



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
June 23, 2021**

PUBLIC NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, June 23, 2021.

NOTICE OF ELECTRONIC MEETING AND HOW TO COMMENT VIRTUALLY:

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

Planning Commission members will connect electronically. Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

MEETING CALLED TO ORDER AT 5:30 PM.

1.ROLL CALL

2.MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from June 9, 2021.
[PC Minutes 06.09.2021_Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.REGULAR AGENDA

- 5.A. 1335 Lowell Avenue – Conditional Use Permit – The Applicant Proposes to Install Shielded Rooftop Antennas to Relieve Telecommunications Capacity Coverage in the Recreation Commercial Zoning District. PL-21-04768
(A) Public Hearing; (B) Action
[Continuation Report](#)
- 5.B. 199 Daly Avenue – Steep Slope Conditional Use Permit – The Applicant Proposes an Addition to a Significant Historic Structure on a Steep Slope in the Historic Residential – 1

Zoning District. PL-21-04837
(A) Public Hearing; (B) Continuation to July 28, 2021
[Continuation Report](#)

- 5.C. 140 15th Street -- Frontage Protection Zone Conditional Use Permit -- Proposal to Construction a Single-Family Dwelling Within the Frontage Protection Zone (FPZ). PL-21-04842
(A) Public Hearing; (B) Action
[Staff Report](#)
[Exhibit A: Draft Final Action Letter](#)
[Exhibit B: Applicant Statement](#)
[Exhibit C: Site Plan](#)
[Exhibit D: Hulbert Subdivision Plat](#)
- 5.D. 1755 Bonanza Drive Unit C – Conditional Use Permit – The Applicant Offset Bier Proposes a Brewery and Tap Room in the General Commercial Zoning District. PL-21-04846
(A) Public Hearing; (B) Action
[Staff Report](#)
[Exhibit A: Draft Final Action Letter](#)
[Exhibit B: Applicant Statement and Proposed Plans](#)
[Exhibit C: Ironhorse Park Commercial Subdivision](#)
[Exhibit D: Ironhorse Park Commercial Subdivision CC&Rs](#)

6.ADJOURN

A majority of PLANNING COMMISSION members may meet socially after the meeting. If so, the location will be announced by the PLANNING COMMISSION Chair Person. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

***Parking validations will be provided for meeting attendees that park in the China Bridge parking structure.**



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

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

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

1. ROLL CALL

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

The following written determination was read:

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

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

2. MINUTES APPROVAL

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

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

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

3. PUBLIC COMMUNICATIONS

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

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

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

A. 2021 Land Management Code Amendments.

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

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

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

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

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

5. CONTINUATIONS

6. CONSENT AGENDA

7. WORK SESSION

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

i. Work Session

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. REGULAR AGENDA

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

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

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

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

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

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

Planner Lillie stated the following:

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

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

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

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

Findings of Fact

Background:

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

Lot and Site Requirements

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

Zoning District

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

Public Notice Requirements

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

Lot and Site Requirements

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

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

Conclusions of Law

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC § 15-2.2 HR-1 and LMC § 15-7.1-6 Final Subdivision Plat.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) 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 City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
4. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
5. Any new construction shall comply with the Land Management Code at the time of the application submittal.

6. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
7. Any new construction shall comply with the Land Management Code at the time of application submittal.
8. A ten-foot (10') public snow storage easement on Woodside Avenue shall be noted on the Plat.

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

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

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

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

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

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

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

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

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

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

Findings of Fact
Background

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

Zoning District

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

Lot and Site Requirements

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

Conditional Use Permit Criteria

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

Conclusions of Law

1. The 909 Woodside Avenue Conditional Use Permit complies with the Land Management Code requirements pursuant to LMC § 15-1-10(E).
2. The 909 Woodside Avenue Conditional Use Permit complies with the Land Management Code requirements pursuant to LMC Chapter 15-2.2.
3. The 909 Woodside Avenue Conditional Use Permit complies with the Land Management Code requirements pursuant to LMC § 15-2.2-4(A).
4. The Use will be Compatible with surrounding Structures in Use, scale, mass, and circulation.
5. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

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

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

The motion was seconded by Commissioner Kenworthy.

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

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

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

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

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

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

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

Findings of Fact
Background:

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

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

Conclusions of Law

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.2 Historic Residential (HR-1) Zoning District and LMC § 15-7.1-6 Final Subdivision Plat.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

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

4. A non-exclusive ten-foot (10') public snow storage easement on Empire Avenue shall be dedicated on the plat.
5. Any new construction shall comply with the Land Management Code at the time of application submittal.
6. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
7. The Applicant shall remove the railroad tie retaining wall located within the public right-of-way of Empire Avenue or an encroachment agreement for the private improvement shall be recorded with the County prior to recordation of the plat.

Commissioner Van Dine seconded the motion.

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

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

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

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

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

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

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

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

Findings of Fact:

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

Conclusions of Law:

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

2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions, including LMC § 15-7.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.
5. No Public Streets, Right-of-Way, or easements have been vacated or amended.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Plat.
2. The applicant will record the Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. A Plat Note shall indicate that all Conditions of Approval of the Silver Bird Condominiums at Deer Valley Condominium Plat, and the Deer Valley MPD as amended shall continue to apply.
4. A Plat Note shall indicate that the Plat is subject to Ordinance 2021-XX

The motion was seconded by Commissioner Johnson.

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

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

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

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

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

Findings of Fact

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

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

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

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

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

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

Conclusions of Law

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

Conditions of Approval

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

Commissioner Van Dine seconded the motion.

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

9. ADJOURN

MOTION: Commissioner Kenworthy moved to adjourn.

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

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

Approved by Planning Commission: _____

PENDING APPROVAL

Planning Commission Staff Report

Subject: 1335 Lowell Avenue Conditional Use Permit
Application: PL-21-04768
Author: Spencer Cawley, Planner I
Date: June 23, 2021
Type of Item: Conditional Use Permit



Recommendation

Staff recommends that the Planning Commission open a public hearing and continue the item to July 28, 2021.

Description

Applicant:	Kara Subleski, Smartlink Group on behalf of AT&T Mobility
Location:	1335 Lowell Avenue
Zoning District:	Recreation Commercial (RC) District
Adjacent Land Uses:	Resort base area and resort parking; hotels; condominiums
Reason for Review:	New Telecommunications Facilities require Planning Commission review

Summary

The Applicant requests a Conditional Use Permit (CUP) to allow AT&T to install enclosed or “stealth” roof-mounted antennas at 1335 Lowell Avenue. The Applicant advised staff that the size of antenna compounds will change due to new information received from their concealment firm. Because updated plans are pending, staff recommends continuing the CUP hearing to a later date to provide more time for the Applicant to submit final plans.

Planning Commission Staff Report



Subject: 199 Daly Avenue
Application: PL-21-04819
Author: Rebecca Ward
Date: June 23, 2021
Type of Item: Administrative – Steep Slope Conditional Use Permit

Recommendation

Open a public hearing and continue the item to July 28, 2021.

Description

Applicant:	Cary Kinross-Wright, represented by Steven A. Swanson
Location:	199 Daly Avenue
Zoning District:	Historic Residential – 1
Adjacent Land Uses:	Residential
Reason for Review:	The Planning Commission approves Conditional Use Permits

Summary

The Applicant proposes an addition and remodel to a Significant Historic Structure that has a Steep Slope at the rear of the property. In addition to the Steep Slope Conditional Use Permit Application, the Applicant submitted a Historic District Design Review Application. Staff recommends continuing the Steep Slope Conditional Use Permit hearing to a later date to provide more time for the Historic District review.

Planning Commission Staff Report



Subject: 140 15th Street
Application: PL-21-04842
Author: Browne Sebright
Date: June 23, 2021
Type of Item: Conditional Use Permit

Recommendation

Staff recommends that the Planning Commission review the request for a Conditional Use Permit (CUP) for the construction of a Single-Family Dwelling within the Frontage Protection Zone (FPZ), conduct a public hearing, and consider approving the CUP based on the findings of fact, conclusions of law, and conditions of approval found in the Draft Final Action Letter (Exhibit A).

Description

Applicant: John D. Thomas, Kyle M. Denos
Location: 140 15th Street, Park City, UT 84060
Zoning District: RC – Recreation Commercial District with Frontage Protection Zone (FPZ) Overlay
Adjacent Land Uses: Multi-Family Residential, Commercial
Reason for Review: Planning Commission must review CUP requests for the construction of new buildings within the FPZ¹

Acronyms

CUP Conditional Use Permit
RC Recreation Commercial
LMC Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

On May 25, 2021, the Planning Department received an application from 15th and Park LLC for a CUP for a new Single-Family Dwelling within the at 140 15th Street. The application was considered complete on June 8, 2021.

The proposed Single-Family Dwelling is associated with the Hulbert Subdivision (Summit County Recorder Entry No. 01142840) and the creation of four lots and three new Single-Family Dwellings along 15th Street. As recorded in Plat Note 5 of the Hulbert Subdivision, any construction within the Frontage Protection Zone (FPZ) shall be regulated by LMC Chapter 15-2.20 Front Protection Overlay Zone (Exhibit C).

¹ LMC § [15-12-15](#).

The table below outlines previous land use approvals for the property:

Meeting Date	Summary	Links
January 9, 1997	City Council approval of a two (2) lot Subdivision.	Staff Report (starting on page 65) Minutes (starting on page 23)
January 14, 1999	City Council approval of Extension Request for a two (2) lot Subdivision. Subdivision Plat was not recorded with Summit County and has since expired.	Staff Report (starting page 59) Minutes (starting page 11)
May 16, 2018	Historic Preservation Board approved the Determination of Significance removing the non-historic garage from the Historic Sites Inventory.	Staff Report (starting page 231) Minutes (starting page 23)
June 21, 2018	City Council approval of a Land Management Code (LMC) Amendment to remove the non-historic garage from the Historic Sites Inventory.	Staff Report Minutes (starting page 12)
June 26, 2019	Planning Commission forwarded a unanimous positive recommendation to City Council for the Hulbert Subdivision.	Staff Report Minutes (starting on page 17)
July 18, 2019	City Council approved the Hulbert Subdivision, dividing two (2) metes and bounds parcels into four (4) lots. The applicant also dedicated 4,171 square feet of Parcel 2 for the 15 th Street Public Right-of-Way.	Staff Report Minutes (starting on page 8)

Analysis

(I) The proposal complies with the Recreation Commercial (RC) Zoning District requirements.

140 15th Street is in the Recreation Commercial Zoning District. Single-Family Dwellings are an Allowed Use in the RC Zoning District² and require the following Lot and Site requirements:³

Zoning Requirement	Analysis of Proposal
Lot Size – Minimum lot size is 1,875	Complies 2,373
Lot width – 25 feet	Complies Lot 2: 32.15'

² LMC § [15-2.16-2\(A\)\(1\)](#).

³ LMC § [15-2.16-5](#).

Maximum Building Footprint = (Area/2) x 0.9 ^{A/1875}	Complies The maximum Building Footprint for 140 15 th Street is 1038.38 square feet. Proposed Building Footprint is 973 square feet.
Front & Rear Setbacks are 10 feet for Lot depth of 75 feet.	Complies The Lot depth for 140 15 th Street is 75 feet Front Setback for 140 15 th Street is 10 feet Rear Setbacks 140 15 th Street is 20 feet.
Side Setbacks for Lots with a width up to 25 feet must meet a 3-foot Side Setback	Condition of Approval 1 The Side Setbacks for 140 15 th Street are 3 feet. Per LMC § 15-2.16-5, window wells are only permitted in Lots with a minimum Side Setback of five feet (5') or greater.
Maximum Height – 27 feet	Complies The proposed Structure height for 140 15 th Street is 27 feet.

The proposed Structure meets lot and site requirements of the RC Zone. This Zone encourages clustering of development, which is facilitated by this development.

Encroachment

Prior to the recording of the Plat, there was a curb cut area that encroached into the 15th Street Right-of-Way and crossed the property lines between Lots 2 and 3. This encroachment has since been removed.

(II) The proposal complies with the Frontage Protection Zone (FPZ) requirements.

Per [LMC § 15-2.20-2](#), the FPZ is an overlay zone that includes properties with frontage on, and within 100 feet (100') of the right-of-way line of the following streets:

- A. Park Avenue, SR 224, from 15th Street north to the City Limits,
- B. Marsac Avenue, SR 224, from its upper intersection with Prospect Avenue to the south City limits,
- C. Kearns Boulevard, SR 248, from Park Avenue east to the east City limits, and
- D. Deer Valley Drive from Park Avenue to Heber Avenue, the SR 224 Belt Route.

Per [LMC §15-2.20-1](#), the purpose of the FPZ is to:

- A. preserve Park City's scenic view corridors,*
- B. preserve and enhance the rural resort character of Park City's entry corridor,*
- C. provide a significant landscaped buffer between Development and highway Uses,*
- D. minimize curb cuts, driveways and Access points to highways,*
- E. allow for future pedestrian and vehicular improvements along the highway corridors.*

The following sections of the Land Management Code apply to this proposal:

[LMC §15-2.20-4](#) FPZ Lot and Site Requirements

- A. All Construction Activity, including permanent signs, in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line requires a Conditional Use permit and is subject to all applicable review criteria as stated in Section 15-1-10. Review of projects within the FPZ shall include design review criteria as stated in LMC Chapter 15-5.*
- E. To minimize curb cuts, driveways, and Access to Park City's primary highways and Streets, Access to Property in the FPZ shall be from existing City Streets when possible, rather than direct highway Access. Common driveways between adjoining projects shall be used when possible. Driveways must be placed where they create the least interference with through traffic on highways.*

All Fences in the FPZ must be one of the following styles:

- 1. Wooden rail,*
- 2. Architecturally Compatible solid wood and natural stone,*
- 3. Stock Fences,*
- 4. Various forms of steel Fencing as determined and approved by the Planning Department, not including chain link Fencing.*

The subject property falls within the RC District, with the property that fronts 15th Street falling within the Park Avenue FPZ Overlay area (Exhibit B). The proposed Single-Family Dwelling will be located between 68 feet (68') and 100 feet (100') from the Park Avenue right-of-way boundary (Exhibit C).

