PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 23, 2024

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, Laura Suesser, John Frontero, Henry Sigg, Rick Shand, Christin Van Dine, Bill Johnson

EX OFFICIO: Rebecca Ward, Planning Director; Alec Barton, Senior Planner; Mark Harrington, City Attorney; Elissa Martin, Assistant Planning Director; John Robertson, City Engineer

CLOSED SESSION – 4:00 PM
The Planning Commission May Consider a Motion to Enter into a Closed Session for the Specific Purposes Allowed Under the Open and Public Meetings Act (Utah Code Section 52-4-205).

MOTION: Commissioner Johnson moved to go into a Closed Session for the specific purpose allowed under the Open and Public Meetings Act. Commissioner VanDine seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission was in Closed Session from 4:00 p.m. to 5:30 p.m.

1. ROLL CALL

Chair Sarah Hall called the meeting to order at 5:31 p.m.

2. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward, reminded the Commission that Neighborhood Advisory Committee Applications are open through the following Friday for the General Plan. Community members interested in serving were invited to apply. Additional information was available on engageparkcity.org/generalplan. Those participating in the public hearing were reminded to state their full name, sign in, and limit comments to three minutes or less. Comments should be directed to the Commission and not to the applicant or audience. Those present should act civilly and address the pending application or ordinance.

A Commissioner disclosed that he has been attending the leadership seminars and two members of the group are affiliated with the consultant to the applicant at 1800 Park Avenue who is a family member and coworker. There had been no discussions about the matter.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. WORK SESSION

A. Bonanza Park – Land Management Code Amendments – Consultants Will Discuss Recommended Land Management Code Amendments to Incorporate the Bonanza Park Small Area Plan through a New Mixed-Use Zoning District. PL-24-06302.

The City's consultants from Design Workshop were present consisting of Jessica Garrow, Emily Burrowes, and Reilly Thimons. Daniel Wang, Community Planning Director for the Mountainland Association of Governments ("MAG") was also part of the project team since the project is funded through a MAG grant. The work session was intended to begin the process of codifying the Bonanza Park Small Area Plan ("BPSAP") to further shape development applications that come forward in the neighborhood. Two components were to be discussed in detail at a future meeting. When the Planning Commission forwarded a recommendation to the City Council on the BPSAP there was a recommendation for a joint meeting to discuss the community benefit element of the Code and what would be required to reach that criteria to allow for a potential fourth story out of the Frontage Protection Zone ("FPZ"). The City Council recommended that rather than a joint meeting, the Council Members be surveyed and provide input for Planning Commission review. The Commission then makes a recommendation that is forwarded to the City Council for review. Staff continued to work with the City Council on that component of the project as well as the details of the conventional chain business regulations. The City's consultants would be presenting remotely.

Ms. Garrow presented the Bonanza Park implementation through the Land Use Code. Information was provided on the overall project process and timeline. They then reviewed the Code update recommendations that were included in the packet as well as a summary of the recommendations memorandum. Ms. Garrow provided an overview of the project and stated that the project is divided into four phases. They are currently at the end of Phase 3. Phase 4 is the proposed Code language in a red-line format. It was expected to be brought forward by the end of this year.

Ms. Thimons identified the priority topic areas which will include updates to Density and Building Height, Housing, the FPZ, Parking, Alternative Transportation, Alternative Transportation Infrastructure and Standards, Sustainability, and Definitions. The details on community benefits were still being determined and were ongoing. Updates to Density and Building Height were expected to require revisions to language. They also anticipate updates to housing types that encourage multi-family units, missing middle housing opportunities, and those that will help enhance livability through design standards that promote a human scale and walkability within the community.

For the FPZ they anticipate updating the Code to help maintain roadway integrity, ensure safe access, and scenic views without raising height allowances along with incorporating arts and cultural elements. For parking regulations, they will focus on shifting from parking minimums to maximums, encouraging transit use, reducing surface parking, and focusing on integrating alternative transportation standards, and bolstering multi-modal options through infrastructure improvements. Building on that for Alternative Transportation Infrastructure, they highlighted the need to add language to the Code that delves into the various levels of transit or bus stops, and design standards with a focus on how to connect public sidewalks within amenity zones and Bonanza Park.

For sustainability, through conversations with City staff, the summary of the PBSAP, their review of existing policy documents, and conversations with stakeholders, they understand that there is an opportunity to incorporate sustainability best practices in Bonanza Park and provide opportunities to reduce emissions and energy usage. That could potentially include landscape requirements, updates to stormwater detention and retention, focusing on ensuring that trash and recycling areas are appropriately sized and determining incentives to move the neighborhood toward a more efficient Building Code.

Ms. Garrow reported that as they move into red lines, they are anticipating updates to seven specific sections. The memo provided to the Commission outlines some of the key recommendations. They are anticipating edits to general provisions and a potential new zone district, looking at supplemental parking regulations, architectural pieces, master-planned developments, and defined terms. One of the key recommendations from the BPSAP is establishing a new zoning overlay for Bonanza Park to be called the Bonanza Park Mixed-Use Zone District. Within that new zone would be specific definitions related to types of open space. There would also be information pertaining to the different residential uses. They would also look at vertical zoning standards and specific commercial requirements and limitations. The intent is to ensure that the zoning district is implementing the plan and preventing unintended consequences in other areas of the community. Additional research and work are taking place relative to chain businesses. The BPSAP suggests that it is important to limit the number of chains allowed in the Bonanza Park area.

There are specific recommendations related to the square footage of up to 5,000 square feet including a maximum percentage of the number of chains and the square footage that can be located within a single building. Thought should be given to ensuring that there are space allowances for the grocery store. She explained that there are existing limitations in the Commercial Historic District through a cap that might be challenging. The Commission was asked to give feedback on whether to consider incorporating a chain business regulation in this area as well as what is and is not working well with the existing regulations in the Historic District.

Commissioner Suesser commented that there is a Starbucks in the Fresh Market and asked if that counts in terms of a chain business in the district because it is not a standalone. Ms. Garrow stated that it would be considered. The definition will need to be added regarding what it means to be a chain and how to account for a business within a business. She explained that typically that would be considered a chain business. Where it exists in other communities, there is a larger size allowance for grocery stores that tends to accommodate a business such as Starbucks. Commissioner Suesser also commented was also made that there is a Burger King on Park Avenue but it may be outside the BPSAP but should be considered when talking about chains within the zone. Ms. Garrow agreed that it is important to consider the existing chains and suggested that in determining percentages they should compile a list. It was suggested that drive-thru be prohibited. The way to limit and control chains was discussed.

Ms. Garrow commented that the BPSAP includes a recommendation on how much space the chain business can occupy in a single building. That could be broadened to include sub-areas within the district. They could also look at a more nuanced cap system. She explained that typically, in codes that have chain business regulations, it is first come, first serve. They can also look at a more nuanced system if desired by the Commission. In terms of regulating any type of use, it creates pre-existing non-conformities. If the decision was made to not allow any chains in an area, all of the existing chains would be non-conforming. If a cap was set and the existing number of chain businesses exceeds that, they would be considered new pre-existing non-conforming. She suggested those issues be addressed going forward.

Commissioner Shand asked about the current rule for chains on Main Street. His understanding was that it is a fixed number and not necessarily a percentage of retail or commercial space. Director Ward stated that it is a little different from this neighborhood because the intention on Main Street is to tie the regulations to storefront property. Those properties with a presence on Main Street so within the Bonanza Park neighborhood, they may need to take a different approach. She explained that the rule is that within Main Street there is a fixed number of chains that are based on the two zones. Commissioner Shand was in favor of limiting the number of chains but wanted to consider the fact that chains bring financial stability.

Commissioner Van Dine suggested that rather than looking at individual buildings to look at parcels or zones that there be a stricter regulation for chains so that the FPZ is more vibrant. It was noted that there are no fitness centers on Main Street and questioned how to accommodate fitness chains. It was felt that this is a good zone to add athletic facilities.

Commissioner Frontero’s understanding was that the public wants this to be an area for locals, which is somewhat in conflict with chains. Because they are financially stable, he suggested that a space be created to allow for some chain businesses. He liked the idea of a 5,000-square-foot maximum. It was noted that chains come in all sizes and may not comply with the 5,000 limitation. Procedural issues were discussed.

A question was raised about the specific types of chains that might be attracted to Park City. Ms. Garrow stated that in some mountain towns in Colorado, individual breweries have been combined into a chain brewery. Einstein Bagels was also a potential chain as well as Starbucks. Grocery and drug stores are key and important to consider and continue to allow in the Code. Light industrial types of uses such as tire repair might also come up.

Commissioner Suesser was not as interested in limiting chains in this area. She felt that the limitation on Main Street was to retain the historic feel and unique storefront. She also thought it would be very challenging to come up with a cap.

Ms. Garrow reported that the second item pertains to view sheds in and existing vantage points. The BPSAP identifies potentially having updates to clarify regulations related to view corridors and vantage points. There are 14 existing vantage points within the Code as well as a 15th bullet point that allows the city, through the review process to establish vantage points on a case-by-case basis. Moving forward in the Code update process, part of what they are linking is the FPZ and the vantage points and view regulations. The key question pertains to views in the area. She asked the Commission for their recommendations with regard to view sheds in the Bonanza Park Area that should be protected through the New Code. It was suggested that two be added at the direction of staff.

It was reported that one of the questions that came up as part of the BPSAP is what view is being protected. The current Code includes vantage points that show what development looks like against ridge lines behind and vantage points to show what development looks like for steep slopes. There was discussion through the BPSAP process as to whether we are preserving the view shed along the entry corridor and if so, what considerations need to be evaluated and what information the applicant needs to provide. It was suggested that they define the location of the protected entry corridors that they are reviewing the proposed development against. Commissioner Shand looked at it from the context of the FPZ since the closest one is the high school.

Chair Hall stressed the importance of continuing to protect ridgelines.

