

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 11, 2019

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sarah Hall, John Kenworthy, Mark Sletten, Doug Thimm, Christin Van Dine

EX OFFICIO: Planning Director Bruce Erickson; Hannah Tyler, Planner; Alexandra Ananth, Planner; Caitlyn Barhorst, Planner; Rebecca Ward, Planner; Mark Harrington, City Attorney

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ROLL CALL

Chair Phillips called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Suesser, who was excused.

APPROVAL OF MINUTES

November 13, 2019

Commissioner Thimm referred to page 40, second paragraph, the sentence, "Commissioner Thimm complimented the applicant on a great job, and she was glad the business would continue". In addition to the gender error, he thought it was Commissioner Suesser and not himself who made that comment.

Commissioner Kenworthy referred to page 27 and corrected the sentence, "Commissioner Kenworthy withdrew is motion" to correctly read "...withdrew **his** motion".

MOTION: Commissioner Hall moved to APPROVE the Minutes of November 13, 2019 as amended. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planner Caitlyn Barhorst reported that the Planning Department had updated the notice signs for all the planning applications. The signs can be reused and they are more noticeable than the previous signs.

Chair Phillips noted that in the past he was one who had complained about the signs. He saw the new signs in the Planning Department last week and they are much better than the paper signs. They look more professional and are more noticeable and durable.

Director Erickson reported that the contractor had started work on repairing the roof of the Judge Mining and Smelting Building under the auspices and funding of the Empire Pass Master Owners Association. The stabilization work is being done while the other details are being worked out.

Commissioner Thimm asked about the value of the contract. Director Erickson replied that it is an EPMOA contract and he was unaware of the value.

Commissioner Sletten disclosed that he has a good friendship with the applicant for 7697 Village Way; however, it will not impact his decision this evening.

Commissioner Kenworthy disclosed that he has had several discussions with several groups inquiring about his desire to be an owner or landlord on the medical marijuana cannabis applications. He chose not to be involved in any way now or in the future on any applications with the State. Commissioner Kenworthy felt comfortable not recusing from the related item on the agenda this evening.

Commissioner Thimm disclosed that he would be recusing himself from the National Abilities Center item because his firm is the architect of record for that project.

Chair Phillips recalled that in a previous meeting the Planning Commission discussed a potential site visit up the Mine Road over Guardsman. Director Erickson stated that at a later meeting it was determined that the Commissioners would visit Twisted Branch Road individually with the Planner. Commissioner Kenworthy had taken advantage of that opportunity. The Commissioners should contact Planner Ananth to schedule a time.

Commissioner Hall asked if the Planning Commission would hold both regular meetings in January. Director Erickson replied that two meetings were scheduled at this point.

CONTINUATIONS – (Public Hearing and Continue to date specified)

- 5.A. 802 Empire Ave – Subdivision– The Applicant is Requesting to Combine Multiple Parcels into a New Two (2) Lot Subdivision. (Application PL-18-03944)

The Planning Department requested that this item be continued to January 8, 2020.

Commissioner Phillips opened the public hearing. There were no comments. Chair Phillips closed the public hearing.

MOTION: Commissioner Van Dine moved to CONTINUE 802 Empire Avenue Subdivision to January 8, 2020. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

- 5.B. 802 Empire Ave –Conditional Use Permit – The Applicant is Requesting to Construct a Shared Driveway Over the Platted Unbuilt City Right-of-Way. (Application PL-19-04113)

Chair Phillips opened the public hearing.

John Demkowitz, owner of the property adjacent to 802 Empire Avenue, asked if he should have a received notification that this item was on the agenda.

Planner Alexandra Ananth stated that the decision to continue was made prior to sending out the notices. The property owners will be noticed for the January 8th meeting.

Chair Phillips closed the public hearing.

MOTION: Commissioner Hall moved to CONTINUE the 802 Empire Avenue CUP to January 8, 2020. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

- 5.C. 322 Park Avenue - Plat Amendment - The Applicant is Requesting to Combine Two (2) Lots, Lots 27 and 28 Block 11, into One (1) Larger Lot. (Application PL-19-04345)

Commissioner Sletten stated that he would be recusing himself from this item.

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

MOTION: Commissioner Thimm moved to CONTINUE the 322 Park Avenue Plat Amendment to January 8, 2020. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously. Commissioner Sletten was recused.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

8.A. 1000 Ability Way – Development Agreement – The Commission will consider ratifying the Development Agreement for the National Ability Center Master Planned Development. (Application PL-16-03096)

Commissioner Thimm recused himself and left the room.

Planner Rebecca Ward stated that this item was a continuation from the November 13th meeting for the National Ability Center Development Agreement to memorialize the Master Planned Development the Planning Commission approved in March 2019.

Planner Ward noted that the Development Agreement memorializes two phases of construction for the National Ability Center. Phase 1 is underway with the equestrian center, program services building addition. There is also a new community and programs building, recreation center, and camping area with parking.

Planner Ward stated that a second lodge will be constructed in Phase II, which is scheduled to begin in 2024.

Planner Ward reported that the MPD Conditions of Approval require two agreements that NAC and the City enter into the before the Development Agreement is recorded. One is a water agreement that transfers water rights to the City and that has been completed. A draft agreement that is attached as an exhibit to the Development Agreement will be executed and recorded.

Planner Ward explained that the Housing Authority approved the plan that the Planning Commission forwarded with a positive recommendation on November 13, 2019. They unanimously approved the two exceptions that the National Ability was requesting in the Housing Mitigation Plan. The final plan was also attached as an exhibit to the Development Agreement.

The Staff found that the Development Agreement meets all requirements of the Code. It was reviewed and approved by the City Attorney's Office. The Staff requested that the Planning Commission ratify the Development Agreement for the National Ability Center.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

MOTION: Commissioner Sletten moved to RATIFY the Development Agreement for the National Ability Center Master Planned Development at 1000 Ability Way. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously. Commissioner Thimm was recused.

Commissioner Thimm returned to the meeting.

8.B. 675 Round Valley Drive -- Conditional Use Permit -- The Park City Fire District Proposes to Construct a 7,983-square-foot Fire Station on Lot 4 of the Park City Medical Campus in the Community Transition Zoning District. (Application PL-19-04357)

Planner Ward reported on an application from the Park City Fire District to locate a fire station on Lot 4 of the Park City Medical Campus. Lot 4 is directly across the street from the Summit County Health Building and the Peace House.

Planner Ward stated that on December 5, 2019, Intermountain Health Care submitted a letter approving the location of the fire station on Lot 4, as well as approving the plans under the design guidelines for the Campus.

Planner Ward remarked that the fire station is a one-story structure at approximately 8,000 square feet, which is smaller than the other buildings on the site. The fire station was proposed for a staff of four people. The proposal provides extra parking spaces. The Staff finds that the proposal conforms with the Land Management Codes.

Planner Ward stated that in the Community Transition Zone, because the Park City Medical Campus was granted the density bonus, there were a few additional requirements for this project. One of the requirements is that parking be screened from the road and the highways. She noted that the landscaping plan include berms to

screen the parking. Another additional requirement comes from the Annexation Agreement regarding fire prevention measures for the Campus. Planner Liz Jackson was working with the Fire Marshal, Eric Hales, on Fire-Wise Landscaping, and the proposed landscape plan aligns with the Fire-Wise Landscaping Code.

Planner Ward noted that a third requirement is an additional 300-foot setback from Highway 40 as part of the density bonus under the Community Transition Zone. The plans comply with the setback requirement.

Planner Ward stated that the Fire District was proposing this conditional use permit in order to complete the purchase of the property. The City currently owns Lot 4. The fire station will not be constructed for up to five years. For that reason, the Fire District requested that the Planning Commission add Finding of Fact #73 and Condition of Approval #30 so the plan approved this evening would not expire until January 1, 2025.

The Staff found that the proposed plan complies with the Community Transition Zone requirements, as well as the plats, the Annexation Agreement, and the Medical Campus Design Guidelines.

Chair Phillips understood that the fire station would not be built for several years; however, he wanted to know if the station was designed to accommodate potential future expansion.

Paul Hewitt, Chief Fire Marshal, stated that this fire station would fill out the Fire District and staff up to 4 firefighters. However, he anticipated starting with two firefighters. He did not expect growth beyond four firefighters and he did not think they would need a ladder truck.

Commissioner Hall noted that there was a maximum of four firefighters but five bedrooms. Mr. Hewitt replied that they typically overbuild slightly for additional space. Sometimes the firefighters have a ride along, which requires the need for an extra bedroom.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

Commissioner Kenworthy was comfortable adding Condition of Approval #30.

MOTION: Commissioner Sletten moved to APPROVE the Conditional Use Permit for 675 Round Valley Way, the Park City Fire District Building, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as contained in the Staff report and as amended to add Finding of Fact #73 and Condition of Approval #30. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 675 Round Valley Drive

1. Fire Station #39 is proposed to be constructed on Lot 4 of the Park City Medical Campus, a 157-acre Campus located in the northwest quadrant of Quinn's Junction (HWY 40 and SR 248).
2. On January 1, 2007, City Council passed Ordinance No. 06-84 and annexed the Park City Medical Campus into City limits.
3. On January 1, 2007, the City, the Burbs, LLC, IHC Health Services, Inc., and the United States Ski and Snowboard Association entered into an Annexation Agreement, which established the Community Transition Zoning District within a Master Planned Development for the site (Summit County Recorder Entry 802747).
4. On January 1, 2007, City Council approved the IHC/USSA/Burbidge Annexation plat (Summit County Recorder Entry No. 802746), which established the Community Transition Zoning District within a Master Planned Development for the Campus.
5. On January 11, 2007, City Council approved the Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility (Summit County Recorder Entry No. 802749), which created five lots of record.
6. On May 23, 2007, the Planning Commission approved the Intermountain Healthcare Master Planned Development, which established uses and density for the Campus.
7. On July 31, 2008, City Council approved the Subdivision Plat (Second Amended) for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility (Summit County Recorder Entry No. 859976), which delineated eleven Lots of record for the Campus.
8. On October 8, 2014, the Planning Commission approved an amended Intermountain Healthcare Master Planned Development, to locate Peace House, a non-profit organization that assists victims of domestic violence, on Lot 8 and to identify Lot 4 for Public Municipal Use and Essential Services.
9. On July 11, 2016, City Council approved the Subdivision Plat (Third Amended) for the

Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility (Summit County Recorder Entry No. 1067219), which split Lot 8 to create a new Lot 12 in order for Peace House to be constructed on Lot 8.

