission, signed by the Mayor on behalf of the City Council, and recorded with the Summit County Recorder. The Development Agreement must be submitted to the City within six (6) months of the approval of the MPD. The 1255 Park Avenue Park City Library and Education Center Master Planned Development (MPD) amendment was approved by the Planning Commission on December 11, 2013. The Development Agreement was submitted to the City on May 8, 2014.

Department Review

The Legal and Planning Departments have reviewed the agreement for conformance with the 1255 Park Avenue Park City Library and Education Center MPD.

Recommendation

Staff recommends that the Planning Commission review the proposed development agreement and consider ratifying the agreement as written. The Planning Commission may recommend amendments, but shall consider that this action is an administrative action ratifying that the December 11, 2013, final approval is correctly memorialized in the Agreement.

Exhibits

- A. Development Agreement, including exhibits:
 - Exhibit A — Plat
 - Exhibit B — Master Planned Development approved design drawings, December 11, 2014
 - Exhibit C— Findings, Conclusions and Conditions of Approval from December 11, 2014 Planning Commission Approval
 - Exhibit D – Physical Mine Hazards Letter

Exhibit A

When recorded, please return to:
Park City Recorder
PO Box 1480
Park City, UT 84060

**DEVELOPMENT AGREEMENT
FOR THE 1255 PARK AVENUE PARK CITY LIBRARY AND
EDUCATION CENTER MASTER PLANNED DEVELOPMENT (MPD),
PARK CITY, SUMMIT COUNTY, UTAH**

This Development Agreement is entered into as of this ____ day of _____, 2014, by and between Park City Municipal Corporation (“Developer”) as the owner and developer of certain real property located in Park City, Summit County, Utah, on which Developer proposes the development of a project known as the 1255 Park Avenue Park City Library and Education Center Master Planned Development, and Park City Municipal Corporation, a municipality and political subdivision of the State of Utah (“Park City”), by and through its City Council.

RECITALS

- A. Developer is the owner of approximately 3.816 acres of real property located in Park City, Summit County, Utah, with a legal description of N 1/2 OF LOT 5 AND LOT 6, 7, AND 8 BLK 6 SNYDERS ADDITION TO PARK CITY and LOTS 1 THRU 44 BLK 7 SNYDERS ADDITION TO PARK CITY CONT 1.89 AC; ALSO THAT PORTION OF VACATED WOODSIDE AVENUE BEG AT THE SE COR OF BLK 7 & RUN TH N'LY ALONG THE E LINE OF BLK 7 TO THE NE COR OF LOT 8 BLK 7 A DISTANCE OF 200 FT; TH W ACROSS THE R/W TO THE NW COR OF LOT 37 OF BLK 6; TH S'LY ALONG THE W LINE OF BLK 6 TO THE SW COR OF LOT 44 OF BLK 6 A DISTANCE OF 200 FT M/L; TH W TO THE PT OF BEG CONT and as reflected in Exhibit A (approved but not yet recorded subdivision plat), which is attached hereto and incorporated herein by this reference (the “Property”) on which it has obtained approval for the development known as the 1255 Park Avenue Park City Library and Education Center Master Planned Development aka the Park City Library, as more fully described in the incorporated Exhibits and as set forth below (the “Project”).
- B. Park City requires development agreements under the requirements of the Park City Land Management Code (“LMC”) for all Master Planned Developments.
- C. Developer is willing to design and develop the Project in a manner that is in harmony with and intended to promote the long-range policies, goals and objectives of the Park City General Plan, and address other issues as more fully set forth below.
- D. Park City, acting pursuant to its authority under Utah Code Ann., Section 10-9-101, *et seq.*, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Development Agreement.

Now, therefore, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and Park City hereby agree as follows:

1. **Project Conditions:**

1.1. The Design Drawings (including the approved Site Plan, architectural plans, landscape plan, grading plan, trails and open space plans, and other plans) dated, reviewed, and approved by the Planning Commission on December 11, 2013, (attached as Exhibit B) and Findings of Fact, Conclusions of Law and Conditions of Approval (attached as Exhibit C) are incorporated herein as the Project; subject to changes detailed herein. The Project is located in the Recreation Commercial (RC) zoning district; however, the adjacent open space is zoned Recreation Open Space (ROS).

1.2. Developer and its successors agree to pay the then current impact fees imposed and as uniformly established by the Park City Municipal Code at the time of permit application, whether or not state statutes regarding such fees are amended in the future, unless Developer is exempt under Park City policy.

1.3 Developer and its successor agree to have the following entered into and approved by the City prior to the issuance of a building permit: (a) a construction mitigation plan (with signage for emergency contacts); (b) Limit of disturbance; (c) Park City Library and Education Center total employee count; and (d) water efficient landscape and irrigation plan showing snow storage areas

1.4 Developer and its successor agree to have the following entered into and approved by the City prior to issuance of a Certificate of Occupancy: (a) Park City Library and Education Center total employee count.

1.5 Minor modifications that are not substantive in nature may be approved by the Planning Department staff. All major modifications must be presented to the Planning Commission for review and approval.

2. **Vested Rights and Reserved Legislative Powers**

2.1 Subject to the provisions of this Agreement, Developer shall have the right to develop and construct the Project in accordance with the uses, densities, intensities, and general configuration of development approved by this Agreement, subject to compliance with the other applicable ordinances and regulations of Park City.

2.2 Reserved Legislative Powers. Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the existing land use and zoning regulations which are applicable to the Project under the terms of this Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Project and terms and conditions of this Agreement applicable to the Project shall be of general application to all development activity in the City; and, unless the City declares an emergency, Developer shall be entitled to the required notice and an opportunity to

be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

3. **Successors and Assigns.**

3.1 **Binding Effect.** This Agreement shall be binding on the successors and assigns of Developer in the ownership or development of any portion of the Project.

3.2 **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Developer or its successors or assigns. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Agreement.

4. **General Terms and Conditions.**

4.1 **Term of Agreement.** Construction, as defined by the Uniform Building Code, is required to commence within two (2) years of the date of execution of this Agreement. After Construction commences, the 1255 Park Avenue Park City Library and Education Center Master Planned Development and this Agreement shall continue in force and effect until all obligations hereto have been satisfied. The Master Plan approval for the Project shall remain valid so long as construction is proceeding in accordance with the approved phasing plan set forth herein.

4.2 **Agreement to Run With the Land.** This Development Agreement shall be recorded against the Property as described in Exhibit A hereto and shall be deemed to run with the land and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.

4.3 **No Joint Venture, Partnership or Third Party Rights.** This Development Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

4.4 **Integration.** This Development Agreement contains the entire Agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

4.5 **Severability.** If any part or provision of this Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

4.6 Attorney's Fees. If this Development Agreement or any of the exhibits hereto are breached, the party at fault agrees to pay the attorney's fees and all costs of enforcement of the non-breaching party.

4.7 Minor Administrative Modification. Minor administrative modification may occur to this approval without revision of this Agreement.

5. **Phasing.**

5.1 Project Phasing. The Project will be developed in one (1) phase.

5.2 Construction of Access. Developer may commence grading access to the Project as approved by the City Engineer according to generally accepted engineering practices and standards, and pursuant to permit requirements of the LMC, the International Building Code/ Fire Code, and the Army Corps. Of Engineers. Developer shall be responsible for maintenance of any such accesses until they are completed according to City standards and accepted by the City.

5.3 Form of ownership anticipated for the project. The Project will consist of The Park City Library and Education Center, which will remain under ownership of the Park City Municipal Corporation.

6. **Water.** Developer acknowledges that water development fees will be collected by Park City in the same manner and in the same amount as with other development within municipal boundaries and that impact fees so collected will not be refunded to Developer or to individual building permit applicants developing within the Project.

7. **Affordable Housing.** This Master Planned Development, as submitted, is exempt from the requirements of Housing Resolution 20-07 as outlined in *Section E Redevelopment: Additions and Conversions of Use* in that the remodeling does not create additional employment generation. The applicant has submitted a letter confirming that the renovation will not generate any additional employees. Should there be an increase in the total employee count at the time of Certificate of Occupancy the Developer shall be subject to the terms and conditions of Housing Resolution 20-07; Section E Redevelopment

8. **Physical Mines.** There are no known Physical Mine Hazards on the property as determined through the exercise of reasonable due diligence by the Owner (see attached Exhibit D)

IN WITNESS WHEREOF, this Development Agreement has been executed by Developer Park City Municipal Corporation by persons duly authorized to execute the same and by the City of Park City, acting by and through its City Council as of the ___ day of _____, 2014.