Ms. Thimons reported that the BPSAP recommends that sustainable development within Bonanza Park meet the City's net-zero goal, which is to be running on 100% renewable energy by 2030. Ideally, this would be accomplished through the reduction of vehicle trips and improving access to transit within the neighborhood, but potentially more specifically can be addressed through investment in green technologies, and renewable energy resources like solar, wind, and geothermal. She explained that if any projects would receive the fourth story, it would automatically trigger the requirements to also meet those net zero criteria. With the allowances in the Code, it would only it would only be triggered if there were a density bonus. Under State Code, the requirements to build need to comply with the Energy Code adopted by the State.

It was mentioned that sidewalk melt systems could be taken into consideration for solar regulations. There could also potentially be a parapet on the top of the building to hide the solar panels that are not overly tall. It was noted that the recommendation is that it be flush with the roof. Some of the considerations the consultants mentioned have included things such as a setback of mechanical equipment and ways to screen and blend in specific features. A comment was made about the possibility of eliminating food waste on-site.

Ms. Garrow discussed the FPZ and highlighted some of the recommendations such as making sure that there are no height variations in the FPZ. Another was maintaining Planning Commission discretion through the Conditional Use process and thinking about the appropriate types of improvements within an FPZ. These might include trail and sidewalk amenities, art elements, continuing to implement the plan, and requiring upper-story step-backs. One of the key pieces was art, which is very important in Park City and included heavily within the BPSAP. The desire was to be open to additional comments related to the FPZ. If installations are allowed there, she questioned whether there are any specific considerations they should be aware of. These could include a minimum setback or a maximum height for the specific art elements. Input was invited form the Commission. It was noted that an art installation would have to meet the sight distance triangle regulations at intersections. If there are underlying standards in the Code to help shape where the art is installed specifically in the FPZ would be helpful.

In the FPZ the thought was that they would need at least a 15-foot buffer to add a 12-foot sidewalk with a landscaping buffer. That should be the base minimum setback for anything else to preserve connectivity in the FPZ. A question was raised as to whether the Arts Council had been contacted to provide guidance. It was suggested that the land area be considered as well as how much surface square footage is utilized. Support was expressed for the 15-foot setback to allow for walkability and connectivity. It was noted that it would be an allowance for the property owner. The BPSAP recommends that art that is proposed to be installed go through the Public Art Advisory Board Review and Recommendation process.

Ms. Thimons reported that they are anticipating updates for parking to include implementing the final report addressing minimum parking requirements and the consideration of movement to maximum parking limits, incentivizing underground parking structures, and encouraging multi-modal connections in the Bonanza Park neighborhood. They wanted to understand from the Planning Commission if they are looking to incentivize underground parking and if so, what unintended consequences there might be. Commissioner Suesser was generally supportive of Shared Parking Agreements. She considered them to be a great way to avoid areas that are overparked. She was very supportive of underground parking and drastic parking reductions from what currently exists. She felt that allowing for underground parking, which is extremely expensive, would be a very valid reason for a parking reduction. She encouraged good connectivity.

The consultants were asked about their mention of parking maximums and a description of the meaning of that term. Ms. Garrow reported that typically land use codes have a minimum number of parking spaces. For example, two parking spaces are required for one residential unit. At the option of the developer or as part of the review process, the City Council or Planning Commission can require more. Parking maximums are allowed. A residential unit can have no more than two or three parking spaces per unit. In other areas, the parking maximum has been either a specific number tied to a specific land use or it takes the existing parking minimum and allows no more than 125% of that. The point of parking maximums is to address the potential for over parking.

Commissioner Frontero had been analyzing other municipalities that are similar to Park City and reading about innovative projects. It seemed that parking maximums are something that many cities are utilizing. The basic premise is that by not providing parking, people won't drive and will find another way to get there. He stated that transit in the area as changed dramatically in the last five to 10 years and the Code was likely written prior to some of the new transit improvements being implemented. He expressed support for Shared Parking Agreements and considered underground parking to be a wise use of space. He encouraged stronger incentives for underground parking and suggested that a buy-right reduction be put in place as an incentive. Developers would know upfront that if they go underground that they can get a 20 to 30 percent reduction.

A question was raised about what the consultants have seen in previous projects in terms of mixed-use zones and the allocation of dwelling versus non-dwelling units. Ms. Thimons explained that that is done through a review process. In some communities where there is a Shared Parking Arrangement or reduced parking as part of a mixed-use project, they will develop a specific parking plan that assigns parking spaces based on use to make sure that when a resident comes home, they are able to park in their space. In that instance, one parking space per unit might be reserved with a portion that might be flexible between commercial and residential uses. She explained that resident parking is typically overnight while commercial parking is typically used during the day. As a result, flexibility would be built into that parking arrangement.

Commissioner Suesser expressed support for underground parking but was not interested in providing a large underground parking area. She did not want to discourage people from taking public transit and alternative modes of transportation. She considered that to be an unintended consequence of incentivizing underground parking. The comment was made that where underground parking is situated in the context and circulation around the site is important. Creating underground parking creates a stacking issue on the road going into it which is another unintended consequence. The preference was for more public-private participation in underground parking. Support was expressed for Shared Parking Agreements with interest in knowing how they interface and are factored into current rights-of-way that exist and what the municipalities' strategies are for creating parking along those rights-of-way. Support was expressed for parking maximums because they become more specific to an area.

Commissioner Suesser asked about Car Share programs in residential buildings and if they are effective in reducing the parking demand. Ms. Thimons stated that in their experience, a car share vehicle in or near a residential complex is successful when it is part of a larger ecosystem within the community. Within a Development Agreement, there are requirements about making sure that residents automatically opt into the Car Share program as part of their lease. It can be very successful but it cannot be the only car in the Car Share program and needs to be part of an ecosystem.

The consultants would be back before the Commission in December. Public input could be sent to planning@parkcity.org.

5. REGULAR AGENDA

A. 1800 Park Avenue – Park and Kearns Master Planned Development – The Applicant Proposes Redevelopment of the Site with 170 Hotel/Condo Units, 60 Affordable Units, 6,893 Square Feet of Restaurant/Bar Uses, 4,679 Square Feet of Retail, 6,469 Square Feet of Office Space, a 354-Square-Foot Coffee Shop, and approximately 70,000 Square Feet of Accessory Use Exceptions in the General Commercial Zoning District and Frontage Protection Overlay Zone. PL-22-05476.

Senior Planner, Alec Barton, presented the Staff Report and presented changes made to the submittal since the last submittal presented in September. The applicant has proposed to reduce the overall building height to a maximum of 49 feet for the project. The reduction applies to the screening elements for the rooftop mechanical equipment and elevators. The building itself will continue to be 45 feet. The applicant has proposed to extend valet service for hotel and restaurant guests and extend shuttle service to hotel guests. The application includes approximately a 70% increase in the number of electrical vehicle charging stations. There is increased bike storage in the underground garage that is intended for visitors or employees of the restaurant and tenants of the affordable building. There is also increased space for cargo bikes and oversized bikes both in the underground garage and at ground level. There will be a two-tier bike rack system that the applicant is proposing for the bike storage area on Level 1 of the building. Updates to the building facade were also presented.

A diagram submitted by the applicant was displayed. Planner Barton explained that there was a discrepancy in the Staff Report. The parking spaces shown were correctly measured from the center line of the stripe to the center line of the stripe and the issue has been resolved. The primary updates to the facade of the building included articulation, especially on the affordable building. The applicant is proposing two additional entryways along the ground level facing Kearns Boulevard. The stone veneer elements that used to reach as high as the fourth floor are now largely limited to the first floor and in some instances extend to the second floor. A diagram was presented showing where the additional building height is being requested. The areas shown in orange are where the maximum height would reach up to 49 feet. The areas shown in red would reach a maximum of 45 feet. The light green, mostly within the FPZ allows a maximum of 35 feet and the areas in dark green, which are entirely outside of the FPZ are areas that continue to be substantially below the allowed building height for the zoning district. There are six criteria to consider when granting a possible building height exception.

The applicant, Peter Tomai from Specific Performance was present with several members of the ownership team and Craig Elliott and Carla Lehigh with Elliott Work Group. He thanked the Commission for their tireless efforts. It has been a long process but through collective efforts, they have arrived at a Redevelopment Plan with the potential to unlock the power of private redevelopment to provide vast community benefits. Mr. Tomai stated that the project delivers every aspect of the community amenities envisioned by the BPSAP and serves as a model of walkability, connectivity, livability, sustainability, and inclusivity.

Mr. Elliott addressed various components of the project and answered questions raised at the last hearing. The first Work Session took place in September of 2022. The Site Plan was presented at that time and was not well received. After some time passed, the owners decided to shift gears and approached his firm which looked at it from a different perspective. They suggested pulling back from Park and Kearns Avenues to add variation to the buildings. They attended the next Work Session, which was an introduction to the project and addressed how they looked at the overall project. They also addressed the existing conditions of the site and how it ties into the future of Bonanza Park. They presented diagrams of how they were breaking up the buildings and creating different massing that were consistently different from what was shown before. The third Work Session took place in February 2024 where they showed revisions where they created a larger green buffer. They pulled the retail shown in blue back and began talking about the 100-foot protection FPZ. They performed a height increase analysis, walked through each, and listened to what the Commission had to say and came back with another version. The next public hearing took place in June 2024 where they talked about the FPZ, height, reviewed the proposed revisions, and pulled the buildings and height back.

They then addressed the perception of height, which was a discussion point. They showed the spaces they were trying to create. At a public hearing in August 2024, they discussed the FPZ, what was there, and what exists today. They also discussed what the entry corridor looks like, what is the FPZ, and what is the entry corridor and views. They then reviewed significant revisions based on comments received. They pulled the height back and the upper levels were put behind the 100-foot FPZ. They also conducted site studies where they put an element on existing buildings that are next to and on the site that show the height restrictions at the 100-foot setback. They then reviewed the other pieces and how they are trying to tie them into the BPSAP and significant changes. One issue involved listening to Commissioner Suesser about how to deal with the signature trail. Those elements were revised and made it a better space. They started to follow the BPSAP with the signature trail, the sidewalk areas, and other elements. They also talked about what was happening on the corners, what the spaces were like, what they were trying to do to create increased buffers, and the types of open spaces created.

