



**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JUNE 9, 2021s**

**COMMISSIONERS IN ATTENDANCE:** Chair John Phillips, John Kenworthy, Laura Suesser, Doug Thimm, Bill Johnson, Christin Van Dine

**EX OFFICIO:** Alexandra Ananath, Senior City Planner; Rebecca Ward, Senior City Planner; Spencer Cawley, City Planner; Brendan Conboy, Senior City Planner; Aiden Lillie, City Planner; Mark Harrington, City Attorney

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**1. ROLL CALL**

Chair Phillips called the meeting to order at approximately 5:30 p.m.

The following written determination was read:

On May 19, 2021, the Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically.

Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to [www.parkcity.org](http://www.parkcity.org).

**2. MINUTES APPROVAL**

**A. Consideration to Approve the Planning Commission Meeting Minutes from May 12, 2021.**

**MOTION:** Commissioner Kenworthy moved to approve the Planning Commission Meeting minutes from May 12, 2021. Commissioner Van Dine seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

### **3. PUBLIC COMMUNICATIONS**

No hands were raised on Zoom and no eComments were submitted.

### **4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

It was mentioned that Chair Phillips and others had difficulty accessing the packet. This was thought to be due in part to the size of the document. Chair Phillips reported that he would have to step away from the meeting around 7:00 p.m. In his absence, Vice-Chair Suesser would assume the Chair and conduct the meeting.

#### **A. 2021 Land Management Code Amendments.**

#### **B. June, July, and August Planning Commission Meeting Schedule | Hybrid Meetings.**

A question was raised about hybrid meetings that were to begin in July. Staff recommended that the Planning Commission resume in-person meetings on July 28 with the public to participate remotely. Commissioner Suesser asked if a vote would be taken and if the matter would be discussed further. It was suggested that there be an option for Commission Members to participate remotely, as needed. Chair Phillips agreed and stated that there has been greater attendance by Commission Members recently when meetings were held remotely.

Senior City Planner, Rebecca Ward, stated that that decision would be made by the Board. The City Council has begun to hold hybrid meetings and they were working to follow suit. While July 28 was recommended as the date to begin holding in-person meetings, it was the Board's decision. Chair Phillips was interested in knowing whether a Planning Commission Member could participate in the future if they are out of town. Planner Ward's understanding was that Commission Members have the option of joining remotely but she would follow up and verify.

A Commission Member commented that he was pleased that there has been better attendance. During the pandemic, the Commission received excellent training on how to hold successful remote meetings.

Commissioner Van Dine agreed and supported the option of continuing to allow Commission Members to participate remotely.

### **5. CONTINUATIONS**

### **6. CONSENT AGENDA**

## 7. WORK SESSION

- A. 9300 Marsac Avenue (Sommet Blanc/B2East Parcel) – Applicant is Requesting a Work Session Before the Planning Commission Prior to Public Hearings for a Conditional Use Permit and Amendments to the Approved Master Planned Development and Flagstaff Development Agreement for Proposed Development of 43 Residential Units Above Underground Parking, and Five Condominium Villas on the Northeastern Portion of the Site on the B2East Parcel. PLC-20-04702.**

### i. Work Session

Senior City Planner, Brendan Conboy, presented the staff report and stated that at the last meeting on March 24, the Planning Commission requested additional information from the applicant regarding:

- The approved volumetrics for the 2007 Hill-Glazier Plan versus what is proposed.
- A better understanding of how the reduction in units affects the intensity of use.
- Consideration of the materials and palette for the development to include more “warmth.”
- A greater understanding of slope issues with the proposed Villa locations.
- Potential fencing around the development.
- Transportation obligations required by the developer and Flagstaff in general.
- Residential Accessory space versus Resort Commercial space.
- Consideration of smaller and/or additional affordable units.
- How the development connects with the Mid Mountain Trail, Park City’s Mountain Trails System, and the General Plan for this area.
- A focus on the architecture (Contemporary vs. Craftsman) and the roof pitches.

The applicant updated their information and listed the following benefits that the development will bring to Park City:

1. They recommended that the DA permit two additional PUD units to reduce the total number of dwelling units. They also believe that separating the units will reduce the visual impact.
2. Amending the Design Guidelines for the site will facilitate the introduction of crisp and fresh design by a renowned architectural firm.
3. Amending the volumetrics has many upsides including:
  - Improved skier experience by 50% increase in width of Lucky Jack ski trail.
  - Improved skier experience by moving villas density from adjacent Lucky Jack to adjacent Twisted Branch Road.

- Retention of opportunity for future skier overpass to provide second ski trail from the top of Ruby Chair.
  - Improved relationship between Lucky Jack ski trail and adjacent landscaped courtyard. • Much increased separation between buildings to open view corridors between buildings to forested hillside beyond.
  - Better traffic flow on Marsac Roundabout by moving porte-cochere and parking lot entries onto internal driveways.
4. Additional Affordable Housing.
  5. Enhancements to the adjacent Mid Mountain Trail parking lot.
  6. A mid-mountain public restaurant and bar with a sun-soaked patio as another dining alternative for Deer Valley Resort guests and the Park City community.
  7. Reduced traffic related to a 40% reduction in the number of dwelling units on-site from original entitlement under 2007 MPD.
  8. Reduced traffic due to the generous on-site amenity program.
  9. Bike-friendly design with generous private storage lockers for every unit.
  10. Electric vehicle-friendly design. Individual parking stalls are supplied with sufficient electrical capacity for the installation of EV charging units.
  11. Green roofs rather than snow shedding pitched roofs. Green roofs will retain snow and blend with the natural landscape during the summer months as viewed from Mid Mountain Trail.
  12. Elimination of sewer impacts on ski experience by the relocation of Hot Creek sewer to the east side of Lodge buildings. This is a matter of significant concern to Deer Valley due to the heat and odors associated with sewer manholes.
  13. Long-term parking solutions for Fireside Dining.

The following additional comments from the applicant that were raised at the last meeting were reviewed:

- 2007 Pod B2 MPD Approval established a maximum height of 82 feet above benchmarked grades for B2 East.
- UDOT Access: The Hill Glazier Plan is based on a lobby fronting the Marsac roundabout with three curb cuts.
- Fire Access: The International Fire Code applicable to this site requires fire truck access to at least one full side of each building to enable ladder access to every floor.
- Density has been increased.