10. On December 22, 2017, the City and IHC Health Services, Inc. entered into the Development Agreement for the Intermountain Healthcare (IHC) Master Planned Development (MPD), as amended, Located on Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Second and Third Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision Plats Located at Round Valley Drive, Park City, Summit County, Utah to memorialize the approved Master Planned Development, as amended (Summit County Recorder Entry 1086017).

11. On November 29, 2018, City Council approved the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility – Fourth Amendment Amending Lot 4 (Summit County Recorder Entry No. 1107497), which split Lot 4 to create a new Lot 13 in order to separate Lot 4 for development of a fire station.

12. On October 9, 2019, the Planning Commission amended the Intermountain Healthcare Master Planned Development to approve a 20,000-square-foot ambulatory surgery center for Lot 6 and a 28,000-square-foot addition for support medical use on Lot 1.

13. The developer and City are in the process of updating and recording a Development

Agreement to reflect the October 9, 2019 approval in increased density.

14. Fire Station #39 is located at 675 Round Valley Drive.

15. Fire Station #39 is a one-story, 7,983-square foot structure that includes an apparatus bay; a fitness room; five bedrooms; three bathrooms; electrical, storage, shop, and turnout rooms; a decontamination room; a medical room; office space; laundry/storage; and a dining, kitchen, and group area.

16. The Park City Medical Campus is located in the Community Transition (CT) Zoning District within a Master Planned Development.

17. The purposes of the CT Zoning District include low-density public use relating to community health.

18. Essential services like a fire station are a Conditional Use in the CT Zoning District.

19. Fire Station #39 is accessed by Round Valley Drive, a public road.

20. There is no minimum Lot size in the CT Zoning District.

21. Fire Station #39 is proposed to be located on Lot 4 (Parcel Number IMPCMC-4-4AM-X), a 2.5-acre Lot within the Park City Medical Campus.

22. The base Density of the CT Zoning District is one (1) unit per twenty (20) acres.

23. The Commission may approve a Density bonus of up to three (3) units per acre if applicants meet applicable criteria outlined in LMC § 15-2.23-4.

24. On October 9, 2019 the Commission approved a Density bonus for the Park City Medical Campus of up to three (3) units per acre.

25. The Density bonus requirements that apply to Lot 4 of the Park City Medical Campus include a 300-foot Frontage Protection Zone from the closest edge of the highway Right-of-Way (HWY 40).
26. The Density bonus requirements that apply to Lot 4 of the Park City Medical Campus include a requirement that parking be screened.
27. On November 9, 2018, the Planning Commission approved the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility – Fourth Amendment Amending Lot 4 and determined in Finding of Fact 14 that Fire Station #39 Density would not count against the Park City Medical Campus Density.
28. The CT Zoning District requires 25-foot Front, Side, and Rear Setbacks. The Fire Station #39 Front and Side setbacks are 25 feet. The Rear Setback is 50 feet to meet requirements for wetlands protection.
29. Fire Station #39 must be set back at least 300 feet from HYW 40 to protect the City's eastern entry corridor, pursuant to the Density bonus granted to the Campus.
30. Two driveways connecting the Fire Station to Round Valley Drive and a sidewalk in the Front Setback are allowed pursuant to Front Setback exceptions outlined in LMC § 15-2.23-3(C).
31. The CT Zoning District has a 28-foot Building height maximum.
32. The highest point of the Fire Station is 27 feet above Existing Grade.
33. Exterior walls may be sided with up to three different materials per building; the Fire Station #39 design features two materials per wall.
34. The Applicant proposes to install photovoltaic panels on the roof.
35. Solar energy systems must be incorporated into the roof plan design or architectural features of the structure.
36. Solar energy systems must be mounted flush to the roof plane and shall use nonreflective finishes such as an anodized finish.
37. Fire Station #39 and the Parking Area lighting must comply with the Land Management Code.
38. The Annexation Agreement ¶ 5 acknowledges significant wildland interface issues on the Campus and required a fire protection and emergency access plan for the initial Campus development. Firewise landscaping is proposed for the fire station site.
39. Parking Areas with fewer than 50 spaces in the CT Zoning District must have an Interior Landscaped Area equivalent to 10% of the Parking Area.
40. Fire Station #39 contains 13,672 square feet of total Parking Area and driveways with 2,168 square feet of parking landscape, for a total of 15% parking landscape.
41. The property owner must provide adequate snow storage on-Site that is equivalent to fifteen percent (15%) of the total Hard-Surfaced Area.
42. The total Fire Station #39 parking and driveway area is 13,672 square feet. 2,510 square feet are provided for snow storage for a total of 18.3% snow storage.
43. No landscape obstruction is allowed in excess of two feet (2') in height above Street

Grade within the Sight Distance Triangle.

44. Fire Station #39 is designed to accommodate four employees per shift.

45. According to a Planning Director determination, the required Fire District parking is calculated as a Public Institution Use, requiring one space per 1,000 square feet of floor area for a total of 8 parking stalls.

46. Fire Station #39 will provide 10 total parking stalls, one of which will be an ADA parking stall.

47. Driveways requiring five or more parking spaces must be a minimum of 24 feet wide but cannot exceed 30 feet in width. The proposed Fire Station driveways are 26 feet wide at their narrowest and 28 feet wide at their broadest.

48. New construction must provide at least three (3) bicycle parking spaces or 10% of the required off-Street Parking Spaces, whichever is greater, for the temporary storage of bicycles. The Planning Director waived this parking requirement because of the required gear fire station staff is required to take to work each shift.

49. The Fire Station #39 generator is proposed to be located outside of the building and is screened from public view on Round Valley Drive by the western façade.

50. There is no Significant Vegetation on Lot 4.

51. The proposed Fire Station is located on Lot 4 of the Park City Medical Campus. Lot 4 is a 2.5-acre property and is similar in size to the surrounding properties on the Campus, including Summit County Health, which is located across Round Valley Drive on a 3.09-acre lot; Peace House, which is also across Round Valley Drive on a 3.63-acre lot; and Physician's Holdings, which is located across Round Valley Drive to the north of Lot 4 on a 3.4-acre lot.

52. The 7,983-square-foot Fire Station will be much smaller than the other buildings on the Campus. Summit County Health and Physician's Holdings are each approximately 25,000 square feet. Peace House is approximately 37,000 square feet.

53. The Fire Station is designed to accommodate four employees per shift and will not have a detrimental impact on traffic in the area. Emergency response vehicles will temporarily impede traffic for important public safety purposes. No mitigation is recommended.

54. According to the Park City Fire District, the fire station location in the Quinn's Junction area is an important site in order to reduce the volume of calls to Station #31 and Station #37, to lessen response times, and to enhance inter-facility transport because of the station's proximity to the Park City Hospital.

55. The Fire Station plans provide a pedestrian crosswalk across Round Valley Drive to the front entrance of the Fire Station. Two driveways that connect to the front and rear of the apparatus bay are proposed to maximize circulation of emergency response vehicles.

56. The Medical Campus was designed under the Quinn's Junction Joint Planning Principles, General Plan, Volume II, pages 264-265, which required that the Campus be designed to arrange development in a way that protects sensitive lands like wetlands

and slopes. Additionally, to obtain the Density bonus for the CT Zoning District, the Campus must maintain at least 80% Open Space. As a result, each structure on the Campus contains a significant Open Space buffer between lots.

57. The Fire Station was designed under the Park City Health Campus Design Guidelines. Staff reviewed the plans for consistency with Campus design principles. IHC also reviewed the design and plans. On December 5, 2019, IHC submitted a letter approving the proposed design and plans.

58. The Park City Medical Campus preserves 84.31% Open Space. Development of the fire station will slightly reduce this number to 82.95%. However, the total Campus Open

Space will still exceed the 80% Open Space requirement for the approved Campus Density bonus.

59. Lot 4 is 108,913 square feet with 23,741 square feet of hardscape surfaces. Landscaping and preservation of existing vegetation totals 85,172 square feet, preserving 78% of Open Space on site.

60. Fire Station #39 signs must comply with the Park City Sign Code, Title 12.

61. The plans as submitted do not indicate issues of vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site.

62. Emergency response vehicles are exempt from the City Noise Ordinance under Park City Code § 6-3-10.

63. Deliveries to the Fire Station are planned to be delivered to the rear service entrance (the north-facing façade). The proposed Fire Station trash and recycling bins are located outside of the building on the northwest corner and are screened from Round Valley Drive by the extended western façade.

64. Park City Municipal Corporation currently owns Lot 4 and intends to sell the property to the Park City Fire District, contingent upon the Commission's approval of this Conditional Use Permit.

65. Setbacks from wetlands shall extend a minimum of fifty feet (50') outward from the delineated wetland Ordinary High Water Mark.

66. The Fourth Amended plat indicates the 50-foot setback required due to wetlands in the area.

67. The fire station design adheres to the 50-foot wetland setback.

68. There are no known physical mine hazards or historic mine waste on the site and the Campus is not located within the City's Soil Ordinance.

69. Goal 1: Park City will protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Objective 1A: Direct complimentary land use and development into existing neighborhoods that have available infrastructure and resource capacity.

70. The proposed Fire Station is collocated with important community services on the Park City Medical Campus, including the Park City Hospital, Peace House, and Summit County Health.

71. Goal 6: Climate Adaptation – Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change. Objective 6A: Prepare for probable scenarios that could threaten health, welfare, and safety of residents. Implement climate adaptation strategies to become more resilient to wildfire.

72. Location of a fire station on the Medical Campus serves an important community need.

73. The Fire Station #39 Conditional Use Permit is obtained to secure Fire District ownership of Lot 4. Fire Station #39 will not be constructed for several years, potentially for as many as five years.