Mr. Elliott reported that they came back with overlays to show what the project would look like if overlaid across the existing condition of the buildings and an adjacent building. Questions were raised regarding parking that would be addressed today. Mr. Elliott next looked at the existing project that is over four decades old. It is an existing non-conforming use. There is no 30-foot landscape buffer. There is parking built in the FPZ that many are trying to eliminate. Parking is built in the 30-foot, no-build zone and a building in the FPZ that requires the Conditional Use Permit ("CUP") process. It does not meet the building facade variation requirements, has a fake mansard roof, which is not allowed in the Design Guidelines, does not meet the PD required setback on the south side of the lot, and the building size requires an MPD regardless of what is done. In addition, the parking does not meet the underlying Code although it has operated for over four decades and has been successful. Questions were raised about what a condo hotel is and how it functions. The packet included a spreadsheet with a list of 14 or 15 condo hotels and a matrix showing the elements being used. Mr. Elliott reported that nearly all of the pieces have a valet component. Mr. Elliott explained that the hotels built in Park City are primarily condo hotels.

Commissioner Suesser commented that one of the main differences between the proposed project and the projects referred to involves the percentage of hotel rooms compared to condominium units.

Mr. Elliott stated that at St. Regis there is some portion of portfolio hotel rooms and it is an enormous project. 100% of the Pendry, the Waldorf, and the Lodge are condominiums. It was noted that the intent was to point out that that is the model that hotels are built on today and there are reasons for it. Mr. Elliott explained that ownership is discussed with all of the major brands and there were multiple discussions about who would operate it. There was, however, no sense in locking one down because they did not know what they were going to be able to build until they get through the process. It will, however, be operated as a hotel.

With regard to parking, Mr. Elliott stated that he has been in nearly all of the parking lots of every condominium hotel and operations have taken over parking spaces that are not being used for the project because they don't need them. The ratio evolves over time. Mr. Elliott offered to provide specifics.

Commissioner Sigg asked for a breakdown of lockout units. Mr. Tomai explained that a lot of projects have a significant number of lockouts. They are proposing 12 lockouts in their project.

Commissioner Suesser asked if the Peaks Hotel and Hotel Park City are predominantly condominium hotels. Mr. Tomai stated that Hotel Park City is and Peaks Hotel is not. It was reported that the Peaks and the Sheraton are the two hotels in town that are traditional. Marriott Mountainside was also identified as a 100% timeshare condominium.

Mr. Elliott responded to a question raised about access through the site and primarily the north-south access. In the design, they removed that from the very first scheme due to the operations of the hotel. He also felt like the dimension was comfortable. It was reported that a block on Main Street is 1,625-foot wide lots or about 400 feet. It is slightly larger than their south facade. The east side has smaller breaks and serves as a filter for the parking and the transit center. The west side is more like what they are dealing with here where it is a buffer to the residential on the outside and is suburban in nature. He was comfortable that what they were doing was providing a good solution that was of a comfortable size and similar to the sizes they deal with in Park City. It also opened up kind more valuable areas outside the project for view buffers where their big signature trails are to be built and still be separated from traffic as opposed to against the curb.

Mr. Elliott commented on the 30% open space and stated that he opened his practice in Park City in 2002 after serving as the architect of record for Deer Valley and Park City venues and temporary seating throughout the Olympic Games. He reported that when he opened the office, they were going through the process of bringing the MPD back into the Code. Part of that process involved adding the GC Zone. Outside of the GC Zone, they locked into 60% open space. The GC Zone did not have any open space requirements.

The City Council had the understanding that they wanted this area to be redeveloped. They knew this was the best place in Park City in 2002 for the City to redevelop. Mr. Elliott attended most of those meetings he spoke publicly to state that it is typically 10 to 20 percent open space, which was the case at the time. They desired to find a way to get underground parking in the area and eliminate the Main Street feel. They ultimately settled on the 30% open space. During the discussions, the 30% was a baseline. He believed that what they have proposed is based on the understanding that 41% of the space is significant and gets them to underground parking. There was also discussion about height and getting underground parking. The thought was that not having underground parking prevents redevelop. To accomplish that, more density is needed than is allowed in the GC zone based on setback and height requirements.

Mr. Elliott described other projects that have had taller heights and stated that they used the history of the MPD and the goals set forth in 2002. He explained that the increase in building height does not result in increased square footage, which has been discussed during previous meetings. They felt pretty strongly that the criteria had been met. He next addressed adequate landscaping and buffering from adjacent properties and noted that MPDs were not designed to create separate islands. Bonanza Park needs the opportunity to create an urban environment. He stressed the importance of getting the right kind of buffering. They have created buffer descriptions and identified five different buffers. They identified five items and applied them. They also discussed the benefits of going through the process and adding height. Getting the underground parking was one component but affordable housing was important as well. They also have outdoor community spaces and connectivity, bike share stations, underground parking, and transit-oriented development. They are also preparing for community facilities and sustainable development. This is being done in addition to the height requirements as part of the MPD process. Mr. Elliott stated that they consider these to be tremendous community benefits. Their first submittal included five stories on the corner, which was decreased to four stories. The last version involved stepping the building and height back.

Parking was a discussion point in the packet and they identified all of the parking. A question was raised about how the parking works and who conducted the study. Mr. Elliott reported that they did the study and hired Hales Engineering to confirm their work. The findings from Hales Engineering show a need for less parking than presented. With regard to shared parking, there are five others they are aware of who have Shared Parking Agreements and property lines that go through parking lots or parking spaces.

Mr. Elliott confirmed that they have not been operating with a Shared Parking Agreement but have been using the parking lot as access points and a Shared Parking Agreement is being proposed. He explained that there are three other property lines that go through the parking lots and they are extending that piece. Mr. Tomei stated that they have 168 parking stalls and the project is adequately parked. They have done parking counts and confirmed utilization and utilization patterns. It was clarified that while there are historic patterns of use there are no rights-of-way or easements of record.

Mr. Elliott stated that they tried to design the project so that it follows the BPSAP and the streets that have been proposed. That was of particular interest to Commissioner Sigg in that as the area redevelops they do not know the plans for the other sites and how that might impact this project. Mr. Tomei reported that they have been interfacing with John Robertson in the Engineering Department about those very points. He believed that at some point the City was going to want to perfect rights-of-ways there. Their goal has been to accommodate for a future that would envision that.

Justin Keys stated that they circulated a draft of the Shared Parking and Access Agreement early on in the process. The issue was that the other property owners are all subject to an existing agreement that allows for access and parking as it is currently structured. The original developer was not subject to that. Their rights are prescriptive in nature but that does not give them the right to use this property. He explained that they would still have prescriptive rights in that location, however, they must be established in court. They are motivated to get a documented agreement moving forward. It was acknowledged that both parties were in a difficult situation. Support was expressed for a draft showing the terms. The key was determined to be a condition of approval that is enforceable by the City. Once there is a condition of approval Mr. Keys thought it would be fairly straightforward to finalize the agreement. Having prescriptive rights that are undefined impairs the developer's ability to redevelop the property. If they can get defined rights in a Shared Use Agreement, they have more predictability moving forward.

The comment was made that one could argue that the site could be designed so that it could work on all of the property understanding the nuances of this particular location with the FPZ on two sides. It was stressed that adequate clearance is still needed for service vehicles and an unloading area.

In response to a question raised by Commissioner Sigg, it was confirmed that this property is not governed by Codes, Covenants, and Restrictions ("CC&Rs") while the Yarrow, the Fresh Market, and the movie theaters are. A question was also raised as to whether the parking can become privatized by one of the other ownerships. Mr. Tomei was not sure but had a copy of the CC&Rs and could confirm that.

Mr. Tomei described the cooperative level taken over the last several years in that every adjoining property owner has come to speak in favor of the project including at recent meetings. Property owners want predictability and shared commercial driveways are encouraged in the zone. Commissioner Sigg stated that it is important to have those details as part of a plat note.

Mr. Elliott reported that there were also questions about MPD and the bicycle parking requirements. Staff did a good job of describing it in the Staff Report. They have reviewed and were confident that they can accommodate everything and perhaps make it better moving forward.

With regard to design, the materials provided give an idea of what has been done to meet the City's goals and desires and the FPZ issues. Mr. Elliott showed a three-minute fly-through of the project and described the various features and amenities proposed.

Mr. Elliott reported that he established his practice with the goal of improving Park City. He has had the opportunity over the years to work on a number of projects and their goal has always been to use their skills to help improve the City. He commented that this project will move them into a 20-year sequence noting that they missed the first one.

Chair Hall opened the public hearing.

Corie Hardee voiced concerns about the project in June. Since then, she has spoken to Mr. Tomai and the team and those concerns have been resolved. The team has been very amenable. Ms. Hardee is the President of the Condo Association at Park Avenue Condominiums. There are 132 units and it is directly across the street from the subject property. The team has come to a number of the HOA Board Meetings to obtain feedback. To her knowledge, there have been no further concerns voiced.

Kathleen Hunter is a 30-year Park City resident. Her main concern about the project had to do with the heights. She appreciated that the presentation included renderings from

Kearns and Bonanza. She would love to maintain the mountain views in her area. It seems like a lot of consideration goes into a height exception, but she would like to see the height capped at 35 feet. The tiering of the heights back from the FPZ does help.

In the prior Code Amendment presentation, when the consultants asked what kinds of renderings would be helpful, there were discussions about ones from the corner of Kearns and Park. However, Ms. Hunter asked the Planning Commission to consider the impact on mountain views in the whole Bonanza area. She asked what the schedule is for making a recommendation to the City on the code amendments and Double Tree project. Chair Hall reported that there is not typically a back-and-forth in a public hearing. That being said, the next time the LMC amendments will come back to the Commission is December 11, 2204. It is possible to email the Planning Department for more information.

Stan Kozlowski shared information about his hospitality experience and stated that he has lived in Park City for 15 years. He explained what a “condotel” is and shared several examples where 100% of the units are sold to third-party owners. Those condotels function like a hotel and have the amenities of a hotel. The amenities are mostly used for guests. The condotel format is a financing mechanism that is often done in resort markets. Though the word “condo” is in the word, a condotel really acts as a functioning hotel. These are rarely used as full-time residential units and function as hotels in every aspect, including transportation, where public transit and rideshares are regularly used.

