



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF September 9, 2015

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

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

550 Park Avenue - Steep Slope Conditional Use Permit for construction of a new single-family dwelling and a Conditional Use Permit for a parking area with five or more spaces. <i>Public hearing and continuation to October 14, 2015</i>	PL-14-02451 PL-15-02471 <i>Planner Astorga</i>	21
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REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

710-900 Main Street - First Amended, Fourth Supplemental Record of Survey for Summit Watch at Park City- proposal to remove existing plat note that requires Planning Commission approval for all uses except outdoor dining. <i>Public hearing and possible recommendation to City Council on October 8, 2015</i>	PL-15-02845 <i>Planner Boehm</i>	23
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1000 Ability Way – Conditional Use Permit Application for an accessory building greater than the 600 square feet in the Recreation Open Space (ROS) Zoning District for the National Ability Center. <i>Public hearing and possible action</i>	PL-15-02876 <i>Planner Hawley</i>	41
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ADJOURN

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 9, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm

EX OFFICIO:

Bruce Erickson, Interim Planning Director; Kirsten Whetstone, Planner; Mark Harrington, City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioners Band and Worel who were excused.

PUBLIC INPUT

Morgan Bush, representing Intermountain Health Care, stated that two items needed to be corrected on the August 26th minutes regarding the IHC matters.

Mr. Bush referred to page 22, Finding of Fact #1, and noted that it was information for the wrong application. Their application was submitted on February 18th, 2015 for 750 Round Valley Drive, and not September 2, 2014 for Ability Way as reflected in the minutes. He requested that the address and date be changed to correctly read 750 Round Valley Drive, which is Lot 8 where the Peace House would be located.

Mr. Bush referred to Finding #3 on page 22, which talks about the studies required for a full MPD application. He believed the majority of the studies refer to the density item that was continued at the last meeting. Mr. Bush suggested that they either defer until the Finding can be addressed when that matter is discussed at a future meeting, or amend the language to say, "...studies per direction of the Planning Commission", instead of mandating all of the studies that may not apply to the Peace House.

Planner Whetstone reviewed the list of required studies and noted that most were standard for a conditional use permit. She pointed out that the Peace House itself was a conditional use permit, but it was actually amending the MPD. Mr. Bush wanted the opportunity to have a conversation about it as opposed to having it as a Finding of Fact that was not discussed. That was his reason for suggesting that it be deferred or amended. He was not comfortable being locked into something that was not addressed at the August 26th meeting.

Chair Strachan stated that he is never in favor of amending minutes after the fact. He understood that Mr. Bush was concerned that the studies would not be required for the Peace House CUP and that some only apply to the MPD. Chair Strachan did not believe the wording of the Finding required the studies to be submitted with both the MPD and the CUP. He thought the LMC was clear in terms of which studies are required for an MPD and which ones need to be submitted for a CUP. The LMC controls and the Finding as written would not present a problem. Mr. Bush clarified that his intent for raising the question was to make sure that it was clear to the Planning Commission that they had not had that conversation on August 26th. He was comfortable leaving the Finding as written as long as they had that understanding.

Planner Whetstone referred to Finding #29 and stated that prior to the August 26th meeting she knew the item regarding additional density for IHC would be continued. In cleaning up the findings and conclusions to be specific to the action the Planning Commission would be taking regarding Peace House she had missed some of the language in Finding #29. The Finding reads that with the proposed changes the MPD would require a minimum of 80% open space, excluding hard surface parking, driveways and buildings. Planner Whetstone thought that language was specific to the additional density rather than the Peace House. She suggested revising Finding #29 to state that any proposed changes to increased density would require a minimum of 80% open space, excluding all hard surfaces.

Chair Strachan clarified that Planner Whetstone was requesting that the Planning Commission revise Finding #29 from the current language written in the minutes. Planner Whetstone replied that this was correct. She was suggesting that they revise the Finding to state, **Any proposed changes to increased density would require a minimum of 80% open space, excluding all hard surfaces.** It would replace the language, With the proposed changes. Planner Whetstone explained that the Planning Commission had ruled on the Pre-MPD that the Peace House was appropriate at that location; however, they did not rule on the Subdivision and the density.

City Attorney, Mark Harrington, noted that the open space already exceeded 80% and he did not believe it was necessary to amend the Finding. Mr. Harrington stated that adoption of the Minutes was not the time to change what has already been adopted by motion. However, it was appropriate to change technical errors as in the case of the wrong address in Finding #1.

ADOPTION OF MINUTES

August 26, 2015

MOTION: Commissioner Phillips moved to APPROVE the minutes of August 26, 2015 as amended to correct the date and address in Finding #1 for 900 Round Valley Drive pre-MPD. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Interim Planning Director, Bruce Erickson, stated that in accordance with the ongoing work with historic preservation the Planning Department received a list of 15 mine sites that were currently being discussed for remediation. All 15 sites were appropriate for the remediation funding. When the final selection of the sites is made, the mine sites would be in substantial compliance with the MPD.

City Attorney Harrington remarked that inclusive of those sites was Comstock, which was technically outside of the MPD area. However, it was close enough to the boundary that the City would consider it.

Commissioner Joyce commented on updates to the PDF. He noted that the Commissioners put their comments into the PDF copy, and when an update is sent out their comments are lost or end up on different pages. He asked the Staff to keep that in mind when they send out updates, particularly at the last minute.

Chair Strachan confirmed the joint meeting with the Snyderville Basin Planning Commission on Tuesday, September 22nd. The majority of the Commissioners were planning to attend.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 900 Round Valley Drive Pre-Master Planned Development review for an amendment to the IHC master Planned Development regarding subdivision of Lot 8 and request for additional density, and Development Agreement (Application PL-15-02695)

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

MOTION: Commissioner Joyce moved to CONTINUE the 900 Round Valley Drive Pre-MPD review to a date uncertain. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. 550 Park Avenue – Steep Slope Conditional Use Permit for construction of a new single-family dwelling and a Conditional Use Permit for a parking area with five or more spaces (Application PL-14-02451 and PL-15-02471)

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

MOTION: Commissioner Thimm moved to CONTINUE 550 Park Avenue Steep Slope CUP and the CUP for a parking area with five or more spaces to September 23, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

3. 2001 Park Avenue – Pre-Master Planned Development review for an amendment to the Hotel Park City MPD (aka Island Outpost MPD) (Application PL-15-02681)

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

MOTION: Commissioner Phillips moved to CONTINUE 2001 Park Avenue pre-MPD review for Hotel Park City to a date uncertain. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

4. 738 Main Street – First Amendment to the Summit Watch at Park City Record of Survey (Application PL-15-02844)

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

MOTION: Commissioner Joyce moved to CONTINUE 738 Main Street First Amendment to the Summit Watch at Park City record of survey to September 23, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

5. 738 Min Street – Summit Watch at Park City Conversion of Convertible Space to Units, First Amended, Fourth Supplemental Record of Survey – proposal to remove existing plat note that requires Planning Commission approval for all uses except outdoor dining (Application PL-15-02845)

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

MOTION: Commissioner Joyce moved to CONTINUE 738 Main Street, Summit Watch at Park City conversion of convertible spacer to units to September 23, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

6. 900 Main Street – Summit Watch at Park City Phase 3 and 3A First Amended, Third Supplemental Record of Survey – proposal to remove existing plat note that requires Planning Commission approval for all uses except outdoor dining.
(Application PL-15-02846)

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

MOTION: Commissioner Phillips moved to CONTINUE 900 Main Street – Summit Watch at Park City Phase 3 and 3A First Amended, Third supplemental record of survey to September 23, 2015. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

Chair Strachan asked if the public or the Commissioners wanted to remove an item from the Consent Agenda for comment or discussion. None of the Consent Agenda items were removed.

1. 260 Main Street – AG10 Second Amended Condominium Plat to reflect as- built conditions (Application PL-15-02860)
2. Lot 19 Norfolk Avenue (located between 1102 and 1046 Norfolk Avenue) Steep Slope Conditional Use Permit for construction of a new single-family dwelling on a vacant lot. (Application PL-15-02853)

MOTION: Commissioner Joyce moved to APPROVE the Consent Agenda. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

City Attorney Harrington reported that there has been a migration in the use of the Consent Agenda and he was working with the Planning Staff to scale it back. He anticipated that the Planning Commission would start to see Consent Agenda items only for Steep Slope applications where it is expressly allowed; or for subdivision applications where a public hearing is not required. He explained that the confusion with the Consent Agenda relates to noticing for the next public hearing at City Council.