PARK CITY MUNICIPAL CORPORATION

By: _____
Jack Thomas, Mayor

ATTEST:

By: _____
Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark D. Harrington, City Attorney

Exhibit A – Plat

Exhibit B – Master Planned Development approved design drawings, December 11, 2014

Exhibit C – Findings, Conclusions and Conditions of Approval from December 11, 2014
Planning Commission Approval

Exhibit D – Physical Mine Hazards Letter

DEVELOPER:

Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

By: Jonathan Weidenhamer, Project Manager

STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

On this ____ day of _____, 2014, personally appeared before me Matt Twombly, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he is a member of Park City Municipal Corporation.

Notary Public



250 east 100 south
Salt Lake City, UT 84111
801.532.4940

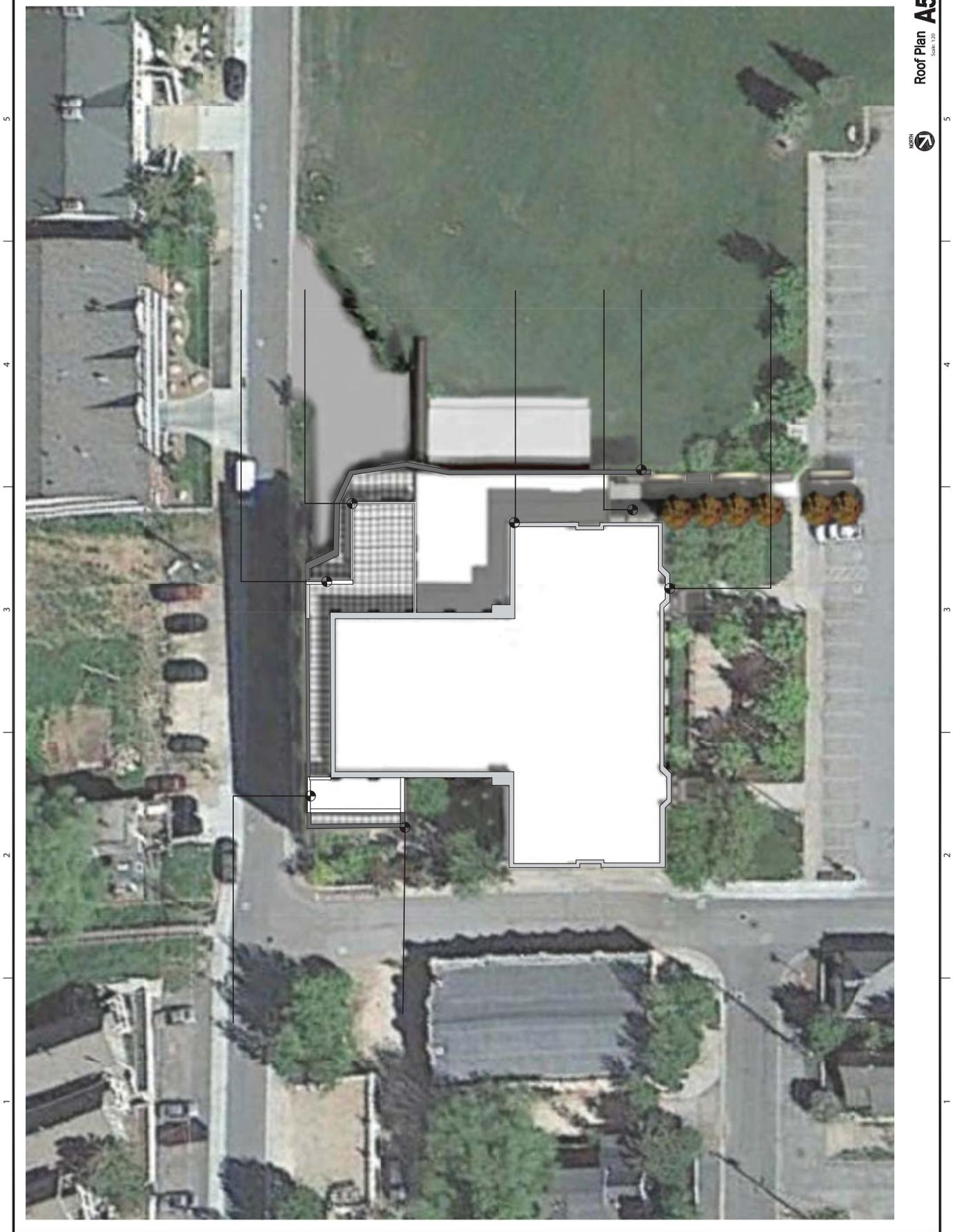
The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

date:
project no.:

Park City Library and Carl Winters
School Building Remodel Project

Roof Plan
AS104



Roof Plan
A5
Scale: 1/8" = 1'-0"

The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

date: 22 October 2013
project no.: 130122
MPD Application

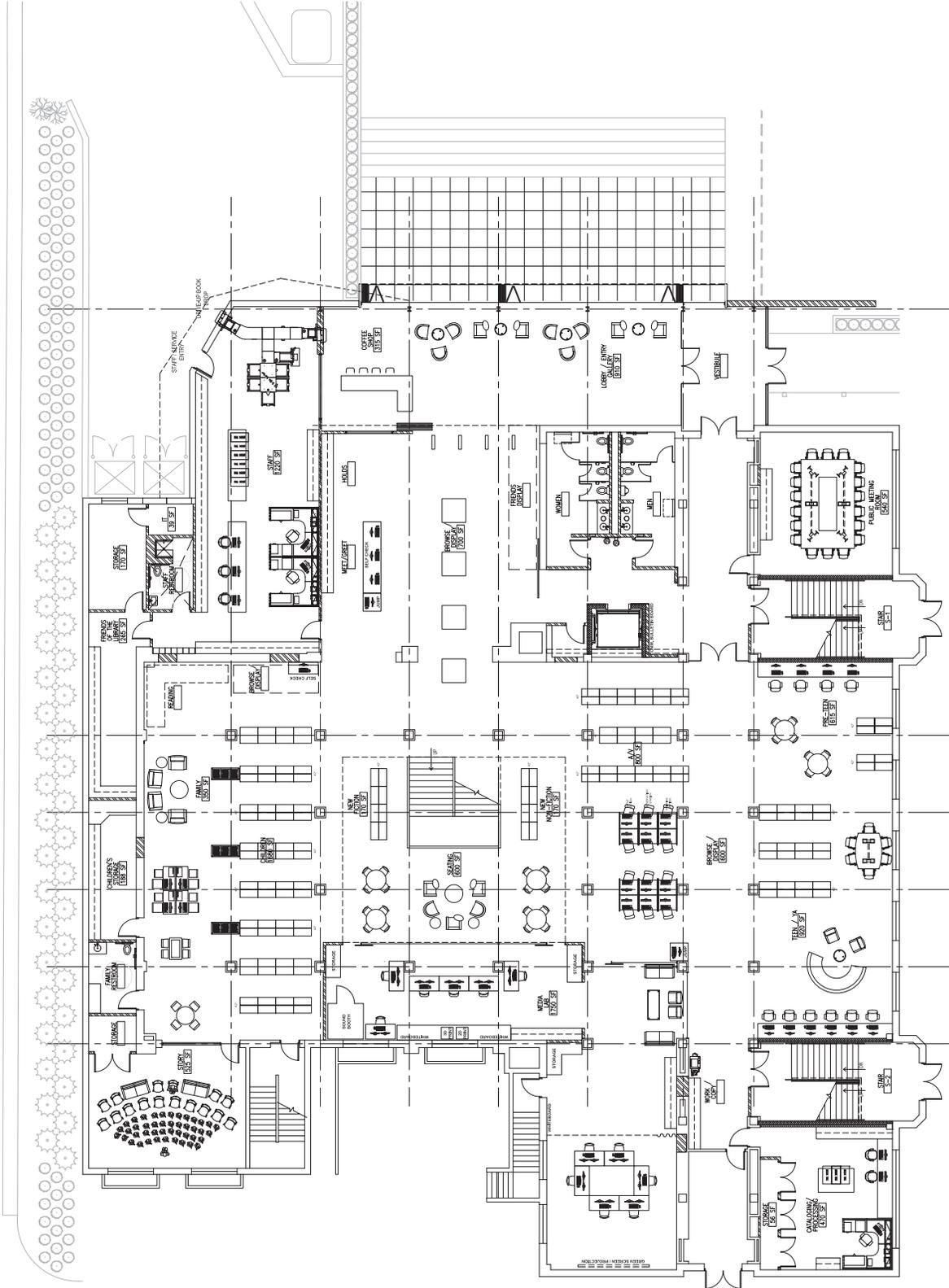
Park City Library and Carl Winters School Building Remodel Project