(III) The proposal complies with LMC § 15-1-10(E), Conditional Use Permit criteria.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects

of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

This proposal must be weighed against the CUP review criteria found in LMC §15-1-10(E), #1-16.

[LMC §15-1-10](#) Conditional Use Review Process

E. REVIEW. *The Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:*

Criteria	Analysis of Proposal
Size and Location of Site	No unmitigated impacts 140 15 th Street is 2,373 square feet. The proposed Single-Family Dwelling will be located between 68 feet (68') and 100 feet (100') from the Park Avenue right-of-way boundary.
Traffic capacity	No unmitigated impacts 140 15 th Street is accessed by 15 th Street, a private ingress, egress, and utilities easement. The Development Review Committee did not identify any issues regarding traffic counts or capacity of streets in the area.
Utility capacity	No unmitigated impacts 140 15 th Street is accessed by 15 th Street, which serves as a utility easement. The Development Review Committee did not identify any issues regarding utility capacity.
Emergency vehicle access	No unmitigated impacts The property will be accessed via the 15 th Street ROW, and no change to the access is proposed.
Off-street parking	No unmitigated impacts As Single-Family Dwelling requires two off-street parking spaces per unit. The proposed building shall have three off-street parking spaces, and each parking space will be at least 11 feet wide and 20 feet deep.
Internal vehicle and pedestrian circulation	Condition of Approval 1 The Single-Family Dwelling will have standard interior circulation, and vehicular access will be provided via a driveway off of 15 th Street. As designed, the den on the

	lower level has emergency egress via a window well that is set in the Side Setback. Per LMC § 15-2.16-5, window wells are only permitted in Lots with a minimum Side Setback of five feet (5') or greater. Condition of Approval 1 requires the Applicant to rework the lower level emergency egress to comply with Setback requirements prior to applying for a building permit.
Fencing, screening, landscaping to separate use from adjoining properties	No unmitigated impacts The project will have native grass landscaping, small shrubs, and trees to separate the Single-Family Dwelling from adjacent land uses. No change to fencing is proposed.
Building mass, bulk, and orientation	No unmitigated impacts The project conforms to all applicable sections of the LMC regulating building mass, bulk, orientation, and location of the Building on the Site.
Usable open space	No unmitigated impacts There are no open space requirements for a Single-Family Dwelling Use. The project will contain 1,398 square feet of usable open space. Structures must comply with HR – 1 Setbacks, minimum Building Footprint, and landscaping requirements.
Signs and lighting	No unmitigated impacts Signs are prohibited for residential uses. Outdoor lighting must comply with LMC § 15-5-5(J). All outdoor lighting must be 3,000 degrees Kelvin or less by December 31, 2024. Fully Shielded outdoor lighting is required for new construction.
Physical design and compatibility with surrounding structures	No unmitigated impacts 140 15th Street Avenue complies with the Recreation Commercial (RC) Zoning District regulations. The project is similar in design and scale to surrounding Structures.
Noise, vibration, odors, steam, or other mechanical factors	No unmitigated impacts The proposed use is residential.
Control of delivery and service vehicles, loading and unloading, screening of trash and recycling pickup areas	No unmitigated impacts No changes are proposed for the site.
Expected ownership	No unmitigated impacts Not yet determined.
Environmentally Sensitive Lands, Physical Hazards, Historic Mining	No unmitigated impacts

Waste, Park City Soils Ordinance, Steep Slope	Not applicable for this application. Property is not located in any additional Overlay Zones, Environmentally Sensitive Lands, Park City Soils Ordinance Parcels, or Steep Slopes.
General Plan consistency	Complies The project site is located within the Old Town neighborhood of Park City. The General Plan stresses the importance of infill development being compatible in the neighborhood context and subordinate to existing historic structures. The proposed Structure is consistent with surrounding development.

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on June 8, 2021. Staff mailed courtesy notice to property owners within 300 feet on June 8, 2021. LMC [§ 15-1-21](#).

Public Input

Staff did not receive any public input at the time this report was published.

Exhibits

Exhibit A: Draft Approval Letter

Exhibit B: Applicant Statement

Exhibit C: Site Plans

Exhibit D: Hulbert Subdivision Plat



June 10, 2021

John D. Thomas, Kyle M. Denos
jthomas@nlhbuilders.com
kyled@nlhbuilders.com

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 140 15th Street

Zoning District: Recreation Commercial (RC)

Application: Conditional Use Permit

Project Number: PL-21-04842

Action: Approved with Conditions

Date of Final Action: June 23, 2021

Project Summary: Construction of a Single-Family Dwelling within the Frontage Protection Zone (FPZ)

Action Taken

On June 23, 2021, the Planning Commission conducted a public hearing and approved the Frontage Protection Zone Conditional Use Permit for 140 15th Street according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Hulbert Subdivision Plat—a two parcel subdivision that created four lots for three new Single-Family Dwellings and an existing Historic Structure along 15th—was recorded with Summit County in 2019 (Summit County Recorder Entry No. 01142840).
2. The Applicant proposes constructing a Single-Family Dwelling within the Frontage Protection Zone (FPZ).
3. 140 15th Street is in the Recreation Commercial (RC) Zoning District.
4. The Recreation Commercial (RC) Zoning District requires a 1,875-square-foot Lot minimum for a Single-Family Dwelling. 140 15th Street is 2,373 square feet.

5. The Recreation Commercial (RC) Zoning District requires a 25-foot Lot width. 140 15th Street is 33.82 feet.
6. The Recreation Commercial (RC) Zoning District establishes a maximum Building Footprint pursuant to this formula: Maximum Building Footprint = $(\text{Area}/2) \times 0.9^{A/1875}$.
7. The maximum Building Footprint for 140 15th Street is 1,038.38 square feet.
8. The Recreation Commercial (RC) Zoning District requires Front and Rear Setbacks of 10 feet for Lots with depth up to 75 feet.
9. The Lot depth for 140 15th Street is 75 feet. The Front Setback for 140 15th Street is 10 feet; The Rear Setback complies, and any additions must meet at least a 10-foot Rear Setback.
10. The Recreation Commercial (RC) Zoning District requires a three-foot Side Setback for Lots with a width up to 37.5 feet. 140 15th Street
11. The Side Setbacks for 140 15th Street are 3 feet. As designed, the den on the lower level has emergency egress via a window well that is set in the Side Setback. Per LMC § 15-2.16-5, window wells are only permitted in Lots with a minimum Side Setback of five feet (5') or greater.
12. 140 15th Street is accessed by 15th Street, a Public Right of Way.
13. There is no required mitigation for the size and location of the site.
14. There is no required mitigation for traffic capacity. 140 15th Street is accessed by 15th Street, a Public Right of Way.
15. There is no required mitigation for utility capacity. 140 15th Street is accessed by 15th Street, which serves as a utility easement. The amended plat must retain the utility easement.
16. There is no required mitigation for emergency vehicle access. 140 15th Street is accessed by 15th Street, a Public Right of Way. No change to the access is proposed.
17. There is no required mitigation for off-street parking. Single-Family Homes require two off-street parking spaces per unit. 140 15th Street provides three off-street parking spaces per unit and each parking space is at least 11 feet wide and 20 feet deep.
18. There is no required mitigation for vehicle and pedestrian circulation. No change to internal vehicle and pedestrian circulation is proposed. Any changes must comply with the LMC.
19. There is no required mitigation for fencing, screening, or landscaping. No changes are proposed; any changes must comply with the LMC.
20. There is no required mitigation for Building mass, bulk, and orientation; no change is proposed.
21. There is no required mitigation for usable open space; there are no open space requirements for the Single-Family Dwelling Use.
22. Signs are prohibited for residential uses.
23. There is no required mitigation for physical design and compatibility with surrounding structures. 140 15th Street complies with the Recreation Commercial (RC) Zoning District regulations.

24. There is no required mitigation for noise, vibration, odors, steam, or other mechanical factors. The existing use is residential; the proposed use is residential.
25. There is no required mitigation for delivery and service vehicles, loading and unloading, screening of trash and recycling pickup areas. No changes are proposed for the site.
26. There is no required mitigation for expected ownership. Expected ownership of the Property has not yet been determined.
27. 140 15th Street is not located in the Sensitive Lands Overlay or Soils Ordinance Boundary.
28. 140 15th Street is not a Historic Structure in the Old Town Neighborhood, it is a residential use near the Park City Mountain Resort, and the residential use is consistent with the General Plan.

Conclusions of Law

1. The Application complies with 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.

Condition of Approval

1. Approval of this Frontage Protection Zone Conditional Use Permit is contingent upon the Applicant reworking the lower-level emergency egress to comply with Setback requirements prior to applying for a building permit.
2. The maximum Building Footprint for 140 15th Street is 1,038.38 square feet.
3. This Conditional Use approval is subject to an approved building permit in accordance with the Building and Fire Codes in effect at the time of application
4. Signs are prohibited for residential uses. Outdoor lighting must comply with LMC [§ 15-5-5-\(J\)](#). All outdoor lighting must be 3,000 degrees Kelvin or less by December 31, 2024. Fully Shielded outdoor lighting is required for new construction.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5063 or email browne.sebright@parkcity.org.

Sincerely,

John Phillips, Planning Commission Chair

CC: Browne Sebright, project planner

APPLICANT LETTER

140 15th St, Park City, UT 84060
Project Name: Lot 2, 15th and Park
Applicant/Project Owner: Property Dynamics, LLC

May 25, 2021

Rebecca Ward - Land Use Policy Analyst
Heather Wasden - Planning Technician
Park City Planning and Zoning/ Historic District Design Review
445 Marsac Avenue
Park City, UT 84060

Dear Rebecca and Heather,

It is our pleasure to submit this applicant letter and building plan for review, comments and approval to in preparation for the construction of a single-family dwelling on Lot 2 of the Hulbert Subdivision located at 140 15th St, Park City, UT 84060 (the "Proposed Project").

Project Summary and Existing Conditions

The Proposed Project is a single-family residential home 1,654 sq. ft. in size with an unfinished basement of 974 sq. ft. The Proposed Project will be built on Lot 2 of the 4 lot Hulbert Subdivision, which subdivision was previously approved by the Planning Commission and recorded on September 25, 2020. The Proposed Project is currently in the Recreation Commercial (RC) District.

Project Objectives and Benefits

The Proposed Project as well as the adjacent lots will benefit Park City in the following ways:

- Increase annual real estate taxes generated by this property;
- Provide new, elegant affordable housing to Park City residents;
- Offer unique housing alternatives to Park City; and
- Provide the community with new residents who will work and shop in the area.

The Proposed Project will invigorate the neighborhood, provide additional housing diversity that complements the neighborhood.

Project Specifics

Location: 140 15th St, Park City, UT 84060

Total Finished Sq Ft: 1,654 sq. ft.

Total Unfinished Sq Ft: 974 sq. ft.

Start Construction: Approximately June 2021

Type of Building: Single-family residential

Land Area: 2,373 sq. ft.

Real Estate Taxes: \$16,000

Site Access: 15th Street

Project Owner: 15th and Park, LLC, a Utah limited liability company

General Contractor: Next Level Homes, LLC, a Utah limited liability company
(License #11283526-5501 B100 R100 11/30/21)

The Proposed Project will be accessed from 15th Street, and walking distance to nearby parks, resorts, restaurants and Main Street shops. Public transportation is readily accessible and is in a “Very Bikeable” area according to Walkscore.com, receiving a Bike Score of 74 out of 100 meaning biking is convenient for most trips. The Proposed Project will be appealing to a mix of residents including urban families, outdoor enthusiasts, professionals, empty nesters and active seniors.

Features:

- Distinctive floors plans
- Professionally designed interiors
- Nine foot ceiling on the main floor
- Electronic intrusion alarm system
- Garage lift for storage
- Quartz or granite countertops
- Upgraded appliances
- Private patio/balcony
- High-end cabinetry package

Project Financial Information

Value of Land: Approximately \$500,000.

Estimated Project Cost: Approximately \$600,000

Project Construction Schedule

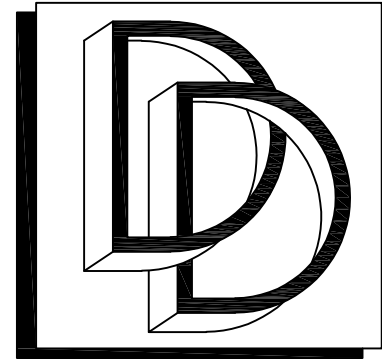
Estimated to approximately May 2021 with a completion by October 2021.

In closing, we look forward to working with Park City throughout the approval process to transform this site for the benefit of all.