- Affordable Housing has been increased.
- The amended volumetrics have been studied.

In response to a question raised, Planner Conboy confirmed that the project is mostly built out.

The applicant, Douglas Ogilvy, stated that they first met with staff in December. Since that time, they have met with the Empire Pass Homeowners Association (“HOA”) and Deer Valley. He explained that the Flagstaff Development Agreement (“DA”) from 1998 contemplated concentrating development on 87 acres rather than spreading it all over the more than 1,300 acres within the Flagstaff Annexation Area. The original Flagstaff CC&Rs contemplated the amendment to the Design Guidelines. The original document was amended in 2003 or 2004 and last month, after several iterations, the site-specific guidelines were approved for the site believing that an introduction to contemporary architecture in this location was suitable given the site and the proximity to other projects. The applicants had also been working closely with Deer Valley to ensure that they were properly addressing the outstanding issues.

Since the last time they met, there had been a lot of discussion from the Board about affordable housing. They took those comments to heart. Under the Flagstaff DA, there was a certain amount of affordable housing required. They identified opportunities to increase affordable housing and added more than was required. They also heard the comments on sizing and took what was a very generous one-bedroom unit and expanded and redesigned it to become a two-bedroom with a second bedroom as a lock-off. It creates an opportunity for privacy and independence of the occupants. In Building C, they took what was a generous two-bedroom unit and converted and expanded it into four studio units.

Mr. Ogilvy reported that the 2007 Master Planned Development (“MPD”) was approved for 81 dwelling units. That was reduced to 48. He explained that fewer units equate to fewer cars. The project has generous on-site amenities. Under City Code, amenities that are open to the general public are categorized as Resort Support Commercial. Amenities that are not open to the public are classified as Residential Accessory. There are generous on-site private amenities that are not open to the general public. Providing an enhanced amenity package reduces the need for occupants to go to town and provides ways to be entertained and fed on-site.

Mr. Ogilvy stated that the McAllister Tower has been a huge success and is a private amenity for members of the McAllister Club. In the Sommet Blanc project, there is a remaining entitlement of 3,600 square feet of resort commercial. They plan to use it as a public restaurant that will serve as another dining alternative for locals and guests.

Mr. Ogilvy reported that the Lucky Jack Ski Trail is relatively narrow. At the request of Deer Valley, they have widened it by granting a 20-foot wide ski easement onto their property. There is also a ski buffer. They have imposed a 40-foot setback in the interest of a better ski experience. They have also moved approximately 25,000 square feet of density from Lucky Jack to below Twisted Branch Road. It was determined to be a great way to spread the density out through the site.

There have been long-term discussions about the possibility of building a ski trail. The proposed project will not prevent that from happening. The site was shortened to allow for that option in the future. Mr. Ogilvy stated that the location of the sewer line was also important to Deer Valley. There is currently a sewer manhole at the top of the Jordanelle Gondola that results in odors and heat that causes snowmelt and creates safety conditions for skiers. Originally the sewer was planned to run parallel to Lucky Jack. It was proposed to be moved to beneath the lower driveway to Twisted Branch Road.

In 1998, when the Flagstaff DA was approved, there was a prohibition on any parking for the Deer Valley Empire Day Lodge. After Deer Valley built the Day Lodge, they realized there was a demand for dining options and summer events there. In 2007, when the MPD was approved, there was a provision for including parking within the project. The applicants worked with Deer Valley and the design now incorporates a dedicated parking deck with valet parking and tandem parking for Deer Valley.

Mr. Ogilvy stated that the Planning Commission is being asked to amend the approved volumetrics under the 2007 MPD. The previous plan contemplated a very large lodge building adjacent to the ski run with villas extending into the area carved off for a possible ski bridge. The current site plan split the building mass into five residential buildings. There are three lodge buildings, two villa buildings up above, and two small amenity buildings. Breaking it up allows them to place the buildings in areas with lower slopes. View corridors were preserved through the buildings to break up the existing landscaping. The original Hill Glazier plan included three curb cuts off of Marsac Avenue. All of the accesses in the current site plan come off of the lower driveway. As a result, they have separated the project traffic to one curb cut.

Mr. Ogilvy next addressed the contemporary architecture. The Flagstaff CC&Rs contemplated changes to the Design Guidelines. The Empire Pass HOA approved site-specific design guidelines for the site. After receiving input from the Planning Commission, they approached the Fire Department and spoke with the Fire Marshall about building materials. They were able to find a fire-treated wood plating material. The quality of the previous renderings was limited due to technology. They used better technology to show the building detail. They also took feedback from the Planning Commission and the Empire Pass HOA and softened the palette and created more color contrast. They found the end result to be a significant improvement over what was last presented.

Mr. Ogilvy reported that the majority of Empire Pass has been developed with steeper pitched roofs. Lower pitch and flat roofs were being introduced. They felt that the introduction of green roofs on the project softens the feel. Attention was given to concealing mechanical equipment. It was believed that the flat and low pitched roofs are better for snow retention. Using snow retention allows them to take full advantage of the landscape opportunity and create a better, more durable landscape.

Like other projects in the City, there is a private locker attached to each unit. It is sized to allow for several mountain bikes to be stored. A trail network originates right outside the door.

They will have an area for the charging of electrical vehicles as well. Because the charging stations require a lot of amps, they made sure to adequately size the power supply in the building to allow for a charging station for every unit. Their goal was to improve upon the safety and aesthetics of that very busy trailhead. Their goal was to work with the City to come up with the best solution for trailhead parking. The property is owned by Wells Fargo. The relationship between the parties is good and allowed for improvements that will benefit the community.

Mr. Ogilvy mentioned the tax implications and stated that reinvestment fees are charged with every sale. There will also be very significant property taxes and transient rental tax revenue collected. There will be an economic benefit to the City by allowing the project to move forward. He provided an overview of some of the changes they have made and described the benefits to the City.