Deb Rentfrow stood by the comments she submitted via email on August 27, 2024, with one exception. In number one, she has the count of market rate hotel rooms slightly off, as it is 30 to 40 less than the number shown. Ms. Rentfrow shared additional comments related to parking. Something that came out of the study was the idea of unbundling parking, meaning that when a condominium unit was bought, the owners did not necessarily purchase a parking space. She does not see that mentioned as a potential option or rule in the Parking Management Plan. As for shuttle service, she thinks the applicant should clarify whether it will go to Kimball Junction, Summit County, Salt Lake City Airport, and so on. As for meeting operations, the language states that the meeting space is intended to serve the operations of the hotel's nightly rental use. Currently, the rotary meets there. She would be surprised if every rotary member took transit or a bicycle to attend those meetings, so that would be an additional use. She explained that there are situations where there will be people outside of the hotel parking at the site.

Ms. Rentfrow commended the developer on the Building E east façade improvements. There is improvement seen on the south side as well. She also believes Building A looks better with less stone. When it comes to the height exception, she feels there is additional room for improvement in design articulation throughout the development.

Tony Tyler stated that he is with Columbus Pacific Development. He shared some clarifications to support the applicant. Two of the condominium hotels that were mentioned earlier, the Pendry and Hyatt Centric, both operate with a substantially lower parking count and at 100% condominium hotel. Those are clearly nightly rental businesses. From a guest-facing perspective, the guest does not know that the individual condominiums are owned by third-parties, but that the hotel is operated by Pendry or Hyatt. As for the branding of the hotel, he pointed out that hotels generally do not have a permanent brand, as it changes over time. In this case, there is an opportunity to upgrade the experience for guests in that area with a higher quality product and brand.

Mr. Tyler stated that the developers have done a good job of supporting an affordable housing community with close to 60 affordable units. It is clear that the City needs as many Deed Restricted affordable housing units as can be built. This one is coming at no cost to the City and no cost to the residents. He feels this is a significant community benefit. This project has the opportunity to kickstart the Bonanza Park Small Area Plan. Mr. Tyler does not have a concern about the height, as it is stepped back appropriately.

Arthur Bingham stated that he lives in Park Meadows. He is a resident of Park City and has stayed at the Yarrow several times and uses that area of Kearns Boulevard and Park Avenue regularly. This application incorporates many different elements that Park City has been looking for, including affordable housing, retail, restaurants, rental properties, hotel rooms, and pedestrian walkways. This is something that can benefit the whole area and act as an anchor. Mr. Bingham understands that some residents feel the height is an issue, but he pointed out that from street level currently, it is only possible to see the mountains or ridges in parking lots. It is more of a theoretical point that the 8 feet will impinge upon views rather than a point that is based on reality. The setbacks and green space will create the feeling of an open area. Mr. Bingham likes the idea of incorporating public art. There are a lot of elements that embody the goals of Park City. He expressed support for the application and feels it should move forward as soon as possible.

There were no further comments. The public hearing was closed.

Planner Barton shared six criteria for building height exceptions and asked the following:

- Does the Commission:
    - Find that the project meets the criteria for additional building height.
        - Continue the project for analysis of Traffic Impact Study, Housing Mitigation Plan, etc.
    - Find that the project does not meet the criteria for additional building height.
        - Direct the applicant to remove building height exceptions.

Commissioner Frontero noted there has been a lot of improvement to the project over time. He appreciates that the applicant has been listening to the feedback received. However, it is disappointing that it started at 60 feet of height and that has slowly been worked down. At every meeting, it is always mentioned that the application started at that point and the applicant has been reducing the height over time. Though he is impressed with where the application is now, where the application initially started was disappointing. The request is now 45 feet in a zone that is only set up to handle 35 feet. The code requires the Planning Commission to look at the six criteria to consider granting a height exception. The application must meet all six criteria to consider the exception.

Commissioner Frontero stated that the latest rendition provided by the architect likely meets Criteria #1. The façade variation and design are much improved as is the architectural variation. As for Criteria #2, the buildings have not been positioned to minimize visual impacts. The south-facing buildings are the lowest buildings in the entire project, but he feels the lowest portion of the buildings should be facing the FPZ. In 15-6-5(G) it states that the units shall be clustered on the most developable and least visually sensitive portions of the site. He reiterated that the highest projections on the site are on the most sensitive height impacts. He is not convinced that Criteria #2 is being met.

Commissioner Frontero discussed Criteria #3. He feels the applicant has done a better job at providing the landscaping and buffering, but thinks it could be improved on the south. The setbacks are improved, but he believes there could be more done there, especially when it comes to the building on the corner of Kearns and Park. The density in that building concerns him the most. If there was a vote on the application now, he would be unlikely to vote in favor of the height based on his understanding of the criteria.

Commissioner Johnson asked whether the Commission will vote on the height. Chair Hall noted that there was consensus last time that the criteria were not met. There has not been a drastic change made, but 3 feet was altered. Based on the comments from Commissioner Frontero, it does not seem there were significant enough changes made to meet the six criteria before the Commission. The Commission needs to determine whether the modifications made to the application have shifted their position on the matter.

Commissioner Suesser agrees with the comments shared by Commissioner Frontero. In addition, the parking reduction that is being requested and the tandem parking for overflow parking that has been proposed are insufficient to meet the code requirements. The access to the parking garage exclusively off of Kearns Boulevard rather than from the front, off of Park Avenue, is an issue. Due to the circulation of the property, there should likely be access to the garage from the Park Avenue side of the project. Commissioner Suesser has continued concerns about the lack of amenities for the affordable housing component and the restriction of the courtyard and pool.

Commissioner Sigg echoed the comments shared by other Commissioners. Height affects a number of different elements, including the number of affordable units, the number of parking spaces, and valet parking. There are many issues that need to be considered. To the point made by Commissioner Frontero, the Commission has an obligation to make a decision based on the code. Evaluating this based on height alone, it would be difficult for him to vote positively without considering the other impacts. Commissioner Sigg commended the applicant for the work that has been done throughout this process, but the height is a sensitive issue and is not permitted in the zone currently.

Chair Hall referenced the questions posed earlier by Staff. If the Commission finds consensus that the modifications now meet the criteria for height, then the Planning Commission can review a Traffic Impact Study and Housing Mitigation Plan. Those details can be pursued and there can be a holistic look at the application at that point.

Commissioner Sigg pointed out that once the height decision is made, then everything else must be worked out with that in mind. Commissioner Van Dine agrees with the earlier comments shared by Commissioner Frontero. She has been clear from the beginning where she stands on the 35-foot height. The Commission has repeatedly shared comments about height, so the 3 feet of screening material is not enough. She agrees with some of the public comments that this is a keystone development for Bonanza Park. It is an important development, but it is also important to meet the criteria.

Commissioner Shand asked to further review the six criteria for building height exceptions. He noted that during the past several presentations, he has generally been in favor of this project and continues to be in favor of the project. The criteria review comes down to different perspectives. There is ambiguity in each of the six criteria shown, so the criteria are open to interpretation. As a result, it makes sense to consider the project as a whole. He believes there has been a significant improvement with the open space on the corner of Park and Kearns. He likes what has been proposed overall, and believes this checks a lot of boxes for the community needs in the Bonanza Park area.

Commissioner Shand pointed out that in the future, there will be consideration of some code changes. There have been statements made that there is not enough parking, but there will be consideration of a parking reduction in the Bonanza Park area and there will be consideration of taller buildings. The additional height here does not bother him and he feels the positives associated with the project offer a benefit. The tallest building out of the five is out of the FPZ and is in the back corner. His perspective is that the other aspects of this project outweigh the additional height that has been requested in this case.

Commissioner Johnson has made it clear in the past where he stands on the height. He is accepting of the height as long as the project is considered as a whole. Ahead of this meeting, he looked into the Parking Management Plan and the Surface Parking Analysis. He would like to request more information on that but is supportive of the height.

Mr. Keys noted did not hear a consensus from the Commission about the height at the last meeting. There was consensus that there was not comfort with approval because all of the information was not known and the whole project was not being considered. He pointed out that Commissioner Johnson and Commissioner Shand were supportive of the height whereas Commissioner Frontero and Commissioner Suesser were uncomfortable being backed into the corner on the height component and Commissioner Van Dine was not supportive of the height in this location. Mr. Keys has worked with a lot of different developers, many of whom are looking at properties in this location. Some are short-listed for the Bonanza Park request for proposal ("RFP") that was released. At least one of them will no longer submit the RFP based on their observation of this process.

With this project, if the density is reduced any further, it no longer makes sense economically. Mr. Keys explained that the investment has to work. It is difficult on a site like this, where much of the property is taken up by the FPZ. That is the reason there is 42% open space proposed on the site. Mr. Keys pointed out that the six criteria for height exceptions are targeted at impacts on adjacent properties. He read Criteria #2:

- Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation have been mitigated as determined by the site-specific analysis.

Mr. Keys noted that "structures" is a defined term in the code. This language is not about the impact on the FPZ, because the FPZ addresses impacts through its requirements. There is compliance with the FPZ requirements, including nothing within 30 feet and a Conditional Use within the first 100 feet. What the criteria is intended to address are the impacts on adjacent structures. In this case, that is the property owner to the south. While there are tall buildings on the south side, there is not a wall of tall buildings, which is a better design and a design that considers impacts on the adjacent future structures.

Mr. Elliott addressed some of the comments from Commissioner Frontero. The intention of showing the process so far is to be transparent about what has occurred to this point. As for "most developable land," that is generally in reference to areas where there is a slope or wetlands. Historically, that is how it has been interpreted. This entire site is developable land. The design was a series of blocks because that is the most efficient and creates the least amount of building mass. It wasn't intended to do anything more than break up the mass and create a more efficient structure overall. It was noted that the solar aspect for neighboring properties that are mentioned in the code is also relevant to the site. It explains why the project is reversed compared to what is preferred by Commissioner Frontero. Both sunlight and air are able to be introduced into the project. The intention is to make the most efficient use of the solar and natural resources available.

Senior City Attorney, Mark Harrington, stated that the exceptions are in the context of the chapter as a whole. They are framed by the goals and best planning practices, as articulated. There is flexibility rather than ambiguity. As long as the Commission comments are reasonably related to evidence associated with the goals or affirmative standards in that section, then those are justifiable. That does not mean there cannot be a debate about them. Mr. Keys acknowledged that there is some level of discretion. He referenced the point made by Commissioner Sigg about making a height decision before the whole project has been considered. Additional discussions were had about the proposed height.