Sincerely,



John D. Thomas, Manager of 15th and Park, LLC



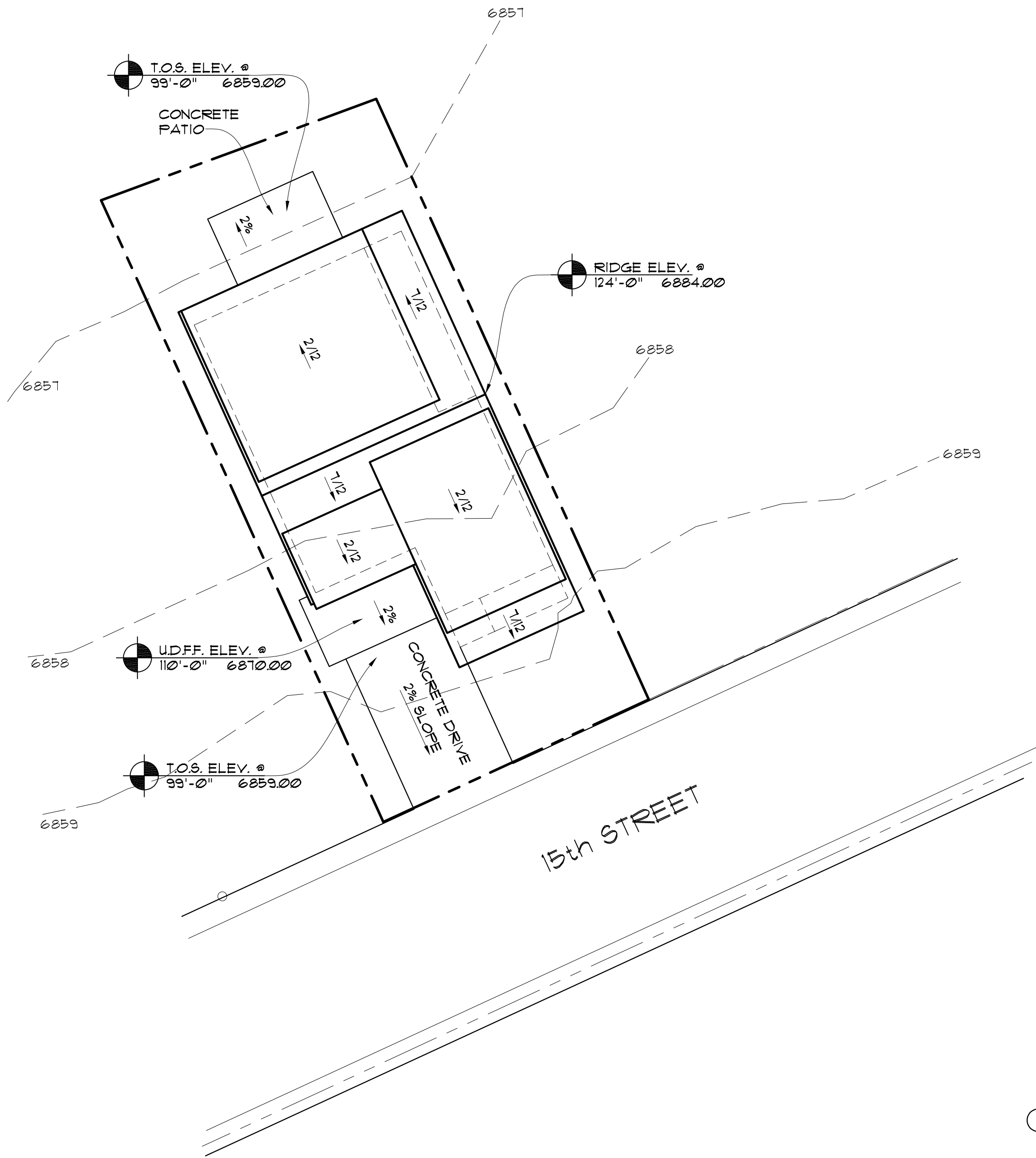
DYMOND
DESIGN

SCALE: 1" = 10'



LOT CRITERIA:
ZONING: R-1-5000
PRIMARY SETBACKS:
FRONT SETBACK: 10'
SIDE SETBACK: 3'
REAR SETBACK: 10'
PRIMARY HEIGHT: PITCHED ROOF = 21'

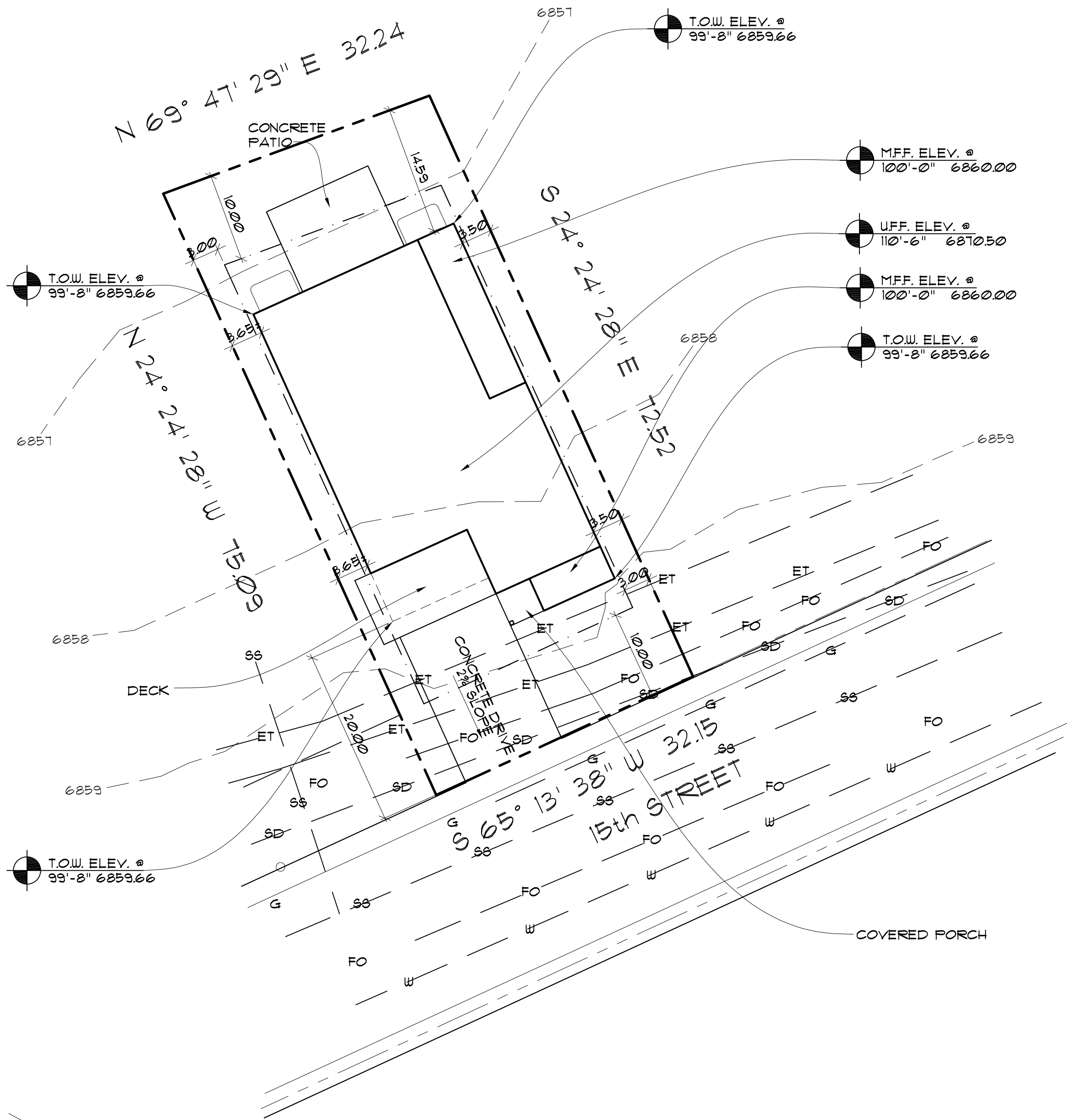
LOT AREA: 2313 SQ. FT. / 100%
MAX. FOOTPRINT: 1038 SQ. FT.
PROP. FOOTPRINT: 1031 SQ. FT.



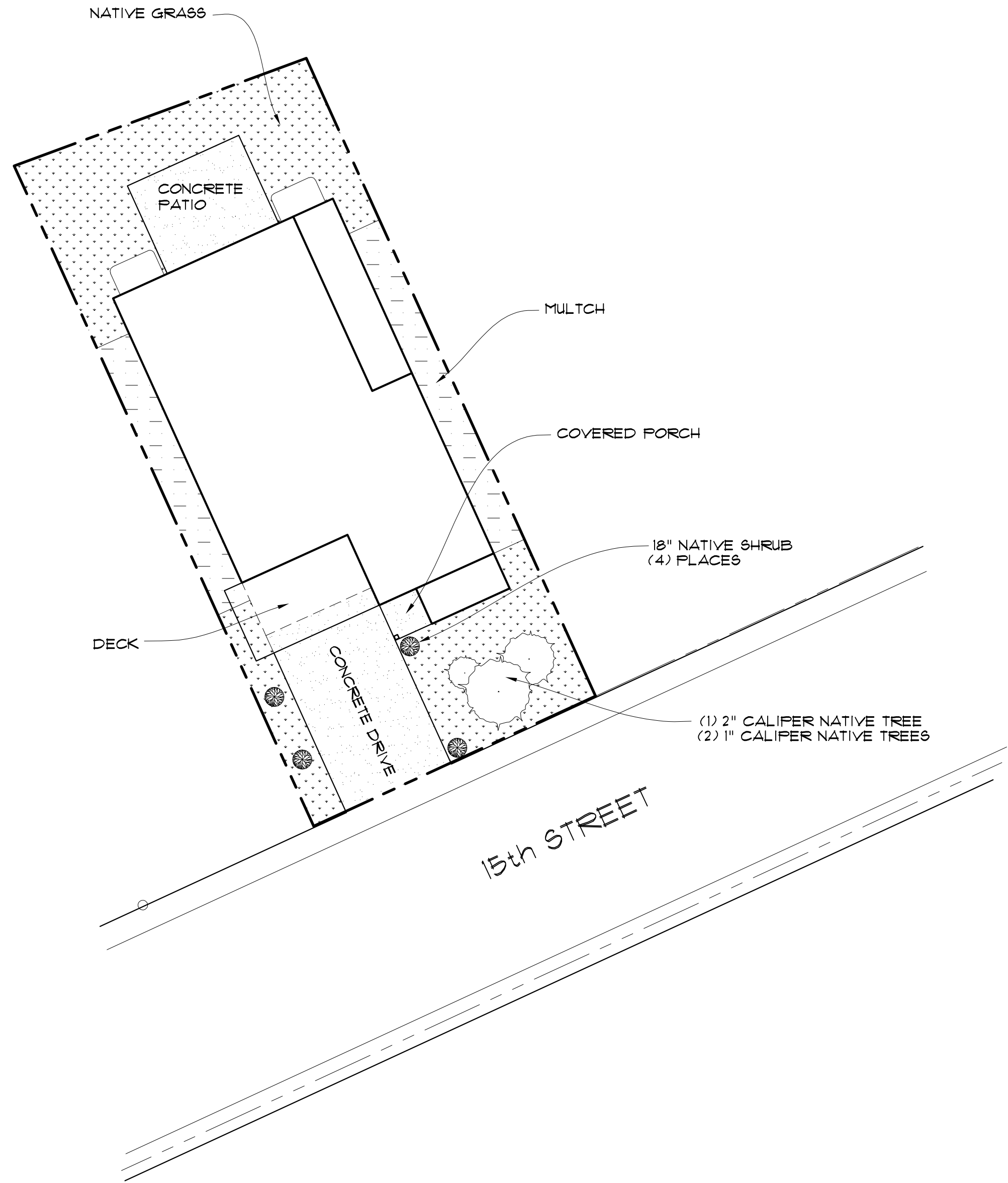
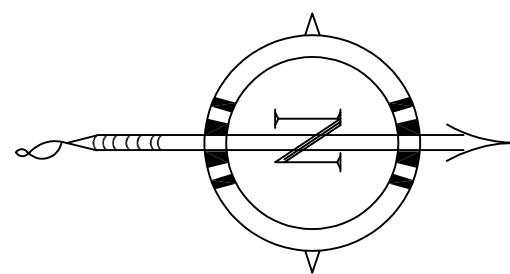
ROOF OVER TOPO. PLAN

LOT #2 HULBERT SUB.