Todd Mathis reported that that they heard the comments from the last workshop were present to provide feedback. They gave a presentation on how the architecture was developed. He stated that the first image of aspen trees served as inspiration for the project. They like the idea of connections and utilized this concept throughout the development. Although there are separate buildings, they are connected and part of the community. Their office is known for projects that blend into the environment. They like covered outdoor space and maximizing the indoor/outdoor relationship. They also like to utilize large windows and generous decks were possible that reach out toward the landscape, mountains, and views. They also like to use overhangs and decks that articulate the edges of the building and allow transparency through the building at the edges.

Mr. Mathis stated that the materiality will also allow the pull the project into the landscape. They will use reclaimed wood siding that will silver as it weathers. Based on feedback from the Planning Commission, they will be switching from the previously shown panels to wood cladding. Other proposed building materials were described. There will also be flexible indoor-outdoor spaces with varying degrees of enclosure. It will provide the framework to allow families to engage with nature during all seasons of the year.

The initial pencil sketch of the project was presented. The diagram showed articulated ends of the buildings and an indication of reaching out toward the surroundings. Outdoor covered spaces were proposed as well. The base of the building is set back in some areas to provide a smaller footprint and a lighter touch on the landscape. With regard to increasing the slope of the roof, they doubled the pitch of the shed roofs and revised all flat portions of the roof to be green roofs. The lobby will also have a planted roof. To make the roofs green, they need to be pretty flat and be able to serve as snow retention rather than snow shedding.

Mr. Mathis indicated that they are set back from the ski run a minimum of 40 feet. The roof and deck projections will provide shadows to provide relief on the building phase and help reduce glare from the windows. There was discussion regarding the metal mesh guard rails. They will maintain transparency but reduce glare. Some of the connection between buildings is done through covered, enclosed walkways.

A rendering was displayed from the Empire lift. They increasingly heard that the building was too cold with respect to materials. As a result, they moved toward warmer tones and changes to materials. The major change was the wood cladding. The updated renderings more accurately show what the board-formed concrete will look like. They heard comments as well that there is too much glazing. As a result, the renderings were updated to better show the residential feel of the project. He stated that the project consists of 42 stacked homes rather than 81 residential units.

Mr. Mathis reported that at the end of the building are ragged ends that reach out toward the views and mountains. The openness between buildings was also noted. He stated that they want to support the needs of those who appreciate and respect the mountains want. A rendering of the low sloped-roof villas set in the aspen groves. Early coordination was done to hide mechanical equipment. They worked to articulate the roofline and the ends of the buildings to create porous edges and a greater sense of scale.

Mr. Mathis commented that the density was broken down into five separate buildings. The size of each building was reduced with view corridors provided through the building. The intent was to allow the landscaping to flow through the site through the building architecture. With regard to landscaping, they prepared a Height Study. With the volumetrics, they have the visual impact, which is the views along the street. It was supplemented with the updated renderings.

Chair Phillips expressed support for much of what the applicants were doing in terms of separating the buildings and placement. In terms of architecture, he recognized the desire to make the project contemporary but stated that most flat roof design does not fit in the Empire Pass area. While he was not opposed to contemporary design, it needs to fit with the surrounding buildings. That can be done with pitched buildings. He was concerned that the applicants are asking the Commission to completely ignore the design guidelines that have been put in place. He recognized that they have the ability to update the design guidelines but they are basically being asked to ignore them altogether. He was concerned that the proposed building will always be the outlier. He could not think of another building that has remotely similar architecture. He considered the proposed changes to be radical compared to what has been developed in the area. While he saw some texture added to the buildings, he saw no significant changes to the architectural style. He stated that the applicants want the City to change the architectural guidelines to fit this project.

Mr. Mathis commented that the Empire Pass HOA is the body that writes and oversees the Design Guidelines. They reviewed the project and granted preliminary approval. The adjacent properties consist of a single-story day lodge and a 13-story hotel that is not considered to be the best architecture in Park City. The Empire Pass HOA was very happy with the proposed architecture and considered it to be fresher and more inspiring. He stated that in the last three years there has been a dramatic turn from traditional architecture.

Chair Phillips estimated the glass on the building to be 15 to 20 feet tall. He asked where else that can be seen in the area. He also questioned the need for flat roofs. He commented that a contemporary building does not have to have a flat roof. His concern was the juxtaposition

of this compared to the Montage. He felt that the proposed building will be more fitting on the high line than in this alpine environment. He would have a difficult time approving something that is so different and being the very last building. Chair Phillips stressed the importance of the building fitting in the context of the neighboring environment. He did not object to the building itself but the context of where it will be located.

Commissioner Thimm stressed the importance of understanding the progression of the architecture and looking at things as a continuum. The warmth was brought in with the wood, the board and form concrete, and other elements. He felt that the way the architecture is broken up is important and the way the buildings are divided apart to allow view lines through adds to the overall site and the architectural experience. He also liked how the overall massing of the project was broken down.

Commissioner Johnson was most concerned about the transition from Building A to Empire Lodge and felt it was off. He liked the architecture everywhere else.

Commissioner Kenworthy agreed with Chair Phillips and suggested that the architecture at the end be softened. He liked the increased number of employee units. He considered this to be substantially different architecture than everything else that was MPD approved throughout Empire Pass. He wanted to see how it plays with the immediate neighbors.

Commissioner Suesser hoped to see an overlay of the 2007 plan with the current iterations. She wanted to understand how much this project is not creeping up the hillside, which was the argument against moving the villas. She also wanted to focus on the building height and the building height exception being requested versus what was approved in 2007. Mr. Mathis stated that in 2007, the site was approved for 82-foot building heights relative to various benchmarks set on the site. They proposed new benchmarks that allow them to fill in the hole. Building C comes perpendicular to the property line whereas the Hill Glazier Plan went further up the hill beyond what is shown on the slide. Commissioner Suesser's focus was on the new road, the loss of open space on the site, and the building height. She saw that discrepancy from the 2007 approval as compared to the staff report. Her biggest concern was the new road and additional significantly sized townhomes and the loss of open space on the site. There was also a comment that the 2007 plans included three cuts off of 224, which she did not recall.