Findings of Fact – 260 Main Street

1. The property is located at 260 Main Street within the Historic Commercial Business (HCB) District.
2. The AGIO 260 First Amended condominium plat was approved by City Council on July 10, 2008 (Ordinance # 08-28) and was recorded at Summit County on November 21, 2008. The AGIO 260 condominium plat was approved by City Council on October 4, 2007 (Ordinance # 07-66) and was recorded at Summit County on May 30, 2008. The original 260 Main Street Subdivision was approved by City Council on May 31, 2007 (Ordinance # 07-29) and was recorded at Summit County on July 31, 2007.
3. On July 17, 2015, the applicants submitted an application for a condominium plat amendment. The application was deemed complete on July 17, 2015.
4. The total square footage of the exterior roof deck that was converted to interior space is 327 square feet as approved under the HDDR application on April 17, 2014.
5. The condominium plat amendment does not increase the parking requirements for these units, parking is sufficient to meet the size of each of the two residential units. A total of four spaces are provided in the basement of the building for residential use. The property paid into the 1984 Special Improvement District (SID) which waives the parking requirement of 1.5 FAR for the commercial use.
6. As conditioned, this condominium plat amendment is consistent with the conditions of approval of the AGIO 260 First Amended condominium plat, the AGIO 260 condominium plat, and the original 260 Main Street Subdivision.
7. The findings in the Analysis section are incorporated herein.

Conclusions of Law – 260 Main Street

1. There is good cause for this condominium plat amendment.
2. The amended condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended condominium plat is consistent with the AGIO 260 First Amended condominium plat as approved by City Council on July 10, 2008, the AGIO 260 condominium plat as approved by City Council on October 4, 2007, and the original 260 Main Street Subdivision as approved by City Council on May 31, 2007.
4. Neither the public nor any person will be materially injured by the proposed condominium plat amendment.
5. Approval of the condominium plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 260 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the condominium plat.
2. The applicant will record the amended condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the condominium plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the AGIO 260 and AGIO 260 First Amended condominium plat continue to apply.

Findings of Fact – Lot 19 Norfolk Avenue

1. The property is located at 1060 Norfolk Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.

3. A single family dwelling is an allowed use in the HR-1 District.
4. The property is described as Lot 19, Block 9 of the Snyder's Addition to the Park City Survey.
5. The lot contains 1,875 square feet.
6. The lot is currently vacant.
7. A Historic District Design Review (HDDR) application has not yet been approved.
8. This is a 25' x 75' "Old Town" lot. There is minimal existing vegetation on this lot. This is a downhill lot.
9. Access to the property is from Norfolk Avenue, a public street.
10. Two (2) parking spaces are proposed on site. One (1) space is located inside a single-car garage and one (1) is accommodated by a driveway parking space.
11. The neighborhood is characterized by a mix of historic and non-historic residential structures, single-family homes and duplexes.
12. The proposal consists of a single-family dwelling of 2,532 square feet, including the basement area and single-car garage.
13. The driveway is designed with a maximum width of eleven feet three and-a-half inches (11'3½") and is approximately thirty-five feet (35') in length from the garage to the existing edge of Norfolk Avenue with a minimum of eighteen feet (18') of driveway located on the property. The garage door complies with the maximum height and width.
14. The proposed driveway has an overall slope of 6.6% as measured from the front of the garage to the edge of the paved street.
15. An overall building footprint of 844 square feet is proposed. The maximum allowed footprint for this lot is 844 square feet.
16. The proposed structure complies with all setbacks. The minimum front and rear yard setbacks are ten feet (10'). The minimum side yard setbacks are three feet (3').

17. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty-seven feet (27') in height.

18. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Norfolk Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.

19. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.

20. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 40% slope area.

21. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet (27') in height.

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

23. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

24. This property is required to have independent utility services for water, sewer, power, etc.

25. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

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

27. The applicant stipulates to the conditions of approval.

Conclusions of Law – Lot 19 Norfolk Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – Lot 19 Norfolk Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house to the west from damage.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance. .
5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.
6. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared,

stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the west and the non-historic structure to the north.

7. This approval will expire on September 9, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.

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

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

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

11. The driveway width must be a minimum of ten feet (10') and will not exceed twelve feet (12') in width.

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

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

14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

CONSIDERATION OF AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE

SECTION 15, CHAPTER 11 AND ALL HISTORIC ZONES TO EXPAND THE HISTORIC SITES INVENTORY AND REQUIRE REVIEW BY THE HISTORIC PRESERVATION BOARD OF ANY DEMOLITION PERMIT IN A HISTORIC DISTRICT AND ASSOCIATED DEFINITIONS IN CHAPTER 15-15. (Application PL-15-02895)

Interim Planning Director Erickson noted that this item was noticed for a public hearing this evening.

Mr. Erickson commented on the draft Staff reports for possible additions to the means and methods for addressing historic structures that are contributory to the District but do not meet the level of Significant or Landmark Sites. He reiterated that he had also received the list of agreed on mine sites that are in need of protection. The Staff was crafting new language within the ordinance to make sure that mine sites are identified in subdivisions and MPDs. Mr. Erickson noted that this Item was being continued to October 14th, at which time the Staff would come back with additional information and details. He commented on the importance of hearing from the public this evening and again on October 14th.

Chair Strachan noted that the agenda indicated a continuance to September 23rd, and the Staff report indicated October 14th. Mr. Erickson replied that the correct date was October 14th.

Chair Strachan opened the public hearing.

John Plunkett voiced his support for this legislation. He and his wife moved to Park City 24 years ago. They live at 557 Park Avenue, and over that time they have redone four historic houses in town. Mr. Plunkett understood the difficulties involved in preserving historic structures, but he found it to be worthwhile. Mr. Plunkett stated that he was also speaking on behalf of two neighboring friends and property owners on Park Avenue; John Browning and Linda Cox. They wanted to thank the City for swinging the pendulum back in favor of preservation and being more careful about demolition in particular. Mr. Plunkett noted that Mr. Browning had sent in a letter that he hoped would be included in the next Staff report. Mr. Plunkett read one paragraph from the letter that he thought was important and useful. "Given the economic pressures in a resort town, regulation only of individual buildings will be corrosive. Each year a few of the least architecturally significant houses will be demolished or transformed beyond recognition. Their neighborhood will no longer look as charming or picturesque. Eventually, after some years of erosion Park City's essence could be lost." Mr. Plunkett believed the community shared the concern of not letting that happen. He appreciated the efforts of the City on this matter.

Andy Bern, a 33 year resident of Park City stated that 31 of those years have been in Old Town. Mr. Bern expressed his support for the expansion of the Historic Sites Inventory in

Old Town. He is against demolition of Historic Properties such as 569 Park Avenue. As a neighbor he knows many people who put a lot of time, money and their hearts into preserving these historic houses. Mr. Bern noted that many of his neighbors, including Mr. Plunkett, are primary residences. They were not secondary homeowners who purchased the home with the idea of maximizing their square footage for financial gain by demolishing the house and putting two buildings in its place. Mr. Bern stated that he was just a neighbor looking out for his neighbors. He appreciated the City for the Ordinance to preserve Historic Buildings and for being against demolition.

Sandra Morrison with the Park City Historical Society and Museum, offered support from the Historic Society and Museum and the Board of Trustees, and thanked the Staff and City Council for taking the step of broadening the definition of historic districts and the Historic Sites Inventory, and also for allowing the Historic Preservation Board to review all of the requests for demolition, especially the panelizations and deconstructions.

Mr. Erickson stated that Anya Grahn and Hannah Turpen were the Planners who had done the real work on this project. Neither of them was in attendance this evening, but they both deserved all the credit.

Mike Sweeney had read the Staff report and he thought it was well-written, pithy and right to the point, and it was easy to understand. It was one of the best Staff reports he has read. Mr. Sweeney wanted to express that comment and he assumed it would be passed on to Anya and Hannah because they had done a great job.

Chair Strachan closed the public hearing.

Commissioner Thimm noted that the Staff report mentioned a concern regarding the definition of demolition. He asked if there was a proposed new definition for demolition. Mr. Erickson replied that it was a convoluted situation. The question of the definition of demolition came up during a joint meeting between the City Council and the HPB. The Planning Staff proposed using the definition of demolition from the International Building Code, which is the document used by the Building Department. That proposal failed because the IBC does not have a definition of demolition. The Staff then reached out to OSHA and ANSI, the American National Standards Institute. OSHA recommended the ANSI definition of demolition. It is a broad sweeping, more rigorous definition and the City will use it in the LMC update. It covers many of the elements being covered under the ordinance regarding historic structures.

Chair Strachan suggested that the Staff also look at the definition of demolition used by other jurisdictions. Mr. Erickson stated that they were currently looking at Truckee, California, Edgartown, Massachusetts, Monroe, Ohio, Denver, Colorado, and Aspen,

Colorado. Chair Strachan suggested that they add Crested Butte to the list. Mr. Erickson remarked that they were pulling resources from the locations he named and they would also look at Crested Butte.

Commissioner Joyce asked if the ordinance had any impact on the issue of demolition by neglect. Mr. Erickson replied that they were re-writing the Demolition by Neglect section of the ordinance to make it broader and more affirmative. Currently, there is a theoretic prohibition of demolition in the LMC Historic District section. The language is badly written and they have taken language from other jurisdictions to improve Demolition by Neglect. Commissioner Joyce asked if it would apply to the broader inventory. Mr. Erickson stated that it would apply to the homes that are considered contributory, as well as the listing of mine structures that would be added to the List of Historic Sites.