140 EAST 15th STREET
PARK CITY, UTAH

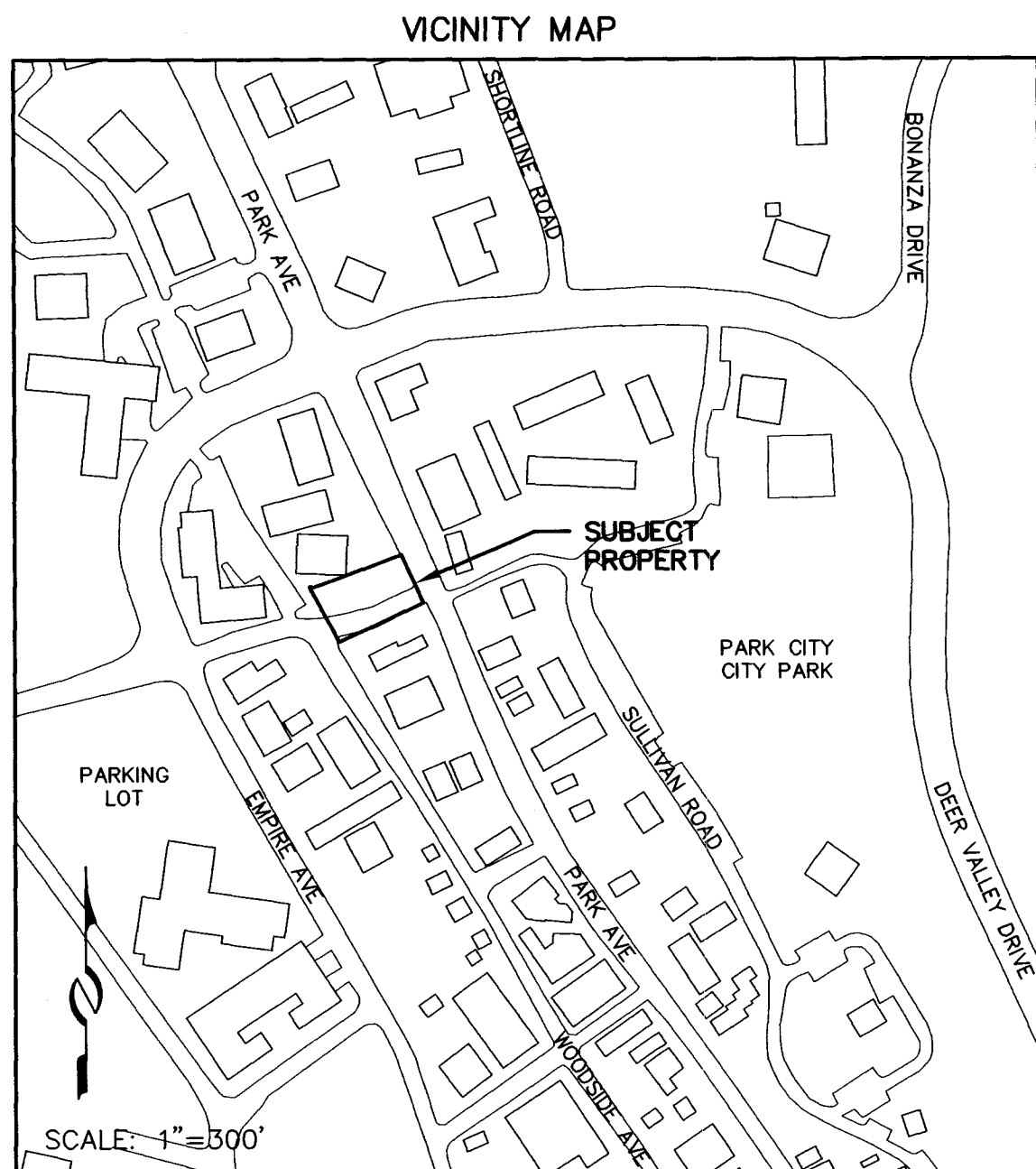


SITE PLAN



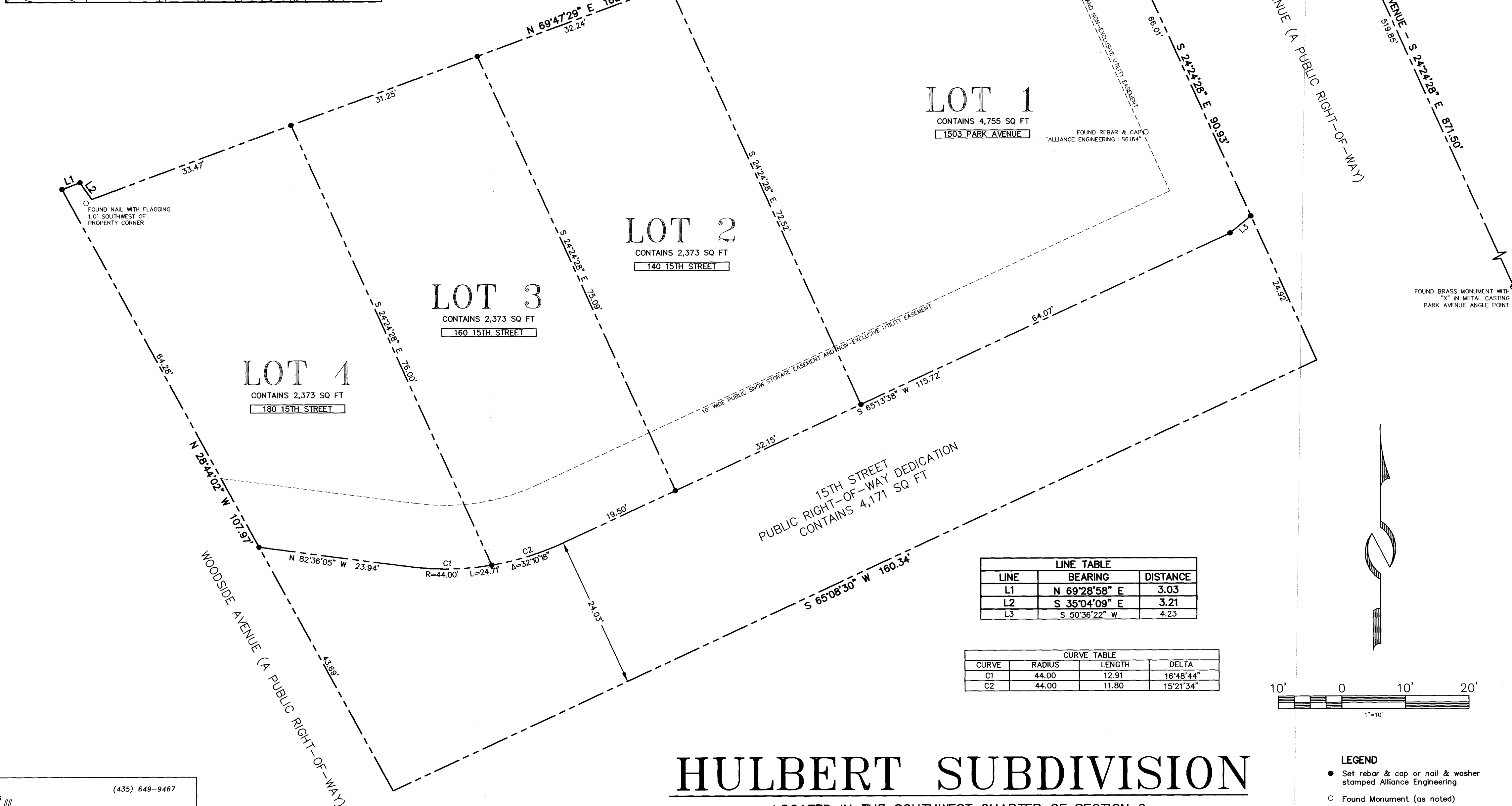
LANDSCAPE PLAN

DRAWN BY: BD
DRAWN FOR: NHL
FILE: HULBERT SUB.-LOT 2
DATE: 04/09/2021
REVISION: .



NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2019-41.
2. See Record of Survey S-9754.
3. The property is located in Zone X, 0.2% annual chance flood hazard, areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile, as shown on the Flood Insurance Rate Map of the Federal Emergency Management Agency, Panel 919, Map Number 49043C0919C, updated by LOMR 16-08-1092P, and has an effective date of August 31, 2017.
4. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official.
5. Any construction within the Frontage Protection Zone (FPZ) shall be regulated by LMC 15-2.20 Frontage Protection Overlay Zone.



LOT 1
CONTAINS 4,755 SQ FT
1503 PARK AVENUE

LOT 2
CONTAINS 2,373 SQ FT
140 15TH STREET

LOT 3
CONTAINS 2,373 SQ FT
160 15TH STREET

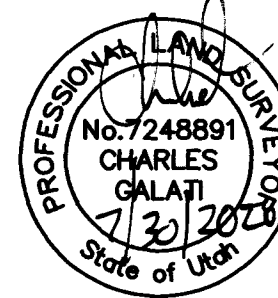
LOT 4
CONTAINS 2,373 SQ FT
180 15TH STREET

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 69°28'58" E	3.03
L2	S 35°04'09" E	3.21
L3	S 50°36'22" W	4.23

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	44.00	12.91	16°48'44"
C2	44.00	11.80	15°21'34"

HULBERT SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold Certificate No. 7248891, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner I have made a survey of the tract of land shown on this plat and described hereon, and have subdivided said tract into lots and streets, together with easements, hereafter to be known as, HULBERT SUBDIVISION and that the same has been surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

Parcel 1:

Beginning at a point 598 North and 1,388 East of the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence North 25°24' West 52 feet; thence South 69°30' West 160 feet; thence South 28°43' East 59.5 feet; thence North 62° East 156 feet to the place of beginning.

Excepting therefrom the following:

Beginning at a point that is North 578.88 feet and East 1,224.58 feet from the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian (basis of bearing being South 89°36'30" East from said Southwest corner of Section 9 to the Southeast corner of the Southeast quarter of the Southwest quarter of said Section 9); said point also being the Southwest corner of Silver Town Condominiums, as Recorded July 19, 1976, as Entry No. 132627, in the office of the Summit County Recorder; thence North 34°35'00" West 12.87 feet; thence North 69°30'00" East 158.46 feet; thence South 25°24'00" East 14.30 feet to the point on the Southerly property line of said Silver Town Condominiums; thence along said Southerly property line South 70°08'43" West 156.56 feet to the point of beginning.

Parcel 2:

Beginning at a point 598 North and 1,388 East from the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the Easterly line of that certain property described in a Deed, entitled "Conveyance and Option", Entry No. 55509, in Book F, at Page 482 of Quit Claim Deeds in the Summit County Recorder's Office, North 25°24'00" West 48.03 feet; thence North 69°45'15" East 8.84 feet to a point on the Westerly right-of-way line of Park Avenue, said point is located South 24°24'28" East (Park City monument control map South 24°31'00" East) 251.30 feet and South 65°35'32" West 33.00 feet from the survey monument located at the intersection of Park Avenue and Empire Avenue; thence along the Westerly right-of-way line South 24°24'28" East 91.13 feet; thence along the Northerly line of that certain Quit Claim Deed, Entry No. 238494, in Book 353, at Page 667, in the Office of the Summit County Recorder's Office, South 65°08'30" West 9.51 feet; thence along the Northerly line of that certain property described in a Deed, entitled "Conveyance and Option", Entry No. 56281, in Book F, at Page 507 of Quit-Claim Deeds in the Summit County Recorder's Office, South 65°08'30" West 150.88 feet; thence North 28°43'00" West 48.72 feet; thence along the Southerly line of that certain property described in a Deed entitled "Conveyance and Option", Entry No. 55509, in Book F, at Page 482 of Quit-Claim Deeds in the Summit County Recorder's Office, North 66°54'02" East 156.10 feet (Deed North 62°00'00" East 156.00) to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned, Dennis Paul Hulbert and Terri Hulbert, as joint tenants, are the owners of the above described tract of land, and hereby cause the same to be divided into lots and streets, together with easements as set forth to be hereafter known as HULBERT SUBDIVISION and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owners also hereby convey any other easements as shown on this plat for the purposes shown hereon.

In witness whereof, the undersigned set their hands this 31 day of July, 2020.

By: Dennis Paul Hulbert
Dennis Paul Hulbert

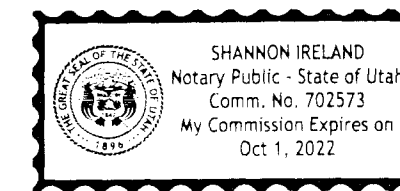
By: Terri Hulbert
Terri Hulbert

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF SUMMIT) ss.

On this 31 day of July, 2020, Dennis Paul Hulbert personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed the HULBERT SUBDIVISION.

By: Shannon Ireland
Notary Public
Printed Name: Shannon Ireland
Residing in: Summit
My commission expires: October 1, 2022
Commission No. 702513

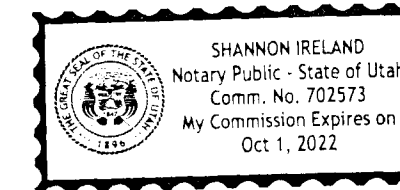


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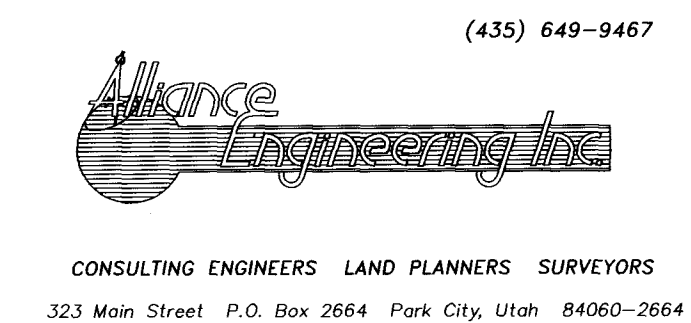
STATE OF UTAH)
COUNTY OF SUMMIT) ss.

On this 31 day of July, 2020, Terri Hulbert personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that she acknowledged to me that she executed the HULBERT SUBDIVISION.

By: Shannon Ireland
Notary Public
Printed Name: Shannon Ireland
Residing in: Summit
My commission expires: October 1, 2022
Commission No. 702513



SHEET 1 OF 1



PUBLIC SAFETY
ANSWERING POINT APPROVAL
APPROVED THIS 25 DAY
OF SEPTEMBER, 2020
BY: Jeff Wato FOR JEFF WATO
SUMMIT COUNTY GIS COORDINATOR

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS 31st
DAY OF July, 2020
BY: Bo Dicks
ENGINEERING DEPARTMENT

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 26TH
DAY OF JUNE, 2019
BY: Chair
CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 25th
DAY OF August, 2020
BY: Park City Engineer
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 31st
DAY OF August, 2020
BY: M.D. Hagg
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 18TH DAY OF JULY,
2019
BY: Mayor
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS 18TH DAY
OF JULY, 2019
BY: Michelle K. Kelly
PARK CITY RECORDER

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF MELO ANIMATED TITLE
FEE: 86.00 RECORDER: Dallen Pugh
TIME: 2:41pm DATE: 9/26/2020 ENTRY NO. 01142840
HULBERT SUBDIVISION

Planning Commission Staff Report



Subject: Offset Bier – 1755 Bonanza Drive Unit C
Application: PL-21-04846
Author: Rebecca Ward
Date: June 23, 2021
Type of Item: Administrative – Conditional Use Permit
Light Industrial Manufacturing | Bar

Recommendation

Review the Light Industrial Manufacturing and Bar Conditional Use Permit for a brewery and tasting room at 1755 Bonanza Drive Unit C, conduct a public hearing, and consider approving the Conditional Use Permit subject to the Findings of Facts, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Conor Brown

Location: 1755 Bonanza Drive Unit C

Zoning District: General Commercial

Adjacent Land Uses: Commercial

Reason for Review: The Planning Commission reviews and takes action on Conditional Use Permits

Acronyms

CUP Conditional Use Permit
LMC Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

The Applicant proposes converting 2,000 square feet within the Ironhorse Park Commercial Subdivision Lot D to a brewery and tasting room at 1755 Bonanza Drive Unit C (Exhibit B), accessed by both Bonanza Drive and Iron Horse Drive. Lot D is highlighted in green below on an image taken from the Summit County Parcel Viewer, and the proposed location of the brewery is one of three Uses in the Structure highlighted in orange:



Analysis

The Planning Commission reviews and takes final action on Conditional Use Permits.¹

(I) The proposal complies with the General Commercial Zoning District Requirements outlined in LMC Chapter 15-2.18.