Chair Phillips was excused from the remainder of the meeting. Vice-Chair Suesser assumed the Chair.

Mr. Mathis commented that the plan is not perfect in terms of showing what is going on. There is a port cochere that directly fronts the roundabout and a third curb cut to enter the parking garage. It did not seem to make sense to have three curb cuts. There is an existing upper road that will be lowered and five homes placed alongside it in an area that enables them to move a significant amount of the building mass away from the ski run. Deer Valley was highly supportive of that density shift as were other members of the Empire Pass Design Review Board.

Renderings of the project were described. Mr. Mathis explained that they were measuring 82 feet from the patio, which is below the ski trail. The baseline was set at about 34 feet, which is lower than the roundabout. They measured 82 feet up from there. They recommended filling the site in to both reduce export from the site and create a better relationship for the residents/guests of the building and skiers. He considered putting the building down into a hole to be bad architecture and poor planning, especially when there is a steep hill behind it.

Mr. Mathis explained that filling the site and grade makes more sense. The Hill-Glazier contour lines showed a massive cut at the edge of the property line. Vice-Chair Suesser was also concerned about slope cuts and wanted to have a better understanding of them. She next addressed the residential accessory and resort support commercial space. She was of the opinion that the application includes stretches of what was anticipated in terms of what they want to include in the support space.

Commissioner Van Dine agreed with Commissioner Thimm and did not object to the architecture and materials. She considered what is proposed to be fairly minor compared to the entire roof space. She felt that the massing moving away from the ski lodge and was better off of Lucky Jack where it was placed. She also supported minimizing the retaining walls that are visible from the ski resort and ski runs and keeping setbacks further away from the ski run. She also agreed with Commissioner Johnson that the transition from Building A to the Empire Day Lodge is strange. She wondered what Deer Valley's comments were since the proposed architecture is such a departure from what they have done. She was interested in learning more about the accessory space.

Dave Harris next addressed the landscaping. He stated that it was presented the last time they met and was well received. The intent was to have the yellow area be native/native adaptive plant material to support a quaking aspen forest. There are also outlying transition zones that introduce native adaptive material and may be more formal at the entrances to some of the units.

They addressed the pool fencing and pool security and the appearance from Lucky Jack. A detailed grading plan was prepared to illustrate the dark black line that represents the pool safety barrier, which will be a retaining wall. On the ski side, there will be a shrub material to help buffer the retaining wall so that it becomes almost invisible from the upper deck and the pool. Mr. Harris reported that they shortened the restaurant patio and pulled it back in context with the site.

Mr. Ogilvy reported that they did a comparison of the buildings in relation to other buildings in Empire Pass. The Hill-Glazier Plan used the concept of benchmarks to measure height. The Montage also used the concept of a benchmark to measure height. Mr. Ogilvy described how they measured building height. He explained that the buildings are two stories with a pop-up master as a third-floor element to provide variation to the ridgeline of the buildings. The extra bedroom will increase the height to 49 feet. Ultimately, it is within the purview of the Planning Commission to approve the volumetrics.

Mr. Ogilvy reported that they are proposing a building with six floors and no roof element. He noted that they are proposing a building that is 90 feet above the road compared to the Montage, which is 110 feet above the road. The ridgeline of the building is 131 feet above the road. The typical building at Empire Pass consists of seven floors plus a roof. The Montage is 13 floors plus a roof. They have six floors with a very modest roof element. They are measuring from a different datum than Hill-Glazier did but that allows them to fill in the hole that is there.

Vice-Chair Suesser commented that the Montage seemed to be set back a greater distance from the slope and only seven floors are visible from the ski run. The proposed project will be placed on top of the ski run. She was concerned about the height of the buildings. Mr. Ogilvy stated that that was always contemplated when the Flagstaff DA was approved. Rather than spreading out the density, they will have large buildings that will be located on specific sites. Building C fronts the ski run and has relatively modest frontage. Building B has one corner that is set back over 50 feet from the property line. Building A is set back more than 50 feet from the property line with the bulk of the building mass. He considered that to be in stark contrast to the buildings in Empire Pass Village that are much more parallel to the ski trail. They were looking for ways to best place the density on the site in a manner that is respectful to their Deer Valley neighbors and the site.

Vice-Chair Suesser asked Mr. Ogilvy to address the entry onto Hwy 224 from the new road. She commented that there are safety concerns regarding the Twisted Branch entry onto Highway 224. There was also a concern raised previously regarding mitigation steps that can be taken during construction to ensure that trucks are properly inspected. Mr. Ogilvy stated that the curb cut for the upper driveway that will serve five units was approved by the Utah Department of Transportation ("UDOT"). Twisted Branch Road is existing and many feel it should be a public road; however, there is a prohibition against it in the Flagstaff DA. It is required to be maintained as a private road.

Mr. Ogilvy stated that the greater safety issue pertains to the mid-mountain trailhead parking lot where pedestrians and cyclists encroach on the driving lanes. Approval was obtained from the property owner to construct a new parking lot there. The intent was to improve the safety issue that exists that is associated with the mid-mountain trailhead. He reported that the rooftops of the villas are flush with the top of Twisted Branch Road.

Mr. Ogilvy stated that there is a very generous amenity package on the property. The goal is to satisfy the needs and desires of the building occupants. They are private amenities that will be available only to people who are staying on the property. The only facility within the building that is available for those staying off property is the public restaurant, which is modestly sized at 3,600 square feet. He commented that the restaurant will not generate much traffic and most guests will be coming from within Empire Pass.

Mr. Ogilvy remarked that the Flagstaff DA defines residential accessories as items that are for benefit of the building occupants. The fitness facility is more generous than in prior buildings. It also provides more residential density than any other project within Empire Pass other than

the Montage. The amenities required to support the 48 units and 162,000 square feet of residential density is much greater than in other projects.

Mr. Ogilvy next addressed volumetrics and referenced the site plan. He explained that the Commission will be asked to approve a different volume solution than was originally approved. More important to him was how the height is seen from the ground. With regard to building volume, he was less concerned about the relationship to a single-story building on the adjacent side than the impression of the building mass at the head of the roundabout. He felt that the possible need to soften that should be explored.