Conclusions of Law – 675 Round Valley Drive

1. The Application complies with all requirements of the Land Management Code;
2. The Use will be Compatible with surrounding Structures in Use, scale, mass, and circulation;
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – 675 Round Valley Drive

1. All IHC Master Planned Development standards and conditions of approval apply to this Conditional Use Permit.
2. Fire Station #39 is subject to the Annexation Agreement the City, the Burbs, LLC, IHC Health Services, Inc., and the United States Ski and Snowboard Association entered into on January 1, 2007 (Summit County Recorder Entry 802747).
3. Fire Station #39 is subject to the Development Agreement for the Intermountain Healthcare (IHC) Master Planned Development (MPD), as amended, Located on Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Second and Third Amended Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility Subdivision Plats Located at Round Valley Drive, Park City, Summit County, Utah, as amended, entered into by the City and IHC Health Services, Inc. on December 22, 2017 to memorialize the approved Master Planned Development, as amended, on the Campus through 2017 (Summit County Recorder Entry 1086017).
4. Fire Station #39 is subject to the Master Planned Development approved by the Commission on May 23, 2007, as amended by the Commission on October 8, 2014, January 13, 2016, and October 9, 2019.
5. Fire Station #39 is subject to the IHC/USSA/Burbidge Annexation plat (Summit County Recorder Entry No. 802746); Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility (Summit County

Recorder Entry No. 802749); the Subdivision Plat (Second Amended) for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility (Summit County Recorder Entry No. 859976); Subdivision Plat (Third Amended) for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility (Summit County Recorder Entry No. 1067219); and the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility – Fourth Amendment Amending Lot 4 (Summit County Recorder Entry No. 1107497).

6. Fire Station #39 must maintain a 300-foot setback from HWY 40 and SR 248 pursuant to the CT Zoning District bonus Density requirements.

7. Fire Station #39 parking must be screened from entry corridor Areas with landscaping berms.

8. The solar energy system must be incorporated into the roof plan design or architectural features of the structure and consist of non-reflective panels and mounting equipment such as an anodized finish.

9. All exterior lights must conform to the City lighting ordinance. Parking Area lighting shall be on a timing system to allow for minimal lighting when the facility is not open. The timing system and building security lighting shall be approved by staff prior to issuance of a certificate of occupancy.

10. The Annexation Agreement ¶ 5 acknowledges significant wildland interface issues on the Campus and required a fire protection and emergency access plan for the initial Campus development. The Applicant shall landscape the site with firewise landscaping as shown on the plans approved by the Commission.

11. No landscape obstruction is allowed in excess of two feet (2') in height above Street Grade within the Sight Distance Triangle.

12. All exterior mechanical equipment must be Screened from public view.

13. The refuse storage facilities must be on-Site and accessible from a Public Street. Refuse storage must be Screened, enclosed, and properly ventilated. The loading and unloading of goods must take place entirely on the Site. Loading areas must be Screened from general public view.

14. All utilities, lines or facilities, public or otherwise, constructed or installed on Lot 4 for the benefit of the lots within the subdivision shall be underground, nonexclusive and, except as and to the extent otherwise evidenced by the grant of an easement therefore, within the public utilities easements shown on the second amended plat.

15. At no time may any permanent structure or other obstruction, which unreasonably interferes with the maintenance, repair or replacement of any such utilities, lines or facilities, be located within the public utility easement without the prior written approval of the service provider affected thereby.

16. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the areas provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping elements.
17. Final utility, storm water, and grading plans must be approved by the City Engineer and SBWRD prior to Building Permit issuance.
18. Any wetlands delineation older than five (5) years shall be updated and submitted to the City prior to building permit issuance for development on the lots. All required Corps of Engineer approvals and permits shall be submitted prior to issuance of a building permit on the lots.
19. All development, such as buildings and parking areas, proposed on these lots shall comply with LMC required wetlands protection buffer areas in effect at the time of the building permit application.
20. The lot is over 1.0 acre and will be required to meet the requirements of the Separate Storm Sewer System (MS4) Storm-Water Program.
21. Lot 4 may require a privately owned and operated wastewater ejector pump for wastewater service.
22. Fire Station #39 signs must comply with the Park City Sign Code, Title 12 and the Park City Medical Campus Master Sign Plan, MSP-16-00045.
23. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site must be mitigated.
24. Setbacks from wetlands shall extend a minimum of fifty feet (50') outward from the delineated wetland Ordinary High Water Mark.
25. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color and material detail exhibits reviewed by the Planning Commission on December 11, 2019.
26. 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, 2019.
27. Utility and grading plans must be approved by the City Engineer prior to Building Permit issuance.
28. A Construction Mitigation Plan must be approved by staff as a condition precedent to issuance of a Building Permit.
29. A storm water run-off and drainage plan must be submitted with building plans and approved prior to issuance of a Building Permit. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices.
30. This Conditional Use Permit shall expire on January 1, 2025 if the applicant has not yet obtained a building permit for Fire Station #39.

8.C. 729, 741, 751, 755 Rossie Hill Drive – Subdivision – Lilac Hill East Subdivision Proposes a Major Subdivision of One (1) Lot Containing Three (3) Historic Structures into five (5) Lots of Record. Lot 1 Contains 5,253 Square Feet, Lot 2 Contains 7,327 Square Feet, and Lot 5 Contains 6,176 Square Feet. (Application PL-19-04332)

Planner Caitlyn Barhorst reviewed a map and identified the location of the proposed Lilac Hill East Subdivision. She noted that the Planning Commission recently approved the Condominium Plat directly adjacent on the Lilac Hill Subdivision. She clarified that they were two separate projects.

Planner Barhorst stated that the three existing historic houses are referenced as 622, 652, and 660 Rossie Hill Drive on the Park City Historic Sites Inventory; however, these are not actual addresses because the historic houses do not have addresses. Planner Barhorst clarified that the proposed addresses are 755, 729, 741 respectively; as two of the historic addresses are actual street address numbers of condo across the street.

Planner Caitlyn presented photos with the historic addresses, the survey showing the approximate location of the existing houses, and a historic map to show context of Rossie Hill. She also presented concept massings provided by the GIS Department showing the existing houses with the proposed road.

The Staff found good cause for this subdivision plat. Some type of subdivision is required to create these lots; otherwise no rehabilitation can occur without the subdivision plat.

The Staff recommended that the Planning Commission review the proposed Subdivision and conduct a public hearing, waive the preliminary plat requirement, and forward a positive recommendation to the City Council on January 9, 2020.

Planner Barhorst stated that one requirement is to have the Snyderville Water Reclamation District approval in place. The extension agreement crosses over City owned property which requires City Council approval. The Staff was working on obtaining those approvals. It was unrelated to the subdivision action this evening.

Planner Barhorst stated that a major proposed condition of approval requires a 10' setback from the proposed driveway easement. It will not affect the buildable lot square footage. It was simply to allow for more open space and separation between the structures.

Planner Barhorst reported on public comment that was received. There were twelve letters in a packet and some public comment was included in the Staff report. The neighbors were requesting added conditions of approval.

Chair Phillips referred to the aerial view showing the shared driveway. Planner Barhorst stated that in the original proposal the driveway width was 25'. This item was continued and in that time the Staff and the applicant worked on minimizing the driveway width to the minimum required 20' to reduce the amount of paving. The Staff and applicant also worked through other site design iterations showing the differences of driveway access. Planner Barhorst noted that the iterations show there is no other way to access this site without creating more pavement, driveway cuts, or grade change. She remarked that access off of lower Rossie Hill was the best solution. Commissioner Sletten thought it was a better solution because of traffic on the sharp curve.

Chair Phillips opened the public hearing.

Robert Gurss stated that he and his wife are full-time residents at 654 Rossie Hill Drive. He is also a volunteer and member of the Park City Museum and has an interest in preserving Park City's unique mining history. Mr. Gurss stated that along with many of his neighbors, they have urging for the City to adopt rules that will lead to the preservation of the historic mining era homes on Rossie Hill Drive, while retaining the historic context and open space surrounding those homes. Mr. Gurss stated that the prior rezoning of this land to HR-L was an important step in that regard.

As addressed in the comments in the Staff report, the neighbors believe this proposed subdivision is a good step forward. It will consist of only five lots; three containing the original mining homes with additions and only two additional lots with single-family homes. Mr. Gurss believed that limiting the subdivision in that way is critical because it will help preserve the setting for the historic homes by minimizing density on the properties. It will also limit the number of additional vehicles using the Rossie Hill/Deer Valley Drive intersection. Along with others in the neighborhood, it has been suggested that the ordinance be amended to ensure no further subdivisions in the future.

Mr. Gurss noted that the proposed subdivision includes the single driveway on the lower portion of Rossie Hill Drive to serve all five lots. This will help in keeping with historic preservation. It will also reduce the traffic on the hairpin turn on Rossie Hill Drive. Also, to the extent appropriate, if the ordinance can be amended to make absolutely clear that the subdivision is contingent upon there being a single driveway with only lower Rossie Hill entrance, that would be very helpful.

Mr. Gurss pointed out that all the lots are already subject to HRL and the Historic District Design Review. This will limit the two additional lots to single family homes, limit the size and height of those homes and the additions to the historic homes, and ensure that all designs are compatible with the original mining era homes. Mr. Gurss remarked that height limits are especially important to prevent new construction from overwhelming these very small historic homes.

Diane Bernhardt stated that this area and this property has been before the Planning Commission since 2016. She noted that a rezone was originally requested for the BLM parcels because they wanted to get ahead of the development of those parcels as a City and a community to figure out the vision. Ms. Bernhardt remarked that much of the BLM land has been rezoned from its existing zone to an open space zone. This specific area was rezoned to HRL. Ms. Bernhardt appreciated that the applicant and the City took a lot of time and effort to create a design that would please the neighborhood. In the last effort in 2017 the neighbors urged the City not to add driveway cuts on the upper part of Rossie Hill because of the steep pitch, its blindness during the winter, and the icy road. She believed this design was ideal to address their concerns.

Ms. Bernhardt stated that many of the neighbors would like to add a condition of approval that specifies exactly where the entrance to all the lots would be located. If possible, they would like to see just the five lots. Therefore, they were also requesting a condition that would prevent further subdivision.