Commissioner Phillips asked if a property owner would have to submit a plan for demolition and panelization when they go before the Historic Preservation Board. Mr. Erickson replied that it was a change in the making. Currently, the owner is not required to submit a plan for the first determination by the HPB because they have no idea what is inside the building. He believed that was a weak spot and the change would require a preliminary plan for demolition when it first goes to the HPB. It would give the HPB an idea of what could happen and it would make it easier to notify the public on potential options such as panelization or removal of exterior materials.

Mr. Erickson stated that giving more “demolition” authority to the HPB would give them a better knowledge of what to expect. However, with the HPB also sitting as an appeal body, it is not a good idea to have the HPB review final designs.

Commissioner Phillips remarked that in the past he has made comments that it would be helpful if there was more predictability when panelizations are approved to keep people informed. Mr. Erickson stated that demolition plans are vigorously reviewed during the HDDR process, but it is still based on the caveat that a structural engineering was willing to stamp the drawings. A second factor is not having knowledge of what is inside the walls. Mr. Erickson assumed the Planning Director would have the authority to authorize minor demolitions and exploratory work inside the building that would not affect the interior or structural integrity. For example, an exploratory could not be done around a window, but they could do it from inside the building to look for steel in the masonry.

Chair Strachan stated that once a historic structure is torn down its gone. He understood that the City makes people post a bond, but he wanted to know if they were exploring other preventative options to address those who disregard the law and the community and are willing to forfeit their bond to demolition a structure. Mr. Erickson noted that the City is allowed to charge a fine. Chair Strachan remarked that a fine does not replace the historic

structure. Mr. Erickson agreed, and noted that another drawback is that the fine could not be any higher than the State fine, which is not significant. He stated that the Staff was exploring the issue and the Legal Department was also working on other options.

City Attorney Harrington stated that it was a balancing act. Traditional criminal and civil penalties can do as much harm as good because they are more imbedded in a strict weighing of the Building Code and Dangerous Building Code. They typically do not want those options invoked in this situation. Mr. Harrington remarked that the City is limited in what they can do affirmatively. He commented on one property was in the process until the City successfully prosecuted an administrative enforcement action. However, it still had implementation problems and the owner would lose part of their bond because of it; but it was still better than where it was prior to that. Mr. Harrington remarked that each situation is very specific and it is not always a developer trying to take advantage and maximizing. Some issues are truly discovered during exploratory demolition and legitimate modifications have to be made. Mr. Harrington believed they would eventually see those field adjustments get a higher public review. It is appropriate and they would see proposals to that effect.

Mr. Harrington stated that the discussion has not focused on the deliberate decisions that the former Planning Director and Preservation Consultant made in evoking amendments to the second tier of historic significant structures. It was increased at that time with the idea that they would be more encouraging of more significant alterations as part of the balance. Mr. Harrington remarked that the phrase "bringing the pendulum back" is accurate and they were seeing a reaction to that permissiveness that was not supported at a policy level. How far back they should go must be weighed carefully. The biggest challenge has been keeping things fair given the surrounding development. Mr. Harrington believed the City Council, the Planning Commission and the HPB were aware of the problem. As much as they want to hold everyone now to the same restrictions that were put in place in the past, they faced new challenges in terms of how far they could go due to State restrictions. Mr. Harrington stated that the Staff was drafting proposals and he hoped they could be evaluated without indicting the former Staff, because what was done in the past was a deliberate attempt that just missed the mark.

Mr. Harrington believed they would see an equally important discussion with the City Council for an increased incentive in terms of funding. It must be a dual approach. It cannot just be done at the regulatory level.

Chair Strachan asked if there was criminal liability currently. Mr. Harrington stated that there could be, but it is a misdemeanor and the burden is difficult because most cases are evidentiary. The ordinance could be amended, but it would not solve the problem. Mr. Harrington believed that the City taking control of the materials at the outset, having more

oversight and dedicating the resources necessary to make sure that the approval given is implemented will be more effective; however, it will also require large resource allocations. One question will be whether to designate a City holding facility for materials. He noted that it was the approach used for High West. In order to secure the Department of Interior approval to keep the building on the list, the City had to commit to being the holding facility. He suggested that the City might have to do that more broadly, but it would come with a big price tag for the public. The flip side is how much to subsidize private developments. Mr. Harrington believed subsidies are necessary, and additional tax abatements and other things could be considered to further subsidize. The challenge is finding the balancing point.

Commissioner Campbell commented on the reference to tax abatement. He recalled that the Planning Commission had discussed that approach on another project and former Planning Director Eddington had said that it was difficult to do in Utah. That was an issue he wanted to learn more about in the future because if it is a tool they would be able to propose it. Mr. Harrington explained that tax credits have not been used or implemented in Utah as they have in other states. However, in terms of local property taxes he believed there was some latitude to do that, but it is a step that faced policy opposition in the past. Mr. Harrington remarked that the Grants are easier to administer because it is an affirmative way to enable the desired end result. Commissioner Campbell understood that it was a decision for the City Council, but he would like to know in general if there were positive incentive aspects and whether it was a tool they could recommend. He personally favored offering an incentive to help achieve the end result as opposed to threatening jail if it is done wrong.

Mr. Erickson stated that the pending ordinance has a time frame and the Staff was pushing to meet the deadline. In addition, they were also working with the City Finance Department to devise a mechanism of funding and financing and looking at the budget for Fiscal 2017. There were RDA funds and other opportunities to help subsidize.

Commissioner Phillips stated that he was having a hard time understanding the 1975 date. Mr. Erickson explained that the year 1975 was established in the pending ordinance to fix a date that was 40 years previous. Historic structures are 50 years, and the Staff wanted a 10 year window to make sure they catch every potential historic structure or structures that had modifications after the 50 year threshold but before the 40 year threshold. Mr. Erickson stated that it has been revised to a 40 year floating threshold from current date. He pointed out that the 1975 date would eventually be replaced with a 40 year threshold to see if it meets the test of being a historic site.

Commissioner Thimm asked what would be meaningful to a particular structure during the 40 to 50 year period. Mr. Erickson was unsure specifically; however, the direction in the

ordinance was to be rigorous and cast a wide net to catch something that may be historic in a home that had been reconstructed in that period. There may be historic features or a historic foundation that meets the test of history. Mine structures could also slide into that realm. Commissioner Thimm asked if a person could be limited to what they could do to a building on their property within that ten year period. Mr. Erickson answered no; not unless something is determined to be historic consistent with the City regulations. He explained that the 40 year threshold is the identification criteria that alert the Staff to make sure there are no historic elements.

Planner Whetstone noted that there were three criteria. Some of the qualifying criteria are the ones they were proposing to revise, especially the one about retaining historic form. There is also criteria on whether or not it is important to the historic era. Mr. Erickson stated that it was a policy question they were still wrestling with. Mr. Harrington remarked that it was a temporary catch-all. The second component is public information and review, and making sure there is a second set of eyes on these determinations rather than just having one person in the Planning Department make the determination. Everything goes to the HPB pending these revisions. The only change to the criteria is the increase in eligibility.

Commissioner Campbell stated that because of the publicity he has been stopped at the store and other places by people wanting to comment on the ordinance. He thought a lot of people misunderstood the intent and believed that no structure could ever be torn down if it was older than 1975. The reality is that structures must be reviewed by the HPB to determine whether or not they could be torn down. Mr. Erickson clarified that the criteria had not changed for demolitions or tearing down, but the net for looking at demolitions had grown. No one would be restricted from tearing down anything older than 40 years to the 50 year threshold, but it must be looked at first. The main philosophy is to make sure an additional Board of educated eyes is watching over the Historic District in addition to the Staff and the Planning Commission. Commissioner Campbell thought it was important to make sure the public has that understanding when this is noticed. He believed they would get less pushback if the public understood that demolitions would not be prohibited; but it would require a mandatory review.

MOTION: Commissioner Joyce moved to CONTINUE the ordinance amending the Land Management Code, Section 15, Chapter 11 in all Historic Zones to expand the Historic Sites Inventory to October 14th, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 6:20 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Application No: PL-14-02451 + PL-15-02471
Subject: 550 Park Avenue
Author: Francisco J. Astorga, Senior Planner
Date: September 23, 2015
Type of Item: Administrative – Conditional Use Permit, Use and Steep Slope

PLANNING DEPARTMENT

Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing and continue the 550 Park Avenue Conditional Use Permit, Steep Slope and Use, to October 14, 2015, to allow Staff and the applicant additional time to work through the applications.

Description

Applicant: 545 Main Street Holdings, LLC represented by Billy Reed and Jonathan DeGray
Location: 550 Park Avenue
Zoning: Historic Residential-2
Adjacent Land Uses: Residential + Commercial
Reason for Review: Conditional Use Permits require Planning Commission review and approval.