Vice-Chair Suesser opened the public hearing. There were no public comments. The public hearing was closed.

## **8. REGULAR AGENDA**

### **A. 909 Woodside Avenue – Plat Amendment – The Applicant Proposes Removing the Internal Lot Line to Create a Single-Lot of Record, Amending the Plat to Create One Lot in the Historic Residential – 1 Zoning District. PL-21-04815.**

City Planner, Aiden Lillie, introduced herself and stated that she began working for the Planning Department in March 2021. She presented the staff report and stated that the applicant is proposing the removal of an internal lot line that sits between Lots 3 and 4 of Block 10 in Snyder's Addition to the Park City Survey. The proposal will create a single lot containing a Significant Historic Structure. The subject property is a Significant Site and is listed on the Park City Historic Sites Inventory ("HSI"). The structure was built around 1895 and the property is located in the Historic Residential ("HR-1") zoning district.

An image of the current plat was displayed. The internal lot line sits across the lot in a structure that was built in the late 19<sup>th</sup> century and crosses that line. An image of the proposed plat was displayed. Staff analyzed the application for a plat amendment and found that the proposed plat amendment complies with the HR-1 requirements.

The purpose of the HR-1 District was described as follows:

- To preserve present land Uses and character of the Historic residential Areas of Park City;
- Encourage the preservation of Historic Buildings and/or Structures;
- Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;
- Encourage single-family development on combinations of 25' x 75' Historic Lots;
- Define Development parameters that are consistent with the General Plan Policies for the Historic Core; and
- Establish development review criteria for new development on steep slopes, which mitigate impacts to mass and scale and the environment.

Staff found good cause for removal of the internal lot because (a) removal of the lot line resolves existing issues, (b) no public street or public right-of-way is vacated or amended, and (c) no easement has been vacated or amended.

Planner Lillie stated the following:

- Removal of the lot line resolves existing issues.
- The proposed plat amendment removes a lot line below a Significant Historic Structure and creates a single lot, addressing non-conforming setbacks and encroachments across lot lines. No public street or right-of-way is vacated or amended.
- No easement is vacated or amended.

When the Development Review Committee (“DRC”) reviewed the plat amendment, they stated that a concrete retaining wall encroaches into the Woodside right-of-way. Condition of Approval number 9 requires the applicant to enter into an Encroachment Agreement with the City Engineer prior to recordation of the plat amendment. Staff to date had not received any public input and recommended that the Planning Commission review the plat amendment, conduct a public hearing, and consider forwarding a positive recommendation to the City Council.

Vice-Chair Suesser opened the public hearing. There were no public comments. The public hearing was closed.

**MOTION:** Commissioner Thimm moved to forward a positive recommendation to the City Council for their consideration on July 1, 2021, concerning the 909 Woodside Plat Amendment subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

**Findings of Fact**

**Background:**

1. On May 7, 2021, the Planning Department received a complete Plat Amendment application.
2. The property is located at 909 Woodside Avenue.
3. The Legal Description is Lots 3 & 4 Block 10 Snyder’s Addition to Park City. SA-100- 101.
4. The property is designated as Significant on the Park City Historic Sites Inventory and was built in Circa 1900.
5. The Applicant is proposing to remove an internal lot line between Lots 3 & 4 of Block 10, Snyder’s Addition to Park City Survey.

***Lot and Site Requirements***

6. The proposed Lot complies with the HR-1 Zoning District Requirements outlined in LMC § 15-2.2.
7. On March 26, 2021, the Applicant submitted a complete Plat Amendment application.
8. The applicant proposes the removal of the internal lot line to create [REDACTED].
9. The existing structure was built around 1946 prior to the Land Management Code setback requirements in the HRM Zoning District.
10. The property was designated as a "Significant" Site on the Park City Historic Site Inventory (HSI) in 2009.
11. On June 9, 2021, the Planning Commission reviewed the proposed Plat Amendment and forwarded a (unanimous positive) recommendation to City Council.

***Zoning District***

1. The property is in the Historic Residential (HR-1) Zoning District.

***Public Notice Requirements***

2. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on May 26, 2021. Staff mailed courtesy notice to property owners within 300 feet on May 26, 2021. The Park Record published notice on May 24, 2021.

***Lot and Site Requirements***

3. The LMC also regulates Lot and Site Requirements per LMC §15-2.2-3.
4. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District and requires a minimum lot size of 1,875 square feet. The proposed Lot sizes comply with this requirement, containing 3,750 square feet.
5. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed Lot complies with this requirement, containing 50 feet.
6. The required Front Setback for Lot depths less than 75 feet is ten feet (10'). Lot A and Lot B comply.
7. The required Rear Setback is ten feet (10'). Lot A and Lot B comply.

8. The required Side Setback is five feet (5'). Lot A is Legal Non-Conforming, as is. Lot B currently complies.
9. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

#### **Conclusions of Law**

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC § 15-2.2 HR-1 and LMC § 15-7.1-6 Final Subdivision Plat.
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**

1. The City Planner, 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 shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) 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. The City Planner, 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.
4. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
5. Any new construction shall comply with the Land Management Code at the time of the application submittal.

6. 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.
7. Any new construction shall comply with the Land Management Code at the time of application submittal.
8. A ten-foot (10') public snow storage easement on Woodside Avenue shall be noted on the Plat.

**VOTE:** Commissioner Van Dine seconded the motion. The motion passed with the unanimous consent of the Commission. Chair Phillips was not present for the vote.

**B. 909 Woodside Avenue – Conditional Use Permit – The Applicant Seeks a Conditional Use Permit Approval for the Construction of a Basement within a Side Setback in the Historic Residential – 1 Zoning District. PL-21-04803.**

Planner Lillie presented the staff report and stated that the applicant is seeking a Conditional Use Permit. He was proposing to construct a basement addition using the footprint of the existing historic structure, which is located within the building setback. The property is a Significant Site on the HIS and is located within the HR-1 zoning district. Images of the property from 1889 through 1929 were displayed. Park City's Land Management Code states that in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings including detached garages.