1255 Park Avenue, Park City, Utah

Floor Plan
Level 01

AE101

Floor Plan - Level 01 **A5**
Scale: 1/8" = 1'-0"



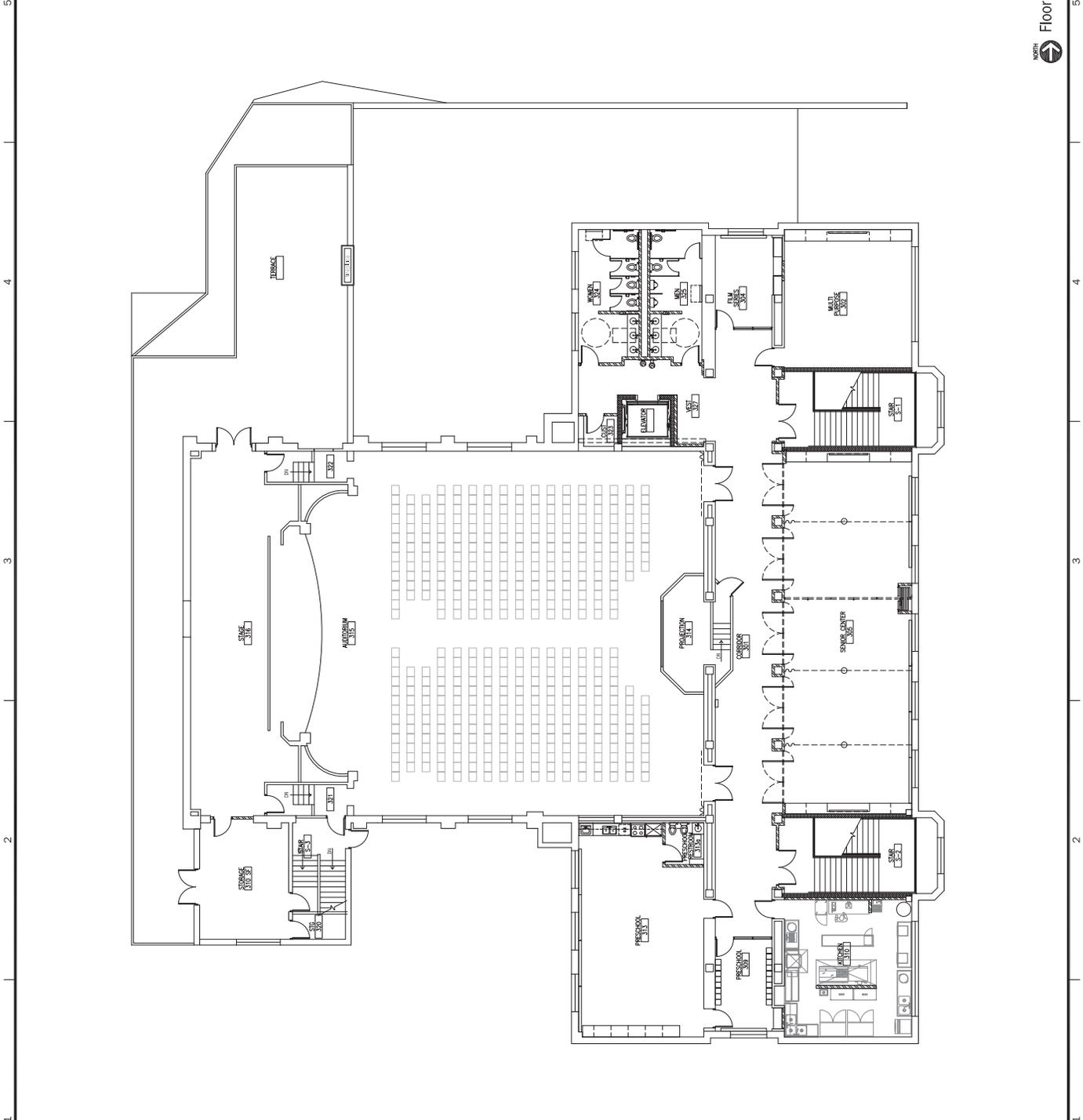
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revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project
1255 Park Avenue, Park City, Utah

Floor Plan
Level 03
AE103



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revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project
1255 Park Avenue, Park City, Utah

Exterior Elevations
AE201



Exterior Elevation - North **C5**
Scale 1/8" = 1'-0"



Exterior Elevation - East **A5**
Scale 1/8" = 1'-0"

The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library Remodel Project
School Building Remodel and Carl Winters

1255 Park Avenue, Park City, Utah

Exterior Elevations
AE202



Exterior Elevation - South
Scale 1/8" = 1'-0"



Exterior Elevation - West
Scale 1/8" = 1'-0"

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revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project
1255 Park Avenue, Park City, Utah

Exterior Views
AR301



Future View C5
Scale: N.T.S.



Existing View A5
Scale: N.T.S.

EXISTING HISTORIC STRUCTURE

EXISTING HISTORIC STRUCTURE TO REMAIN

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revisions

date: 22 October 2013
project no.: 130122
MPD Application

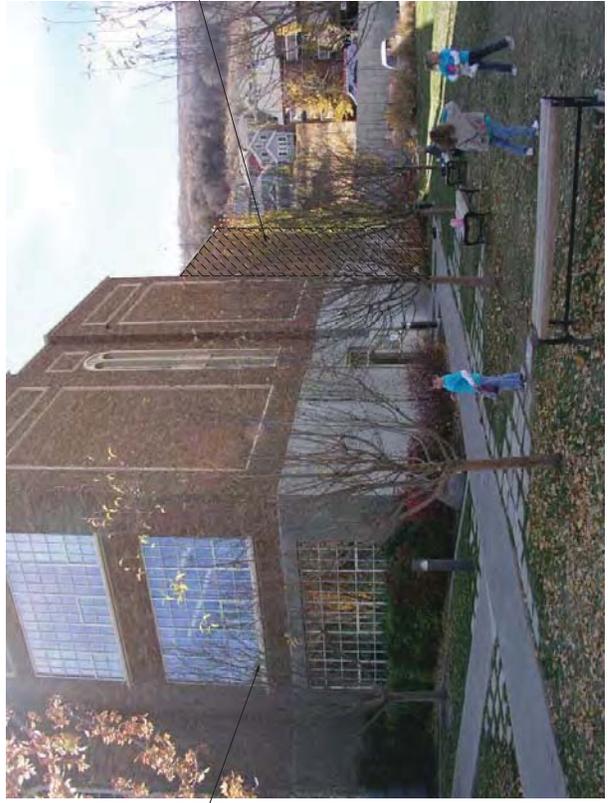
Park City Library Remodel Project
School Building Remodel and Carl Winters
1255 Park Avenue, Park City, Utah

Exterior Views
AR302

1 2 3 4 5



Future View C5
Scale: N.T.S.



Existing View A5
Scale: N.T.S.

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revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project
1255 Park Avenue, Park City, Utah

Exterior Views
AR303

1 2 3 4 5



Future View C5
Scale: N.T.S.



EXISTING HISTORIC BUILDING TO REMAIN

EXISTING REMOVAL OF EXISTING NON-HISTORIC STRUCTURE

Existing View A5
Scale: N.T.S.

1 2 3 4 5

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revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project
1255 Park Avenue, Park City, Utah

Exterior Views
AR304



Future View C5
Scale: N.T.S.

Existing View A5
Scale: N.T.S.

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revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project

1255 Park Avenue, Park City, Utah

Exterior Views
AR305

1 2 3 4 5



Future View C3
Scale: N.T.S.



Future View C5
Scale: N.T.S.



FUTURE VIEW A3
Scale: N.T.S.



FUTURE VIEW A5
Scale: N.T.S.

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revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters School Building Remodel Project
1255 Park Avenue, Park City, Utah

Exterior Views
AR306

1 2 3 4 5



Future View C5
Scale: N.T.S.



FUTURE VIEW A5
Scale: N.T.S.



FUTURE VIEW A3
Scale: N.T.S.