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a new single-family dwelling on a vacant lot of record and a Conditional use Permit for a *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot*. Both uses would be accommodated on the same structure/lot.

Planning Commission Staff Report



Subject: 710-900 Main Street –First Amended, Fourth Supplemental Record of Survey Map for Summit Watch at Park City
Author: John Paul Boehm
Date: September 23rd, 2015
Type of Item: Administrative – Amendment to Record of Survey
Project Number: PL-15-02845

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the First Amended, Fourth Supplemental Record of Survey for Summit Watch at Park City and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Topic

Applicant: Summit Watch Condominium Owners Association, Inc.
Location: 710-900 Main Street
Zoning: Historic Recreation Commercial (HRC) as part of the Summit Watch MPD
Adjacent Land Uses: Commercial, Nightly Rental Condominiums
Reason for Review: Plat amendments require Planning Commission review and a recommendation with final action by the City Council.

Proposal

The purpose of this application is to remove the plat notes on the Summit Watch Record of Survey and the associated supplemental record of survey plats that pertain to outdoor dining and other outdoor uses. The plat notes read as follows:

Any outdoor dining use is a conditional use and any other outdoor use of the area for commercial purposes is prohibited unless specifically approved by the Planning Commission.

(Note on Summit Watch Record of Survey and Fourth Supplemental Record of Survey)

Any Outdoor Uses on the Plaza must receive City Approval.

(Note on Third Supplemental Record of Survey and Fourth Supplemental Record of Survey)

The applicant wishes to remove these plat notes as they strictly prohibit, without prior Planning Commission approval, any outdoor uses and events that would otherwise be processed administratively by City staff as allowed by the Zoning District.

Purpose

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

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

Background

On July 6, 2015, the City received a complete application to amend the Summit Watch at Park City Record of Survey plat as well as the Third and Fourth Supplemental Record of Survey plats for the Summit Watch at Park City. The application was amended on September 7th, 2015 to consolidate three separate applications into one for the purpose of clarity of review.

The Planning Commission approved the original Summit Watch at Park City Record of Survey Plat on September 22, 1993. The City Council approved the plat on October 7, 1993 and the plat was recorded with Summit County on February 7, 1994. This Record of Survey plat was required as of part of the Town Lift Phase I – Small scale MPD agreement that was approved by the Planning Commission on April 22, 1992.

The record is unclear as to why the note regarding outdoor uses was added to the plat. The April 22, 1992 Small Scale MPD approval contains a Condition of Approval requiring the creation of a Master Homeowners Association that would be responsible for maintaining the plaza in the project. City staff was to review and approve the related documents. No other mention of the plaza can be found in the meeting minutes.

The meeting minutes for the September 22, 1993 Planning Commission meeting and the October 7, 1993 City Council meeting both indicate two (2) Conditions of Approval, 1) the City Attorney will review and approve the Declaration and Covenants, and 2) the City Engineer will review and approve the plat. It is possible that Declaration and Covenants contain language regarding the use of the plaza but staff was unable to locate the specific language in these documents.

The Planning Commission forwarded a positive recommendation to the City Council for the Third Supplemental Record of Survey Plat on April 24, 1996. The City Council approved the plat on May 16, 1996 and the plat was recorded with Summit County on September 30, 1996. This Record of Survey plat was required as of part of the Summit Watch Revised Concept Plan – Large Scale MPD that was approved by the Planning Commission on November 23, 1994.

The November 23, 1994 Summit Watch Revised Concept Plan – Large Scale MPD approval contains a Condition of Approval stating:

Uses in the project shall be governed by the HCB zone. Any use which is shown as conditional in the HCB zone shall require conditional use approval by the Planning Commission.

The April 24, 1996 Planning Commission recommendation and the May 16, 1996 City Council approval for the Record of Survey plat both contain a Condition of Approval that all of the prior conditions of approval for the Summit Watch plats still apply. The original plat contains the aforementioned note restricting Outdoor Uses to Planning Commission review. The ordinance approving the plat also contains the following Condition of Approval:

Any uses on the plaza will require a separate conditional use permit.

The Planning Commission forwarded a positive recommendation for the Fourth Supplemental Record of Survey Plat on August 13, 1997. The City Council approved the plat on September 25, 1997 and the plat was recorded with Summit County on April 10, 1998. This Record of Survey plat was required as of part of the Summit Watch Revised Concept Plan – Large Scale MPD that was approved by the Planning Commission on November 23, 1994.

The August 13, 1997 Planning Commission recommendation and the September 25, 1997 City Council approval for the Fourth Supplemental Record of Survey plat both contain a Condition of Approval that all of the prior conditions of approval for the Summit Watch plats still apply.

In January of 2015, the applicants were informed that they would not be able to hold outdoor events on the Summit Watch plaza due to the plat note restrictions. Specifically, they would not be able to hold Sundance events on the plaza without

Planning Commission approval, even though they had received administrative approval from Special Events in the past.

This item was continued at the September 9th, 2015 Planning Commission Meeting in order to give staff additional time to consolidate the three record of survey amendments into a single record of survey amendment.

Analysis

Staff has analyzed the proposal to remove the plat notes and has found that doing so would make the Summit Watch Record of Survey more consistent with the underlying HRC District requirements. LMC 15-2.6.2, which dictates the Uses in the HRC zone, states that *Restaurant, Outdoor Dining and Outdoor Events and Uses* are Conditional Uses that *require an Administrative or Administrative Conditional Use permit*. Planning staff currently processes requests for these types of Uses through an Administrative Conditional Use process unless the use is associated with a Special Event. In these cases, Special Events processes a separate Administrative permit.

If the plats are amended and the notes are removed, the applicants will be subject to the underlying zone requirements outlined above. They would no longer need to seek Planning Commission approval for Outdoor Uses on the plaza. These Uses would be processed administratively by either Planning staff or Special Events. Staff reviews the same Conditional Use criteria as the Planning Commission to ensure public health, safety and welfare.

There are no unique characteristics in this project that require additional regulation beyond the underlying zoning requirements for the Historic Recreation Commercial (HRC) zoning district. Adjacent properties in the HRC zone are currently allowed to apply for Outdoor Uses and special events through administrative processes. These events include the Park Silly Sunday Market, the Sundance Film Festival, the United States Ski/Snowboard Association events and several other, smaller events and uses.

Good Cause

Staff finds good cause for this record of survey amendment as it creates a level of consistency with the surrounding uses in the HRC zone. All relevant criteria will continue to be analyzed as part of an Administrative review.

Department Review

This project has gone through interdepartmental review by the Development Review Committee on August 18, 2015. No issues were raised during this meeting.

Notice

On August 26, 2015, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on August 20, 2015.

Public Input

On September 14, 2015, staff received public input regarding noise and odors related to special events. Staff informed the concerned neighbor that these issues should be mitigated through the Administrative Conditional Use and special events permitting processes.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council to approve the application for the First Amended, Fourth Supplemental Record of Survey Map, Removing Plat Notes Regarding Outdoor Uses for the Summit Watch At Park City, An Expandable Utah Condominium Project, as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to the City Council to deny the application and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion and provide Staff and the Applicant with specific direction regarding additional information necessary to make a recommendation on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The applicant will be required to bring all proposed outdoor uses to the Planning Commission for approval.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the First Amended, Fourth Supplemental Record of Survey for Summit Watch at Park City and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A- First Amended, Fourth Supplemental Record of Survey Map, Removing Plat Notes Regarding Outdoor Uses for the Summit Watch At Park City

Exhibit B- Summit Watch At Park City Record of Survey

Exhibit C- Third Supplemental Record of Survey, Summit Watch At Park City

Exhibit D- Fourth Supplemental Record of Survey, Conversion of Convertible Space to
Units Summit Watch at Park City

Exhibit E- Aerial Photo

Exhibit F – January 12, 2015 Email regarding plat restrictions and Sundance

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE FIRST AMENDED, FOURTH SUPPLEMENTAL RECORD OF SURVEY MAP, REMOVING PLAT NOTES REGARDING OUTDOOR USES, SUMMIT WATCH AT PARK CITY, AN EXPANDABLE UTAH CONDOMINIUM PROJECT LOCATED AT 710-900 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Summit Watch at Park City, located at 710-900 Main Street, have petitioned the City Council for approval of the First Amendment to the Summit Watch at Park City Record of Survey; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on September 23, 2015, to receive input on the proposed amended condominium plat;

WHEREAS, on September 23, 2015, the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on October 8, 2015, the City Council held a public hearing on the proposed amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed the First Amendment to the Summit Watch at Park City Record of Survey

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The First Amended, Fourth Supplemental Record of Survey Map, Removing Plat Notes Regarding Outdoor Uses for the Summit Watch At Park City, An Expandable Utah Condominium Project, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 710-900 Main Street within the Historic Recreation Commercial (HRC) District.
2. The Summit Watch at Park City Record of Survey plat was approved by City Council on October 7, 1993 and the plat was recorded with Summit County on February 7,