The applicant was proposing an exception to the building setback and would like to construct a basement using the current footprint. The existing historic structure currently encroaches into the south side setback by 86 square feet. If the CUP is not approved, the applicant will construct the new foundation within the side setback but will not be allowed to use the basement area within the side setback.

Vice-Chair Suesser inquired about the garage. The applicant's representative Jonathan DeGray, reported that the request does not include a garage as part of the basement, which was part of the CUP that was requested. It was noted that no images of a garage were included. The floor plan showing the garage was included with the CUP.

Planner Lillie displayed an image of the proposed design that was reviewed by the Historic District Design review process. A public hearing was held and the request was found to be compliant with the Land Management Code. Staff recommended the Commission hold a public hearing and recommend approval of the request as it complies with all Code requirements.

In response to a question raised, Planner Lillie explained that the applicant would be allowed to place a new foundation under the existing structure. She stated that many historic buildings do not have foundations and were built on the dirt. The applicant would not be allowed to

construct a new basement in the 86 square-foot area. They can build a basement, however, within the buildable footprint area.

Vice-Chair Suesser opened the public hearing. There were no public comments. The public hearing was closed.

**MOTION:** Commissioner Thimm stated that because the request is similar to other similar applications in the past and since the footprint of the building is being maintained and potentially getting a car off the street, he found favor with the request and moved that the Planning Commission approve the CUP for 909 Woodside Avenue Conditional Use Permit based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

**Findings of Fact**  
**Background**

1. On April 1, 2021, the Planning Department received a complete Conditional Use Permit application.
2. The property is located at 909 Woodside Avenue.
3. The Legal Description is Lots 3 & 4 Block 10 Snyder's Addition to Park City. SA-100- 101. The Lot is part of the 909 Woodside Plat Amendment Application, which is an item on tonight's Planning Commission Agenda. Upon potential approval and recordation of the plat, the legal description and parcel number with Summit County will be updated to reflect the change.
4. The property is designated as Significant on the Park City Historic Sites Inventory.
5. The applicant is proposing to construct a basement addition using the footprint of the existing Historic Structure located 86 square feet into the Side Setback.

**Zoning District**

6. The property is located in the Historic Residential Density (HR-1) Zoning District.

**Lot and Site Requirements**

7. The proposed Lot complies with the HR – 1 Zoning District requirements outlined in LMC Chapter 15-2.2.
8. Per LMC § 15-2.2-4 Existing Historic Structures: Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.

**Conditional Use Permit Criteria**

9. The proposal complies with the Requirements outlined in LMC § 15-2.2-4(A).
10. The proposal complies with the requirements outlined in LMC § 15-1-10(E).
11. Staff finds the CUP criteria are met by the proposed application and will not require any additional conditions for mitigation.
12. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on May 26, 2021. Staff mailed courtesy notice to property owners within 300 feet on May 26, 2021. The Park Record published notice on May 26, 2021. LMC § 15-1-21.
13. Staff did not receive any public input at the time this report was published.

**Conclusions of Law**

1. The 909 Woodside Avenue Conditional Use Permit complies with the Land Management Code requirements pursuant to LMC § 15-1-10(E).
2. The 909 Woodside Avenue Conditional Use Permit complies with the Land Management Code requirements pursuant to LMC Chapter 15-2.2.
3. The 909 Woodside Avenue Conditional Use Permit complies with the Land Management Code requirements pursuant to LMC § 15-2.2-4(A).
4. The Use will be 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.

**Conditions of Approval**

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements, and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.

4. This approval will expire on June 9, 2022, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration
5. Modified 13-D fire sprinkler system is required for any new construction/addition.
6. All above-grade utility facilities shall be located on the property and properly screened.
7. All lighting shall comply with LMC § 15-5-5(J).
8. All related new construction shall comply with the adopted Building and Fire Codes.
9. All Conditions of Approval from the Historic Preservation Board Review for Material Deconstruction Action Letter (PL-20-04484) shall apply.
10. This Conditional Use Permit (CUP) approval is contingent upon approval of the pending Historic District Design Review application. If such an application is denied, this CUP approval is void.
11. The property is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine-related impacts. However, if the property owner does encounter mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.

The motion was seconded by Commissioner Kenworthy.

**VOTE:** The motion passed with the unanimous consent of the Commission. Chair Phillips was not present for the vote.

**C. 917 Empire Avenue – Plat Amendment – The Applicant Proposes Removing an Internal Lot Line to Create a Single Lot of Record in the Historical Residential – 1 Zoning District.**

City Planner, Spencer Cawley, reported that this was his first time presenting to the Commission after joining the department shortly after Planner Lillie. He presented the staff report and stated that the property is located in the HR-1 Zoning District. The property currently sits on Lots 4 and 5 and includes a total of 2,522 square feet. The home is a post-1930 single-family residence. The structure was designated as non-contributory. The purpose of the request is to remove the internal lot line to create a single lot. There are no current plans for construction or remodeling although the applicant indicated that due to the lengthy process of recordation, they anticipate that at some point in the future they will do some sort of construction. Removing the lot line will allow the side setback to be in compliance with the current Code.

Staff found good cause to remove the lot line because it presents land uses in character with the historic residential areas in the zoning district. There is no public street or right-of-way being vacated or amended and no easement being vacated or amended. No public input was received by staff. Staff recommended that the Commission hold a public hearing and consider forwarding a positive recommendation to the City Council.

Vice-Chair Suesser inquired about the rear lot line as it appears to be on an angle. Planner Cawley agreed that it is at an angle and is part of the existing condition of where the lot meets the one behind it.

Vice-Chair Suesser opened the public hearing. There were no public comments. The public hearing was closed.