1255 Park Avenue Park City Library and Education Center Master Planned Development

Finding of Fact

1. The application for the MPD was received on October 3, 2013. The application was deemed complete on October 22, 2013.
2. The Carl Winters building is a historic building designated as a “Landmark” on the Historic Sites Inventory (HSI).
3. The Park City Library and Education Center (Carl Winter’s School Building) is located at 1255 Park Avenue. The property consists of the north half of Lot 5, all of Lots 6 through 12, the south half of Lot 13 and all of Lots 23 through 44 of Block 6 of the Snyders Addition as well as Lots 1 through 44 of Block 7 and the vacated Woodside Avenue. Upon recordation of the plat application submitted on June 14, 2013, the property will be known as the Carl Winters School Subdivision and is 3.56 acres in size.
4. City Council will consider vacation of the portion of Woodside contained on the Library property. Such vacation is required for the Plat Amendment.
5. The Planning Commission will hear the plat amendment for 1255 Park Avenue Carl Winters Subdivision on December 11, 2013 and forward a recommendation to City Council for their review and approval.
6. There is a Master Planned Development from 1992 for the property; however, the changes purposed to the concept and density justify review of the entire master plan and development agreement by the Planning Commission. The library footprint will be expanded by approximately 2,400 square feet. A new terrace will also be created on the north elevation of the structure, adjacent to the park. In addition to these community gathering spaces, the library will temporarily house the Park City Senior Center.
7. The Park City Library contains approximately 48,721 square feet and was originally approved through two (2) MPDs in 1990 and 1992, as well as a Conditional Use Permit in 1992 to permit a Public and Quasi-Public Institution, the library.
8. Access is from Park Avenue, with a secondary entrance along 12th Street.
9. The proposed facility open space is 70% and includes a landscaped entry sequence from the Park Avenue bus stop to the Library entrance.
10. The total proposed building footprint is 19,519 square feet and gross square footage is 52,151.
11. The property is in the Recreation Commercial (RC) and Recreation Open Space (ROS) Districts—the structure is located in the RC District, whereas the open space to the north of the structure is in the ROS District.
12. This property is subject to the Carl Winters School Subdivision plat and any conditions of approval of that plat.
13. The existing Park City Library and Education Center contains 92 parking spaces.
14. The proposed parking is being reduced to 86 parking spaces.
15. Setbacks within the Recreation Commercial (RC) District are fifteen feet (15’) in the front, fifteen feet (15’) in the rear, and ten feet (10’) on the sides. The MPD requires twenty-five (25’) foot setbacks from all sides. The applicants have requested a setback reduction to ten feet (10’) along the rear (west) yard.

16. A 315 SF interior Café is proposed. A Café is a Conditional Use in the RC District and is a support Use to the primary Development or Use, subject to provisions of LMC Chapter 15-6, Master Planned Development. Hours of the café will be limited to the hours in which the building is open.
17. The *Analysis* section of this staff report is incorporated herein.
18. This project is subject to a Historic District Design Review.
19. The Planning Commission reviewed the Park City Library and Education Center MPD as a Pre-MPD during Regular Session on September 25, 2013.
20. The Planning Commission also reviewed the MPD as a work session on September 25, 2013 and held a public hearing on November 20, 2013.

Conclusions of Law:

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD is not subject to the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and lease visually obtrusive portions of the Site.
10. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections by the location on a proposed bus route. Bicycle parking racks will be provided.
11. The MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval:

1. All standard conditions of approval apply to this MPD and CUP.
2. All applicable conditions of approval of the Carl Winters School Subdivision shall apply to this MPD.
3. The Carl Winters School will be restored according to the Secretary of the Interior's Standards for Rehabilitation and the structure will be listed on the National Register of Historic Places. A Historic District Design Review and approval will be required prior to building permit submittal.
4. A final water efficient landscape and irrigation plan that indicates snow storage areas and native drought tolerant plant materials appropriate to this area, is required prior to building permit issuance.

5. All exterior lights must conform to the City lighting ordinance and included in the Historic District Design Review. Parking lot and security lighting shall be minimal and approved by Planning Staff prior to issuance of a certificate of occupancy.
6. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
7. The Site plan shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. Recycling facilities will accommodate materials generated by the tenants, users, operators, or owners of the project and shall include, but are not limited to glass, plastic, paper, cans, cardboard, or other household or commercially generated recyclable and scrap materials. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project.
8. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests. Written approval of the proposed locations shall be obtained by the City Building and Planning Department.
9. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color and material details exhibits and photos reviewed by the Planning Commission on December 11, 2013, and shall be approved by staff at Historic District Design Review (HDDR) application. Materials shall not be reflective and colors shall be warm, earth tones that blend with the natural colors of the area.
10. The final building plans, parking lot details and landscaping, and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on December 11, 2013. The Historic District Design Review (HDDR) application will also be reflective of the drawings reviewed by this Planning Commission on December 11, 2013.
11. The City Engineer prior to Building Permit issuance must approve utility, storm water systems and grading plans, including all public improvements.
12. Staff must approve the Construction Mitigation Plan to issuance of any building permits and shall include appropriate contact information as required. Signs posted on site will indicate emergency contacts.
13. Lay down and staging will be restricted to existing parking lots and disturbed construction area. Applicant will minimize placement adjacent to housing units as much as possible.
14. The applicant will notify all affected property owners within 300 feet prior to construction commencing of conditioned work hours, contact information and general project description.
15. A limit of disturbance area will be identified during the building permit review.
16. The applicant shall submit a total employee count at time of building permit. Prior to Certificate of Occupancy the applicant shall provide verification that the employee count has not increased. Should there be an increase in the total employee count the applicant shall be subject to the terms and conditions of Housing Resolution 20-07; Section E Redevelopment.

17. An internal parking review will occur one year after Certificate of Occupancy (or the facility is fully operational) to analyze parking load and demand. The number of parking spaces will not be reduced less than 86 spaces.
18. The Mawhinney Parking Lot shall be used as overflow parking. At no time in the future shall this parking area be converted to affordable housing use or any other use without modifying this MPD.
19. The Café Conditional Use shall only operate in conjunction with hours the building is open, Film Series operation, or as approved under a Master Festival License or Special Event.
20. The proposed outdoor dining shall not extend beyond the 1,891 square foot terrace. Additionally, any proposed outdoor furniture will be reviewed and approved by the Planning Department prior to purchase and installation.
21. The hours the rooftop deck will be utilized will be in conjunction with the hours the building is open, and no later than 10pm.
22. An internal review will occur one (1) year after Certificate of Occupancy (or the facility is fully operational) to analyze trash generation and demand. If necessary, trash pick-up will be increased at that time.

Planning Commission Staff Report



PLANNING DEPARTMENT

Application No: PI-14-02348
Subject: LMC Amendments
Author: Kirsten Whetstone, MS, AICP
Date: May 28, 2014
Type of Item: Legislative – LMC Amendments and Planning Commission Rules of Order and Procedure

Summary Recommendation

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code (LMC) regarding 1) warranty guarantees (Chapter One), 2) Planning Commission rules of order and procedure (Chapter Twelve), 3) Nightly rental Uses prohibited in April Mountain and Mellow Mountain Estates Subdivisions (Chapter 2.13- Residential Development (RD) Zone), and 4) zoning regulations for Animal Service Uses in the General Commercial (GC), Limited Industrial (LI), and associated definitions (Chapters 2.18, 2.19, and 15) as described in this report and as presented in Exhibit A. Staff recommends the Commission conduct a public hearing, consider public input, and consider forwarding a recommendation to the City Council to adopt the Ordinance as presented in Exhibit A. Staff also recommends the Planning Commission review and consider adopting the proposed Resolution adopting Planning Commission Rules of Order and Procedure as presented in Exhibit B.

Description

Project Name: LMC Amendments and Resolution
Applicant: Planning Department
Approximate Location: City-wide and General Commercial/Limited Industrial zones
Proposal: Amendments to the Land Management Code require Planning Commission review and recommendation and final action by the City Council.
Resolution regarding Planning Commission Rules of Order and Procedures requires Planning Commission review and adoption.

Background

The Utah State Legislature amended the State Code regarding warranty guarantees and Planning Commission rules of order and municipalities should align their development codes to be consistent with the State law. Additionally, Planning Staff has been approached by several local business owners with questions related to zoning regulations for various animal services, including pet/animal grooming, pet/animal boarding, and pet/animal daycare. The current LMC definitions and regulations don't address all of these animal services and several business owners have requested clarification as to where these businesses can be allowed or where they are conditional uses as well as clarification of zoning regulations and definitions for these uses.

General Plan

The proposed LMC amendments have been reviewed for consistency with the newly adopted Park City General Plan. The General Plan does not specifically address these issues; however the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values. The General Plan indicates that the LMC shall be updated with current land uses and shall take into consideration economic development with smaller local businesses in appropriate locations that are in keeping with Park City's unique character.