- 1994.
3. The Summit Watch at Park City Record of Survey plat was required as of part of the Town Lift Phase I – Small scale MPD agreement that was approved by the Planning Commission on April 22, 1992
 4. The Third Supplemental Record of Survey for Summit Watch at Park City was approved by City Council on May 16, 1996 and the plat was recorded with Summit County on September 30, 1996
 5. The Third Supplemental Record of Survey for Summit Watch at Park City plat was required as of part of the Summit Watch Revised Concept Plan – Large Scale MPD that was approved by the Planning Commission on November 23, 1994.
 6. The Fourth Supplemental Record of Survey for Summit Watch at Park City was approved by City Council on September 25, 1997 and the plat was recorded with Summit County on April 10, 1998
 7. The Fourth Supplemental Record of Survey plat was required as of part of the Summit Watch Revised Concept Plan – Large Scale MPD that was approved by the Planning Commission on November 23, 1994.
 8. The November 23, 1994 Summit Watch Revised Concept Plan – Large Scale MPD approval contains a Condition of Approval stating that all uses in the project shall be governed by the HCB zone.
 9. On July 6, 2015, the applicants submitted an application for a record of survey plat amendment. The application was deemed complete on July 9, 2015. On September 7, 2015, the application was revised to consolidate three separate applications into this one application.
 10. The Record of Survey plat amendment would make the subject property consistent with the underlying zoning requirements for the Historic Recreation Commercial (HRC) zoning district.
 11. The Record of Survey plat amendment would allow the applicant to apply for administrative permits, without prior Planning Commission approval, for outdoor uses.
 12. Staff could not find any information in prior meeting minutes and reports regarding the specific need for additional regulation beyond the zoning requirements for the Historic Recreation Commercial (HRC) zoning district.
 13. There are no unique characteristics in this project that require additional regulation beyond the underlying zoning requirements for the Historic Recreation Commercial (HRC) zoning district. Adjacent properties in the HRC zone are currently allowed to apply for Outdoor Uses and special events through administrative processes.
 14. Special events and Outdoor Uses that currently take place in the HRC zone include the Sundance Film Festival, Park City Silly Sunday Market, and U.S. Ski/Snowboard events.
 15. The findings in the Analysis section are incorporated herein.

Conclusions of Law:

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

condominium plat amendment.

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the condominium plat.
2. The applicant will record the amended condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the condominium plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the original Summit Watch at Park City Record of Survey plat continue to apply.

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

PASSED AND ADOPTED this ___ day of _____, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Karen Anderson, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

THIS PLAT REMOVES THE FOLLOWING NOTES:

The following note on page 3 of the Record of Survey Map, SUMMIT WATCH AT PARK CITY, recorded February 7, 1994, as Entry No. 397620 is hereby deleted: "ANY OUTDOOR DINING USE IS A CONDITIONAL USE AND ANY OTHER OUTDOOR USE OF THE AREA FOR COMMERCIAL PURPOSES IS PROHIBITED UNLESS SPECIFICALLY APPROVED BY THE PLANNING COMMISSION."

Note 5 on page 3 of the Third Supplemental Record of Survey Map, PHASE 3 & 3A SUMMIT WATCH AT PARK CITY, recorded September 30, 1996, as Entry No. 463972 is hereby deleted "ANY OUTDOOR USES ON THE PLAZA MUST RECEIVE CITY APPROVAL."

The following note on pages 2 thru 6 of the Fourth Supplemental Record of Survey Map, CONVERSION OF CONVERTIBLE SPACE TO UNITS, SUMMIT WATCH AT PARK CITY, recorded April 10, 1998, as Entry No. 504091 is hereby deleted: "ANY OUTDOOR USES ON THE PLAZA MUST RECEIVE CITY APPROVAL."

The following note on pages 2 thru 6 of the Fourth Supplemental Record of Survey Map, CONVERSION OF CONVERTIBLE SPACE TO UNITS, SUMMIT WATCH AT PARK CITY, recorded April 10, 1998, as Entry No. 504091 is hereby deleted: "ANY OUTDOOR DINING USE IS A CONDITIONAL USE AND ANY OTHER OUTDOOR USE OF THE AREA FOR COMMERCIAL PURPOSES IS PROHIBITED UNLESS SPECIFICALLY APPROVED BY THE PLANNING COMMISSION."

CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, Marriott Ownership Resorts, Inc., a Delaware corporation, hereby consents to the recordation of this First Amended Fourth Supplemental Record of Survey Map in accordance with Utah Code Annotated 57-8-13.

Executed this _____ day of _____, 2015.

Marriott Ownership Resorts, Inc.
A Delaware Corporation

By _____
Its _____

ACKNOWLEDGMENT

State of _____)
County of _____) ss.

On this _____ day of _____, 2015, personally appeared before me _____, who, being by me duly sworn, did say that he is the _____ of Marriott Ownership Resorts, Inc., a Delaware corporation, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said Corporation, and said _____ duly acknowledged to me that said Corporation executed the same.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, 900 Lower Main Associates, LLC, a Utah limited liability company, is the fee simple owner of the herein described units and consents to the recordation of this First Amended Fourth Supplemental Record of Survey Map in accordance with Utah Code Annotated 57-8-13.

Executed this _____ day of _____, 2015.

900 Lower Main Associates, LLC
A Utah limited liability company

By: KAI'OHU PARK CITY, LLC,
a Utah limited liability company
Its: Manager

By: KAI'OHU AMC, INC.,
a Delaware Corporation
Its: Manager

By: _____
Thomas M. Foley, Vice President/Secretary

ACKNOWLEDGMENT

State of _____)
County of _____) ss.

On this _____ day of _____, 2015, personally appeared before me Thomas M. Foley, who, being by me duly sworn, did say that he is the Vice President/Secretary of 900 Lower Main Associates, LLC, a Utah limited liability company, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said corporation, and said Thomas M. Foley duly acknowledged to me that he executed the same on behalf of the corporation with proper authority.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this FIRST AMENDED FOURTH SUPPLEMENTAL RECORD OF SURVEY MAP, CONVERSION OF CONVERTIBLE SPACE TO UNITS, SUMMIT WATCH AT PARK CITY and that the information contained on this plat is for the purpose of deleting notes on the original recorded plat as approved by the owners.

SURVEYOR'S NARRATIVE

Refer to the FOURTH SUPPLEMENTAL RECORD OF SURVEY MAP, CONVERSION OF CONVERTIBLE SPACE TO UNITS, SUMMIT WATCH AT PARK CITY for all boundary, lot, street and easement data, said plat being recorded April 10, 1998, as Entry No. 504091 in the office of the Summit County Recorder.

LEGAL DESCRIPTIONS

PARCEL 1

The common areas and facilities in Summit Watch at Park City Condominium as more particularly shown and described in the Declaration of Condominium establishing the said condominium, being dated December 23, 1993, and recorded in the office of the County Recorder for Summit County, Utah on February 7, 1994, Entry No. 397621, Book 785, at Pages 302 through 425, as amended by the First Amendment to Declaration of Condominium Summit Watch at Park City, being dated July 13, 1994, and recorded in the same office on July 13, 1994 as Entry No. 409382, Book 820 at Pages 08-16, as amended by the Second Amendment to the Declaration of Condominium Summit Watch at Park City, being dated January 27, 1995, and recorded in the same office on March 8, 1995, Entry No. 0425895, Book 00871, at Pages 350-358, as amended by that Third Amendment to the Declaration of Condominium, dated April 26, 1995, recorded May 3, 1995 as Entry No. 429407, in Book 881, at Page 471. Second Supplemental Record of Survey Map, recorded November 3, 1995, as Entry No. 441830, as amended by that Fourth Amendment to the Declaration of Condominiums, dated October 24, 1995, as recorded November 3, 1995, as Entry No. 441831, in Book 922, at Page 26. Third Supplemental Record of Survey Map, recorded September 30, 1996, as Entry No. 463972, as amended by that Fifth Amendment to the Covenants, Conditions and Restrictions, dated August 6, 1996, as recorded September 30, 1996, as Entry No. 463973, in Book 996, at Page 519, all in the Summit County Recorder's Office.