The purposes of the General Commercial Zoning District include allowing a wide range of commercial uses in an area convenient to transit, employment centers, resort centers, and residential areas; allowing Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial development and traffic congestion; and encouraging commercial development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian access with links to neighborhoods and other commercial developments.²

Light Industrial Manufacturing and Bar Uses³ are Conditional Uses in the General Commercial Zoning District and require Planning Commission review and approval.⁴

The table below outlines the General Commercial Zoning District Lot and Site requirements:⁵

¹ LMC [§ 15-1-8\(G\)](#).

² LMC [§ 15-2.18-1](#).

³ LMC [§ 15-15-1](#) defines a Bar as a business that primarily sells alcoholic beverages for consumption on the premises.

⁴ LMC [§ 15-2.18-2\(B\)](#).

⁵ LMC [§ 15-2.18-3](#).

Zoning Requirement	Existing Structure
Minimum Front Setback is 20 feet	Complies 60 feet
Minimum Rear Setback is 10 feet	Complies 21 feet
Minimum Side Setback is 10 feet	Complies 10 feet

(II) The proposal complies with the Conditional Use Permit Criteria.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.⁶

Criteria	Proposal
Size and location of site	No Required Mitigation 1755 Bonanza Drive is part of the Ironhorse Park Commercial Subdivision, located within the Bonanza Park Neighborhood. The General Plan identifies this area as a mixed-use neighborhood and local employment hub.⁷ The Lot is Parcel IHPC-D-AM and is 0.94 acres, the smallest of the Ironhorse Park Commercial Subdivision Lots north of Iron Horse Drive. The Structure is similar in design and size to the Ironhorse Park Commercial Subdivision buildings.

⁶ LMC § 15-1-10.

⁷ <https://www.parkcity.org/home/showpublisheddocument?id=12374> (p. 31)

Traffic	No Required Mitigation On June 15, 2021, the Development Review Committee reviewed this proposal and did not identify any traffic concerns.
Utility capacity, including stormwater run-off	No Required Mitigation On June 15, 2021, the Development Review Committee reviewed this proposal and did not identify any utility capacity or stormwater run-off issues.
Emergency vehicle access	No Required Mitigation On June 15, 2021, the Development Review Committee reviewed this proposal and did not identify any emergency vehicle access concerns.
Off-Street parking	No Required Mitigation Please see Section III below – Lot D provides 44 parking spaces, an excess of 10 parking spaces required for the current four uses on the Lot.
Vehicular and pedestrian circulation	No Required Mitigation When the Ironhorse Park Commercial Subdivision was recorded, the Property Owner dedicated a 12-foot bike and pedestrian public Right-of-Way along the east of the Subdivision, which is the Poison Creek Trail. The location is accessible by vehicle, public transportation, foot, and bike.
Fencing, screening, and landscaping to separate the use from adjoining uses	No Required Mitigation No exterior changes to the Structure are proposed.
Building mass, bulk, orientation	No Required Mitigation No changes to the existing exterior Structure are proposed.
Usable Open Space	No Required Mitigation No changes to the Structure or Open Space are proposed.
Signs and lighting	Conditions of Approval 2 and 3 The Applicant must apply for a Sign Permit and comply with Municipal Code of Park City Title 12, <i>Sign Code</i> , and the Outdoor Lighting Code outlined in LMC § 15-5-5(J) . New outdoor lighting must be Fully Shielded and 3,000 degrees Kelvin. Existing outdoor lighting must be 3,000 degrees Kelvin by December 31, 2024.

Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing	No Required Mitigation No changes to the exterior Structure are proposed.
Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site	Condition of Approval 4 Brewing will produce steam that might affect people and property off-site. The Applicant proposes hours of operation as follows: Monday Closed Tuesday Closed Wednesday 4 PM – 8 PM Thursday 4 PM – 8 PM Friday 4 PM – 9 PM Saturday 11 AM – 8 PM Sunday 11 AM – 5 PM The nearest residential area is over 550 feet to the southeast. However, the Homestake Lot to the northwest is slated for an affordable housing development. Condition of Approval 4 requires the Applicant to cease brewing by 9:00 PM.
Control of delivery and service vehicles, loading and unloading zones, screening of trash and recycling pickup areas	Condition of Approval 5 No changes to deliveries, loading and unloading zones, or trash and recycle pickup areas are proposed. Condition of Approval 5 prohibits installation of new trash or recycling facilities to the Site.
Expected ownership and management of the project	No Required Mitigation Offset Bier is leasing the space. On June 4, 2021, the property owner submitted an affirmation of sufficient interest for the processing of this CUP application. On June 9, 2021, the property owner submitted an email to the Planning Department in support of the proposed Use. Offset Bier will be managed by two owners with additional employees hired over time.

Within environmentally sensitive lands, physical mine hazards, historic mine waste, Park City Soils Boundary, or on a steep slope	No Required Mitigation 1755 Bonanza Avenue is in the Soils Ordinance Boundary, but the City issued a Certificate of Compliance for the property. No changes to the exterior are proposed. The property is not within environmentally sensitive lands, within proximity to physical mine hazards, or on a steep slope.
Reviewed for consistency with the goals and objectives of the Park City General Plan	Consistent with the Goals and Objectives of the General Plan Goal 12 – Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City. Objective 12C – Support locally owned and independent businesses that reflect the core values of Park City and add to the Park City experience. ⁸

(III) The approval complies with Off-Street Parking requirements outlined in LMC Chapter 15-3.

Note 1 of the Ironhorse Park Commercial Subdivision (Exhibit C) says “see Covenants, Conditions & Restrictions for complete description of circular easements and parking restrictions.” The *First Amendment to Declaration of Covenants, Conditions and Restrictions – Ironhorse Park Commercial Subdivision* ¶ 10.2 states that parking for each parcel must be confined to that parcel (Exhibit D).

1755 Bonanza Drive is Parcel (Lot) D of the Ironhorse Park Commercial Subdivision with two structures and four units. There are three current Uses on Lot D, including a bakery, home furnishing store, and artist studio. These Uses are Commercial-Minor Retail and Service Uses, defined as businesses “primarily engaged in the sale or rental of goods, merchandise, or services with a low volume of customer turnover, low parking demand, and no outdoor storage of goods”⁹ The brewery and tap room is the proposed fourth and final Use for Lot D.

There are 44 parking spaces on Lot D. The existing Uses within Lot D require the following parking:

Parking Per Use	Required Parking
Commercial-Minor Retail and Service Uses and Bakery Uses – 3 spaces for each 1,000 square feet of net leasable floor area, with approximately 8,200 square feet net leasable floor area	25 spaces
TOTAL	25 spaces

⁸ <https://www.parkcity.org/home/showpublisheddocument?id=12388> (p. 24 – 27)

⁹ LMC § 15-15-1.

Light Industrial Uses require 2.5 parking spaces per 1,000 square feet of floor area.¹⁰
Bar Uses require one parking space for every 100 square feet of net leasable area.¹¹
The proposed brewery will trigger the following parking:

Area Per Use	Required Parking
Light industrial (brewing) – 1,200 square feet	2.1 spaces
Bar (tasting room) – 630 square feet	6.3 spaces
TOTAL	9 spaces

Available parking spaces for the four uses proposed for Lot D of the Ironhorse Park Commercial Subdivision exceeds parking required pursuant to the LMC by ten spaces.

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City’s website and the Utah Public Notice website on June 8, 2021. Staff posted notice to the property and mailed courtesy notice on June 8, 2021. The *Park Record* published notice on June 9, 2021. LMC [§ 15-1-21](#).

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may approve the Light Industrial Manufacturing and Bar Conditional Use Permit to operate a brewery and tasting room;
- The Planning Commission may deny the Light Industrial Manufacturing and Bar Conditional Use Permit and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Applicant Statement and Proposed Plans

Exhibit C: Ironhorse Park Commercial Subdivision

Exhibit D: Ironhorse Park Commercial Subdivision CC&Rs

¹⁰ LMC [§ 15-3-6\(B\)](#).

¹¹ LMC [§ 15-3-6\(B\)](#).



June 23, 2021

Conor Brown
offsetbierco@gmail.com

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 1755 Bonanza Drive, Unit C

Zoning District: General Commercial

Application: Light Industrial Manufacturing and Bar Conditional Use Permit

Project Number: PL-21-04846

Action: Approved with Conditions

Date of Final Action: June 23, 2021

Project Summary: Converting a 2,000-square-foot unit for a brewery and tasting room in the Ironhorse Park Commercial Subdivision.

Action Taken

On June 23, 2021, the Planning Commission conducted a public hearing and approved the Conditional Use Permit to operate a brewery and tasting room at 1755 Bonanza Drive, Unit C, Ironhorse Park Commercial Subdivision, according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The Applicant proposes converting 2,000 square feet within the Ironhorse Park Commercial Subdivision Lot D to a brewery and tasting room, accessed by both Bonanza Drive and Iron Horse Drive.
2. 1755 Bonanza Drive is in the General Commercial Zoning District.
3. The purposes of the General Commercial Zoning District include allowing a wide range of commercial uses in an area convenient to transit, employment centers,

resort centers, and residential areas; allowing Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial development and traffic congestion; and encouraging commercial development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian access with links to neighborhoods and other commercial developments.

4. Light Industrial Manufacturing and Bar Uses are Conditional Uses in the General Commercial Zoning District and require Planning Commission review and approval.
5. The minimum Front Setback for the General Commercial Zoning District is 20 feet. The existing Structure at 1755 Bonanza Drive has a 60-foot Front Setback.
6. The minimum Rear Setback for the General Commercial Zoning District is 10 feet. The existing Structure at 1755 Bonanza Drive has a 21-foot Rear Setback.
7. The minimum Side Setback for the General Commercial Zoning District is 10 feet. The existing Structure at 1755 Bonanza Drive has a 10-foot Front Setback.
8. Conditional Use Permits require review pursuant to criteria outlined in Land Management Code Section 15-1-10(E).
9. Size and Location of Site – No Required Mitigation. 1755 Bonanza Drive is part of the Ironhorse Park Commercial Subdivision, located within the Bonanza Park Neighborhood. The General Plan identifies this area as a mixed-use neighborhood and local employment hub. The Lot is Parcel IHPC-D-AM and is 0.94 acres, the smallest of the Ironhorse Park Commercial Subdivision Lots north of Iron Horse Drive. The Structure is similar in design and size to the Ironhorse Park Commercial Subdivision buildings.
10. Traffic – No Required Mitigation. On June 15, 2021, the Development Review Committee reviewed this proposal and did not identify any traffic concerns.
11. Utility Capacity and Stormwater Runoff – No Required Mitigation. On June 15, 2021, the Development Review Committee reviewed this proposal and did not identify any utility capacity or stormwater run-off issues.
12. Emergency Vehicle Access – No Required Mitigation. On June 15, 2021, the Development Review Committee reviewed this proposal and did not identify any emergency vehicle access concerns.
13. Off-Street Parking – No Required Mitigation. Note 1 of the Ironhorse Park Commercial Subdivision (Exhibit C) says “see Covenants, Conditions & Restrictions for complete description of circular easements and parking restrictions.” The *First Amendment to Declaration of Covenants, Conditions and Restrictions – Ironhorse Park Commercial Subdivision* ¶ 10.2 states that parking for each parcel must be confined to that parcel.
14. 1755 Bonanza Drive is Parcel D of the Ironhorse Park Commercial Subdivision with two structures and four units. There are three current Uses on Lot D,

including a bakery, home furnishing store, and artist studio. These Uses are Commercial-Minor Retail and Service Uses, defined as businesses “primarily engaged in the sale or rental of goods, merchandise, or services with a low volume of customer turnover, low parking demand, and no outdoor storage of goods”¹ The brewery and tap room is the proposed fourth and final Use for Lot D.

15. Commercial-Minor Retail and Service Uses and Bakery Uses require three parking spaces for each 1,000 square feet of net leasable floor area.
16. There is approximately 8,200 square feet of net leasable floor area for the three existing uses, requiring a total of 25 parking spaces.
17. Light Industrial Uses require 2.5 parking spaces per 1,000 square feet of floor area. The proposal includes 1,200 square feet for brewing, triggering 2.1 required parking spaces.
18. Bar Uses require one parking space for every 100 square feet of net leasable area. The proposal includes 630 square feet for a tasting room, triggering 6.3 parking spaces.
19. Lot D provides 44 parking spaces, an excess of 10 parking spaces required for the current four uses on the Lot.
20. Vehicular and Pedestrian Circulation – No Required Mitigation. When the Ironhorse Park Commercial Subdivision was recorded, the Property Owner dedicated a 12-foot bike and pedestrian public Right-of-Way along the east of the Subdivision, which is the Poison Creek Trail. The location is accessible by vehicle, public transportation, foot, and bike.
21. Fencing, Screening, and Landscaping to Separate the Use from Adjoining Uses – No Required Mitigation. No exterior changes to the Structure are proposed.
22. Building Mass, Bulk, Orientation – No Required Mitigation -- No changes to the existing exterior Structure are proposed.
23. Usable Open Space – No Required Mitigation – No changes to the Structure or Open Space are proposed.
24. Signs and Lighting – See Conditions of Approval 2 and 3.
25. Physical Design and Compatibility with Surrounding Structures – No Required Mitigation. No changes to the exterior Structure are proposed.
26. Noise, Vibration, Odors, Steam, or Other Mechanical Factors that Might Affect People and Property Off-Site – See Condition of Approval 4.
27. Control of Delivery and Service Vehicles, Loading, and Unloading Zones, Screening of Trash and Recycling Pickup Areas – See Condition of Approval 5.
28. Expected Ownership and Project Management – No Required Mitigation. Offset Bier is leasing the space. On June 4, 2021, the property owner submitted an affirmation of sufficient interest for the processing of this CUP application. On

¹ LMC [§ 15-15-1](#).