Chair Hall agreed with Commissioner Frontero, Suesser, and Van Dine. She explained where she believes the criteria have not been met. When it comes to the architectural and roof variations, she does not feel there is a lot of roof variation proposed. As for the southeast perimeter, the code for the MPD requires 25 feet. For Building E to be only 28 feet back, that is a nominal amount. It seems there is consensus from Commissioner Frontero, Suesser, and Van Dine that the six criteria have not been met. She would prefer to direct the applicant to be compliant with the code before the discussions proceed.

Mr. Keys thanked Chair Hall for the clarity and explained that the redevelopment here will likely not occur based on the feedback provided. Director Ward wants to clarify to see if she understands some of the input received from Commissioners. The overall configuration of the project will inform the affordable housing, parking, transit, and traffic. There was a discussion before the plans transitioned the height out of the FPZ. There are still areas within the Site Plan that are under the height. She is not hearing the Commission state that the density needs to be reduced, but how it is allocated on the site could be explored. She does not believe this is a question of density, but how that density is allocated. Director Ward pointed out that there might be an opportunity to make some modifications in the areas where the buildings are under the zoning height.

Mr. Elliott noted that there were a series of blocks created that were extremely efficient. He shared a drawing and pointed out the meeting space indicated in the green. The meeting space is a two-story space that has a long-span structure. If the limit is under 35 feet, there can be one floor there. It could be connected across, but that would cut out several units in the corners due to the need for connection points and access points. The affordable blocks would be reduced. Double-loaded corridor buildings start to become less efficient and take up more building mass than what is shown in the drawing. There is not enough room to do another building block in between Block A and Block E, because it would put the building units too close together. He discussed some possible options that could be explored but stated that it would not result in a better project.

Commissioner Johnson suggested that the layout and design be looked at again. Based on what he has heard from the Commission, the affordable housing building itself is fine, but if it is possible to reallocate that top floor somewhere else in the project, that would be preferred. Mr. Elliott explained that the design team has considered all previous comments and has looked into other options, but those options have not worked out.

Commissioner Suesser wondered whether it would make sense to place the restaurant on top of the meeting space and create more of a courtyard next to the affordable housing on the south side. Mr. Elliott reported that there was a previous version similar to that, but there would still need to be a service connection. It is not possible to move that on top, but it can be looked at further if that is something that is desired by the Commission. That would not necessarily help to reduce the height but would change the configuration.

Chair Hall noted that many Commissioners like elements of the proposal. The Planning Commission hopes there is a way this can come into compliance with the code. Mr. Elliott is not certain there is a way to reduce the height. There is a density target that must be hit to build the underground parking. He pointed out that the underground parking would be built for affordable housing as well. Mr. Elliott believes there is compliance with the code through the MPD process. The code requires that there be an MPD because there are more than 20 units and it is more than 20,000 square feet. Through that MPD process, the request is for a height exception to improve the overall plan.

Commissioner Suesser believes the issue is the allocation of the open space and the buffering around the south and east sides. She feels that is what needs to be improved. Mr. Elliott explained that they have looked at the Bonanza Park Small Area Plan. The pictures in the plan showed a street with an awning, store front, and dining. For an active urban setting, that space needs to be appropriately sized for a sidewalk. That is the reason the adequate landscape and buffering were considered. They have tried to put the right things in the right places and have also considered all Commissioner feedback.

Mr. Keys stated that the proposal complies with the Bonanza Park Small Area Plan. Chair Hall acknowledged the process that is simultaneously taking place. Mr. Keys stated that a lot of time has been spent trying to make the project work at 35 feet, but it does not.

There was a brief break while the applicant representatives discussed whether there was a desire for a motion to be made to continue the application to a date uncertain.

MOTION: Commissioner Frontero moved to CONTINUE Agenda Item 5A, 1800 Park Avenue – Park and Kearns Master Planned Development, to a date uncertain. The motion was seconded by Commissioner Shand. The motion passed with the unanimous consent of the Commission.

B. **1251 Kearns Boulevard – Conditional Use Permit** – The Applicant Proposes to Enclose an Outdoor Dining Area to Expand the Existing Restaurant by 3,423 Square Feet within the Frontage Protection Zone and General Commercial Zoning District PL-22-05240.

Assistant Planning Director, Elissa Martin, presented the Staff Report and explained that this item relates to property located at 1251 Kearns Boulevard. She is joined by the applicant team, which includes Jonathan DeGray, Gary Horton, Mark Fischer, and Michael Fischer. Assistant Director Martin shared an overview of the proposal. She explained that the original application included a CUP for increased parking at 1351 Kearns Boulevard, but that application has since been withdrawn. The current proposal before the Commission is for a 3,795-square-foot addition to the Blind Dog Restaurant, located at 1251 Kearns Boulevard in the FPZ and General Commercial Zoning District.

The Blind Dog Restaurant is one of three commercial uses at The Yard, with the other tenants being the Boneyard Saloon and the Kimball Art Center. The tenants share one parking lot. While the proposed addition is outside of the 30-foot no-build setback of the FPZ, it is within the 100-foot FPZ setback, which requires a review of the CUP criteria.

At the August 28, 2024, Planning Commission Work Session, the Staff Report provided a detailed history of the parking at The Yard. Assistant Director Martin reported that the

2017 Subdivision created non-compliance with parking requirements. The Yard lost approximately 235 parking spaces at that time. Also at that meeting, the Planning Commission requested that additional material be submitted by the applicant, including:

- Renderings that illustrate the proposed Blind Dog addition within the context of the streetscape and FPZ setback;
- Updated Parking Area plans that include compliant bicycle parking, landscaping, and EV charging station infrastructure;
- Updated Parking Analysis to include a plan for the proposed shared parking arrangement that demonstrates the long-term viability and balance between daytime and evening parking.

Some of the updated materials were received from the applicant, including the 3D renderings, the updated net leasable floor area numbers for The Yard businesses, and some additional parking study updates. The Staff Report provides a basic analysis of the General Commercial Zoning District's purpose. Assistant Director Martin pointed out a few of the items that the project currently complies with, which include the following:

- 1251 Kearns Boulevard is within the Bonanza Park neighborhood and is convenient to transit, employment centers, and residential areas;
- The site naturally provides a buffer between major traffic corridors and existing and future residential areas;
- The applicant granted a public access easement to the City for the future shared-use pathway along Kearns Boulevard, maintaining pedestrian connectivity.

Assistant Director Martin noted that there are a few items that are inconsistent or potentially inconsistent with the purpose of the General Commercial Zoning District:

- The building is oriented towards Kearns Boulevard, a major traffic thoroughfare, which may increase the effect of strip commercial development;
- The building height at its highest roofline is 28 feet, facing Kearns Boulevard, which could potentially negatively impact the viewshed of the entry corridor.

The proposed addition extends the front façade by 72 feet. The Staff opinion is that it would comply with the purpose of reducing bulk and building mass by breaking up the addition façade into three offset sections. Assistant Director Martin shared an example image for reference. The FPZ and General Commercial Zoning District requires protection of the entry corridor viewshed. A possible Condition of Approval has been provided to limit the height of the building along the frontage of Kearns Boulevard. As seen in the 3D renderings provided by the applicant, the existing landscaping is mature trees. There is a lot of buffering already existing. A Condition of Approval would require that sufficient landscaping be there after construction and the landscaping be maintained.

Existing parking infrastructure at The Yard and The Emporium are not compliant with LMC Chapter 15-3 - Off-Street Parking Requirements. Approval of the CUP would require the Planning Commission to incorporate the following items into the approval:

- Approved off-site parking through a shared parking arrangement;
- A parking reduction of at least 17 spaces;
- Conditions of approval to bring the parking lot into compliance with bike parking, landscaping, and EV charging station infrastructure requirements.

Assistant Director Martin shared a chart with information about the baseline parking requirements. The applicant submitted updated numbers of the square foot floor area for each of the businesses at The Yard. Based on the categories of commercial uses at The Yard, the total parking required is 156 spaces. The applicant recently restriped the parking lot, so there are 120 parking spaces existing on the site. Assistant Director Martin reported that the applicant's request includes a shared parking proposal. The shared arrangement with the neighboring property would increase the parking available to The Yard by 19 parking spaces in the evening hours. The shared parking arrangement would also bring The Emporium into compliance with required parking, which it currently is not.

The applicant's request also includes a reduction in parking. The Planning Commission has the discretion to approve reduced parking based on certain criteria. The applicant Parking Study identifies two categories for trip reductions that may reduce parking demand at The Yard: active modes of transportation and the proximity to public transit. The study proposes a 20% reduction in the parking, resulting in 125 on-site parking spaces. The shared parking arrangement would allow for 19 off-site parking spaces, which would result in a parking deficit of 17 parking spaces. If approving a parking reduction, Staff recommends the rate be commensurate with the deficit of 17 spaces.

The LMC also requires bicycle parking to be mounted in concrete and installed no more than 50 feet from the primary entrance. Currently, the bicycle racks at The Yard and the Blind Dog do not meet the standards. Those standards would need to be met for the bicycle parking and 16 bicycle parking spaces would need to be provided.

Additionally, a minimum of 20% of the total parking area is required to be landscaped. Assistant Director Martin shared an existing condition photograph and stated that the current parking area does not meet this requirement. The applicant requests a phased approach to installing the required landscaping due to the impacts that future City right-of-way improvements will have on the parking lot infrastructure. Staff asks that some internal sections of the parking area be landscaped in the more immediate future.

As for EV charging stations, there would need to be conduit provided to 81 parking spots. Assistant Director Martin explained that the conduit would service the future development of EV charging stations. The applicant proposes to install one dual-port EV charging station as part of this CUP approval. She explained that the applicant's request is to delay full compliance until after the future improvements are done by the City.

In the updated Parking Study provided by the applicant, there is a concept for future parking spaces. The study indicates that the plan is to reach 142 on-site parking spaces eventually and have permanent bicycle parking areas. Assistant Director Martin noted that in the next iteration of the plan, Staff asks that the parking area landscaping be included as well as a more detailed design for the landscaping requirements.