Allison Kitching, a resident at the Portico Condominiums at 678 Deer Valley Loop. She lives close to these properties and was pleasantly surprised with the proposal presented this evening. Ms. Kitching believed it was a good outcome for the neighborhood. She reiterated the requests from the previous speakers to keep the one access point on the lower side of the road; and to limit the subdivision to the currently proposed five structures.

Beth Fratkin wanted to know what would happen if they try to preserve the historic houses and a whole wall falls down. She asked if facades would go up. Ms. Fratkin was curious because she lives in one of the historic houses.

Ms. Fratkin questioned whether anything could be preserved because the structures are not sound.

Chair Phillips replied that there are guidelines and a strict process for preservation. There is a good chance that the structures will be panelized and rebuilt to some degree.

He believed that was the best process because otherwise the structures would fall down and be lost forever.

Chair Phillips closed the public hearing.

Planner Barhorst was willing to add the proposed plat notes that the subdivision cannot be further subdivided; and to clarify that the driveway easement is the access for all five lots. Commissioner Sletten noted that the neighbors wanted to specify that access would be on the lower entry access point. Planner Barhorst clarified that the current driveway easement on lower Rossie Hill is the one access point for all five lots. She would add a plat note to that effect.

Commissioner Thimm noted that the subdivision map shows the driveway. He asked if the condition of approval could simply say that the driveway is to match the subdivision map. Chair Phillips thought they could leave it and just assure the public that the project needs to be built to that easement as shown on the map. He believed that would accomplish what the neighbors were requesting. Chair Phillips pointed out that if anything changes, it would need to come back to the Planning Commission.

Chair Phillips stated that he has been on the Planning Commission throughout the entire process and knows that the community has stayed very engaged. He believed this was a good solution that came about in part because of public comment and community involvement over the years.

Planner Barhorst stated that in terms of a plat note regarding no further subdivision, if further subdivision was proposed it would be required to come back to the Planning Commission.

Commissioner Kenworthy informed Ms. Fratkin that there is a Historic Preservation Board that will review the historic structures as they do with all Landmark Structures. He explained that these three structures are designated Landmark and all three will go through the same process as every Landmark building in Old Town.

Chair Phillips stated that as much as they see this throughout town, these three historic structures are more visible and very unique in how they sit on the land. He remarked that not having individual driveways might hopefully limit the amount of alterations to these homes. Planner Barhorst agreed since the additions would only be allowed on the rear. The front character would be maintained.

Chair Phillips asked if they were changing the conditions of approval or whether they would rely on the plat to address the suggestions by the public. Planner Barhorst replied that the conditions of approval could remain as written in the Staff report.

City Attorney Harrington thought the Planning Commission should clarify whether they wanted to add the no further subdivision. The majority of Commissioners preferred to include that as a condition of approval.

Commissioner Hall proposed to add Conditions #10 and #11 to expressly prohibit further subdivision and to address the single access entry point.

MOTION: Commissioner Hall moved to WAIVE the preliminary plat requirement for the Lilac Hill East Subdivision pursuant to LMC 15-7.1-3; and to forward a POSITIVE recommendation to the City Council for the final subdivision plat on January 9, 2020 based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance, and as amended to add Conditions #10 and #11. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Lilac Hill East Subdivision

1. The property is located at All of Government Lots 29 & 30, Section 15 of Township 2 South, Range 4 East, Salt Lake Base and Meridian. It was formerly known as the 15th house on the rear south side in Deer Valley, Park City previously addressed under PC-546; and also, as the 13th and 14th houses south side in Deer Valley, Park City previously addressed under PC-547.
2. The site is within the Historic Residential- Low Density (HRL) Zoning District.
3. The proposed Subdivision Plat creates five (5) Subdivision Lots out of two existing Government lots.
4. The application for the Lilac Hill East Subdivision was deemed completed on September 23, 2019.
5. The three (3) existing houses on the site are all designated as Landmark on the Park City Historic Sites Inventory (HSI).
6. All three (3) Historic Structures were likely constructed in the 1890s, and prior to 1907.
7. The properties were initially constructed on mining claims, and the land came to be held by the Bureau of Land Management (BLM).
8. In November 2018, the BLM granted a land patent to Richard Dennis, Pamela Ann Fisher, and Paula Marie Bond for the property.
9. The land was rezoned from RM to HRL through Ordinance 2017-05.

10. There are no known previous applications found for the property as the houses do not have street address numbers.
11. The Historic Sites referenced as 652 and 660 Rossie Hill Drive on the City's Historic Sites Inventory are the addresses of two condominiums to the southeast of this site. 652 Rossie Hill Drive is the street address number of Unit 2 of the Tahoma Condominiums (TAHOMA-2); and 660 Rossie Hill Drive is the street address number of Unit 1 Building 1 of the Quicksilver Condominium (QS-1).
12. At the November 13, 2019 Planning Commission meeting, the item was continued to December 11, 2019.
13. The proposed Subdivision Plat creates five (5) Lots of record from the existing legal description containing 0.79 acres. The proposal is as follows:
 - a. Lot 1: Proposed address of 741 Rossie Hill Drive. Consisting of the existing Historic Site addressed as 660 Rossie Hill Drive and containing 5,253 sq. ft.
 - b. Lot 2: Proposed address of 729 Rossie Hill Drive. Consisting of the existing Historic Site addressed as 652 Rossie Hill Drive and containing 6,566 sq. ft.
 - c. Lot 3: Proposed address of 755 Rossie Hill Drive. Consisting of the existing Historic Site addressed as 622 Rossie Hill Drive and containing 7,327 sq. ft.
 - d. Lot 4: Proposed address of 751 Rossie Hill Drive. Contains 7,437 sq. ft.
 - e. Lot 5: Proposed address of 747 Rossie Hill Drive. Contains 6,176 sq. ft.
14. A portion of Rossie Hill Drive cuts across the northeast corner of the site (1,146 sq. ft) as well as across the south portion of the site (275 sq. ft). Both portions of Rossie Hill Drive will be dedicated to the City with this Subdivision Plat, and the street dedication shall be noted on the recorded plat,
15. The wood slat fence, wood path, planter box, and shed encroach into the neighboring property PC-750-1-X that is owned by the City. The applicant shall either remove the encroachments or enter into an encroachment agreement prior to recordation of this Subdivision Plat.
16. The minimum Setbacks for Lot 1 are:
 - a. Side: 5ft for a total of 18ft
 - b. Front/ Rear: 15ft for a total of 30ft
17. The minimum Setbacks for Lot 2 are:
 - a. Side: 5ft for a total of 14ft
 - b. Front/ Rear: 15ft for a total of 30ft
18. The minimum Setbacks for Lot 3 are:
 - a. Side: 10ft for a total of 24ft
 - b. Front/ Rear: 12ft for a total of 25ft
19. The minimum Setbacks for Lot 4 are:
 - a. Side: 10ft for a total of 24ft

- b. Front/ Rear: 12ft for a total of 25ft
- 20. The minimum Setbacks for Lot 5 are:
 - a. Side: 10ft for a total of 24ft
 - b. Front/ Rear: 10ft for a total of 20ft
- 21. The Maximum Building Footprint for each Lot are:
 - a. Lot 1: 1955.16 square feet
 - b. Lot 2: 2270.04 square feet
 - c. Lot 3: 2427.1 square feet
 - d. Lot 4: 2448.36 square feet
 - e. Lot 4: 2182.52 square feet
- 22. Single-family dwellings are an allowed use in the HRL District. The minimum Lot Area is 3,750 square feet. The proposed Lots meet the minimum Lot Area. The minimum width of a Lot is thirty-five (35'), measured fifteen feet back from the Front Lot Line. The proposed Lots meet the minimum Lot width.
- 23. The proposed shared driveway with utilities is required to be a minimum of twenty feet (20') wide. The access road grades are proposed to be less than fourteen percent (14%).
- 24. Current standards would prohibit any roads over ten percent (10%) from being converted to public Rights of-Way. Neither Planning nor Engineering staff would recommend accepting any part of the private drive as a public Right-of-Way in the future.
- 25. Staff finds in order to mitigate the impacts of the paved twenty (20) foot wide driveway, a setback of ten feet (10') from the Driveway Easement should be required, per Condition of Approval #5. The applicant has agreed to this Condition of Approval.
- 26. The City Engineer will require the applicant to grant one (1) – ten-foot (10') snow storage easements along the south property line along Rossie Hill.
- 27. The Site is not located within the Sensitive Lands Overlay District.
- 28. The Site is not located within the Soils Ordinance Boundary.
- 29. All development shall comply with the applicable LMC Requirements.
- 30. A Subdivision Plat is necessary in order for the three (3) Historic Sites to be developed.
- 31. On October 30, 2019, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on October 26, 2016, according to requirements of the Land Management Code. At the November 13, 2019 Planning Commission meeting, this item was continued to December 11, 2019.
- 32. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

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

Conditions of Approval – Lilac Hill East Subdivision

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 will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The applicant shall dedicate the portions of the property that consist of Rossie Hill Drive to the City as part of this Subdivision Plat.
4. A ten foot (10') wide public snow storage easement will be required along the south side of Rossie Hill Drive.
5. All Lots shall have a ten (10') foot setback from the Driveway Easement.
6. The wood slat fence, wood path, planter box, and shed encroach into the neighboring property PC-750-1-X that is owned by the City. The applicant shall either remove the encroachments or enter into an encroachment agreement prior to recordation of this Subdivision Plat.
7. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore 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 to State and Federal law.
8. 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.
9. Drives (private road I Fire Department access road) shall provide twenty feet (20') wide of clear space to meet Fire Code. If parking impacts this twenty feet (20') wide clear space, it will not be allowed and shall be signed "No Parking". Roads less than twenty-six feet (26') wide shall be marked "No Parking" on both sides of the road. Fire District access shall be noted and identified on the recorded plat.
10. This property shall not be further subdivided.