June 9, 2021, the property owner submitted an email to the Planning Department in support of the proposed Use. Offset Bier will be managed by two owners with additional employees hired over time.

29. Within Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Boundary, or on a Steep Slope – No Required Mitigation. 1755 Bonanza Avenue is in the Soils Ordinance Boundary, but the City issued a Certificate of Compliance for the property. No changes to the exterior are proposed. The property is not within environmentally sensitive lands, within proximity to physical mine hazards, or on a steep slope.
30. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan – Goal 12 – Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City. Objective 12C – Support locally owned and independent businesses that reflect the core values of Park City and add to the Park City experience.

Conclusions of Law

1. The Application complies with 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.

Condition of Approval

1. The Conditional Use will expire one year from the date of Planning Commission approval unless the Applicant has commenced on the project, or a Building Permit for the Use has been issued.
2. Changes to signage shall comply with the Municipal Code of Park City Chapter 12, *Sign Code*.
3. Outdoor lighting shall comply with Land Management Code § 15-5-5(J). New outdoor lighting must be Fully Shielded and 3,000 degrees Kelvin. Existing outdoor lighting must be 3,000 degrees Kelvin by December 31, 2024.
4. The Applicant shall not brew past 9:00 PM.
5. The Applicant shall not install new trash or recycling facilities on the Site.

If you have questions or concerns regarding this Final Action Letter, please call 385-290-0789 or email rebecca.ward@parkcity.org.

Sincerely,

John Phillips, Planning Commission Chair

CC: Rebecca Ward

Offset Brewing

Project Description

Offset brewing is proposing to build a small brewery and tasting/tap room at 1755 Bonanza Dr. Unit C in the Ironhorse Park Commercial Subdivision (lot D). We will be a very small operation with an estimated annual production of somewhere between 400 and 500 BBLs of beer (1 BBL = 31 US gallons). With such a small production volume we plan to sell all of our beer Direct to consumer via draft sales in the tasting/tap room at our location or packaged beer to go.

We chose this location specifically as we felt that our business model and identity fit well with the surrounding businesses in the Ironhorse Park Subdivision which is comprised of small production and retail centric businesses that focus their attention on the local Park City community. The complex has a very artisanal type feel which we think aligns exactly with what we are trying to create. We have spoken to almost every tenant in the Ironhorse Subdivision and they are all very excited to have us opening near their business. They all think it will help to create additional traffic for their businesses and we also plan to work with many of the local businesses to provide goods or services that they sell to our customers.

We have very modest goals. We will be successful if we can provide the local park city community with easy access to well made, modern, fresh beer. Our focus is on the local community and that's it. We hope to be able to produce enough beer to work with a few local draft accounts in Park City that we feel align with our vision and ethos for quality, presentation, and service. We want to create a fun place for people to grab a beer after a bike ride or after skiing on their way home. We will have packaged beer available for them to purchase and take home with them.

We will only be brewing beer once or twice per week. We will not be emitting any noise or glare dust. The brewing process is not a loud or smelly process. The only emission from our business will be a small amount of steam during brew day.

Our hours of operation will be:

Wednesday: 4-8 Thursday: 4-8 Friday: 4-9 Saturday: 11-8 Sunday: 11-5
Monday: Closed Tuesday: Closed

Conor Brown and Patrick Bourque, the two owners will be the only full time employees to start. We will have some part time help to begin with until we can determine the correct number of employees to maximize efficiency and quality of life for the owners. We estimate a total number of 5-6 employees including ownership.

We are a small business with very modest goals. We feel like we fit in very well with the other businesses in the subdivision and our presence will only help to elevate the success of our neighbors. We are just producing beer for onsite consumption or takeaway. There will be no large trucks coming and going from our location on a regular basis. We expect 2 deliveries per month of ingredients on a truck that would require a lift gate. If we are delivering kegs to a local account it will be either one of us in a personal vehicle.

Proposal Summary

Offset Bier Co. is looking to open a small 2000 sq foot brewery and tasting room at 1755 Bonanza Dr Unit C. We are hoping to open our doors to the public by early summer. We will be a small team to start with. Co founder, Tim Chappell, and myself will be the main employees. We will be doing all of the brewing as well as serving of the beer and running the business. To begin with we will have limited part time work available but hope to grow to a team of 4 or 5 after we get our feet under us and can determine the optimum number of employees to handle the workload. Locating Offset in down town Park City is critical to our business model. Outside of providing a few key accounts in town with kegged beer we hope to sell almost every drop of beer we make either over the bar or through packaged beer to go sales. We are operating on a small scale. In order to provide the margins necessary to be successful we need to be located in an area that's easily accessible to the largest number of customers. We also need to be located in an area that seems authentic to the brand and is home to other business of similar size and ethos. We feel like the Ironhorse Park Commercial Subdivision is perfect for our business and that our business is a good fit for the Economic Development Grant. We feel like our business meets the criteria laid out by the Park City Municipal Corporation as is outlined below.



Offset Bier Co. was founded in January of 2020. After years dreaming of starting my own small business I finally decided to set my ideas in motion and open a brewery. Unfortunately soon thereafter those ambitions were put on hold when the Covid-19 pandemic struck. While incredibly devastating, the pause actually allowed me to focus on the brand and to create a unique story that will help to separate Offset and build a stronger tie to consumers in the community and hopefully a healthier more sustainable business.

There are over 9000 craft breweries in the United States now. It is virtually impossible to be original or authentic in beer anymore. Just about everything has been done and said when it comes to the beer itself. However it was really important to me in starting Offset that I was able to create a unique story. A story that was authentic and would help the local consumers want to engage with and support the brand. As I spent countless hours brewing hundreds and hundreds of batches of beer, trying to learn every aspect about the science behind crafting world-class beer I started to realize the toll all of the alcohol consumption was taking on me. My obsession for knowledge was starting to become an unhealthy endeavor. The alcohol was starting to affect both my physical and mental health. I was torn. How could I start a business that essentially produces a drug that in moderation is not harmful but in excess could be detrimental to my own customers?

This is really where the idea and story for Offset Bier Co. began. I'd actually chosen the name Offset months earlier. I thought it accurately reflected the beer I wanted to make, beer that was slightly "offset" from normal. Creative, modern beers that weren't being produced here in UT but you could find in larger metropolitan areas with more robust beer culture. Nothing that was too crazy or out in left field but just a bit "offset" from normal. As I was struggling with this moral dilemma about creating a business around beer, it dawned on me that Offset can mean so much more. What if I could be transparent with my customer that we are aware that the products we produce could be harmful but that we would do everything in our power to promote "offsetting" those potential negative side effects? I felt like I had an obligation or a responsibility to do so. There was much more depth and meaning to this than just the beers themselves being "offset" or unique. This would allow us to engage with and educate our consumers. It would allow us to give back to the community and hopefully leave it in a better place than when we started.

It is our goal to not only produce world-class beer to the best of our ability but to also promote both mental and physical wellness as much as we can. We are planning to organize weekly group activities that either originate or terminate at the brewery. With so many activities available right outside our front door the possibilities will be endless. In the winter months these activities could be skinning up the resort before or after operating hours, XC skiing or Fat Biking on all the awesome trails nearby in Round Valley. In the summer months, Mountain Bike or Road Bike rides that start and end at the brewery will be a fixture in our weekly group activities. We are thinking about starting a running club as well. We have spoken to local business to organize demo products that can be available to people who want to participate in these activities but might not own the gear. Our social media feed will be focused on documenting all the amazing outdoor activities in Park City and the positive affects experiencing them can have. We will advocate riding your bike to the brewery and will be installing a number of bike racks outside of our building. We will also promote the awesome public transportation system we have here in Park City with easily accessible links on our website to the bus route and schedule as well as posting the bus route near the entrance to the building.

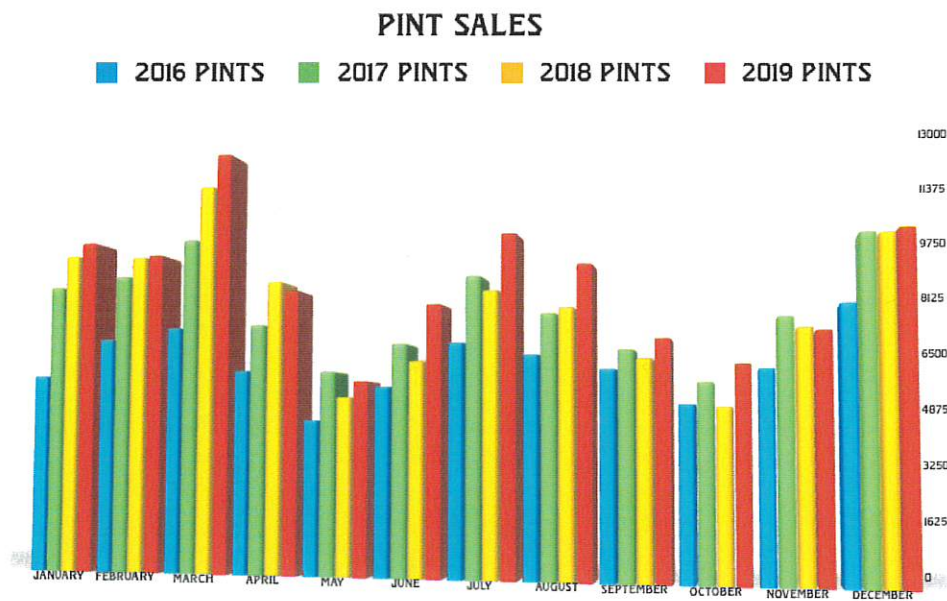
We are fortunate that the craft beer market is thriving at the moment. Visiting breweries has become a very popular past time all around the country. People even plan vacations around brewery visits. This popularity of craft beer and all the relationships that my wife and I have been able to form in the 15 years we've lived in Park City will mean we don't necessarily need to spend much money on marketing. As long as our brewery information is easy accessible and our website has effective SEO we will have no problem creating traffic to our business and selling the modest amount of beer we will make. It is our goal to instead allocate what would normally be "marketing" funds to donations to local Non Profits that help create and maintain all the awesome outdoor activities we can enjoy here in Park City. As a small brewery we are fortunate to be able to easily produce small batches of experimental and interesting beers. It is our plan to have two nights per month where we serve these small batch one-off creations and donate 100% of the proceeds on those evenings to either Mtn. Trails Foundation or Basin Rec. We are also planning to launch a series of Mixed Fermentation beers where we donate 100% of the proceeds to Summit County Connect to support mental health awareness in the community.

We feel it is our responsibility as a modern brand to offset any negative affects our business and it's products could have on the community, whether they be environmental or physical. I believe the ideologies of Offset Bier Co align with the Park City Economic Development Work Plan and Park City General Plan. We intend to support other local business within the community and do our part to promote everything that makes Park City such an awesome place to live.

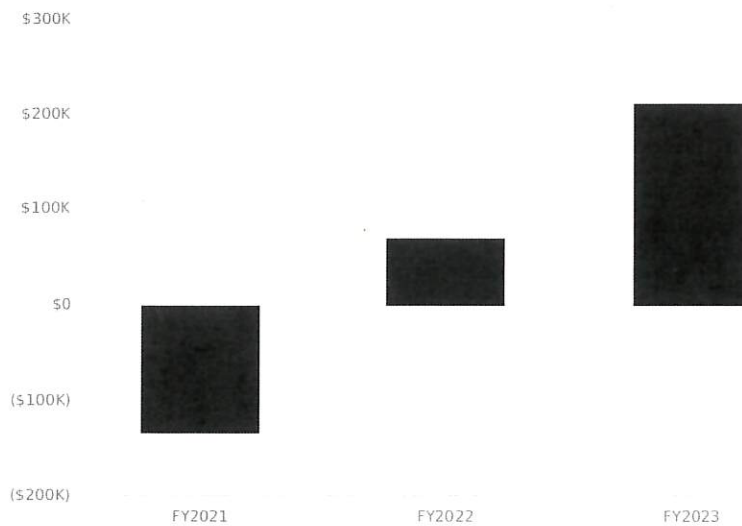
I. Sound Business Plan

Offset Bier Co. has modest goals. We will be brewing beer on an oversize 3.5bbl system (1bbl = 31.5 gallons) and brewing twice per day to produce batches that are 7bbls in size (roughly 220 gallons). Our maximum possible yearly production in this location is somewhere between 400 and 500 bbls. In order to maximize the return on such a small amount of beer we need to sell almost all of it direct to consumer either by draft beer sales in our taproom or packaged beer To Go sales. Visiting brewery taprooms has become a popular past time all over the world in the last 5 years. This “tap room only”, direct-to-consumer model has become a very popular and successful business model for small breweries. The Craft Beer market has shifted to smaller more local producers that customers can visit and purchase beer onsite that they know is as fresh as possible. We feel like this need isn’t being met in Park City and that we can capitalize on this unmet demand by providing an easily accessible place for people to consume a few low ABV beers on site and potentially take higher alcohol packaged beer home with them that was been kept cold since it was produced and is as fresh as possible. Even with very conservative projections based on available data provided by breweries in the Mountain West we should be profitable in Fiscal Year 2.