PARCEL 2

Commercial Units A, B, C, D, E, F, G, H, I, J, and K as shown on the Fourth Supplemental Record of Survey Map, Conversion of Convertible Space to Units in Summit Watch at Park City, together with the appurtenant interest in the common areas as more particularly shown and described in that Record of Survey Map recorded February 7, 1994, as Entry No. 397620 and the Declaration of Condominium establishing said condominium dated December 23, 1993, recorded February 7, 1994, as Entry No. 397621, in Book 785, at Page 302 as amended by the First Amendment to the Declaration of Condominium, dated July 13, 1994, recorded July 13, 1994, as Entry No. 409382, in Book 820, at Page 8. First Supplemental Record of Survey Map, recorded March 8, 1995, as Entry No. 425894, as amended by the Second Amendment to the Declaration of Condominium, dated January 27, 1995, recorded March 8, 1995, as Entry No. 425895, in Book 871, at Page 350, as amended by that Third Amendment to the Declaration of Condominium, dated April 26, 1995, recorded May 3, 1995, as Entry No. 429207, in Book 881, at Page 471. Second Supplemental Record of Survey Map, recorded November 3, 1995, as Entry No. 441830, as amended by that Fourth Amendment to the Declaration of Condominiums, dated October 24, 1995, as recorded November 3, 1995, as Entry No. 441831, in Book 922, at Page 26. Third Supplemental Record of Survey Map, recorded September 30, 1996, as Entry No. 463972, as amended by that Fifth Amendment to the Covenants, Conditions and Restrictions, dated August 6, 1996, as recorded September 30, 1996, as Entry No. 463973, in Book 996, at Page 519, and the Fourth Supplemental Conversion of Convertible Space recorded April 10, 1998 as Entry No. 504091 and Supplemental Declaration, Conversion of Convertible Space recorded April 10, 1998 as Entry No. 504092 in Book 1135 at Page 209.

Together with easements as shown in that certain Easement Deed and Restrictive Covenant dated April 18, 1993, recorded May 27, 1993, as Entry No. 380057, in Book 728, at Page 114, Summit County Recorder's Office.

NOTE

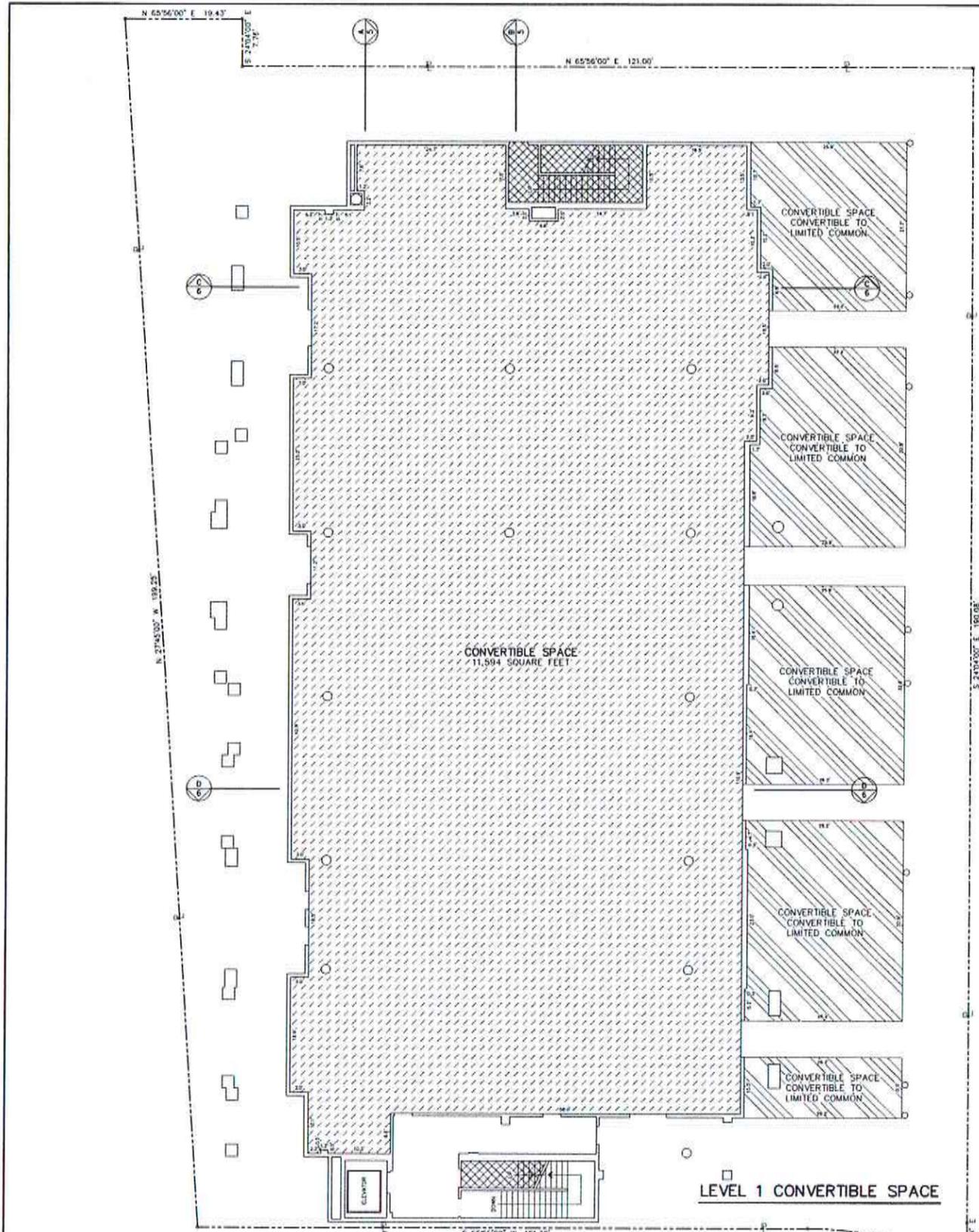
This plat is subject to the Conditions of Approval in Ordinance 15-_____.

**FIRST AMENDED FOURTH SUPPLEMENTAL RECORD OF SURVEY MAP
REMOVING PLAT NOTES REGARDING OUTDOOR USES
SUMMIT WATCH AT PARK CITY**

AN EXPANDABLE UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

JOB NO.: 7-5-15 FILE: X:\SnydersAddition\dwg\rv\plat2015\070515-4thSupp.dwg

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS Planning Commission Packet, September 23, 2015	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
	Page 32 of 53						

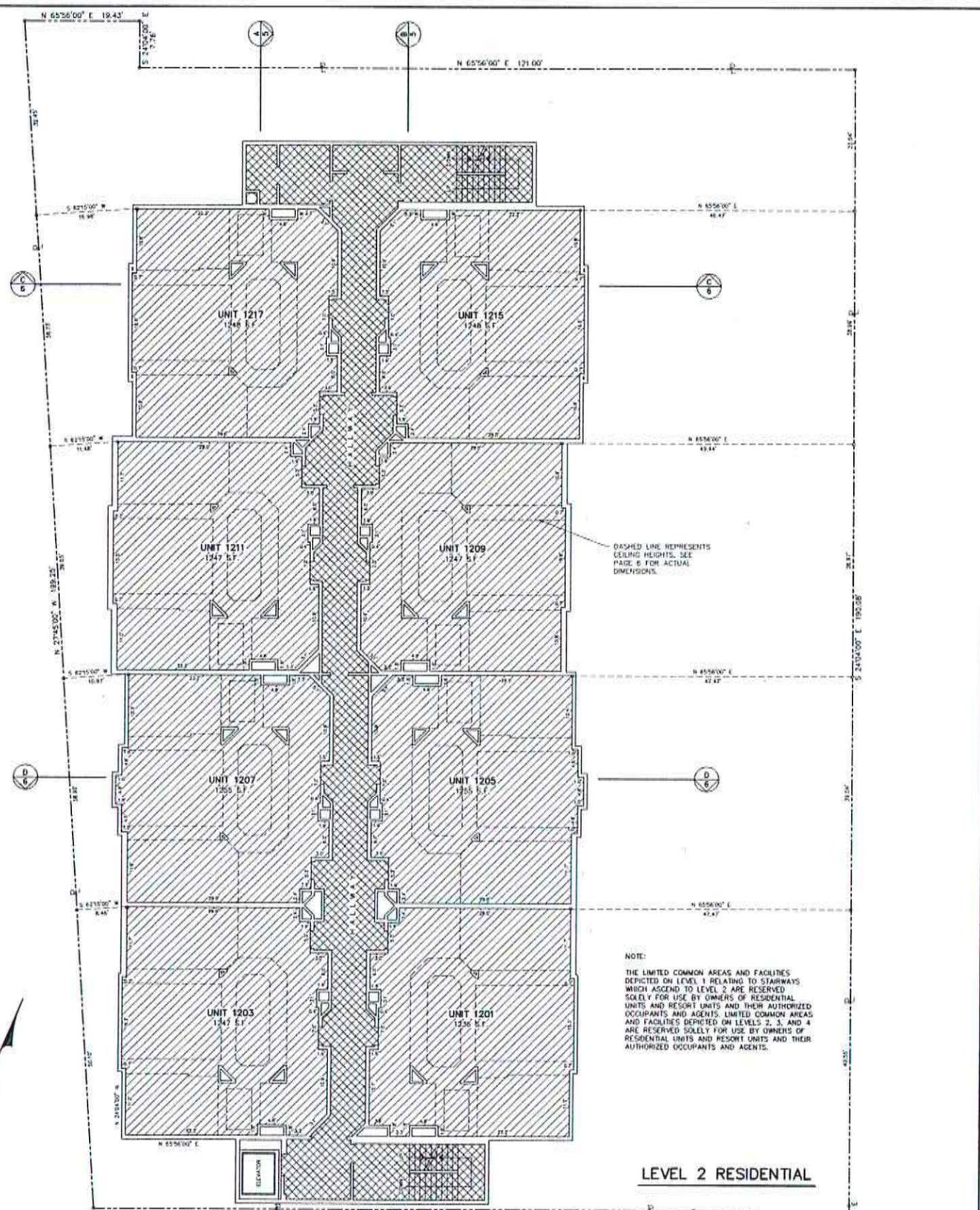


LEGEND

S.F. REPRESENTS SQUARE FEET.
 THE STREET ADDRESS OF SUMMIT WATCH AT PARK CITY IS 738 MAIN STREET.
 ⊕ INDICATES STREET MONUMENT.
 P PROPERTY LINE.