11. The Driveway Easement from lower Rossie Hill Drive shall be the single vehicular access for all five (5) Lots.

8.D. Portions of Parcel 17 and 18 – Zoning Map Amendment – Request for a zone change for Eight (8) Tracts of Bureau of Land Management (BLM) Owned Land in the Rossie Hill, Mellow Mountain Road and Marsac 100 Area to Recreation Open Space (ROS) In Order to Preserve the Undeveloped Lots as Open Space. (Application PL-19-04356)

Planner Alexandra Ananth reviewed the proposal to rezone eight tracts of land consisting of BLM Parcels 17, Tract 1 through 4; and Parcel 18, Tract 1, 2, 6, and 7. This item was a zoning map amendment.

Planner Ananth reported that the parcels are owned by the Bureau of Land Management, and they are all former mining claims. None of these parcels contain any buildings or structures. The existing zoning varies on the various parcels and include Residential development, Estate, Historic Residential Low Density, and Residential Development Medium Density. The City was proposing to rezone all of these tracts to open space.

Planner Ananth stated that while the Staff was doing their analysis, they decided to remove parcel 17, Tract 3 from this rezone request. Tract 3 is a long sliver that crosses multiple zoning designations; including what appears to be private property. For that reason, the Staff chose not to rezone those sites to ROS at this time. It will be considered at a future date.

Planner Ananth reviewed the proposed zoning map showing the parcels in question. The area in green and outlined in yellow would be rezoned to ROS. She noted that the table included in the Staff report talks about the development potential on these lots. Parcel 17, Tract 1 has enough lot area to develop one residential unit; however, there are no roads to access that lot. Parcel 17, Tract 2 and Tract 4 are too small for any residential units. Parcel 18, Tract 1 could contain two units. Tract 2 has number of options; two units, a duplex, a triplex, or a multi-unit dwelling by a CUP. Tract 6 and 7 are also too small to be developed with residential units.

Director Erickson clarified that the development potential would be under the current zoning; not under the proposed ROS. With ROS the development potential is taken away from those properties. Planner Ananth agreed. The ROS zoning district only allows for conservation activity.

Staff found good cause for the zoning map amendment. It will preserve existing open space open space that serves as trails, wildlife, and view corridors. It will not cause undue harm to adjacent property owners. It will preserve the character of the existing neighborhood and further the health, safety, and welfare of the Park City community.

Planner Ananth noted that a number of public comment emails were included in the Staff report. One email came in after the Staff report was prepared and that email was provided to the Commissioners this evening. All the public comments were in favor of the proposed rezone.

The Staff recommended that the Planning Commission review the zoning map amendment, conduct a public hearing, and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

Chair Phillips opened the public hearing.

Kristen Gentile, a resident at 555 Deer Valley Drive, conveyed her support for open space of these two tracts of land. As someone who lives on Deer Valley Drive, she uses this sliver of land to access trails. Ms. Gentile requested that the Planning Commission approve this request for open space.

Diane Bernhardt pointed out that besides the emails, a petition was also included in the Staff report. She estimated that at least 60 signatures were collected in support of this zoning map amendment. Ms. Bernhardt commented on Tract 2 and stated that at the time the original Lilac Hill Subdivision was created, the developer, who was also the developer of Lilac Hill East, committed to a \$75,000 bond, which would sunset in three years, to put in stairs to help keep pedestrians off the hairpin turn. Ms. Bernhardt believed there was approximately one year left on the bond. She thought it would be nice if they could work with the developer in the new area to convince him as a community to potentially renew the \$75,000 bond, since it will benefit the developer and the community.

Allison Kitching, a resident at 670 Deer Valley Loop Drive, supported Parcels 17 and 18 becoming permanent open space. The developer was nice enough to offer to create stairs on Parcel 18, Tract 2 and she would like to take him up on that offer for the community. She lives right there and watches people walk up and down in the winter and falling up and down the hill. It would be wonderful to have stairs so everyone could go around the hairpin turn. It is dangerous and prohibits being a more walkable town. Ms. Kitching requested that the City encourage the applicant to put in the stairway before the bond expires.

Chair Phillips closed the public hearing.

Commissioner Hall asked City Attorney Harrington for his thoughts on the stairway. Mr. Harrington had no thoughts regarding this action because it is a legislative recommendation. However, Heinrich Deter had provided an update to the City Manager and they will keep track of it within the year and come back to the Planning Commission if necessary.

Commissioner Kenworthy asked if the ROS zone allows for aerial transportation if there is a need in the future. He specifically referred to Parcel 17, Tract 4. Director Erickson replied that the general answer is yes because a lot of the ski area operations are in ROS zones.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the BLM Land; Portions of Parcel 17 and 18, seven tracts, specifically excluding Tract 3, based on the Findings of Fact and Conclusions of Law as found in the draft ordinance. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Zoning Map Amendment

1. The properties are identified as BLM Parcel 17 Tracts 1-4 and BLM Parcel 18 Tracts 1, 2, 6 and 7.
2. The properties are currently zoned Residential Development (RD), Estate (E), Residential Development-Medium Density (RM) and Historic Residential-Low Density (HRL).
3. These tracts of land are former mining claims and contain no buildings and have historically been used for recreation and passive open space (conservation) purposes including serving as wildlife habitat.
4. These tracts of land are located off of Mellow Mountain Road, Rossie Hill Drive/Deer Valley Loop, and Marsac Avenue.
5. The City is proposing to rezone the land to Recreation Open Space (ROS) in order to maintain these sites as Recreation Open Space resources.
6. There is limited vehicular access to many of these sites and the City has not expressed an intent to develop any of these sites therefore the long-term plan would be to manage these sites as passive recreation use with wildlife and conservation benefits.
7. It is expected that at some point in the future the BLM will dispose of these sites under a competitive bidding procedure although the timing of the disposal remains unclear.

8. The ROS District lists Conservation Activity as an allowed use.
9. The Residential Development District allows for up to three Residential Units per acre so Parcel 17 Tract 1 could support residential development containing one (1) unit. However, this lot is currently land locked with no access to a road.
10. Parcel 17 Tract 2 is in the RD District but is too small to support residential development.
11. Parcel 17 Tracts 3 and 4 are in the Estate District and are too small to support residential development as the minimum lot size is three acres per dwelling unit.
12. Parcel 18 Tract 1 is located in the Historic Residential-Low Density (HRL) District where the minimum Lot Area is only 3,750 square feet therefore this tract could support up to two dwelling Units.
13. Parcel 18 Tract 2 is zoned Residential –Medium Density (RM) and could support two Single Family Dwellings, a Duplex or a Triplex by-right, or a Multi-Unit Dwelling by Conditional Use Permit. Due to the number of significant Mining Era Cottages in this immediate area preserving these remaining mining claim tracts from development will help maintain the historic context of this neighborhood.
14. Parcel 18 Tracts 6 and 7 are both small parcels but together almost create a large enough parcel for one residential unit. However, these two tracts, together with Tract 2 and Tract 4 (already zoned ROS) create a view corridor up Rossie Hill Drive and past Coalition View Court worth preserving.
15. The Zoning Map Amendment to ROS is appropriate in that the zone change will meet City Council's goals of protecting undeveloped lands, conserving a connected, healthy network of open space for continued access to and respect for the Natural Setting, to conserve natural resources and to preserve community character consistent with the General Plan.
16. There is Good Cause for this Zoning Map Amendment as the amendment will preserve existing open space that serves as trails, wildlife and view corridors.

Conclusions of Law – Zoning Map Amendment

1. There is Good Cause for this Zoning Map Amendment as the amendment will preserve existing open space that serves as trails, wildlife and view corridors.
2. The Zoning Map Amendment is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

- 8.E. **7697 Village Way - Empire Residences First Amended and Restated Condominium Plat - The building is currently under construction and the applicant is proposing the following amendments: reconfiguration of Units 102, 103, 302, 402, 403, and 601; reconfiguration of the storage units on the garage level; and assignment of the Commercial Space on Level P1 and Level 1 for property management purposes. There are no proposed changes to the Unit Equivalents, Parking Spaces provided, or Building Footprint as a part of the proposed Condominium Plat. Because every sheet of the existing Empire Residences Condominium Plat is being amended, the applicant is proposing to retire the existing Condominium Plat and to replace it with the new Empire Residences First Amended and Restated Condominium Plat. (Application PL-19-04362)**

Lynn Paden and John Seastrand were present to represent the applicant.

Planner Tyler reviewed the condominium plat amendment for the Empire Residences first amended and restated condominium plat. An existing plat was approved by the City Council in February 2018. This plat would retire the existing plat and create a new condominium plat.

Planner Tyler explained that new owners purchased some of the units and some reconfiguration is planned.

Planner Tyler clarified that the chart identified 40 required parking spaces. However, the analysis section in the Staff report did not mention a 25% reduction in the parking requirements per the Village at Empire Pass MPD. The reduction was reflected in the Findings. Planner Tyler noted that the 33 parking spaces provided exceeds the parking requirement by three spaces.

The Staff found this application to be consistent with the previous approvals and recommended that the Planning Commission forward a positive recommendation to the City Council on December 19, 2019.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for 7697 Village Way - Empire Residences First Amended and Restated

Condominium Plat, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 7679 Village Way

1. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
2. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities for the annexation area.
3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (VEP MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (also known as the Mountain Village) was later amended to include Pod B2 (Montage and B2 East).
4. The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multifamily (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.
5. To date approximately 382 multi-family units (588.742 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built (including the One Empire Pass units currently under construction) within Pods A, B1 and B2.
6. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Building 5 is under construction as One Empire Pass. Lodge buildings still to be approved within Pod A are: Tower Residences (Building 1), Building 3 (subject property) and Building 4.
7. There is sufficient density remaining within the VE MPD for the proposed 21 units (24.5 UE).
8. Approximately 540 certificates of occupancy have been issued for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D). According to the Annexation and Development Agreement, 15 AUE of affordable housing obligations come due for each 150 UE certificates of occupancy. The next housing obligation trigger point is 600 UE

certificates of occupancy, when 60 AUE are required to be complete. As of now 104 affordable units are completed and have certificates of occupancy (89 units are off-mountain

and 15 units are on-mountain).

9. As part of the Empire Residences CUP 1.1 AUE (880 sf) is required by the subdivision plat

for this lot. The affordable unit consists of 880 sf (not including dedicated storage areas)

and is designated as private area and can be sold as an affordable unit or used for long term rental to qualified workers consistent with the Flagstaff Housing Mitigation Plan and

applicable housing resolutions.