The common metric small DTC breweries use to gauge how much beer they can sell is a bbl/seat metric. Meaning how many bbls of beer are you selling per seat in your taproom. This includes pints sold across the bar and packaged beer to go in either growler or bottle/can format. We are fortunate that the craft brewing industry is a very open and sharing industry. People are willing to share as much knowledge as possible with other breweries. I believe the saying goes a Rising Tide Raises all ships. Breweries around UT and the Intermountain west have been very forthcoming with their production volume and bbl/seat estimates. We’ve seen numbers anywhere from 6-11 bbls/seat in Salt Lake City but we had some really great info provided to use by a brewery in Big Sky, MT. They provided us with a total number of pints sold per month since they opened. I had reached out to them to try to get some specifics on operating a brewery in a ski town as our peak volumes times are often completely the opposite from most breweries in the US with all the winter traffic ski towns get. This particular brewery has virtually the same size footprint as we have and has similar size equipment. We used this data they provided us to really hone in on our production projections. Our projections are even more conservative than the data they provided us even though the population of Park City is 3 times the size of Big Sky and Park City draws more than 4 times as many visitors per year. Below is the graph that the brewery in Big Sky provided us for reference.



Net Profit (or loss) by year



II. Organization In Line With Economic Development Work Plan and Park City General Plan

As has already been stated Offset Bier Co. is aligned with and will contribute to many of Park City's Development Objectives.

Direct complimentary land use and development into existing neighborhoods that have available infrastructure and resource capacity

Offset Bier Co has found a space in the Ironhorse Park Commercial Subdivision. This is an awesome location that will be easy accessible by foot, bicycle, or public transportation for patrons and employees. It's also home to many similar sized businesses that will benefit from additional traffic in the development. We have signed a five year lease with Mary Wintzer and have plans to extend it for as long as she'll have us. We have chosen to not have a restaurant component to our business but instead partner with the 3 restaurants/bakeries that share our parking lot by offering easy access to their menus on site and allowing customers to bring food from these businesses into ours to consume with their beer. We also plan to purchase baked good from Windy Ridge Bakery to serve on sight, specifically German style pretzles.

Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small town character

Due to limited parking as well as the negative consequences of drinking and driving we will be focused on promoting public transportation and walking or riding to the brewery. We will be installing numerous bike racks and potentially even offering discounts on merchandise for people choosing alternative modes of transportation to arrive at the Brewery. Easy access to the city bus route will be found on our website and a bus route map posted on the premises.

Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by at least fifteen percent (15%) below 2005 levels in 2020

With Offset as the name it is our mission as a brand to reduce our environmental impact on the community. Our spent grain will be collected by local farmers to feed to their pigs or cows. Our spent hop and yeast material can also be collected by local farms to spread on their fields as fertilizer. Yeast produce Co2 as a byproduct of fermentation. We will be recapturing this Co2 and using it to carbonate our beers, eliminating excess Co2 release into the atmosphere and saving money by having to purchase less Co2 throughout the year. Our packaging materials will all be made from recycled materials and be easily recycled or compostable. We will sell growlers at just above our cost in hopes of encouraging customers to reuse these glass growlers as often as possible in hopes of limiting excess single use package

waste.

Parks & Recreation: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors

Promoting exercise and all the outdoor activity that Park City has to offer is key to our brand message and will be a focus of our external communication with consumers.

Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience

As has already been discussed breweries are increasingly becoming destinations for visitors. People enjoy trying new local beer from producers in the locations they're going to visit and will often alter their plans based on the availability of fresh local well made beer. We aim to provide a unique, authentic, world class (albeit small) destination for those traveling here to experience everything else that Park City has to offer. We aim to add to the authentic Park City experience for visitors and locals alike. Our focus is to provide fresh high quality beer to our local community. Hopefully our authenticity resonates with the local community and visitors alike.

Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City

While we are a small business we have plans to grow. A small team of 2 should soon become 5 or 6 as we settle into a rhythm and better understand our employee needs. It is our goal to employ a diverse staff of all colors, races, nationalities, and gender. I have been moved by the diversity of the staff at 5Seeds here in Park City and aim to eventually have a staff that's equally as diverse. Mountain towns are becoming more diverse by the day and I'm like my staff to represent the changing landscape that our town embodies.

Budget and Allocation of Funds

Opening a brewery is a capital intensive project. There are considerable up front costs associated with equipment and the retro fitting of our space to accommodate the equipment and its use. The budget for this project is \$360,000 and is funded in its entirety by Conor Brown through personal savings and both personal and business loans. There are no outside investors. The budget for equipment and construction alone is over \$230,000.

▼ Assets			
Excluding cash, accounts receivable, etc.	FY2021	FY2022	FY2023
Current assets			
▼ Long-term assets	\$164,800	\$169,808	\$162,033
Packaging Equipment (filling hardw...	\$43,950	\$42,150	\$40,350
Startup Brewing Equipment	\$82,733	\$79,333	\$75,933
Kegs & Hardware	\$9,188	\$8,813	\$8,438
Glycol system	\$16,504	\$15,654	\$14,804
SN Skid (HLT/WP/HX)	\$4,950	\$4,400	\$3,850
New Tanks/equipment	\$7,475	\$19,458	\$18,658

Due to the Covid-19 pandemic and the uncertainty of when we might be able to gather inside and not have to adhere to social distancing measures we have been forced to invest in a small Canning Line from Wild Goose. Due to our small space we don't foresee being able to have as many customers inside of our space at one time as would be necessary to reach our profitability goals so we will be packaging more beer for offsite consumption than we had planned pre pandemic. There are more inexpensive ways to package beer but the quality of our beer is of utmost importance to us. This canning line we've chosen is the most inexpensive option that we feel comfortable packaging our beer in that will help us maintain the quality standards we have determined for our brand. As the saying goes: "You only have one time to make a first impression". We are determined to always make that first impression a positive, impactful, and lasting. The cost of this line is \$33,642. The ED Grant funds will be directly applied to the cost of this canning line allowing us to meet our sales and profitability goals even if we have limited capacity requirements in our location for months or years after our opening.

1. 7bbl Brite Tank (tax determination)

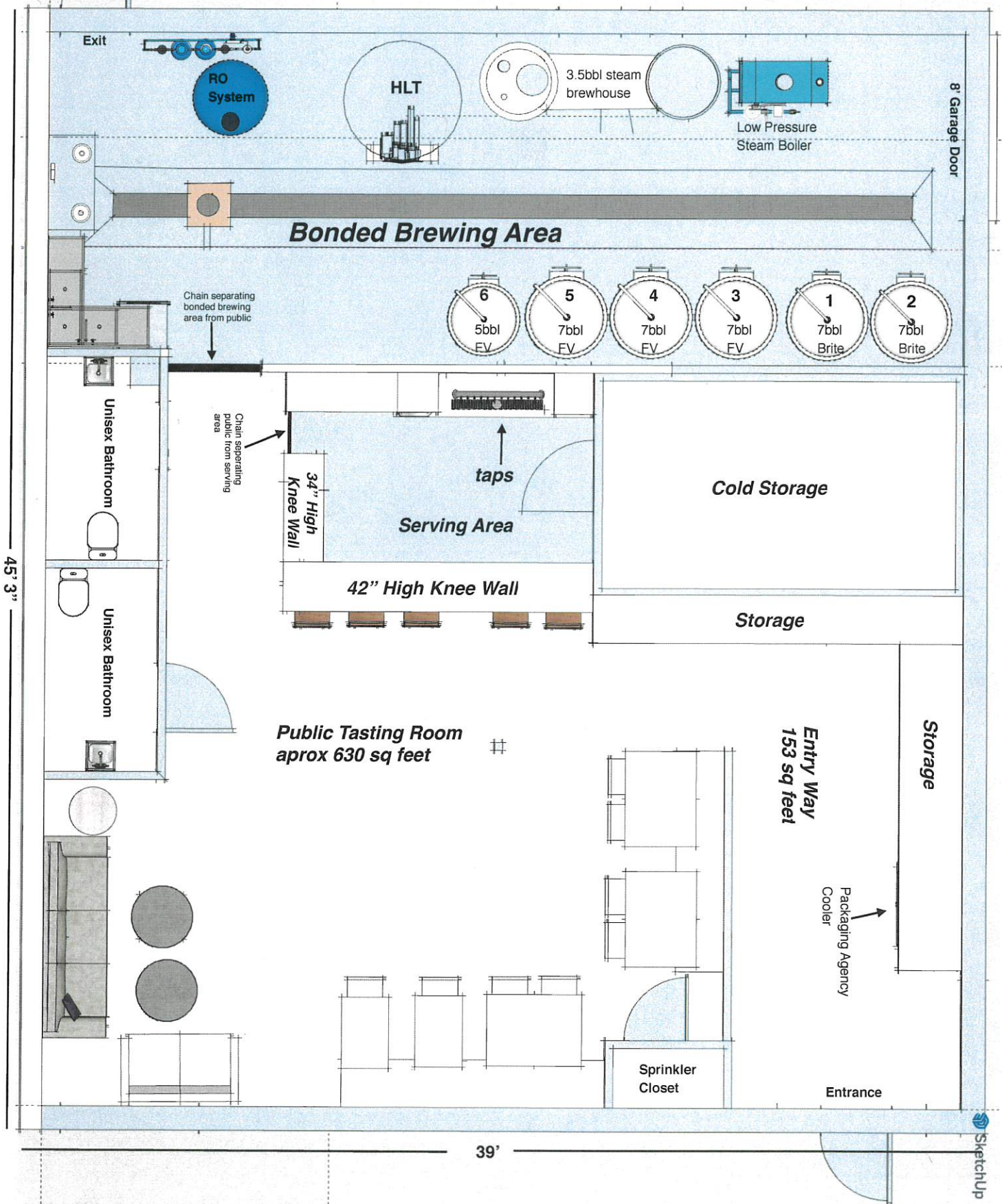
2. 7bbl Brite Tank (tax determination)

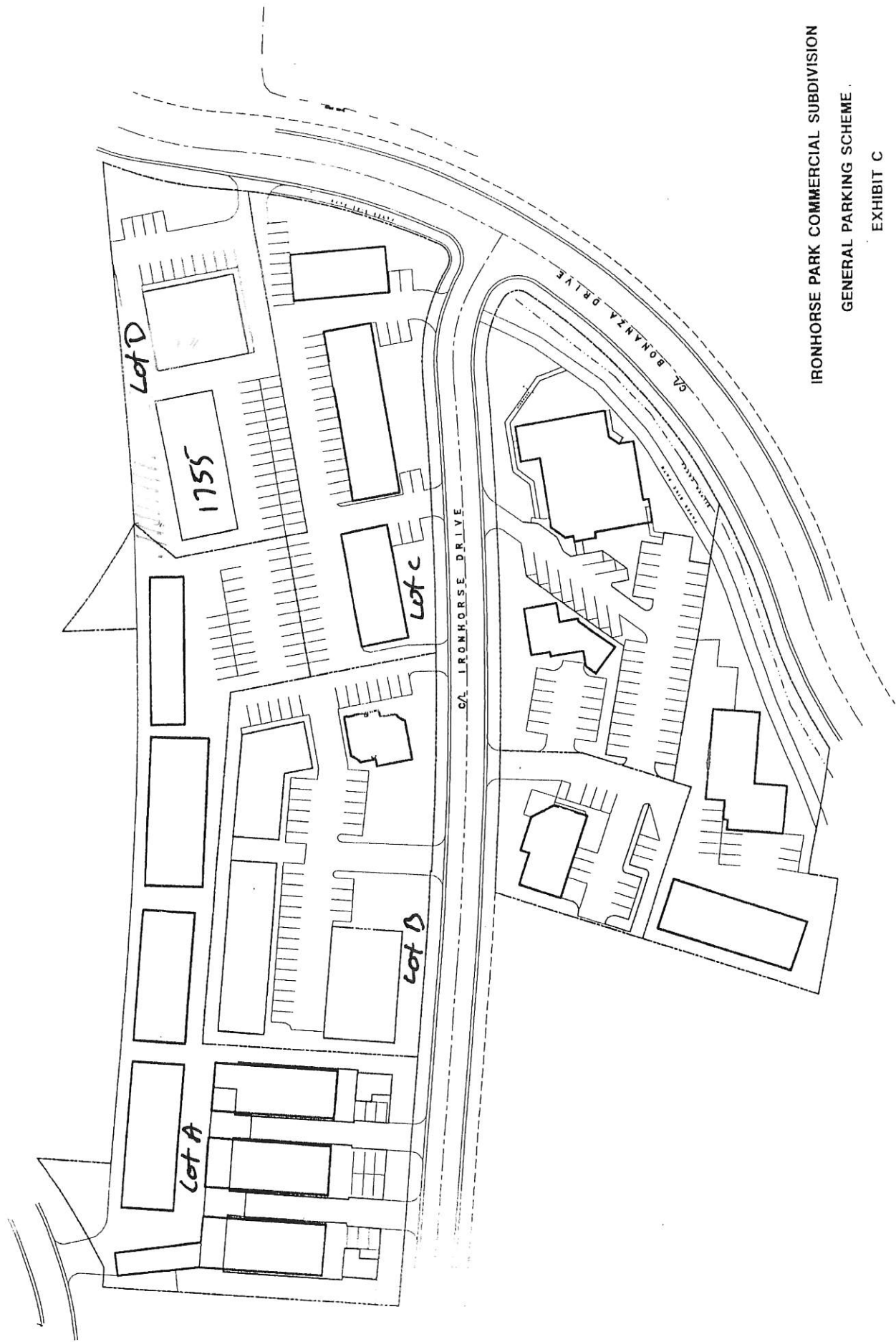
3. 7BBL Fermenter

4. 7BBL Fermenter

5. 7BBL Fermenter

6. 5BBL Fermenter





IRONHORSE PARK COMMERCIAL SUBDIVISION

GENERAL PARKING SCHEME

EXHIBIT C

GENERAL NOTES:

- SEE COVENANTS, CONDITIONS & RESTRICTIONS FOR COMPLETE DESCRIPTION OF CIRCULATION EASEMENTS AND PARKING RESTRICTIONS.
- SEE GENERAL PARKING SCHEME EXHIBIT IN COVENANTS, CONDITIONS, AND RESTRICTIONS FOR SPECIAL PARKING ARRANGEMENT ALONG PARCEL BOUNDARY LINES FOR PARCELS A, C, D, & G.
- NO NEW OCCUPANCY WILL BE PERMITTED BY THE TRUSTEES IF THE PARKING REQUIREMENT FOR THE PROPOSED OCCUPANCY, WHEN COMBINED WITH THE PARKING REQUIREMENT FOR ALL OTHER TENANTS ON THAT LOT WILL EXCEED THE AVAILABLE PARKING ON THAT LOT. THE PARKING DEMAND WILL BE CALCULATED IN THE MANNER DESCRIBED IN THE PARK CITY LAND MANAGEMENT CODE FOR THE PARTICULAR USE IN QUESTION AT THE TIME THE USE IS CHANGED.
- PARCELS E, F, & G ARE ZONED LIGHT INDUSTRIAL AS OF THE DATE OF THIS PLAT, NOT COMMERCIAL.
- SANITARY SEWER SERVICE IS NOT EXTENDED TO PARCELS D AND F. IT SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY / PARCEL OWNER TO INSTALL A SEWER LATERAL.
- PARCELS B, D, E, AND G WILL REQUIRE INDIVIDUAL SANITARY SEWER LINE EXTENSION AGREEMENTS FROM SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT PRIOR TO ISSUANCE OF BUILDING PERMITS FOR FUTURE USES THEREON.