NOTE: ANY OUTDOOR DINING USE IS A CONDITIONAL USE AND ANY OTHER OUTDOOR USE OF THE AREA FOR COMMERCIAL PURPOSES IS PROHIBITED UNLESS SPECIFICALLY APPROVED BY THE PLANNING COMMISSION.

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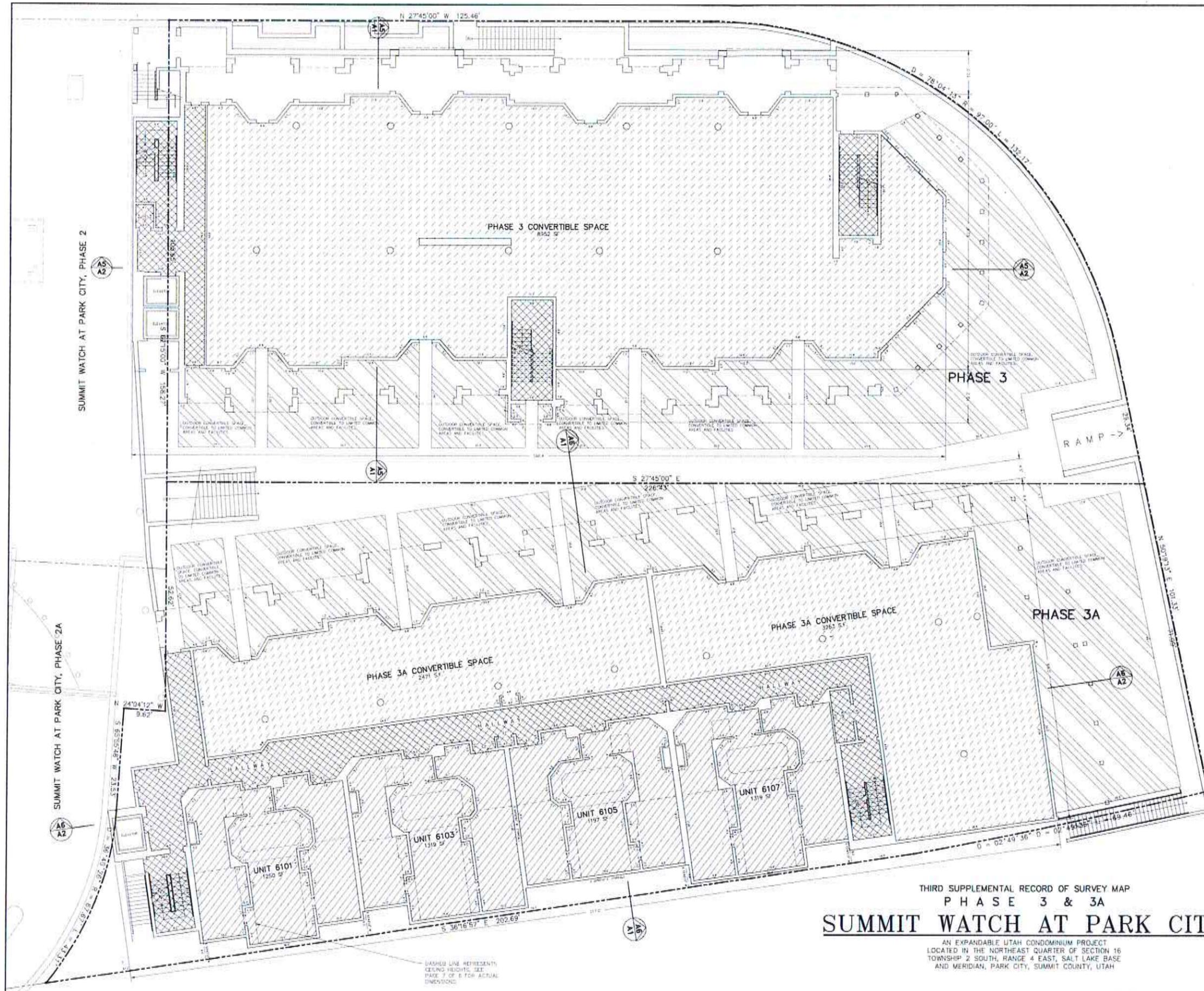
RECORD OF SURVEY MAP

SUMMIT WATCH AT PARK CITY

AN EXPANDABLE UTAH CONDOMINIUM PROJECT LOCATED IN THE NORTHEAST QUARTER OF SECTION 16 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

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NOTE: THE LIMITED COMMON AREAS AND FACILITIES DEPICTED ON LEVEL 1 RELATING TO STAIRWAYS WHICH ASCEND TO LEVEL 2 ARE RESERVED SOLELY FOR USE BY OWNERS OF RESIDENTIAL UNITS AND RESORT UNITS AND THEIR AUTHORIZED OCCUPANTS AND AGENTS. LIMITED COMMON AREAS AND FACILITIES DEPICTED ON LEVELS 2, 3, AND 4 ARE RESERVED SOLELY FOR USE BY OWNERS OF RESIDENTIAL UNITS AND RESORT UNITS AND THEIR AUTHORIZED OCCUPANTS AND AGENTS.



NOTES:

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- 2) LEVEL 1 HALLWAY ALSO PROVIDES EMERGENCY EGRESS FOR CONVERTIBLE SPACE AS REQUIRED BY THE PARK CITY BUILDING CODE.

LEGEND

S.F. REPRESENTS SQUARE FEET

THE STREET ADDRESS FOR BUILDING "A5" OF SUMMIT WATCH AT PARK CITY IS 800 MAIN STREET.

THE STREET ADDRESS FOR BUILDING "A6" OF SUMMIT WATCH AT PARK CITY IS 800 MAIN STREET.

⊙ INDICATES STREET MONUMENT.

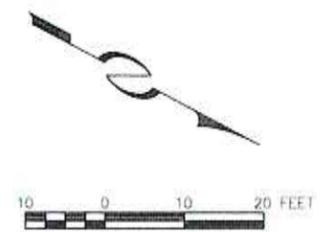
— PROPERTY LINE.

NOTES:

1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY COOPER JOHNSON SMITH ARCHITECTS, A.I.A.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. ANY OUTDOOR USES ON THE PLAZA MUST RECEIVE CITY APPROVAL.
6. BENCHMARK: SEE SHEET 1 OF 8 FOR LOCATION AND ELEVATION.