**MOTION:** Commissioner Kenworthy moved to forward a positive recommendation for the City Council's consideration on July 1, 2021, for the 917 Empire Avenue Plat Amendment, as amended based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

**Findings of Fact**  
**Background:**

1. The property is located at 917 Empire Avenue.
2. The property is listed with Summit County as Parcel number SA-306 and consists of a portion of Lots 4 and 5 in Block 29, Snyder's Addition to Park City Survey in the Historical Residential (HR-1) Zoning District.
3. On April 15, 2021, the Applicant submitted a complete Plat Amendment application.
4. The proposed Plat Amendment removes the internal lot line to create one Lot of record containing 2,522 square feet.
5. The property was designated as Non-Contributory in April 1982 and is not a Historic Structure.
6. No easement is vacated or amended as a result of the plat amendment.
7. The property is in the Historic Residential (HR-1) Zoning District.
8. The LMC regulates Lot and Site Requirements per LMC §15-2.2-3.
9. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District and requires a minimum lot size of 1,875 square feet. The proposed Lot size is 2,522 square feet.

10. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed Lot complies with this requirement.
11. The required Front Setback for Lot depths of 75 feet is ten feet (10'). The proposed Lot complies with this requirement.
12. The required Rear Setback is ten feet (10'). The proposed Lot complies with this requirement.
13. The required Side Setback is three feet (3'). The proposed Lot complies with this requirement.
14. The Maximum Building Footprint in the HR-1 Zoning District =  $(\text{Lot Area}/2) \times 0.9\text{Lot Area}/1875$ . The maximum Building Footprint for this Lot is 1,094 square feet.

#### **Conclusions of Law**

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.2 Historic Residential (HR-1) Zoning District and LMC § 15-7.1-6 Final Subdivision Plat.
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**

1. The City Planner, 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 shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.

4. A non-exclusive ten-foot (10') public snow storage easement on Empire Avenue shall be dedicated on the plat.
5. Any new construction shall comply with the Land Management Code at the time of application submittal.
6. 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.
7. The Applicant shall remove the railroad tie retaining wall located within the public right-of-way of Empire Avenue or an encroachment agreement for the private improvement shall be recorded with the County prior to recordation of the plat.

Commissioner Van Dine seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission. Chair Phillips was not present for the vote.

Commissioner Van Dine stated that she made need to leave the meeting and questioned whether there would be a quorum remaining. City Attorney, Mark Harrington, confirmed that there would still be a quorum present.

**D. 7374 Silver Bird Drive, Unit 26 – Condominium Plat Amendment – The Applicant is Proposing to Build a New Expanded Deck and Patio, Converting Common Space to Private Space in the Residential Development Zoning District at the Silver Bird Condominiums at Deer Valley Third Amendment Amending Unit 26. PL-21-04801.**

Senior City Planner, Alexandra Ananth, presented the staff report and stated that the request was for a condominium amendment for Unit 26 of the Silver Bird Condominiums at Deer Valley. The Silver Bird Condominiums were approved in 1982. It is located in the Residential District with the Deer Valley MPD in the Silver Lake neighborhood. The applicant was proposing to remove an existing wood deck and rebuild an expanded deck with a patio below, which will add to their private space. A rendering was displayed showing the location of the subject property. It was noted that the Silver Bird Condominiums include six units in three structures off of Royal Street and Sterling Drive.

The patio and new deck were found to meet all setback requirements and the HOA approved the proposed change. The applicants were maintaining the open space requirement of 60% on the site and staff found good cause to approve the plat amendment. Although it expands their private space, it will not be enclosed. It meets the applicable requirements and no public streets, rights-of-way, or easements have been vacated or amended. Staff recommended

approval. Planner Ananth was joined by the applicant's surveyor, Jared Edgell, who was available to answer questions.

Vice-Chair Suesser opened the public hearing. There were no public comments. The public hearing was closed.

**VOTE:** Commissioner Van Dine moved to forward a positive recommendation for City Council consideration on June 24, 2021, for the Silver Bird Condominiums at Deer Valley Third Amendment Plat Amendment. Approval was subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 7374 Silver Bird Drive in the Residential Development (RD) District.
2. The Silver Bird Condominiums were approved in 1982 for six (6) units and are subject to the Deer Valley MPD.
3. The proposed amendment is for an unenclosed deck and patio and does not change the number of residential units or require additional parking. The amount of Open Space is 74%, more than the required 60%.
4. Decks are prohibited from being enclosed and converted to interior space. The expansion of private deck space has been done before in this condominium development in both the First and Second Amendments in 2014 and 2016.
5. The patio and new deck meet all setback requirements and the HOA has approved the proposed change.
6. Staff finds Good Cause for this Plat Amendment as the Amendment expands the private space of Unit 26 with patio and deck area which will not be enclosed, meets the LMC Requirements and the Open Space requirement of 60% is maintained.
7. No Public Streets, Right-of-Way, or easement has been vacated or amended.
8. The findings in the analysis section are incorporated herein.

**Conclusions of Law:**

1. There is good cause for this Plat Amendment as the Amendment expands the private space of Unit 26 with patio and deck area which will not be enclosed, and the Open Space requirement of 60% is maintained.

2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions, including LMC § 15-7.
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.
5. No Public Streets, Right-of-Way, or easements have been vacated or amended.

**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 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 request for an extension is submitted in writing and approved by the City Council.
3. A Plat Note shall indicate that all Conditions of Approval of the Silver Bird Condominiums at Deer Valley Condominium Plat, and the Deer Valley MPD as amended shall continue to apply.
4. A Plat Note shall indicate that the Plat is subject to Ordinance 2021-XX

The motion was seconded by Commissioner Johnson.

**VOTE:** The motion passed with the unanimous consent of the Commission. Chair Phillips was not present for the vote.

**E. 1129 Park Avenue – Conditional Use Permit – Applicant is Requesting Approval for a Duplex Use at a Significant Historic Site in the Historic Residential – 1 Zoning District. PL-21-04818.**

Planner Conboy presented the staff report and stated that the request involves a CUP for a duplex use at 1129 Park Avenue and 1128 Woodside Avenue. It is a significant Historic Site. The applicant was requesting that two units remain with access from Woodside Avenue. Staff recommended that the Planning Commission conduct a public hearing and consider approving the request. The applicant, John DeGray was present to answer questions.

Vice-Chair Suesser opened the public hearing. There were no public comments. The public hearing was closed.