Staff recommended that the Planning Commission review the proposed CUP to enclose an outdoor dining area in the FPZ have shared parking between 1251 and 1351 Kearns Boulevard and provide input on recommended Conditions of Approval. Staff also recommends that the Commission conduct a public hearing and continue the item to January 8, 2025. Assistant Director Martin shared a slide to outline possible conditions.

Chair Hall asked whether the applicant had anything to add at this time. It was noted that there is a desire to clarify the effect of strip commercial development. An example image was shared to illustrate the 30-foot setback zone. The building is set back considerably further than that. The darker shaded area is the proposed addition. The articulation of the building with the patio space will add a significant 3D break in the building. The new sidewalk area that is being added will help to buffer that elevation from the street.

Commissioner Van Dine asked if there would still be outdoor patio dining in the cut-out shown. This was confirmed. The intention is for there to be seasonal outdoor dining. The parking requirement for the patio is 12 additional parking spaces. He pointed out that the 12 seasonal parking spaces are being included in the total parking count.

Commissioner Johnson asked for clarification about the deficit of parking spaces. Assistant Director Martin reported that at the time of the 2017 subdivision, the Kimball Art Center was not occupying that space. The tenant was intended to be an indoor entertainment facility, which had a different parking use category than what is there now. Director Ward reported that the Condition of Approval in the ordinance still stands. If the use of that square footage was proposed to change, then the use would need to comply with parking. Commissioner Johnson understands that certain uses operate at different times, but he pointed out that the use could change in the future. Assistant Director Martin reminded the Commission that the 12 seasonal spaces are accounted for in the counts.

Additional discussions were had about the parking reduction numbers. Assistant Director Martin reported that the parking provided on-site currently is 120 spaces and the lot is not compliant with landscaping. Providing the landscaped areas could potentially reduce the number further. Without the addition, the parking requirement would be 122 spaces. That is for the existing businesses at The Yard. Commissioner Johnson noted that there is already a problem and the shared agreement needs to be in place for there to be compliance. Rather than add another use there, it might make more sense to address the parking needs first before talking about adding anything else to the site.

Commissioner Shand noted that during the presentation, there was a mention of 142 future total parking spaces. He wondered where that was intended to come from. Mr. Horton reported that when the City improves Woodbine Way, the parking lot will be regraded and reshaped. Doing so now will impact the future City project. That is the reason the intention is to do that work when the City does the street improvements.

Chair Hall opened the public hearing.

Aldy Milliken identified himself as the Executive Director of the Kimball Art Center. He expressed support for the project. The Kimball Art Center feels that the activities at The Yard align well. A lot of what happens at the Kimball Art Center tends to happen during the day. There is excellent communication between the landlord and the tenants. Everyone works well together and looks after the property. If the Kimball Art Center is holding an evening event, there is communication with the Blind Dog and a traffic plan is created for that particular activity. The Kimball Art Center is supportive of this project.

Derrick Kinsey explained that he is the owner of Blind Dog. He believes this project will help the community and does not feel there will be an issue with the parking.

Michael Fischer does some property management and day-to-day tasks at The Yard. He is familiar with the lot and does not typically have an issue finding a spot at The Emporium at night. He agrees that the Parking Plan needs to become official. As for the patio, he noted that Table 2 in the Parking Study includes 4,000 square feet for that patio. With the addition, that is only six more spots. It is currently working during the day for its use.

Arthur Bingham stated that he has visited the Blind Dog in the past and feels this is a great addition to the restaurant. However, he does not feel the parking is adequate currently and thinks additional spaces need to be added. The idea that there should be a reduction of 20% due to active transportation and transit is something that might make sense during the summer months but does not necessarily make sense during the winter months. Mr. Bingham stressed the importance of having enough parking spaces.

There were no further comments. The public hearing was continued to January 8, 2025.

It was noted that Commissioner Van Dine must leave the Planning Commission Meeting at 9:30 p.m. Chair Hall asked her to share comments before that time. Commissioner Van Dine stated that her main question had already been answered. In general, the parking there can be a challenge on certain evenings. She is in favor of the parking agreement with The Emporium and does not have an issue with this moving forward. The City is starting to look into reduced parking everywhere and that will be a pattern that residents must start to get used to. Changing behaviors does not happen overnight.

Commissioner Van Dine felt that the additional bicycle parking is necessary and looks forward to seeing the improvements made. She agrees with the Staff Report language about potentially limiting the height on that addition. Keeping some variation is helpful, but from the road, it will still look like there is one façade all the way across. She encouraged there to be a lot of buffering there for patrons as well as for the entry corridor.

Commissioner Suesser asked for clarification about the sidewalk improvements and width. City Engineer, John Robertson, reported that the City is asking for 15 feet from the curb. Into the Blind Dog property, there will be a three-foot buffer between the 12-foot path and roadway. Commissioner Suesser wondered if the applicant was responsible for those improvements to the sidewalk. Engineer Robertson stated that it would be a City project. The intention is to wait until the City has all of the easements needed to do the work at one time. It is not a funded capital project at this point, so it is still a few years away.

Commissioner Shand mentioned the concern that Commissioner Van Dine had about the façade facing the street. On Page 11 of the Staff Report, the elevation facing Kearns Boulevard is a roof over the outdoor dining area. He believes that will break up the look overall since there will not be one flat surface. It was clarified that there is an open-air shed roof above, so there is some relief there, but it does not cover the patio.

Commissioner Shand discussed parking. He pointed out that in this case, there is an existing business owner in favor of the parking reduction. That should be taken into account because the decision made will ultimately impact the business owners. If the business owners are supportive of the reduction, then that is meaningful to consider.

Mark Fischer identified himself as the property owner. In an effort to work with the City, an easement was voluntarily given and the City is allowed to move its sign to construct the 12-foot path. Mr. Fischer believes the sidewalk will assist with the parking reduction because people will be able to more safely ride their bicycles to the property. Additionally, four bus lines stop at that location. Mr. Fischer has owned this property since 2005 and there is adequate parking for the uses. As for the 12 seasonal parking spots, he reminded the Commission that the deck is only open approximately 100 days per year due to weather and wind. It is a seasonal use and normally when people are dining outside, they are not dining inside. He understands the code and the need for the additional 12 parking spaces, but from a function standpoint, those are not necessarily used. Mr. Fischer added that the nine spots allocated for the Kimball Art Center become available at night because that is a day use. There is enough parking for the site.

Chair Hall believes the sidewalk will be an asset for the community and will also improve access to this area. She rides her bicycle to the site regularly and feels this will create a safer and easier way to access the site in the future. A slide with some items for Planning Commission consideration was shared and reviewed by the Commissioners.

Commissioner Sigg agrees with some of the statements made about parking. The mandate now is to reduce parking and it is important to start somewhere. It is necessary to show others that this is something Park City is serious about. He was in favor of an agreement with The Emporium because shared parking agreements make sense.

Commissioner Sigg asked if there was a timeline for Woodbine Way and the associated work. He pointed out that there is the potential to have additional City parking along those right-of-ways. Engineer Robertson does not know the number of potential parking spaces, but those would be located on one side. The timeline depends on what happens with the five-acre development because the need for the extension from Munchkin Road to Homestake Road is not there until the use is in the area. That is all tied together.

Commissioner Sigg explained that due to the prospect of future parking, the initiatives to decrease parking, and the Shared Parking agreement, he is in favor of the proposal. In terms of the façade, he likes the fact that there is a shed roof that matches the shed roof at the front of the Blind Dog. There was some consistency, but there was also a break there. Commissioner Sigg asked if there is a plan for the existing vegetation. It was stated that all of the existing vegetation is in the 30-foot no-build zone and will be protected.

Commissioner Suesser was also in favor of the parking reduction and the shared parking arrangement. She would like to see the path put in as soon as possible but understands that it all ties into other projects along Kearns Boulevard. Commissioner Johnson reviewed the Planning Commission items for consideration. He is supportive of most of the items but wants to make sure that there are enforcement mechanisms for when additional uses come in on the site. Chair Hall asked if he wants a Condition of Approval to state that hours of operation must be incorporated into the shared parking agreement. If the use or hours of operation change, this could impact the parking needs in the area. Assistant Director Martin noted that there can be a minimum amount of parking required for the daytime and a minimum amount of parking required for the evening. There would need to be balance among all of the uses. Commissioner Johnson expressed support for that.

Chair Hall was not sure that the item was appropriate for the Planning Commission to vote on at this time, because there is no Draft Final Action Letter. However, it sounds like there is consensus that there is support for a lot of what is proposed. On Page 19 of the Staff Report, it mentions some bicycle parking along Homestake Road. She is not sure what that is servicing. It was stated that the location was recommended by a City Engineer. Engineer Robertson explained that there have been some discussions about this. On Homestake, there is a 12-foot path proposed that will be adjacent to the Blind Dog. Chair Hall asked if it is possible to have the bicycle parking near the Boneyard Saloon. Mr. Fischer reported that there is some at that location now, but it sounds like more is desired.

Chair Hall reiterated that there is strong consensus on the application, but without the Draft Final Action Letter to review, the Commission will vote to continue the item. Discussions were had about the date to continue the item. The public hearing was previously continued to January 8, 2025. Director Ward noted that if there is consensus and the Commission simply needs to review the Draft Final Action Letter, there might be time for that review at the November 13, 2024, Planning Commission Meeting. It was noted that Commissioner Van Dine left the meeting and will not participate in the vote.

MOTION: Commissioner Shand moved to CONTINUE Agenda Item 5B, 1251 Kearns Boulevard Conditional Use Permit, and the public hearing to the November 13, 2024, Planning Commission Meeting. The motion was seconded by Commissioner Johnson. The motion passed with the unanimous consent of the Commission.

C. Parcel SS-104-B – Robbins (Iron Canyon) Annexation Petition – The Applicant Proposes Annexing a 0.94 Acre Parcel within the Thaynes Canyon Neighborhood to Create One Lot for One Single-Family Dwelling and Accessory Apartment and to Zone the Property Single Family. PL-24-05882.