Analysis

Planning Staff recommends the following LMC amendments to address issues that have come up regarding alignment of the LMC with amendments to the State Code, codifying existing Nightly Rental prohibitions within April Mountain and Mellow Mountain Estates Subdivisions in the RD zone, and clarifying Animal Service uses as Allowed and/or Conditional Uses within the GC and LI zones. Addition and modification of associated Definitions are also proposed.

Warranty Guarantees (Chapter One)

Staff recommends the following LMC amendment language to Chapter 15-1-13 (see Exhibit A- Attachment 1):

15-1-13. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY

...

(G) **RETAINED AMOUNT.** The amount in excess of the actual construction costs, but in no event more than ~~twenty-five~~ten percent (~~25~~10%) of the lesser of the engineer's original estimated cost of completion or the actual construction cost, shall be held for a period of one (1) year following final inspection and approval of the Site or Public Improvement work by the City. The retained amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide a new Guarantee sixty (60) days prior to the expiration of the Guarantee instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that Guarantee to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate Guarantee, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site or Public Improvements, which fail or appear to be defective during the one (1) year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the Developer.

Nightly Rental in RD zone (Chapter 2.13)

At the time of approval and recordation of the April Mountain and Mellow Mountain Estates Subdivisions, Nightly Rental uses were prohibited from these subdivisions. There are notes on the plats stating that Nightly Rental is prohibited within these subdivisions. Nightly Rentals are an allowed use in the Residential Development (RD) zoning district where these subdivisions are located. To reduce confusion Staff recommends that a footnote be added to the “Nightly Rental” listing under Allowed Uses to codify the prohibition of Nightly Rentals within these two subdivisions. This is an administrative amendment (see Exhibit A- Attachment 2).

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single-Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting⁴
- (9) Child Care, Family⁴

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain and Mellow Mountain Estates Subdivisions.

Animal Service Uses in GC and LI (Chapters 2.18 and 2.19)

In order to address zoning and land use issues related to animal services, Staff recommends the following LMC Amendments to 1) clarify that Animal Grooming Services are a Conditional Use in the GC and LI zoning districts, 2) Animal Daycare and Animal Boarding are Conditional Uses in the GC and LI zoning districts, and 3) Veterinarian Clinics with boarding limited to animals under care of the Veterinarian are an Allowed Use in the GC and a Conditional Use in the LI zoning districts. Definitions for these uses are proposed to be added to Chapter 15. Overnight boarding for any small animal/pet, that is not under the care of a veterinarian is considered Animal Boarding and would require a Conditional Use Permit.

Currently Animal Grooming Services are allowed in the GC and LI zoning districts as an Allowed Use as they are considered under Retail and Service Commercial, Minor. Veterinary Clinics are currently allowed in the GC zone and are conditional uses in the LI zone as they are considered under Office and Clinic, Medical (with limited boarding for pets under care of the Vet). The current definition of Office, Medical is as follows:

A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and /or clients. A Medical office includes Veterinarian clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinarian clinic, but does not include pet boarding Uses for non-medical related reasons.

Staff recommends that Animal Boarding, Daycare, Grooming, and Kennel Uses, that are not related to overnight care associated with a Veterinarian clinic, shall require a Conditional Use Permit in the GC and LI zoning districts in order to review the proposal for mitigation of the Conditional Use Permit criteria of LMC Section 15-1-10, notice affected property owners, and have a public hearing. Staff will prepare a specific application for Conditional Use Permits for Animal Services such as Boarding, Daycare, Grooming, and Kennels. The application will require additional information related to animal waste management, outdoor exercise protocol, number of animals, calculation of indoor and outdoor areas for compliance with County Animal Control regulations, proposed hours of operation, etc. See Exhibit A- Attachments 3 and 4 for proposed LMC Amendments and redlines.

Planning Commission Rules of Order and Procedure (Chapter 12)

The Utah Code Section 10-9a-301 requires that the Planning Commission define the rules of order and procedure for public meetings. Staff recommends the Planning Commission adopt the attached Resolution (Exhibit B) that identifies and clarifies the Park City Planning Commission Rules of Order and Procedures. The Commission shall also comply with all required procedures contained in Utah Code Title 52, Chapter 4, Open and Public Meetings Act. The proposed Resolution does not conflict with Title 52 requirements.

Staff recommends the LMC be amended to add the following language to Chapter 12 regarding these Rules of Order and Procedures as outlined in the Resolution (see Exhibit A- Attachment 5):

15-12-10. HEARINGS.

The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Notice for all agenda items pending action shall be according to the Notice Matrix as stated in Section 15-1-21.

15-12-10.5 RULES OF PROCEDURE

The Rules of Order and Procedure for use by the Planning Commission in all public meetings shall be the Rules of Order and Procedure adopted by City Council unless the Planning Commission adopts its own Rules.

Definitions (Chapter 15)

Staff recommends the following LMC Amendments to Chapter 15- Definitions to clarify Animal Service Use definitions (see Exhibit A- Attachment 6) consistent with definitions in the Municipal Code.

1.14 ANIMAL SERVICES.

ANIMAL SERVICES-BOARDING

Any establishment that takes in fewer than four animals for overnight boarding and care for profit.

ANIMAL SERVICES- DAYCARE

Any establishment that takes in fewer than four animals for daytime boarding for profit.

ANIMAL SERVICES -GROOMING

Any establishment maintained for the purpose of offering cosmetological services for animals for profit.

ANIMAL SERVICES-KENNEL.

An establishment having four (4) or more animals for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, selling, or agricultural use such as stock herding and guarding.

1.287 VETERINARIAN.

One trained and authorized to treat animals medically.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces on May 14, 2014 and published in the Park Record on May 10, 2014 as required by the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council; or
- The Planning Commission may continue the discussion to a date certain and provide direction to Staff regarding additional information or analysis needed in order to make a recommendation to Council.

Significant Impacts

The proposed LMC amendments regarding warranty guarantees and Planning Commission rules of order are required to align the Park City Land Management Code with the State Code. The proposed LMC amendments for animal/pet services clarify terms and zoning regulations for various pet services, such as pet grooming, pet kennels and boarding, and pet day care within the GC and LI zoning districts.

Summary Recommendation

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code (LMC) regarding 1) warranty guarantees (Chapter One), 2) Planning Commission rules of order and procedure (Chapter Twelve), 3) Nightly rental Uses prohibited in April Mountain and Mellow Mountain Estates Subdivisions (Chapter 2.13- Residential Development (RD) Zone), and 4) zoning regulations for Animal Service Uses in the General Commercial (GC), Limited Industrial (LI), and associated definitions (Chapters 2.18, 2.19, and 15) as described in this report and presented in Exhibit A. Staff recommends the Commission conduct a public hearing, consider public input, and consider forwarding a recommendation to the City Council to adopt the Ordinance as presented in Exhibit A. Staff also recommends the Planning Commission review and consider adopting the proposed Resolution adopting Planning Commission Rules of Order and Procedure as presented in Exhibit B.

Exhibits

Exhibit A- Proposed Ordinance and attachments

Exhibit B- Proposed Resolution adopting Planning Commission Rules of Order and Procedure.

Exhibit A – Proposed Ordinance

Draft Ordinance 14-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 1- GENERAL PROVISIONS AND PROCEDURES; CHAPTER 2. 13 (RESIDENTIAL DEVELOPMENT (RD) ZONE); CHAPTER 2.18 (GENERAL COMMERCIAL (GC) ZONE); CHAPTER 2.19 (LIGHT INDUSTRIAL (LI) ZONE); CHAPTER 12- PLANNING COMMISSION; AND CHAPTER 15-DEFINITIONS.

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up, and to address specific LMC issues raised by Staff, Planning Commission, and City Council, to address applicable changes to the State Code, and to align the Code with the Council's goals; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meeting on May 28, 2014, and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 10, 2014; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the State of Utah Code, the Park City General Plan and to be consistent with the values and goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, promote economic development, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter One (Section 15-1-13). The recitals above are incorporated herein as findings of fact. Section 15-1-13 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Two (Section 15- 2.13-2). Residential Development (RD) regarding Nightly Rental prohibition in April Mountain and Mellow Mountain Estates Subdivisions. The recitals above are incorporated herein as findings of fact. Section 15- 2.13-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 2).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Two (Section 15- 2.18-2). General Commercial (GC) regarding Animal Services uses. The recitals above are incorporated herein as findings of fact. Section 15- 2.18-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 3).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Two (Section 15- 2.19-2).Light Industrial (LI) regarding Animal Services uses. The recitals above are incorporated herein as findings of fact. Section 15- 2.19-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 4).

SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Twelve (Section 15-12-10.5). The recitals above are incorporated herein as findings of fact. Chapter 12 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 5).