10. The property is located at 7697 Village Way.

11. Access to the property is from Village Way, a private street.

12. The property is subject to subdivision plat notes that require compliance with the Flagstaff Annexation and Development Agreement, approval of a Conditional Use Permit for each lodge building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, a 20' snow storage easement along the street frontages, water efficient landscaping, and various utility and maintenance provisions.

13. A Conditional Use Permit (CUP) for the building was approved on January 10, 2018.

14. The Empire Residences Condominium Plat Amendment was approved by City Council on February 1, 2018.

15. On October 21, 2019, the City received an application for the Empire Residences First Amended and Restated Condominium Plat Amendment. The application was deemed complete on October 31, 2019.

16. On November 7, 2019 the City Council held a Study Session to consider the Historic

Preservation obligations of Developers under the Flagstaff Development Agreement and compliance responsibilities.

17. At the November 7, 2019 Study Session, Council was presented with a Planning Department Staff Report which summarized an October 2019 report by SWCA Environmental Consultants titled Historic Preservation Plan Update for Flagstaff Mountain Resort in Park City.

18. The October 2019 SWCA Report and the November 7 Staff Report identified current

deficiencies in historic preservation obligations and mitigation and/or maintenance work needed (Nov. 7 Staff Report Tables 2-5 and 9), identified additional suggested historic preservation work needed (Nov. 7 Staff Report Table 6), and found that immediate stabilization was needed on the Judge Mining and Smelting Building before the coming

winter.

19. No decisions were made by Council at the November 7, 2019 Study Session and Council stated that the issues would be further addressed at a future work session. However, Council indicated that preservation of the historic mine site structures was a priority for the Council. Also, that applications before the Planning Commission should continue to be addressed on a case-by-case basis.

20. City Council stated at the November 7, 2019 Study Session their desire to proactively work with responsible parties via a new Memorandum of Agreement to achieve compliance with the obligations of the Flagstaff Annexation and Development Agreement and Technical Reports 5 & 6, including continuing maintenance.

21. The currently proposed Memorandum of Agreement (MOA) has not yet been executed and its terms have not yet been finalized.

22. In the currently proposed MOA, developers Storied and REDUS agree in paragraph 3(b) to provide \$40,000 each into escrow for costs incurred by the Association to stabilize the Judge Mining and Smelting Building. This amount has not yet been determined to be adequate.

23. The proposed condominium plat memorializes the density, size and configuration of units to be construction in one phase and identifies areas of private, common and limited common ownership.

24. The building is currently under construction and the applicant is proposing the following amendments: reconfiguration of Units 102, 103, 302, 402, 403, and 601; reconfiguration of the storage units on the garage level; and assignment of the Commercial Space on Level P1 and Level 1.

25. Based on the unit sizes, a minimum of 30 parking spaces are required when taking into consideration the 25% parking reduction required by the Flagstaff Development Agreement and MPD.

26. An underground parking structure provides 30 parking spaces, including 2 ADA spaces, as well as limited common storage areas for each unit. Three surface spaces are provided for a total of 33 parking spaces.

27. Each unit has one assigned limited common parking space and the remaining spaces are common.

28. The plat is consistent with the approved Village at Empire Pass Master Planned Development and the Empire Residences Conditional Use Permit in terms of density, height, uses, setbacks, and parking.

29. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.

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

Conditions of Approval – 7679 Village Way

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium 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 amended condominium 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 submitted in writing and approved by the City Council.
3. Conditions of approval of the Village at Empire Pass Master Planned Development (MPD) and the Empire Residences Conditional Use Permit (CUP) apply to this plat and a note shall be added to the plat prior to recordation referencing that conditions of approval of the Village at Empire Pass MPD, Village at Empire Pass North Subdivision, and the Empire Residences CUP continue to apply to this condominium plat.
4. All applicable recorded public utility and access easements shall be indicated on this condominium plat prior to recordation.
5. The deed restricted employee housing unit (EHU) shall be a minimum of 880 sf, exclusive of additional storage area to be dedicated to this unit, to meet the plat note requirement of 1.1 AUE for this lot. One AUE is equivalent to 800 sf according to the Development Agreement. The ADA unit shall be platted as common area.
6. A deed restriction for the EHU unit, acceptable to the City, shall be recorded prior to plat recordation. The deed restriction shall outline and resolve any issues or concerns that may have come up on other affordable units platted as private. The plat shall note that the EHU is subject to a deed restriction.
7. The CCRs shall limit the HOA dues related to the deed restricted employee housing unit (EHU) in order to ensure the Unit remains affordable. The CCRs shall reflect a lower parvalue to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
8. The ADA unit shall be platted as Common Area.

8.F. 2080 Gold Dust Lane and 2211 Sidewinder Drive - Zone Change - The Applicant is Proposing a Zone Change for Parcels PCA-3-3002-1 and PCA-3-3002-1A, also known as 2080 Gold Dust Lane and 2211 Sidewinder Drive, from Residential Development (RD) to General Commercial (GC). (Application PL-19-04353)

Michael Demkowitz with Alliance Engineering, Stanton Jones, and Curtis Sorensen with Modern Utah were present to represent the applicant.

Planner Ananth reviewed the application for 2080 Gold Dust Lane and 2211 Sidewinder Drive. The proposal was for a zoning map amendment. The site consists of three parcels; The Silver Mountain Sports Club, as well as two parcels that make up additional parking area for the Sports Club. The parking parcels are accessed through the Prospector Condominiums parking area. A green arrow on the image shown represented the access off of Sidewinder into that parking area. The applicant was requesting to rezone these three lots from Residential Development to General Commercial.

Planner Ananth reported that the applicant had also submitted a concurrent subdivision application. If this rezone is approved, they would move forward with the subdivision. However, if this rezone is continued, Planner Ananth recommended continuing the subdivision application to a later date.

Planner Ananth presented a slide showing the proposed zoning map amendment. She reiterated that the change would be from Residential to General Commercial, which would extend an existing contiguous General Commercial District.

Planner Ananth stated that some of the primary issues with this project relate to parking and access. In 2000, a CUP increased the floor area of the Sports Club and added a swimming pool, as well as 23 parking spaces, for a total of 78 parking spaces. This met the parking requirement in effect at the time based on the building occupancy and in conjunction with the Prospector Square Condominiums, which the health club was then associated with. However, it is no longer associated with the condominium buildings.

Planner Ananth reported that the current parking requirement for a commercial facility is five stalls per 1,000 square feet of floor area, which equates to 144 parking stalls for the site based on the building size. The applicant has agreed to maintain 78 parking stalls for the health club use. They would do that by providing underground parking on the new lot when it is redeveloped. Planner Ananth believed that a parking study would

help analyze whether the existing parking meets the actual parking demand, given the great disparity between the existing 78 spaces and what would be required.

Planner Ananth stated that access through the Prospector Square residential condominium parking area was also concerning.

Planner Ananth remarked that density was another issue with this upzone. The proposed General Commercial District allows for more density than the residential district zone. Planner Ananth noted that the Silver Mountain Sports Club would require a CUP under either zone. However, the residential development zone allows for one unit as an allowed use, or up to three units with an MPD on the vacant parking parcels. The General Commercial Zone allows for development based on FAR and could support a building up to 57,000 square feet provided the applicant could meet all other requirements on site.

Planner Ananth stated that if the applicant is to move forward with redeveloping these lots, it is likely that both an MPD and a CUP would be required for the redevelopment of Lot 2 based on the proposed building size.

Planner Ananth summarized that the applicant was proposing to expand but maintain the General Commercial District. The allowed density for the vacant parking parcel would be in keeping with the surrounding neighborhood if the impacts could be mitigated. An additional density where transit and services exist would generally help support those services and makes good land use planning sense, particularly if deed restricted or life cycle housing units are included in future development. The neighborhood is already mixed-use and walkable. Share parking may be appropriate for this site.

Planner Ananth stated that the concern with this project is that similar with many other neighborhoods in Park City, two of the greatest threats to this relatively affordable neighborhood is gentrification and the proliferation of nightly rentals. Safety is a concern with the location being near an intersection, and with access through a residential parking lot. The Planning Department recommended a parking study be submitted for the Sports Club to help get a better understanding of whether the existing 78 stalls are sufficient to meet the parking demand; as well as how many stalls they might consider adding. The City would want to ensure that any new development has access to the rail trail, and that the neighborhood is protected from the development impacts.

Planner Ananth reported that the alternatives for the Planning Commission after conducting a public hearing is to forward a positive recommendation to the City Council;

forward a negative recommendation to the City Council and direct Staff to make findings for that action; or to continue discussion on the zoning map amendment to a date certain and provide input to the Staff and applicant on additional information required in order to make a recommendation.

Mike Demkowitz, representing the applicant, felt the General Commercial was a good zone change and would be more consistent with the adjacent General Commercial across the street on Gold Dust Lane. Since the Sports Club is a commercial facility, it would be more consistent with the General Commercial Zone rather than the Residential Development Zone. Mr. Demkowitz stated that the applicant has committed to providing housing for the need of the community, whether it be rentals or affordable housing units, as part of his building plans. It is good location for additional rentals and units because it is on the Rail Trail and the existing bus service is readily available. Mr. Demkowitz remarked that the applicant was working through utility designs with the Utility Departments and the Snyderville Basin Sewer District and the Water Department. He was confident that any issues could be easily resolved. Mr. Demkowitz felt here was good cause to rezone this parcel to the General Commercial Zone.

Commissioner Thimm understood that nightly rentals were a permitted use in the underlying zone as well as the proposed zone. Planner Ananth explained that the concern is that it might negatively impact the existing residential neighborhood. The goal is to make sure there is a balance when they look at projects that may allow nightly rentals, even if it is allowed in the underlying zone.

Director Erickson stated that he and Planner Ananth were dealing with a number of things that would be allowed with the zone change; not just the underlying land use. Commissioner Thimm understood there could potentially be more density, but the use does not change with the rezone. Planner Ananth pointed out that the General Plan calls out neighborhood protections and being wary of the number of nightly rentals that already exist in that neighborhood.

Commissioner Kenworthy asked what other effects they were looking at for the Rail Trail. Planner Ananth replied that it would primarily be maintaining access to the Rail Trail should that lot be developed.