**MOTION:** Commissioner Thimm moved to approve the CUP for a duplex dwelling at 1129 Park Avenue and 1128 Woodside Avenue subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

**Findings of Fact**

1. The property is located at 1129 Park Avenue and 1128 Woodside Avenue.
2. The Historic District Design Review (HDDR) application for the new Duplex Dwelling is under review, pending Planning Commission approval of the Duplex Dwelling Conditional Use Permit and recordation of the Jupiter Moons Plat Amendment. The Historic Preservation Board approved Material Deconstruction to accommodate the proposed Duplex addition on June 2, 2021, pending Planning Commission approval of the Conditional Use Permit.
3. The property is located within the Historic Residential – 1 (HR-1) Zoning District and meets the purpose of the zone.
4. A Duplex Dwelling is a Conditional Use in the HR-1 Zoning District.
5. Following recording of the plat amendment, the lot will contain 4,699 square feet.
6. Access to the property is from Park Avenue and Woodside Avenue, both public streets.
7. Two parking spaces are provided for each unit.
8. The neighborhood is characterized by a mix of historic and non-historic residential structures (single-family and Duplex Dwellings). The homes are a mix of one- to two-story residential developments.
9. An overall building footprint of 1,777.5 square feet is proposed. The maximum allowed footprint for this lot is 1,804 square feet.
10. The proposed Duplex Dwelling complies with the front and rear setbacks. The minimum front and rear setbacks are 15 feet, for a total of 30 feet.
11. The proposed addition complies with the side setbacks. The minimum side setbacks are 3 feet, for a total of 6 feet.
12. The proposed Duplex Dwelling complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty-seven feet (27') in height. The 10-foot minimum horizontal step in the downhill façade has a maximum height of 23 feet. The

Contributory Roof Form has a 7:12 pitch which complies with the Contributing Roof Form requirement of 7:12 – 12:12 pitch. The Secondary Roof Form has a 3:12 pitch and is subordinate to the Contributory Roof Form.

13. The proposed addition has an interior height of 35 feet, which complies with the required interior height of 35 feet.
14. There are no unmitigated impacts to LMC 15-1-10(E)(1) Size and location of the site, as the Lot containing the Duplex Dwelling is 5,329 square feet. Per LMC 15-2.2-3 Lot And Site Requirements, Developments consisting of a Duplex Dwelling require a Lot Area at least equal to 3,750 square feet. The proposed site complies with the minimum lot size for a Duplex Dwelling.
15. There are no unmitigated impacts to LMC 15-1-10(E)(2) Traffic considerations including the capacity of the existing Streets in the Area, as the Duplex Dwelling will not be adding additional vehicles to Park Avenue. The proposed design meets the requirements for parking as indicated in Review Criteria 5.
16. There are no unmitigated impacts to LMC 15-1-10(E)(3) Utility capacity, as this project has been reviewed by the applicable utility companies and internal departments. No concerns were brought up by those entities during their review.
17. There are no unmitigated impacts to LMC 15-1-10(E)(4) Emergency vehicle access as Emergency vehicles will access the site directly from Park/Woodside Avenue. No issues have been identified at this time.
18. There are no unmitigated impacts to LMC 15-1-10(E)(5) Location and amount of off-street parking, as two parking spaces are provided for each unit. The entire site provides a total of four parking spaces.
19. There are no unmitigated impacts to LMC 15-1-10(E)(6) Internal vehicular and pedestrian circulation system, as vehicular and pedestrian access to the site is from Park/Woodside Avenue, a public road.
20. There are no unmitigated impacts to LMC 15-1-10(E)(7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses, as Fencing and/or screening has not been proposed for the site.
21. There are no unmitigated impacts to LMC 15-1-10(E)(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots, as the proposed Duplex Dwelling is located on the lot in a manner that reduces the visual and environmental impacts.
22. There are no unmitigated impacts to LMC 15-1-10(E)(9) Usable Open Space, as the proposed structure complies with all applicable lot and site requirements,

thus providing open space similar to that provided by other development on Park Avenue.

23. There are no unmitigated impacts to LMC 15-1-10(E)(10) Signs and lighting, as the proposal does not include any signs. All exterior lighting features must be Fully Shielded and comply with the Outdoor Lighting Code.
24. There are no unmitigated impacts to LMC 15-1-10(E)(11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, as the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. The applicant has staggered the units of the duplex to reduce the overall width and bulk at the street. The applicant broke up the mass of the new structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall.
25. There are no unmitigated impacts to LMC 15-1-10(E)(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site.
26. There are no unmitigated impacts to LMC 15-1-10(E)(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas, as this is a Duplex Dwelling which is consistent with other residential uses on Park Avenue. No delivery, loading, or trash pick-up areas will be more intensive than the existing development on the street.
27. There are no unmitigated impacts to LMC 15-1-10(E)(14) Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities, as this property will be sold to a private property owner. The Duplex will be under one owner unless the property owner files a condominium plat amendment with the Planning Department for Planning Commission review and recommendation and City Council approval.
28. There are no unmitigated impacts to LMC 15-1-10(E)(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site, as the property is located outside the Soils Ordinance and therefore is not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.

29. There are no unmitigated impacts to LMC 15-1-10(E)(16) Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding, as the proposed Duplex Dwelling fulfills the Goals, Objectives, and/or Implantation Strategies of the General Plan, including Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.
30. Staff posted legal notice to the property and mailed notice to property owners within 300 feet on May 26, 2021. The Park Record published legal notice on May 26, 2021.

### **Conclusions of Law**

1. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria for a Duplex as established by the LMC 15-1- 10.
2. The Use, as conditioned, is Compatible with surrounding structures in use, scale, mass, and circulation; and
3. The effects of any differences in Use or scale have been mitigated through careful planning.

### **Conditions of Approval**

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements, and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
4. A landscape plan is required to be submitted with the building permit. Changes to an approved landscape plan must be reviewed and approved by the Planning Department prior to landscape installation.
5. This approval will expire on June 9, 2022, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration.
6. Recordation of the Jupiter Moons Plat Amendment is required prior to building permit issuance.

Commissioner Van Dine seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

**9. ADJOURN**

**MOTION:** Commissioner Kenworthy moved to adjourn.

**VOTE:** The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at approximately 7:35 p.m.

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

APPROVED 06.23.2021