WEST QUARTER CORNER SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN

FOUND ALUMINUM CAP

CURVE	RADIUS	LENGTH	DELTA
C1	15.00'	24.77'	94°36'03"
C2	157.53'	96.65'	35°09'07"
C3	3014.78'	87.22'	01°39'28"
C4	532.42'	15.02'	01°37'01"
C5	102.53'	62.81'	35°05'51"
C6	15.00'	24.84'	94°52'37"
C7	532.42'	29.73'	03°11'57"
C8	3014.78'	22.88'	00°26'05"

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931 as prescribed by the laws of the State of Utah. I further certify that by authority of the owner I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, private easements, and public right-of-ways to be hereafter known as FIRST AMENDED IRONHORSE PARK COMMERCIAL SUBDIVISION and that same has been correctly surveyed and staked on the ground as shown on this plat.

John Demkowicz
John Demkowicz I.S. No. 163931
Date 3/22/94

LEGAL DESCRIPTION

NORTH TRACT
Beginning at a point which is N 89°44'40" W along centerline of section 69.90 feet and South 313.77 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the Western right-of-way line of Bonanza Drive; thence Southeasterly along said Western right-of-way line on a 316.02 foot radius curve to the left (center bears S 87°25'59" E 316.02 feet) thence along the arc of said curve 100.13 feet through a central angle of 18°09'15"; thence Southeasterly along said Western right-of-way line on a 532.42 foot radius reverse curve to the right (center bears S 74°24'46" W 532.42 feet) thence along the arc of said curve 195.02 feet through a central angle of 20°59'13"; thence along said Western right-of-way line on a 15.00 foot radius compound curve to the right (center bears N 84°36'04" W 15.00 feet) thence along the arc of said curve 24.77 feet through a central angle of 94°36'03" to a point on the North right-of-way line of Ironhorse Drive and a point of tangency, thence along said right-of-way line N 80°00'01" W 0.08 feet, thence Northwesterly along said right-of-way line and along a 157.53 foot radius curve to the left (center bears S 10°00'06" W 157.53 feet) thence along the arc of said curve 96.65 feet through a central angle of 35°09'07"; thence Westerly and along said right-of-way line and along a 3015.78 foot radius reverse curve to the right (center bears N 25°09'07" W 3015.78 feet) thence along the arc of said curve 417.75 feet through a central angle of 07°56'12"; thence leaving said right-of-way line N 01°59'36" W 1.04 feet to a point on the South line of Lot #2 of the Iron Horse Subdivision according to the official plat thereof on file in the office of the Summit County Recorder; said point also being on a 3014.78 foot radius curve to the right (center bears N 17°13'14" W 3014.78 feet) thence along the arc of said curve and said South boundary line 87.22 feet through a central angle of 01°39'28" to a point of tangency; thence along said South boundary line S 74°26'14" W 282.74 feet to the Southwest corner of said Lot #2 of the Iron Horse Subdivision; thence along the West boundary line of said Lot #2, N 15°33'46" W 250.00 feet to the Northwest corner of said Lot #2; thence along the North boundary line of said Lot #2, N 74°26'14" E 17.16 feet; thence leaving said North boundary line and along a 566.83 foot radius curve to the left (center bears N 45°56'15" W 566.83 feet) thence along the arc of said curve 108.24 feet through a central angle of 10°34'05"; thence S 15°33'46" E 63.01 feet to a point on the North boundary line of said Lot #2; thence along said North boundary line, N 74°26'14" E 177.76 feet to a point on a 2764.78 foot radius curve to the left (center bears N 15°33'46" W 2764.78 feet) thence along the arc of said curve 276.26 feet through a central angle of 05°43'30"; thence leaving said North boundary line, N 21°17'16" W 63.44 feet to a point on a 537.41 foot radius curve to the left (center bears N 19°59'36" E 537.41 feet) thence along the arc of said curve 106.87 feet through a central angle of 11°23'36" to a point on the North boundary line of said Lot #2; thence along said North boundary line and along a 2764.78 foot radius curve to the left (center bears N 23°05'10" W 2764.78 feet) thence along the arc of said curve 120.66 feet through a central angle of 02°50'02"; thence along said North boundary line N 64°24'48" E 189.73 feet to the point of beginning. Contains 5.55 Acres.

SOUTH TRACT
Beginning at a point which is N 89°44'40" W along centerline of section 333.38 feet and South 1066.70 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian and being on the Western right-of-way line of Bonanza Drive; thence leaving said right-of-way line S 79°35'00" W 107.47 feet, thence S 10°25'00" E 25.00 feet, thence S 79°35'00" W 98.79 feet, thence N 01°47'42" W 287.84 feet to a point on the South right-of-way line of Ironhorse Drive, thence Easterly along said right-of-way line on a 3070.78 foot radius curve to the left (center bears N 16°55'55" W 3070.78 feet) thence along the arc of said curve 440.55 feet through a central angle of 08°13'12"; thence Easterly along said right-of-way line on a 102.53 foot radius curve to the right (center bears S 25°09'07" E 102.53 feet) thence along the arc of said curve 62.81 feet through a central angle of 35°05'51"; thence along said right-of-way line on a 15.00 foot radius curve to the right (center bears S 09°56'44" W 15.00 feet) thence along the arc of said curve 24.84 feet through a central angle of 94°52'37" to a point on the West right-of-way line of Bonanza Drive; thence along said right-of-way line on a 532.42 foot radius curve to the right (center bears N 75°10'39" W 532.42 feet) thence along the arc of said curve 352.18 feet through a central angle of 37°53'58"; thence along said right-of-way line on a 420.00 foot radius curve to the left (center bears S 37°16'47" E 420.00 feet) thence along the arc of said curve 120.93 feet through a central angle of 16°29'48"; to the point of beginning. Contains 2.65 Acres.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That the undersigned is the owner of the herein described tract of land, having caused the same to be subdivided into lots, public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as FIRST AMENDED IRONHORSE PARK COMMERCIAL SUBDIVISION do hereby dedicate for the perpetual use of the public use all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah Law.

ALSO, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

IN WITNESS WHEREOF, the undersigned set his hand this 22 day of March, 1994.

WINTER-WOLFE PROPERTIES, LTD
A Utah Limited Partnership

Charles Wintzer
Charles Wintzer
Its General Partner

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF WASATCH)

On the 22 day of March, 1994, Charles Wintzer, appeared before me and acknowledged that he is the general partner in Winter-Wolfe Properties, Ltd., a Utah limited partnership, and that he executed the same on behalf of the partnership with proper authority.

Douglas J. Ward
Notary Public
Residing at: Heber, UT

Commission Expires:

May 30, 1995

ALLIANCE ENGINEERING INC.

P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(801) 649-9467

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 16
DAY OF JUNE, 1994 A.D.
BY *Aaron Child*
CHAIRMAN

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 16
DAY OF APRIL, 1994 A.D.
BY *Eric W. Ockman PE*
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 16
DAY OF FEBRUARY, 1995 A.D.
BY *Mark D. H. 2*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS 3RD DAY
OF JUNE, 1993 A.D.
BY *Amica L. Sheldon*
PARK CITY RECORDER

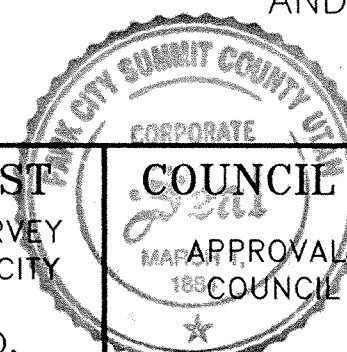
COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 3RD DAY OF JUNE,
1993 A.D.
BY *Paul J. O'Connell*
MAYOR

425123

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Coalition Title
DATE 02-23-95 TIME 13:34 BOOK PAGE
FEE 3.75 RECORDER *Doreen M. Simon deputy*



When Recorded return to:
Charles Wintzer
P.O. Box 4199
Park City, UT 84060

When recorded, return to:

00432335 B#00891 Pg00279-00281

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1995 JUN 26 14:28 PM FEE \$20.00 BY DMS
REQUEST: COALITION TITLE\$

**FIRST AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
IRONHORSE PARK COMMERCIAL SUBDIVISION
PARK CITY, UTAH**

This First Amendment to the Declaration of Covenants, Conditions and Restrictions for the Ironhorse Park Commercial Subdivision, Park City, Utah is made this 20 day of May, June 1995 by Wintzer-Wolfe Properties, Ltd., a Utah limited partnership, which was the original declarant on the covenants recorded on _____, in Book _____ beginning at page _____, and which is the owner of all of the property subject to that Declaration.

This Declaration affects the following described property located in Summit County, Utah:

Parcels A, B, C, D, E, F, and G of the Ironhorse Park Commercial Subdivision, Park City, as shown on the amended plat thereof on file and of record in the office of the Summit County Recorder.

Declarant desires to amend and supplement that original declaration by providing the following covenants and restrictions concerning parking within the subdivision, and the manner in which some Parcels are subjected to easements for the benefit of others for the purpose of parking. The following provisions are added to the Declaration:

Article X

PARKING

10.1 Parking in Designated Areas Only. Parking within the Subdivision is to be in designated parking areas only, and no Owner or Tenant will park, or permit employees, guests, customers, or others to park in a manner that obstructs the driveway easements and internal circulation easements within the Subdivision. The Association may tow improperly parked

vehicles that interfere with circulation within the Subdivision, or which is parked in landscaped areas or designated snow storage areas.

10.2 Parking on Owner's Parcel. Except as provided in this Amended Declaration, the parking for each Parcel is to be confined to that Parcel, and no owner, tenant, employee, customer, or others will be permitted to park other than on the Parcel he or she owns, leases, or is patronizing.

10.3 Parking Easements. Notwithstanding the foregoing, in order to maximize the available parking within the Subdivision, and to provide each lot with parking as required by Park City Ordinances, the following parking easements are created:

(a) The Owner of Parcel B is granted the right to park up to 7 cars on Parcel A. Unless otherwise agreed between the owners of those Parcels, two of the parking spaces will be located to the west of the building on Parcel A known as 1100 Ironhorse Drive, and 5 will be located to the east of the building known as 1200 Ironhorse Drive.

(b) The Owner of Parcel B is also granted an easement to park up to 4 cars on Parcel C.

(c) The Owner of Parcel D is granted an easement to park up to 3 cars on Parcel C, and unless otherwise agreed to by the Owners of Parcels D and C, these spaces will be at the northeast corner of the building known as 1280 Ironhorse Drive.

10.4 Reciprocal Parking Arrangements. Nothing in this declaration shall preclude the Owners from entering into agreements calling for reciprocal use of all of the available parking within the subdivision, or within parts of it, on a

00432335 Bk00891 Pg00280

shared or common pool system in order to maximize parking use,
so long as the minimum parking requirements of City ordinances
have been satisfied.

Effective as of the date stated above.

DECLARANT:

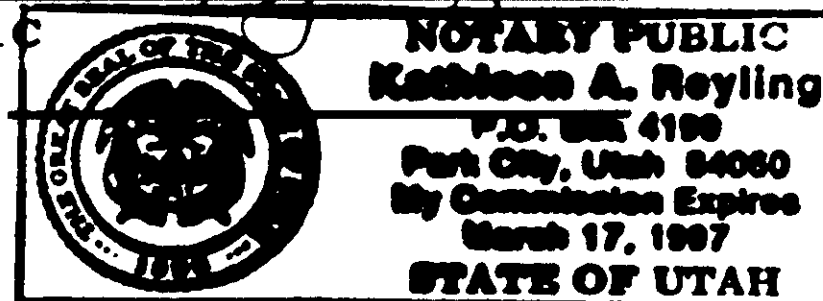
Wintzer-Wolfe Properties, Ltd.
a Utah limited partnership

By: *Charles Wintzer*
Charles Wintzer, general
partner

STATE OF UTAH)
 :SS
COUNTY OF SUMMIT)

20th The foregoing instrument was acknowledged before me this
day of June, 1995 by Charles Wintzer, who is the general
partner of Wintzer-Wolfe Properties, Ltd., a Utah limited
partnership, who executed the foregoing on behalf of that
partnership with proper authority.

Kathleen A. Reyling
Notary Public
Residing at:



Commission Expires:

March 17, 1997

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