SECTION 6. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Fifteen (Section 15-15-1). The recitals above are incorporated herein as findings of fact. Chapter 15-15-1 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 6).

SECTION 7. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2014

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Marci Heil, City Recorder

Approved as to form:

Mark Harrington, City Attorney

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures **15-1-14**

1-13(D), and shall be in one or more of the following forms:

- (1) An irrevocable letter of credit issued by a bank authorized to do Business in the State of Utah or an out-of-state bank, provided that a bank authorized to do Business in Utah confirms in writing that it will honor the letter of credit, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one (1) year, or
 - (2) A deposit of cash with a third party Escrow, or
 - (3) A deposit of cash with the City, or
 - (4) Some combination of the above as approved by the City or an approved equal.
- (G) **RETAINED AMOUNT.** The amount in excess of the actual construction costs, but in no event more than ~~twenty-five~~ ten percent (~~25~~10%) of the lesser of the engineer's original estimated cost of completion or the actual construction cost, shall be held for a period of one (1) year following final inspection and approval of the Site or Public Improvement work by the City. The retained amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide a new Guarantee sixty (60) days prior to the expiration of the Guarantee instruments provided for the initial construction under Section 15-1-13(F), the City shall make a

demand or draw on that Guarantee to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate Guarantee, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site or Public Improvements, which fail or appear to be defective during the one (1) year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the Developer.

(H) **MODIFICATION OF PLANS.** A Developer may, at its option, request modifications to plans covering Site or Public Improvement work by submitting revised plans to the City for review and action. Until the revised plans have received approval by the City, the Developer shall be required to offer a Guarantee for the performance of the Site or Public Improvement work as shown on the last set of plans to have received City approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other Guarantee held, which is in excess of 125% of the completion cost, estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site or Public Improvements, additional Guarantee must be provided by the Developer to cover the increased costs.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.13 - RD District

15-2.13-1



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.13 - RESIDENTIAL DEVELOPMENT (RD) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.13-1. PURPOSE.

The purpose of the Residential Development RD District is to:

- (A) allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- (B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas; and
- (F) provide opportunities for variation in architectural design and housing types.

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single-Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting⁴
- (9) Child Care, Family⁴

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain and Mellow Mountain Estates Subdivisions.

⁴See LMC Chapter 15-4-9 for Child Care Regulations

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.18 GC District

15-2.18-1



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.18 - GENERAL COMMERCIAL (GC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.18-1. PURPOSE.

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City's entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,

- (E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- (F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- (G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

15-2.18-2. USES.

Uses in the GC District are limited to the following:

- (A) **ALLOWED USES.**
 - (1) Secondary Living Quarters

- (2) Lockout Unit¹
- (3) Accessory Apartment²
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting³
- (7) Child Care, Family³
- (8) Child Care, Family Group³
- (9) Child Care Center³
- (10) Accessory Building and Use
- (11) Conservation Activity
- (12) Agriculture
- (13) Plant and Nursery Stock production and sales
- (14) Bed & Breakfast Inn
- (15) Boarding House, Hostel
- (16) Hotel, Minor
- (17) Hotel, Major
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office, Intensive
- (21) Office and Clinic, Medical and Veterinarian
- (22) Financial Institution without a drive-up window
- (23) Commercial, Resort Support
- (24) Retail and Service Commercial, Minor
- (25) Retail and Service Commercial, Personal Improvement
- (26) Retail and Service Commercial, Major

- (27) Cafe or Deli
- (28) Restaurant, General
- (29) Hospital, Limited Care Facility
- (30) Parking Area or Structure with four (4) or fewer spaces
- (31) Parking Area or Structure with five (5) or more spaces
- (32) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Multi-Unit Dwelling
- (5) Group Care Facility
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁴
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁵
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office, off-site within an enclosed Building

¹Nightly rental of Lockout Units requires Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 Child Care Regulations

⁴See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁵See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

- (12) Private Residence Club Project and Conversion⁸
- (13) Financial Institution with a Drive-up Window⁶
- (14) Retail and Service Commercial with Outdoor Storage
- (15) Retail and Service Commercial, Auto Related
- (16) Transportation Service
- (17) Retail Drive-Up Window⁶
- (18) Gasoline Service Station
- (19) Restaurant and Cafe, Outdoor Dining⁷
- (20) Restaurant, Drive-up Window⁶
- (21) Outdoor Event⁷
- (22) Bar
- (23) Sexually Oriented Businesses⁸
- (24) Hospital, General
- (25) Light Industrial Manufacturing and Assembly
- (26) Temporary Improvement⁷
- (27) Passenger Tramway and Ski Base Facility
- (28) Ski tow rope, ski lift, ski run, and ski bridge
- (29) Commercial Parking Lot or Structure
- (30) Recreation Facility, Public
- (31) Recreation Facility, Commercial

- (32) Indoor Entertainment Facility
- (33) Master Planned Development with moderate housing density bonus⁹
- (34) Master Planned Developments⁹
- (35) Heliport
- (36) Temporary Sales Trailer in conjunction with an active Building permit for the Site.⁸
- (37) Fences greater than six feet (6') in height from Final Grade⁷
- ~~(38) Animal Services, Boarding~~
- ~~(39) Animal Services, Daycare~~
- ~~(40) Animal Services, Grooming~~
- ~~(41) Animal Services, Kennel~~

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-76)

15-2.18-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development activity must comply with the following minimum yards:

⁹Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁶See Section 2-18-6 for Drive-Up Window review

⁷Requires an administrative Conditional Use permit

⁸See Section 2-17-8 for additional criteria.

**PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.19 Light Industrial (LI)
District**

15-2.19-1



**TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.19 - LIGHT INDUSTRIAL (LI) DISTRICT**

Chapter adopted by Ordinance No. 00-51

15-2.19-1. PURPOSE.

The purpose of the Light Industrial (LI) District is to:

- (A) allow light industrial and manufacturing Uses that will not create traffic hazard, noise, dust, fumes, odors, smoke, vapor, vibration, glare, or industrial waste disposal problems,
- (B) allow Conditional Uses to mitigate potential impacts,
- (C) accommodate complementary and supporting Uses such as parking, child care, retail, offices, group care, and recreation facilities, and
- (D) allow new light industrial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural design and details, color range, massing, lighting, landscaping, and the relationship to Streets and pedestrian ways.

15-2.19-2. USES.

Uses in the LI District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters
- (2) Accessory Apartment¹
- (3) Nightly Rental
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting²
- (6) Child Care, Family²
- (7) Child Care, Family Group²
- (8) Child Care Center²
- (9) Agriculture
- (10) Plant and Nursery Stock
- (11) Office, General
- (12) Office, Moderate Intensive
- (13) Office, Intensive
- (14) Financial Institution without drive-up window
- (15) Retail and Service Commercial, Minor

¹See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

²See LMC Chapter 15-4-9 Child Care Regulations

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.19 Light Industrial (LI)

District

15-2.19-2

- (16) Retail and Service Commercial, Personal Improvement
- (17) Retail and Service Commercial, Major
- (18) Commercial, Resort Support
- (19) Hospital, Limited Care
- (20) Parking Area or Structure with four (4) or fewer spaces
- (21) Recreation Facility, Private

(B) CONDITIONAL USES.

- (1) Multi-Unit Dwelling
- (2) Group Care Facility
- (3) Child Care Center²
- (4) Public and Quasi-Public Institution, Church, and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna³
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁴
- (8) Accessory Building and Use
- (9) Raising, grazing of horses
- (10) Bed and Breakfast Inn
- (11) Boarding House, Hostel
- (12) Hotel, Minor
- (13) Private Residence Club Project and Conversion⁶

³See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁴See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

- (14) Office and Clinic, Medical and Veterinarian
- (15) Financial Institutions with Drive-Up Window⁵
- (16) Retail and Service Commercial with Outdoor Storage
- (17) Retail and Service Commercial, Auto-Related
- (18) Transportation Services
- (19) Retail Drive-Up Window⁵
- (20) Gasoline Service Station
- (21) Café or Deli
- (22) Restaurant, General
- (23) Restaurant, Outdoor Dining
- (24) Restaurant, Drive-Up Window⁵
- (25) Outdoor Event⁶
- (26) Bar
- (27) Hospital, General
- (28) Light Industrial Manufacturing and Assembly Facility
- (29) Parking Area or Structure with five (5) or more spaces
- (30) Temporary Improvement⁶
- (31) Passenger Tramway Station and Ski Base Facility
- (32) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge
- (33) Recreation Facility, Public
- (34) Recreation Facility, Commercial
- (35) Entertainment Facility, Indoor

⁵See Section 2.19-8 for Drive-Up Window review criteria

⁶Subject to an administrative Conditional Use permit.