Assistant Director Martin presented the Staff Report and stated that it is an annexation petition for a 0.94-acre Summit County parcel within the Thaynes neighborhood near Iron Canyon Drive. The current zoning allows for one single-family dwelling and accessory structures as well as limited commercial uses and nightly rentals. The property is surrounded by three previously annexed areas, including the Aspen Springs Subdivision, Iron Canyon Subdivision, and Thaynes Creek Ranch Estates Subdivision. She reported that the annexation petition includes a request for Single-Family Zoning.

The Single-Family Zoning District in Park City allows for three units per acre. The Annexation Agreement that is included in the Meeting Materials Packet limits the density to one single-family dwelling per 1.73 acres. In contrast to the building height allowed in Summit County zoning, which is a maximum of 32 feet, the Single-Family Zoning has a 28-foot maximum building height. In the Single-Family District, nightly rentals are prohibited in Thaynes. The Annexation Agreement further restricts that in perpetuity.

The application also includes a Preliminary Plat Subdivision. The submitted plat would combine the 0.94-acre parcel with the surrounding remnant parcels. At the September 25, 2024, Planning Commission public hearing, Staff provided extensive background on the history of the annexation in the area. Additionally, a detailed analysis of the proposed single-family dwelling was shared. There were also recommendations to limit building footprint, floor area, and building height to protect community character, entry corridors, and viewsheds. The Commission supported the Staff recommendations, though there was no consensus on what the maximum square footage should be.

At the public hearing, neighbors shared concerns about safety along the S-curve of Iron Canyon Drive. Neighbors asked for safe access to the lot and potential pedestrian access along Iron Canyon Drive. Assistant Director Martin shared LMC 15-8-1 – Purpose for Annexing. This is the basis of the Staff Report analysis. She reviewed the General Plan Goal #1, which is to “discourage sprawl and direct growth inward to strengthen existing neighborhoods.” The subject property is within an existing developed area. As a result, the location is appropriate for infill residential development and will not contribute to sprawl. Some of the Annexation Agreement highlights were reviewed:

- Nightly rentals are prohibited in perpetuity;
- Density restricted to one single-family dwelling and affordable accessory apartment on a 1.73-acre lot;
- The gross floor area of the single-family dwelling is limited and second level floor area shall not exceed 35% of the overall gross floor area;
- Building height shall be limited based on viewshed analysis and established limits of disturbance at the time of Final Plat;
- Property is annexed within the Sensitive Land Overlay;
- Limits of disturbance established pursuant to Sensitive Land Overlay analysis at the time of Final Plat - to include dedicated driveway access and width.

The terms are intended to mitigate impacts on community character, ensure orderly growth in development, and protect entry corridors, viewsheds, and environmentally sensitive lands. Assistant Director Martin provided additional details on the third and fourth items on the list since the rest are fairly straightforward. When it comes to the maximum gross floor area, the Single-Family Zoning District does not restrict house size on a lot, but adjacent subdivisions are subject to plat notes that restrict building footprints and gross residential floor area, so there is a precedent for that in Annexation Agreements. In addition, the General Plan supports establishing limited building pads.

At the public hearing, Staff recommended limiting the footprint of the single-family dwelling to 4,000 square feet and 6,500 square feet of gross floor area. That was based on the average maximum floor area limitations of surrounding subdivisions and the average building footprints of homes on adjacent lots. The Planning Commission did not reach a consensus on that Condition of Approval at the last meeting. The applicant has requested a larger gross floor area based on the comparable Aspen Springs Phase II lot where the plat note allows for up to 8,250 square feet on a 1.7-acre lot. The applicant's rationale for this is that the size of the building should be relative to the size of the lot. While that may be a reasonable line of logic, it does not protect community character or viewsheds and entry corridors. To understand the character of the community, the adjacent properties were considered as well as the average gross floor area of existing single-family dwellings. The gross floor area numbers for existing homes adjacent to the annexation parcel were shared and the average floor area is 5,770 square feet.

Staff recommended the Planning Commission reach a consensus on a maximum gross floor area of a single-family dwelling between 6,500 square feet and 7,500 square feet. In addition, instead of limiting the building footprint, Staff proposes that the second level be limited to 35% of the overall gross floor area to protect the viewsheds and entry corridor.

Future development on the annexation property will be visible, as shown in an example image. The development will be visible from the northern entry corridor, but establishing maximum building height and limits of disturbance are land use tools supported by the General Plan. As an alternative to establishing the maximum building height as part of the Annexation Agreement, Staff recommends further analysis of the impact on the viewshed at the time of the Final Plat. Assistant Director Martin explained that this is a shift from the original recommendation, which was to limit the building height to 25 feet.

Assistant Director Martin reiterated that there were public comments received during the public hearing. The comments largely focused on safety concerns with Iron Canyon Drive, particularly the section that fronts the annexation parcel and proposed lot, where the grade is slightly steep in an S-curve. The neighbors commented that children walk up and down Iron Canyon Drive to the school bus. Staff did a bit of research into the existing conditions in terms of pedestrian access. It was found that there is a sidewalk on Payday Drive, which was a requirement of the Thaynes Creek Ranch Estates annexation and subdivision. That connection ends at Iron Canyon Drive. There are platted trail easements throughout Aspen Springs Phase I and Phase II. Staff recommends requiring the construction of a sidewalk within the public easement.

The Staff review team did not flag issues with the service capacity for future development at the site. Assistant Director Martin explained that there are additional standard annexation terms outlined in LMC 15-8-5, which are included in the Annexation Agreement. She reviewed the Staff recommendations, which are as follows:

- Review the petition to annex a 0.94-acre parcel within the Thaynes Canyon neighborhood from unincorporated Summit County into Park City to develop one single-family dwelling and affordable accessory apartment within the Single-Family Zoning District and Sensitive Land Overlay;
- Review the Draft Annexation Agreement and establish a maximum gross floor area for the single-family dwelling between 6,500 square feet and 7,500 square feet;
- Conduct a public hearing;
- Consider forwarding a positive recommendation to the City Council to approve the annexation petition Draft Ordinance Findings of Fact, Conclusions of Law, and Conditions of Approval and associated Annexation Agreement.

Chair Hall opened the public hearing.

Richard Pick stated that he lives in the Iron Canyon Subdivision. The Planning Commission has heard about the safety issues on Iron Canyon Drive, which have been a major concern of the residents in the area. He is pleased to see the proposed sidewalk. Mr. Pick explained that the sidewalk needs to be constructed from the sidewalk on Payday Drive to the sidewalk on Delta Drive. He would like to see that memorialized in the Annexation Agreement because he does not feel Condition of Approval #8 is clear. Mr. Pick thanked Staff and the Commission for taking the time to review this matter.

There were no further comments. The public hearing was closed.

Commissioner Shand asked about the sidewalk that would abut the parcel. Assistant Director Martin reported that what is currently proposed in the Annexation Agreement is that the developer provides the construction of the sidewalk along the frontage of the lot that is being created. The remnant pieces that are scattered around could potentially be dedicated to the City. From there, the City could provide a connection. Commissioner Shand asked whether there is a right-of-way to Payday Drive once the sidewalk gets to the end of the subdivision. Assistant Director Martin explained that there have been preliminary discussions with the City Engineer and the right-of-way width has been examined. It was determined that there was enough space there to provide a sidewalk.

Commissioner Sigg asked who owns the remnant pieces. Assistant Director Martin reported that it is the same owner who owns the annexation parcel. Commissioner Sigg wanted to know if there has been an agreement to contribute those remnant parcels. It was clarified that there will need to be a future conversation about that. Assistant Director Martin explained that the annexation is only for the 0.94-acre parcel. The parcel that is fronting Iron Canyon Drive is already part of City jurisdiction. She does not know that it is appropriate to include requirements for that since it is not part of the annexation.

Commissioner Sigg does not want to obligate a sidewalk that starts nowhere and ends nowhere. The neighbors clearly want the sidewalk to be put all the way through for safety. Commissioner Shand asked if the existing sidewalk on Payday Drive is maintained. Engineer Robertson reported that it is not maintained by the City. That particular sidewalk is fairly narrow and it is maintained by individual property owners. Commissioner Sigg asked if the City would eventually maintain the proposed sidewalk. Engineer Robertson explained that sidewalks in front of properties are often the responsibility of the owner.

Commissioner Shand noted that on Page 4 of the Staff Report, there is a drawing of the lot and the sidewalk. It appears that the sidewalk abuts the property of Lots ASR-12 and ASR-11, as shown in Figure 3. He asked if those property owners would need to be noticed if the sidewalk went in. Assistant Director Martin did not believe there was an actual alignment for the sidewalk proposed. Figure 3 is the Certified Survey Plat. Commissioner Johnson assumed there would only be notices provided if there was encroachment onto a property. Assistant Director Martin stated that she would need to look at measurements of the width between the right-of-way and the property boundary.

Commissioner Suesser asked about the gross floor area that was recommended previously compared to now. Assistant Director Martin reported that the maximum gross floor area that was recommended in the previous Staff Report was 6,500 square feet. The recommendation now is anywhere between 6,500 square feet to 7,500 square feet. The second level would be limited to 35% of the overall gross floor area. Commissioner Sigg asked if these numbers were inclusive of the accessory apartment, which was denied. However, it was noted that the garage is included in the overall gross floor area number.

Chair Hall asked about the remnant parcels. In the Staff Report, there is a parcel to the east that is not in the subdivision. She asked if that was also unincorporated, which was denied. Assistant Director Martin reported that it is in City jurisdiction but does not have dedicated access. Chair Hall asked whether a Condition of Approval could be added to state that once the Subdivision Plat comes to the Planning Commission, the remnant parcels will be combined. It was confirmed that this can be added as a condition.

Peter Gamvroulas from Ivory Development provided information about the parcels being referenced. There are two that are immediately adjacent to this lot that are expected to be incorporated as one lot during the subdivision process. He is concerned that there have been references to other pieces that are not adjacent to this annexation piece.

Director Ward shared a map of the area and pointed out IC-MISC. The lot that is proposed to be created is not inclusive of the full IC-MISC. Attorney Harrington believed there could be a Condition of Approval asking for this to be addressed during the subdivision process. That language can be added to Condition of Approval #3. There is an LMC section that requires contiguous commonly owned parcels to be addressed in the same subdivision. The Commission can provide direction to add that reference there.