Commissioner Van Dine felt strongly about submitting a traffic study and parking study. Her child went to daycare across the street from the subject property and that street is very crowded. She disputed the Staff report saying that there was no parking problem because there are bad parking problems. Commissioner Van Dine stated that to say that Silver Mountain Sports Club does not take over the street parking was inaccurate from her experience from spending time in that area. Commissioner Van Dine was not

willing to approve the zone change request without first seeing a parking and traffic study. That area has significant walking traffic and she was concerned about adding more density. Children from the condos walk through that neighborhood to get to school and it was important to do the studies to understand the actual impacts.

Commissioner Van Dine clarified that she was asking for a parking study for the Sports Club and a traffic study related to the added density.

Stanton Jones, representing the applicant, clarified that they were not asking for approval for density at this time. They were only requesting a zone change to be consistent with the neighbors across the street. As the owner of the Silver Mountain Sports Club, he monitors parking on a daily basis. Mr. Jones stated that he could almost guarantee that no one every parks on the street. They always have open parking spaces in the parking lot. Mr. Jones stated that the parking and traffic problems Commissioner Van Dine had mentioned are not generated by the Sports Club or its members. He believed the traffic problems were due to Sidewinder being the shortcut to get around the highway.

Chair Phillips opened the public hearing.

Zach Rapaz stated that he lives in Building 6 of the Prospector and he agreed with Commissioner Van Dine that the parking lot is very full. If a building is built there without adequate parking, he could foresee a problem of people parking on the street on Sidewinder. Mr. Rapaz noted that he is new to Park City. He purchased his condo in July and this was his first public meeting. Mr. Rapaz thought the traffic from the intersection at Gold Dust Lane could also be an issue. People park on the street because the parking lots fill up in all the commercial areas. He remarked that currently Gold Dust Lane is a buffer from the mixed-use to the residential neighborhood. Mr. Rapaz pointed out that in addition to nightly rentals, many people live full-time in the Prospector units and parking can be an issue, especially in the winter when spaces are lost due to snow. He was unsure how much density would be added, but whatever the amount, it would not make parking or traffic better. Mr. Rapaz encouraged the Planning Commission to think about the traffic and how the buffer zone separates the residential from the commercial in that area.

Allison Kitching stated that she has been a member of the Silver Mountain Sports Club for five years. In that time, she has never had to park on the street. Ms. Kitching knows that people do park on the street but there are other businesses nearby and she thought those businesses may contribute to the street parking. She has never had an issue finding a parking space at the Sports Club but assumed that some club members may choose to park on the street even if there are spaces in the parking lot.

Kristin Gentile stated that she is a member of the Silver Mountain Athletic Club and like Ms. Kitching she has never encountered a parking issue. Ms. Gentile remarked that she goes to the gym in the mornings, evenings, and on the weekends. She supported Mr. Jones' statement that they do a good job of maintaining the parking for members.

Chair Phillips closed the public hearing.

Commissioner Sletten thought the location was too important to rely solely on anecdotal evidence about parking. A traffic study might be overkill but he thought a parking study was important. Commissioner Hall concurred.

Chair Phillips agreed that it was a big enough change to require appropriate attention. If they allow this change it will be permanent. In 20 years they could potentially tear down the building and no one knows what else they could build in its place. Chair Phillips thought it was important to keep all these factors in mind when considering a significant zoning change.

Chair Phillips requested additional analysis to see how this would impact the neighboring units. Height was another issue to consider.

City Attorney Harrington understood that the Commissioners were looking for additional information in conjunction with the third alternative, which is a continuation with further direction to Staff and the applicant.

Commissioner Thimm noted that they were avoiding island zoning, which was favorable. They were also dealing with contiguous zones. He pointed out that this was also contiguous with the RD zone. Commissioner Thimm understood that three deed restricted housing units were mentioned in the Staff report. Mr. Jones replied that the plan is to put in 17 units; of which three would be deed restricted or work force housing.

Commissioner Thimm stated that in his opinion, changing the zone would change the intensity of the use. He did not believe they knew enough without further data to agree that rezoning would be appropriate. Commissioner Thimm remarked that the necessary additional data included a parking study, as well as a traffic study of Sidewinder and the intersections, in particular. He thought the parking analysis should be done in a way that takes into account transportation demand management (TDM) strategies; as well as the potential for shared parking. However, he did not think it should take into account the potential of shared parking that the ownership of this parcel would not have control over, because that could change and result in a problem in the neighbor. Commissioner Thimm suggested that the additional information key

into that in terms of a parking analysis to help the Commissioners understand the impacts of the change and intensity.

Commissioner Thimm stated that if the applicant was willing to limit the plan to 17 units as presented, it should be included as a condition of approval if this item is continued. He believed 30 units could be placed on this site based on the allowed volume, and he supported a limit on units as the applicant's agreed upon intention.

Commissioner Thimm referred to the three deed restricted units. If this comes back to the Planning Commission, he would like a discussion on the targeted AMI in terms of work force housing.

Commissioner Hall recalled a previous applicant who was doing development in this area and did not intend to have nightly rentals. That applicant opted to put a restriction to prohibit nightly rentals. Commissioner Hall felt that eliminating nightly rentals would help integrate the housing into the community. She asked if this applicant or the other Commissioners would consider prohibiting nightly rentals.

Commissioner Kenworthy agreed with his fellow Commissioners that they were putting the cart before the horse until they have the requested additional information.

Chair Phillips shared the Staff's concerns related to access through the condominium lot. He believed that intensity could be magnified and cause additional impacts. Chair Phillips thought that was another factor to consider.

Mr. Jones stated that if someone in Unit 6, which is an adjoining property, has problems with the parking, it has nothing to do with the Silver Mountain Sports Club. The issue is with the parking availability for the condo building. Mr. Jones pointed out that neither building provides parking for the other. Both have an easement through each other's parking lots. They have a good relationship with each other, but they do not park in each other's spaces.

Mr. Jones noted that a second item this evening was for the subdivision plat, which is separate from the GC zoning request. The purpose of the subdivision is to clean up the plats and to change three existing parcels into two lots. Mr. Jones requested that the Planning Commission consider the subdivision request this evening.

Planner Ananth clarified that her analysis for the subdivision was done under the assumption of the General Commercial Zone. Therefore, it was not analyzed under the existing zone. She suggested that the Planning Commission could move forward with

the subdivision plat this evening; or continue it as well. Commissioner Thimm suggested that the Commissioners have that discussion when they move to that item.

Director Erickson suggested that the Planning Commission continue this item to a date uncertain to give the Staff and the applicant the opportunity to provide the requested information.

MOTION: Commissioner Thimm moved to CONTINUE the 2080 Gold Dust Lane and 2211 Sidewinder Drive Zone Change to a date uncertain. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

8.G. 2080 Gold Dust – Subdivision Plat – The Applicant is requesting to create Silver Rail Subdivision, a Two-Lot (2) Subdivision from Three (3) Existing Parcels. (Application PL-04352).

Planner Ananth reviewed the application to create a two-lot subdivision subdividing off the parking areas, Parcels 2 and 3, from the Sports Club. Lot 1 is the Sports Club and Lot 2 is the parking area.

Planner Ananth stated that the issues are similar to the issues that existed on the zone change request. The access is through the condominium parking area, which is the existing situation with access to the parking area. Planner Ananth remarked that one concern is that a significant portion of the existing parking spaces would be removed from being associated with the Sports Club. If the lot is ever sold to a different owner, it could bring the Sports Club into potential non-compliance with parking.

Planner Ananth remarked that the commercial recreation facility would remain on Lot 1 and would require CUPs under either the Residential Development or Commercial Development zone. The applicant will likely seek to develop a mixed-use building on Lot 2; however, no plans for Lot 2 have been submitted to the Planning Department at this time. The applicant will need to address parking and access issues.

Planner Ananth believed the Planning Commission would revisit the project at plans for Lot 2 move forward because the need for an MPD as well as a CUP is anticipated.

Planner Ananth stated that the Planning Commission had three alternatives this evening. They could forward a positive recommendation to the City Council on the two-

lot subdivision; forward a negative recommendation to the City Council with direction to draft Findings for their decision; or continue to a date uncertain.

Commissioner Thimm noted from the prior discussion that Planner Ananth had analyzed this subdivision based upon the new zone. Planner Ananth clarified that her Staff report analyzed this project under the Commercial Zone. However, she did have an analysis that was done for the last project under the RD zone. She noted that the residential zone generally allows for single and two-family dwelling units. Based on its lot size, this lot could support one unit as an allowed use as a by-right use; or up to three with an MPD under the existing residential zone.

Commissioner Thimm asked if there was adequate analysis for the underlying zone. Planner Ananth answered yes.

Commissioner Hall noted that if the Planning Commission proceeds with this application this evening, the Findings talk about a simultaneous application and the conversion from residential to general commercial. She asked if the Findings should be amended to clarify that the zoning had not yet been changed because the previous application was continued.

City Attorney Harrington suggested that the Planning Commission review the Findings and direct the Staff to make any amendments related to the zone change before the report is finalized for the City Council Meeting. The Commissioners could also direct Staff to amend the Findings but request to review the Findings before it is forwarded to the City Council.

Commissioner Thimm asked the applicant for the compelling reason to move ahead with the subdivision plat since the zone change had been continued. Mr. Jones explained that the subdivision did not depend on the commercial zoning change. There are three parcels under the same owner and the Silver Mountain Sports Club controls all three parcels. There is a 10' swath on the other side of Lot 2 that is connected to Lot one. Mr. Jones clarified that he was trying to make two plats. Currently, it is three parcels which is very confusing for everyone as to which parcel is which. Mr. Jones stated that even if the requested zone change to GC is denied, he would still be requesting the subdivision plat. The intent is to have two plats and two parcels instead of three parcels and two plats.

After reading through the Findings of Fact, Conclusions of Law, and Conditions of Approval, Planner Ananth did not believe any of them needed to be amended. City Attorney Harrington noted that Finding #2 needed to be changed because it references

General Commercial. Commissioner Van Dine noted that Finding #5 also mentions the GC zone.