- (36) Commercial Stables, Riding
- (37) Master Planned Developments⁷
- (38) Heliports
- (39) Commercial Parking Lot or Structure
- (40) Temporary Sales Office, in conjunction with an active Building permit.
- (41) Fences and Walls greater than six feet (6') in height from Final Grade⁶

- (42) Animal Services, Boarding
- (43) Animal Services, Daycare
- (44) Animal Services, Grooming
- (45) Animal Services, Kennels

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-76)

15-2.19-3. COMMUNITY REQUIREMENTS.

Applicants must demonstrate the following:

- (A) The Industrial Use will not create glare, heat, odor, dust, smoke, noise, or physical vibrations perceptible outside of the Building.
- (B) Open yards used for storage or parking may not adjoin any public Right-of-Way and must be fully Screened from public Rights-of-Way and adjoining Properties.

⁷Subject to provisions of LMC Chapter 15-6, Master Planned Development.

Academy

- (C) Underground Utilities are provided.

15-2.19-4. REVIEW CRITERIA FOR RESIDENTIAL USES.

A landscaped buffer Area is required to separate Residential Uses from existing or potential industrial Uses. This buffer Area must be a minimum of fifty feet (50') wide to provide adequate Screening, buffering, and separation of these Uses. The fifty foot (50') requirement may be divided between two adjoining Properties. In the case where one Property is already Developed, the adjoining Property must provide a buffer Area sufficient to meet the fifty foot (50') requirement. A detailed landscape plan must be submitted by the Applicant and approved by the Planning Commission and Staff prior to Conditional Use approval. The landscape plan must demonstrate that the fifty foot (50') buffer Area effectively Screens and buffers the existing and future Residential Uses from existing or future industrial Uses. In some cases additional Off-Site landscaping may be necessary to adequately mitigate impacts of these incompatible Uses.

15-2.19-5. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

**PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 12 - Planning Commission
15-12-2**

10, Utah Code Annotated, 1953, as amended, and such other powers as are conferred on it by the City Council.

15-12-6. CHAIR.

The Planning Commission shall on or after the second Wednesday in July each year, after appointment of new members, elect one of its members to serve as Chair for a term of one (1) year. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. The Chair may participate in discussions, but shall have no vote except in case of a tie vote by the members of the Commission.

(Amended by Ord. No. 09-10)

15-12-7. STAFF.

The Planning Department shall assist the Commission with technical matters. In order to assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of other employees or agents of the City.

(Amended by Ord. No. 06-35)

15-12-8. ALLOWANCE.

The Planning Commission members shall receive an allowance for each meeting attended, as established by the City Council.

15-12-9. PURPOSE.

The Planning Commission shall act as a non-political, long range planning body for

the City. Review of specific projects shall be limited to those matters specifically requiring their consideration, and to the monitoring and reviewing of decisions of the Planning Department. The Planning Commission shall review those matters designated in Section 15-12-15 herein.

15-12-10. HEARINGS.

The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Notice for all agenda items pending action shall be according to the Notice Matrix as stated in Section 15-1-21.

[The Rules of Order and Procedure for use by the Planning Commission in all public meetings shall be the Rules of Order and Procedure adopted by City Council unless the Planning Commission adopts its own Rules.](#)

15-12-11. MINUTES.

The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the City Recorder. All meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

Written minutes shall be kept of all Commission meetings. Such minutes shall include:

(A) The date, time and place of the meeting;



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1. DEFINITIONS.

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster’s New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations”; “used” or “occupied” as applied to any land or Building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.

1.1 **ACCESS.** The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

1.2 **ACCESSORY APARTMENT.** A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

1.3 **ACCESSORY BUILDING.** A Building on the same Lot as the principal Building and that is:

- (A) clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, and other similar Structures that require a Building Permit;
- (B) operated and maintained for the benefit of the principal Use;
- (C) not a Dwelling Unit; and
- (D) also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

1.4 **ACCESSORY USE.** A land Use that is customarily incidental and subordinate to the to the primary Use located on the same Lot.

1.5 **ACTIVE BUILDING PERMIT.** Any Building Permit that has not expired.

1.6 **ADMINISTRATIVE PERMIT.** A permit issued by the Planning, Building, and Engineering Departments for specified Use upon proof of compliance with certain criteria.

1.7 **AFFORDABLE HOUSING.** Dwelling Units for rent or for sale in a price range affordable to families in the low to moderate income range.

1.8 **AGENT.** The Person with written authorization to represent an Owner.

1.9 **AGRICULTURE.** Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as meat, fruit, or other food packing and/or processing plants, fur farms, livestock feeding operations, animal hospitals, or similar Uses.

1.10 **ALLOWED USE.** A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-Conforming Use.

1.11 **ALTERATION, BUILDING.** Any act or process that changes the Architectural Detail of a Building, including

but not limited to, the erection, construction, reconstruction, or removal of any Building.

1.12 **ANCILLARY STRUCTURE.** One-Story, attached or detached Structure, 250 square feet in Area or smaller, that is subordinate to and located on the same Lot as the principal Use, does not include Dwelling Area, and is not intended for sleeping or cooking. Includes Structures such as sheds, green houses, play equipment, utility Buildings, and similar Structures that may or may not require a Building Permit.

1.13 **ANEMOMETERS AND ANEMOMETER TOWERS.** A temporary tower and housing or supporting wind measuring equipment for the purpose of establishing the viability of the wind generated energy by measuring and monitoring wind velocity, direction, shear, duration, intensity, and regularity.

1.14 ANIMAL SERVICES.

ANIMAL SERVICES-BOARDING
Any establishment that takes in fewer than four animals for overnight boarding and care for profit.

ANIMAL SERVICES- DAYCARE
Any establishment that takes in fewer than four animals for daytime boarding for profit.

ANIMAL SERVICES -GROOMING
Any establishment maintained for the purpose of offering cosmetological services for animals for profit.

ANIMAL SERVICES-KENNEL.

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An establishment having four (4) or more animals for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, selling, or agricultural use such as stock herding and guarding.

1.14 **ANTENNA.** A transmitting or receiving device used in Telecommunications that radiates or captures radio, television, or similar communication signals.

(A) **Antenna, Drive Test.** A temporary Antenna which is used for field testing of Telecommunications signals and for possible locations for a permanent Antenna, but does not provide Telecommunications to customers.

(B) **Antenna, Enclosed.** An Antenna or series of individual Antennas entirely enclosed inside a Structure, including but not limited to a cupola or wall of a Building or chimney.

(C) **Antenna, Freestanding.** An Antenna mounted on or within a stand alone support Structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole, or other vertical support.

(D) **Antenna, Roof Mounted.** An Antenna or series of individual Antennas mounted on a roof of a Building.

(E) **Antenna, Temporary.** An Antenna used for a time period of less than thirty (30) days.

(F) **Antenna, Wall Mounted.** An Antenna or series of individual Antennas mounted fully against the exterior face of a Building including on the face of a chimney or penthouse. A wall or face of a Building is defined as the entire Area of all exposed vertical surfaces of a Building that are above ground and facing approximately the same direction.

1.15 **APARTMENT.** A Dwelling Unit within a Multi-Unit Dwelling Building with exclusive living, cooking, sleeping and bathroom Areas.

1.16 **APPLICANT.** The Owner of the Property that is the subject of the Application, or the Owner's Agent.

1.17 **APPLICATION.** A written request, completed in a manner prescribed in this Code, for review, approval, or issuance of a Development permit, including but not limited to Conditional Use permits, Building Permits, variances, annexation and re-zoning requests, Subdivision and record of survey plats, plat amendments, Code amendments, design review, and Administrative Permits.

(A) **Application, Complete.** A submission that includes all information requested on the appropriate form, and payment of all applicable fees.

1.18 **ARCHITECTURAL DETAIL.** Physical Properties, features or components of a Building or Structure which embody distinctive characteristics of a type, period, or method of construction and refers to the way in which the Property was conceived, designed, or fabricated by a people or

- (G) Park Meadows Golf Course Clubhouse;
- (H) State Road 248 at the turn-out one quarter mile west from U.S. Highway 40;
- (I) State Road 224, one-half mile south of the intersection with Kilby Road;
- (J) Intersection of Thaynes Canyon Drive and State Road 224; and
- (K) Across valley view.

1.286 **VEHICLE CONTROL GATE.**
Any gate, barrier, or other mechanism to limit vehicular Access on or across a Street.