Commissioner Shand discussed the 35% limitation on the second floor. Mr. Gamvroulas stated that there is no agreement with Staff that this is an appropriate condition to be applied to the annexation. What he feels is appropriate is to meet the current requirements that exist in the zone. When the annexation was originally proposed, they were looking at subdividing it into three different lots, which would have fit the character of the neighborhood. Due to pushback, it was shifted to a single lot. Mr. Gamvroulas reiterated that there is no support for the condition proposed by Staff, as it will reduce the value of the lot. He does not feel viewsheds will be hurt by the standard zoning ordinance.

Mr. Gamvroulas explained that the standard zone does not have a maximum square footage. The request is to follow all standard zone ordinances rather than have additional restrictions added on. There was a reference to some precedence about placing limitations with annexations, but while the City may have a right to do something, the question is ultimately whether there is a reason for the City to place this restriction.

The maximum gross floor area presentation slide was further reviewed. It included a table with the adjacent lot sizes and gross floor area amounts. Commissioner Johnson referenced 2419 Country Lane and 2406 Iron Canyon. One is a 2.7 acre lot and the other is a 4.5 acre lot. The 2.7 acre lot is 5,304 square feet of gross floor area and the 4.5 acre lot is 6,106 square feet of gross floor area. He feels that the Staff is on track with their recommendation based on that, but also understands the position of Mr. Gamvroulas.

Assistant Director Martin reviewed the table and explained that these are the homes directly adjacent to the annexation parcel. Commissioner Frontero believes this shows that regardless of the size of the lot, the homes seem to be between 5,000 square feet to 6,500 square feet. However, the applicant is stating that this is a larger-than-average sized lot, so it should be possible to build a larger home. Mr. Gamvroulas clarified that his position is the larger size will not have an impact on the viewsheds. Commissioner Johnson noted that there will not be a Sensitive Land Overlay analysis until after the annexation. As a result, it is difficult to fully understand the visual impact of the proposal.

Commissioner Shand pointed out that the homes to the north are in a subdivision, but this lot is a little bit more unique. The home to the right is likely an older home that was built at a time when homes were not the size they are now. He understands the perspective of Mr. Gamvroulas. Chair Hall reminded those present that the Commission will make a recommendation to the City Council, as the Commission is not the deciding body.

Commissioner Frontero appreciates the applicant choosing to build one home on the 1.7 acres when there was an option to build three. Assistant Director Martin reported that the original annexation petition included a proposal for three lots. When it went to the City Council for consideration, the Council provided feedback that they would not approve an annexation with three lots. Commissioner Frontero feels 7,000 square feet is appropriate. Commissioner Suesser suggested 7,500 square feet. Staff is recommending between 6,500 square feet and 7,500 square feet. This is a large lot and that seems appropriate. Commissioner Shand also supports 7,500 square feet. If the applicant wants something larger than that, some other visuals, such as a rendering of the home, would be needed. It could be approved at 7,500 square feet now and reevaluated at the time of subdivision. Commissioner Johnson thought that 7,500 square feet was reasonable for all parties.

Commissioner Frontero asked about the original 25-foot building height maximum. That was from the previous meeting, but now the suggestion from Staff is to wait until the Sensitive Land Overlay analysis is conducted as part of the Final Plat. Commissioner Frontero thought it should remain at 25 feet to have consistency. He asked about Condition of Approval #8, which relates to the construction of a public sidewalk. Based on the drafted language, before the owner is issued a Certificate of Occupancy, the sidewalk needs to be completed. It was clarified that this is only for their portion of the sidewalk.

MOTION: Commissioner Johnson moved to forward a recommendation of APPROVAL to the City Council on the Robbins (Iron Canyon) Annexation Petition based on the Draft Ordinance Findings of Fact, Conclusions of Law, and Conditions of Approval and the associated Annexation Agreement, as clarified and discussed during the meeting:

Findings of Fact

1. On August 22, 2024, the applicants filed an annexation petition with the City Recorder for the annexation of Parcel SS-104-B, currently within the jurisdiction of Summit County and completely surrounded by properties within the Park City municipal boundary.

2. The applicant is requesting annexation and zoning approval of a 0.94-acre parcel owned by the Boyer Robbins JV, L.C., ("Robbins Parcel") and the requested zoning is Single Family (SF).

3. The property is located within the Park City Municipal Corporation Annexation Expansion Area boundary, as described in the adopted Annexation Policy Plan (Land Management Code (LMC) Chapter 8), and is contiguous with the current Park City Municipal Boundary along the south and west property lines with the Iron Canyon Subdivision Annexation (1983). The property is contiguous with the City along the north property lines with the Aspen Springs (Formerly Smith Ranch) Subdivision Annexation (1988), and along the west property line, there is contiguity with the Ross annexation (1993). The property is considered an island of unincorporated land.

4. The applicant submitted an annexation plat for the 0.94-acre parcel, prepared by a licensed surveyor, and additional annexation petition materials according to provisions of the City's Annexation Policy Plan and Utah State Code.

5. On February 24, 2024, the Summit County Council considered the annexation petition and declined to protest the annexation pursuant to Utah Code Section 10-2-407.

6. The petition was accepted by the City Council on March 7, 2024, and certified by the City Recorder on April 4, 2024. Legal notice was published in the Park Record and the Utah Public Notice Website as required by State Code. Notice of certification was mailed to affected entities as required by State Code. No protests to the petition were filed.

7. The proposed annexation property is the only non-annexed properties owned by the Petitioner in the surrounding area.

8. A Preliminary Subdivision Plat was submitted with the annexation petition, which proposed combining the 0.94-acre parcel with adjacent remnant parcels IC-MISC and PCA-105 (already within City limits) to increase the developable acreage to 1.73 acres and create three lots for development of three Single-Family Dwellings. On September 19, 2024, the applicant submitted a revised Preliminary Plat for the creation of one 1.73-acre lot for the development of one Single-Family Dwelling. An additional revised Preliminary Plat, attached as Exhibit C to the Annexation Agreement was submitted on _____________ 2024 to incorporate Plat Notes recommended by the Planning Commission.

9. The proposed 1.73-acre lot with one Single-Family Dwelling and affordable Accessory Apartment is compatible with the density of the surrounding neighborhood, which has a net density of one dwelling unit per 1.6 acres (average between Iron Canyon and Aspen Springs subdivisions).

10. The surrounding neighborhood contains Single Family Dwellings with an average Gross Floor Area of ____________ square feet.

11. As conditioned with a required maximum Floor Area of ________, the annexation petition complies with LMC § 15-8-1, the purpose of annexation requirements, including to protect community character, assure orderly growth, and protect entry corridors and viewsheds.

12. The annexation parcel is surrounded by lands that are within the Sensitive Land Overlay, near the base of Iron Mountain, with proximity to the McPolin Farm and Highway 224, which serves as the City's northern entry corridor, and therefore annexing the 0.94-acre property into the SLO is a natural extension of the SLO boundary.

13. The annexation parcel and surrounding property proposed for subdivision and development are visible from Highway 224 along the Northern Entry Corridor.

14. To protect view sheds and the northern entry corridor, a view shed analysis is required. As conditions, to establish appropriate maximum building heights within the Limits of Disturbance, the annexation petition complies with the purpose of the LMC annexation requirements.

15. LMC § 15-8-5(C)(6) requires compliance with the Affordable Housing Resolution in effect at the time of the annexation petition. Resolution 05-2021 Affordable Housing Guidelines Section (8)(A) requires a developer to provide Affordable Unit Equivalents (AUEs) for 20% of the total Residential Unit Equivalents (RUEs) in the annexation.

16. As conditioned, the annexation petition complies with the Affordable Housing requirements per LMC § 15-8-5(C)(6).

17. The Staff Review Team, including the Planning Director, City Engineer, Public Works Director, Fire Marshal, Police Chief, utility providers, and Park City School District, reviewed the annexation petition and confirmed City services have sufficient capacity to support the annexed property and associated single-family residential use.

18. Park City Public Utilities Department requires that the Developer install water infrastructure to serve development on the Lot according to the specifications outlined in the Annexation Agreement.

Conclusions of Law

1. The Annexation and Zoning Map amendment are consistent with the Annexation Policy Plan and the Park City General Plan.

2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Official Zoning Map shall be amended to designate the property as Single Family (SF) and within the Sensitive Land Overlay (SLO).

2. The Annexation Agreement approved by the City Council shall be fully executed and recorded at Summit County.

3. A final Subdivision Plat to create a legal lot of record, in compliance with the terms of the Annexation Agreement, shall be reviewed and approved by the Planning Commission and recorded at Summit County.

4. A comprehensive SLO analysis shall be completed at the time of the Final Plat to establish platted Limits of Disturbance for the Single-Family Dwelling and Accessory Apartment, driveway and hard surface areas, building height, and massing to protect viewsheds and the northern entry corridor.

5. The Final Plat shall dedicate a 10' wide utility, public access, drainage, and snow storage easement.

6. The Final Subdivision Plat shall be in substantial compliance with the Preliminary Subdivision Plat (Exhibit D to the Annexation Agreement) submitted with the Annexation petition, as amended.

7. The Final Subdivision Plat shall include plat notes as outlined in the Annexation Agreement.

8. Construction of a public sidewalk along Iron Canyon Drive along the frontage of the Property is required to provide safe pedestrian access. The sidewalk and all required public improvements, shall be completed prior to issuance of a certificate of occupancy for the single-family dwelling.

9. All exterior lighting shall be reviewed with the Building Permit application for compliance with the LMC.

10. The annexation is subject to the City's Affordable Housing Resolution 05-2021 and as further described in the Annexation Agreement. The affordable housing obligation shall be provided on the property unless otherwise approved by the Park City Housing Authority. If the affordable housing unit is provided on-site, the unit will not count against the maximum allowed Gross Floor Area or density.

11. All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision Plat.

The motion was seconded by Commissioner Suesser. The motion passed with the unanimous consent of the Commission.

6. ADJOURNMENT

MOTION: Commissioner Sigg moved to ADJOURN.

The meeting adjourned at approximately 10:30 p.m.