Commissioner Hall asked if they could add a Finding of Fact stating that the zone was still Residential Development and not General Commercial. City Attorney Harrington did not recommend any Findings that reference a potential zone.

Planner Ananth suggested striking Finding #5. Commissioner Sletten asked if Finding #9 was still required. Planner Ananth thought Finding #9 should be stricken.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

Commissioner Hall asked if there would be a reciprocal easement agreement between the two lots going forward. Mr. Jones replied that an easement agreement already exists. He owns both lots and they need 19 spaces to fulfill their required 78 parking spaces. It is currently used as overflow parking. They would still have two lots. The difference is that there would not be three parcels. Mr. Demkowitz pointed out that there is already an existing access easement through the adjacent parking lot from Sidewinder to the back lot on the south end. That easement was granted in 1997 and it is still in effect. There would be no changes to that easement agreement.

Chair Phillips could not find any reason not to approve the subdivision plat this evening. The Commissioners agreed.

Planner Ananth summarized the changes to the Findings of Fact. Finding #2 would be edited to remove the reference to General Commercial. Findings #5 and #9 would be removed entirely.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the 2080 Gold Dust Subdivision Plat to create a 2-lot subdivision from the 3 parcels, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance, and as amended per the discussion this evening. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 2080 Gold Dust - Subdivision Plat

1. Summit County Parcels No. PCA-3-3002-1, PCA-3-3002-1-A and PCA-3-3002-1, make up a 2.93-acre site located at 2080 Gold Dust Lane and 2211 Sidewinder Drive.
2. 2080 Gold Dust Lane is improved with a Commercial Recreational Facility which requires a CUP in the Residential Development District.
3. 2211 Sidewinder Drive contains 26 parking stalls for the Silver Mountain Sports Club.
4. 2080 Gold Dust Lane received two (2) Conditional Use Permits over the years as they made improvements to the Club including in 1996 to add an Outdoor Swimming Pool and hot tub; and in 2000 to increase the floor area by 7,636 square feet, to construct a new swimming pool with seasonal cover and to add 23 net new parking spaces. The Sports Club met the parking requirement in effect at the time.
5. On October 15, 2019, the applicant submitted a simultaneous application to subdivide the 2.93-acre site into two (2) lots.
6. No plans for the development of Lot 2 have been submitted to the City to date.
7. Any development on Lot 2 will need to meet the requirements of the Land Management Code.
8. Assuming impacts can be mitigated, it is considered good planning practice to allow for infill development in existing neighborhoods where transit and services exist, particularly if deed restricted units are included in future development.
9. The applicant has been encouraged to work with the City's Planning and Engineering Divisions as plans develop for Lot 2 and to replace existing Silver Mountain Sports Club Parking on Lot 2 within the new development. A parking study for the Sports Club will be required for the development of Lot 2.
10. The Planning Department notes both Lot 1 and Lot 2 are located within the Soils Ordinance Boundary and future development of Lot 2 must comply with LMC 11-15.

Conclusions of Law – 2080 Gold Dust Subdivision Plat

1. There is Good Cause for the Subdivision Plat. The proposed Lot 1 would continue to operate as a health club and Lot 2 would create a legal lot of record from two lots and facilitate infill development in an area where transit and services exist.
2. The Subdivision Plat is consistent with the 2014 Park City General Plan and the Park City Land Management Code including Sections 15-7.1-3(C) and 15-12-15(B)(4) and (9) and applicable State Law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision Plat does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval – 2080 Gold Dust Subdivision Plat

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State Law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.
2. The applicant will record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the Plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Lots 1 and 2 of the Silver Rail Subdivision Plat shall not be further subdivided in the future.
4. Both Lot 1 and Lot 2 are located within the Soils Ordinance Boundary and future development of Lot 2 must comply with LMC 11-15.
5. Any future development of Lot 2 shall include parking to replace the 26 surface stalls that currently exist on Lot 2 for the Sports Club unless a Parking Study is submitted that justifies a reduction to the existing parking.

8.H. Land Management Code (LMC) Amendment – Medical Cannabis Land Use Regulations, Including LMC 15-1-11 to Outline Administrative Permit Requirements; to Create an Overlay Zone to Allow Medical Cannabis Production Establishments Subject to Issuance of a Utah Department of Food and Agriculture License, an Administrative Permit, and a Business License; and LMC 15-15 to Define Medical Cannabis Pharmacy, Medical Cannabis Production Establishment, Primarily Residential Zoning District, and Main Street Parks. (Application PL-19-04379)

Planner Ward reported that this item was proposed LMC amendments for the State Medical Cannabis program that will be implemented in March 2020. The State has preempted most local land use with these medical cannabis facilities, but there are a few opportunities in the Code to cater the facilities to Park City.

Planner Ward stated that the State Legislature, under the Agricultural Code, established production establishments, which include the cultivators, processors, and testing labs for medical cannabis. The Department of Agriculture licensed aid cultivators, but none of them are proposed for Summit County. They may increase the number of licenses over the coming years, but the City will not see an application for a cultivator. Planner Ward noted that the State did not set a cap on the number of processors or testing labs they will be licensing. Under State Code, production establishments are a permitted use in all industrial and agricultural zones in a city, unless the City selects a zone for these establishments.

Planner Ward explained that because Park City does not have any agricultural zones, the production establishments are placed in the Light Industrial Zoning District right in the center of town. She noted that Park City's Light Industrial Zoning District is unusual because it has a lot of residential units within the District. Some of the complaints from communities that have cultivators and processors is that an order emits from some of these establishments.

Planner Ward stated that the Staff was recommending a temporary overlay zone to make sure that if the City receives applications for a processing facility or testing lab, that it would not be located in the Light Industrial Zone next to the residential area. The Staff recommended an overlay zone over the Baingo-Wortley property north of State Road 248, which was shown in yellow. Planner Ward stated that it was a temporary overlay zone because there may be an opportunity to move it to a more remote area after the City is finished annexing City-owned property.

Planner Ward remarked that the Baingo-Wortley property is surrounded by open space. It is across the street from the Quinn's Junction Water Treatment Plant. Additionally, the property is subject to the Frontage Protection Zone and the Entry Corridor Protection Overlay. Therefore, if anything were located there, it would need to be setback from SR248 and there would be height restrictions.

Planner Ward reported that the State Legislature also established 14 Medical Cannabis Pharmacies that will be regulated by the Department of Health. She noted that the City had not received applications for these pharmacies; however, they have had several inquiries about locating a pharmacy within the City. Planner Ward remarked that per the State, Medical Cannabis Pharmacies are a permitted use in all zones, except for zones that are primarily residential. She noted that most of the zones in Park City that are primarily residential are obvious because they have "residential" in the name of the zone. Planner Ward noted that there are a few outlier zones, such as the Light Industrial Zone with the North Horse Apartments. There are 100 condo units to the south of that zone as well. The Community Transition Zone has the Park City Heights residential development with over 200 proposed residences. The Historic Recreation Commercial Zone has several condos in that zoning district.

The Staff recommended that due to the primarily residential zoning districts, that the City create a definition in the Code that includes the Light Industrial Zone east of Bonanza Drive. It would include the Community Transition Zoning District south of State Road 248; as well as the Historic Recreation Commercial Zone.

Planner Ward reported that the State Legislature also created proximity requirements to buffer medical cannabis facilities from churches, schools, libraries, parks. The Staff was proposing to amend the Land Management Code to define a Main Street Park so it is clear when an applicant comes in where on Historic Main Street those buffers would be delineated. Areas with benches and gathering spaces would be considered a park and a buffer would be created from those locations.

Planner Ward stated that the Staff also recommended amending the LMC to clarify that a local administrative permit would be required for any medical cannabis applicant. An amendment would also include definitions for a production establishment and a pharmacy to clarify that an administrative permit would be required through the Planning Department, a business license under Title IV, and to incorporate the State definitions of those terms.

Commissioner Sletten asked about access to the Baingo-Wortley property. Planner Ward replied that access would be off of SR248 and a road would need to be constructed. Director Erickson noted that there is an existing access road off SR248 at the Richardson Flat intersection, and that intersection is scheduled for signalization at some point in the State Capital Improvement Plan. Park City Heights has contributed funding to that signal light. Director Erickson remarked that there is already a road and a portion of the UDOT right-of-way accesses Baingo-Wortley. It is also known as the Gordo Parcel and the City has used it for material disposal in the past.

Director Erickson stated that Planner Ward had written the amendment to clarify that the primary residential designation is specifically for medical cannabis primary residential. It does not affect underlying zoning.

Commissioner Hall wanted to know why the Baingo-Wortley parcel was chosen. Director Erickson replied that it was chosen because of distance from the primary residential areas.

Director Erickson thought the area between Snow Creek and Fresh Market would be a possible location for a pharmacy. There is already a liquor store in that area and the medical cannabis is being regulated similar to liquor in terms of distances from public uses. One suggestion was a shopping mall but it was too close to the Rail Trail, which is a State Park. Director Erickson remarked that the Staff was also reviewing the Vibrancy Ordinance on Main Street and looking at putting a potential pharmacy on the second level in the Historic District rather than on the first level. Commissioner Kenworthy noted that the City of Boulder implemented an ordinance requiring all pharmacies to be on the second floor.

Commissioner Kenworthy stated that the pharmacies still need to be 600 feet from residential. Until that distance is reduced by State law, Main Street will not be a feasible location. Director Erickson remarked that the Staff was working through the State Code to understand whether something like the Parkite is considered a primary residence. He noted that State Code is not clear in addressing condominiums and hotels in primary residential. That would need to be addressed at the next level.

Commissioner Van Dine pointed out that the medical profession in Utah does not know what to do about medical cannabis. They have had no guidance and everyone is trying to avoid it because the State has not decided how to manage it with the providers.

Commissioner Hall asked if there would be other implications within the Code if they change Main Street Parks to include all the walkways. City Attorney Harrington offered to double-check to make sure, but he believed the Staff tried to isolate these definitions within the application of this ordinance.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council regarding the proposed Medical Cannabis Land Use Regulation Amendments to the Land Management Code as found in the draft ordinance. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission Meeting adjourned at 7:45 p.m.

Approved by Planning Commission: _____