1.287 VETERINARIAN.
One trained and authorized to treat animals medically.

1.287 **WETLAND, SIGNIFICANT.** All wetlands that occupy a surface Area greater than one-tenth (1/10) acre or are associated with permanent surface water or that are adjacent to, or contiguous with, a Stream Corridor.

1.288 **WILDFIRE/WILDLAND INTERFACE ZONE.** All Areas within the Sensitive Areas Overlay Zone are within the Wildfire/Wildlife Interface Zone unless the City Fire Marshal determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

1.289 **WIND ENERGY SYSTEM, SMALL.** All equipment, machinery, and Structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage,

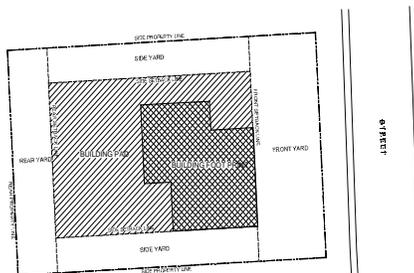
electrical collection and supply equipment, transformers, service and Access roads, and one (1) or more wind turbines, which has a rated nameplate capacity of 100kW or less.

1.290 **YARD.**

(A) **Yard, Front.** The Area between the front of the closest Building and the Front Lot Line or closer Right-of-Way, extending the full width of the Lot. The “depth” of the Front Yard is the minimum distance between the Front Lot Line and the front line of the closest Structure.

(B) **Yard, Rear.** The Area between the rear line of the closest Building and the Rear Lot Line, or closer Right-of-Way, and extending the full width of the Lot. The “depth” of the Rear Yard is the minimum distance between the Rear Lot Line and the rear line of the closest Structure.

(C) **Yard, Side.** The Area between the side line of the Building and the Side Lot Line and extending from the Front Yard to the Rear Yard. The “width” of the Side Yard shall be the minimum distance between the Side Lot Line and the side line of the closest Structure. See the following illustration:



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Exhibit B



Resolution No. _____

RESOLUTION ADOPTING PLANNING COMMISSION RULES OF ORDER AND PROCEDURE, PARK CITY, UTAH

WHEREAS, Utah Code § 10-9a-301 requires the Planning Commission to define the rules of order and procedure for public meetings; and

WHEREAS, the Park City Planning Commission is mandated by law to hold scheduled meetings; and

WHEREAS, said meetings are to be open to the public unless lawfully closed; and

WHEREAS, it is the Commission’s intent to provide an appropriate balance between the Commission’s obligation to conduct City business in an efficient and professional manner, and to allow public input at meetings;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Park City, Utah that:

SECTION 1. APPROVAL. Pursuant to Utah Code § 10-9a-301, the Planning Commission adopts the Planning Commission Rules of Order and Procedure to govern the meetings of the Planning Commission as attached as Exhibit A. The Commission shall comply with all required procedures contained in Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately.

PASSED AND ADOPTED this day of , 2014.

PARK CITY PLANNING COMMISSION

Nann Worel, Chair

PARK CITY PLANNING COMMISSION RULES OF ORDER AND PROCEDURE

Pursuant to Utah Code §10-9a-301 the Planning Commission adopts the following rules of order and procedure to govern the meetings of the Planning Commission.

RULE NO. 1. UTAH AND MUNICIPAL CODE REQUIREMENTS

The Planning Commission must comply with all required procedures contained in “Planning Commission,” as contained in Title 15, Chapter 12 of the Municipal Code of Park City and the Utah Code, including the following sections, as amended:

Utah Code Sections 10-9a-301, 10-9a-302, and 10-9a-404.

The Municipal Code and Utah Code are available for public view at www.parkcity.org and <http://le.utah.gov/UtahCode/chapter.jsp?code=10>. In the event of a conflict, the Utah Code shall control.

RULE NO. 2. AGENDA

The agenda for the meeting will be the guide to the meeting. While matters not on the agenda may at times come up for discussion, no final action can be taken on any matter not on the agenda.

RULE NO. 3. PARLIAMENTARY ORDER AND PROCEDURE

Matters considered in a Planning Commission meeting are shown on an agenda, published in advance. Meeting agendas may be reviewed on the City’s website, <http://www.parkcity.org>, and the Utah Public Notice website, <http://www.utah.gov/pmn/index.html>. Agenda items ordinarily are considered in the order listed, but may be considered in a different order. Planning Commission meetings are chaired by the elected chairperson. In conducting its business, the Planning Commission follows a simplified Roberts Rules of Order. Members may speak after being recognized by the Chair and may make motions that propose Commission action. For example, a Member may move to review or recommend an amendment of the City General Plan or Subdivision approval, consider a substitute motion, close a public hearing, ask for more information, continue discussion to a later time, or adjourn a meeting. A motion may be discussed and voted upon only if it is seconded by another Member. The Chair may or may not, at his or her discretion, allow members of the public or staff to participate in the

discussion. When the Chair has confirmed there is no further discussion, the Chair can call for the vote on the matter. Unless otherwise specified by applicable law or ordinance, a motion passes if a majority of the Members present vote in favor.

RULE NO. 4. ETHICAL REQUIREMENTS

Planning Commission members must comply with the Municipal Officer's and Employees' Ethics Act (Utah Code § 10-3-1301 to 10-3-1312) and Title 3 of the Park City Municipal Code. These laws establish ethical standards of conduct for City officers, employees, and volunteers. They are available for public view at http://le.utah.gov/code/TITLE10/htm/10_030100.htm.

RULE NO. 5 RULES OF DECORUM

- (1) Public comments should be directed to the agenda item under consideration. The Chair will rule on the germaneness of the citizen comments.
- (2) All remarks must be addressed to the Commission as a whole and not to any single member, unless in response to a question from a member.
- (3) In order to afford all persons an opportunity to speak regarding an agenda item, the Chair may impose a reasonable limit upon comments made by members of the public, and/or may limit the number of times a member of the public may speak regarding an agenda item.
- (4) Persons addressing the Commission must not make personal, impertinent, unduly repetitive, slanderous or profane remarks to the Commission, any member of the Commission, staff or general public; nor utter loud, threatening, personal or abusive language; nor engage in any other disorderly conduct that disrupts, disturbs or otherwise impedes the orderly conduct of any Commission meeting.
- (5) Persons addressing the Commission shall not interrupt the Chair or Commission Members while they are asking questions or otherwise addressing the speaker.
- (6) Members of the public shall be courteous to their fellow citizens and the proceedings while the Commission is in session by avoiding conversations within the Commission Chambers and the entrance hallway to the Chambers.
- (7) No person in the audience at a Commission meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts,

- which disturb, disrupt or otherwise impeded the orderly conduct of any Commission meeting.
- (8) Signs, placards, banners, or similar items will not be permitted at any time in the Commission Chambers. Exhibits, displays, and visual aids used in connection with presentations for matters on the agenda are permitted.
 - (9) Unless addressing the Commission or entering or leaving the Commission Chamber, all persons in the audience should remain sitting in the seats provided, or when necessary, standing in the rear in a manner which does not block exits.
 - (10) A time may be established for public comments for citizens to address the Commission on any item which is not on the agenda for that meeting. A time limit may be imposed and citizens are subject to the same rules of conduct as described above. If a prepared statement is available, a copy should be given to the City recorder.
 - (11) Generally, members of the Commissions will not comment upon the comments made by a member of the public. If they are administrative issues, the Commission will typically refer them to the Planning Director for a response.
 - (12) At the discretion of the Chair, or upon a majority vote of the Commission, the Chair may order removed from the Chamber any person who fails to observe these rules of decorum, including committing any of the acts defined herein as disruptive conduct in respect to a regular, adjourned regular or special meeting of the Planning Commission.
 - (13) Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Commission and any other unlawful interference with the due and orderly course of that meeting, is grounds for removal.
 - (14) Any person removed at the direction of the Chair will be excluded from further attendance at the meeting from which he or she has been removed, unless permission to attend is granted upon motion adopted by a majority vote of the Commission, and such exclusion shall be executed by any peace officer and/or police upon being so directed by the Chair.
 - (15) Any person removed on the basis of disruptive conduct described above may not be allowed to address the Commission for up to a maximum of ten (10) meeting days of the Commission during which the Commission has convened in regular session. The period of prohibition from addressing the Commission will be determined by the Chair, and the Commission upon a vote, based on the number and severity of prior incidents of disruptive conduct.

(16) If a speaker is removed from the meeting for disorderly conduct, the Commission may elect to postpone voting on the issue being discussed at the time of removal in order to avoid the appearance of retaliatory action.