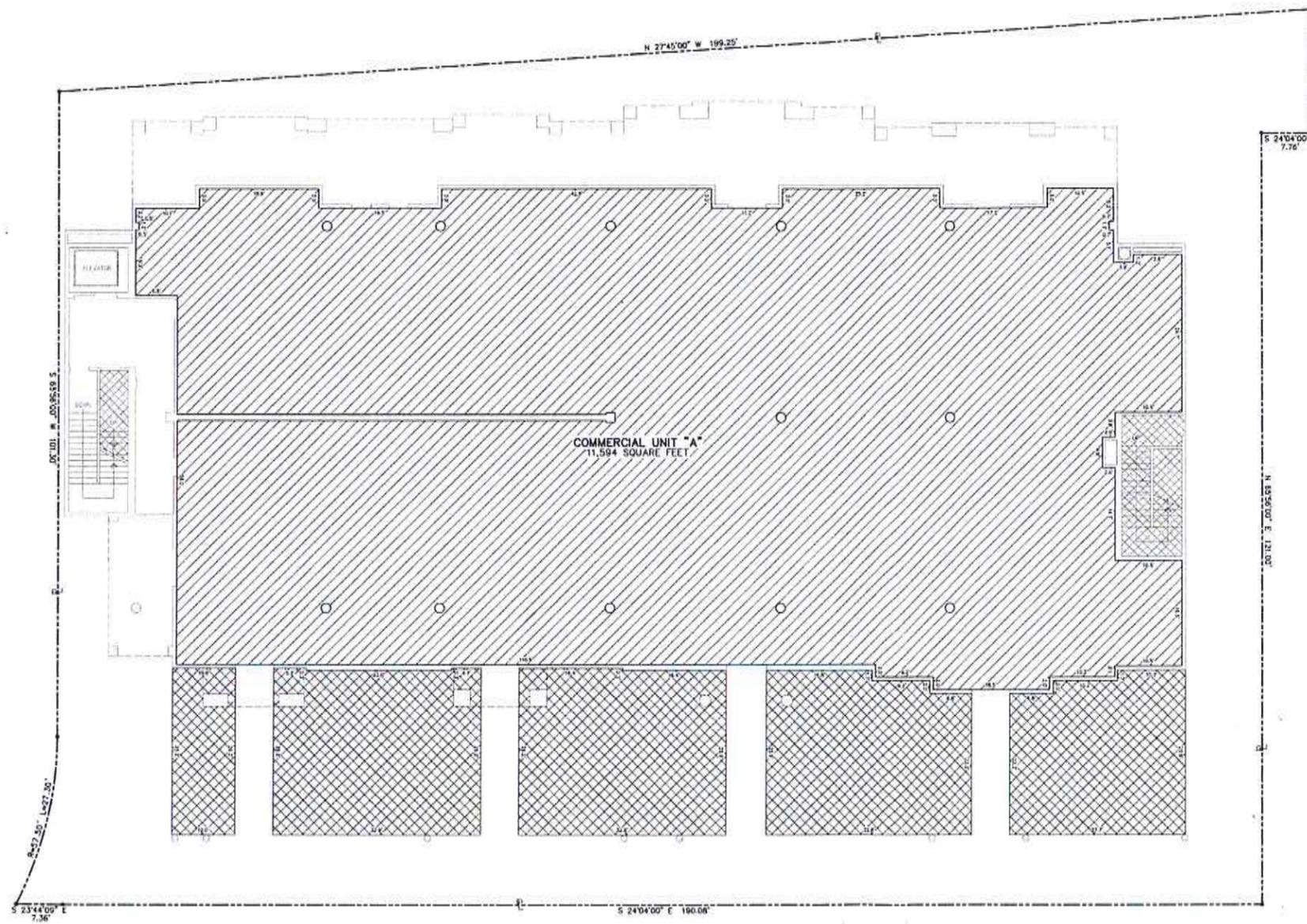
- COMMON AREAS AND FACILITIES
- PRIVATE OWNERSHIP
- LIMITED COMMON AREAS AND FACILITIES (LCE)
- CONVERTIBLE SPACE
- OUTDOOR CONVERTIBLE SPACE, CONVERTIBLE TO LIMITED COMMON AREAS AND FACILITIES

"A5" AND "A6" BUILDINGS
LEVEL ONE COMMERCIAL AND RESIDENTIAL



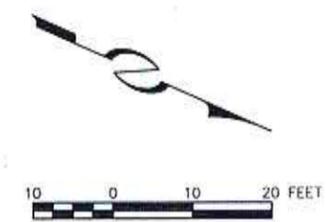
THIRD SUPPLEMENTAL RECORD OF SURVEY MAP
 PHASE 3 & 3A
SUMMIT WATCH AT PARK CITY
 AN EXPANDABLE UTAH CONDOMINIUM PROJECT
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

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- O INDICATES STREET MONUMENT.
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- COMMON AREAS AND FACILITIES
- PRIVATE OWNERSHIP
- LIMITED COMMON AREAS AND FACILITIES (LCE) APPURTENANT TO ADJOINING COMMERCIAL UNIT "A"

PHASE 1 COMMERCIAL SPACE

NOTE:
 THE LIMITED COMMON AREAS AND FACILITIES DEPICTED ON LEVEL 1 RELATING TO STAIRWAYS WHICH ASCEND TO LEVEL 2 ARE RESERVED SOLELY FOR USE BY OWNERS OF RESIDENTIAL UNITS AND RESORT UNITS AND THEIR AUTHORIZED OCCUPANTS AND AGENTS. LIMITED COMMON AREAS AND FACILITIES DEPICTED ON LEVELS 2, 3, AND 4 ARE RESERVED SOLELY FOR USE BY OWNERS OF RESIDENTIAL UNITS AND RESORT UNITS AND THEIR AUTHORIZED OCCUPANTS AND AGENTS.

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NOTES:

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5. VERTICAL CROSS SECTIONS ARE UNCHANGED REFER TO ORIGINAL MAP.

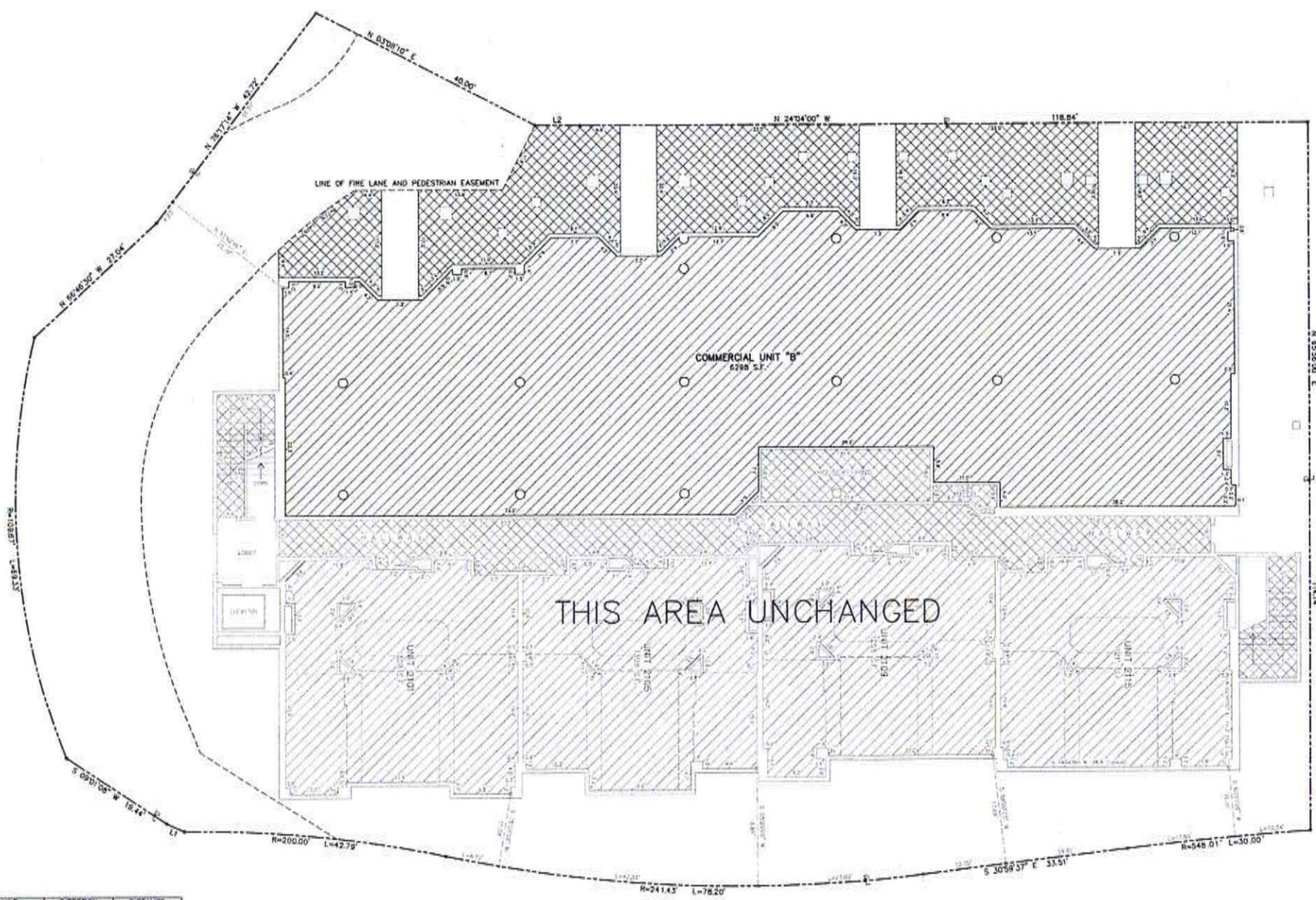
FOURTH SUPPLEMENTAL RECORD OF SURVEY MAP
 CONVERSION OF CONVERTIBLE SPACE TO UNITS
SUMMIT WATCH AT PARK CITY

AN EXPANDABLE UTAH CONDOMINIUM PROJECT
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 2 OF 6

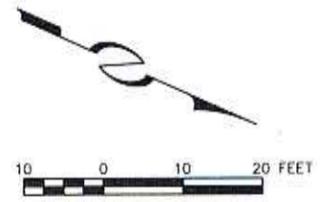
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LINE	DIRECTION	DISTANCE
L1	S 07°13'52" E	1.70
L2	N 23°44'02" W	7.50

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 O INDICATES STREET MONUMENT.
 P PROPERTY LINE



COMMON AREAS AND FACILITIES
 PRIVATE OWNERSHIP
 LIMITED COMMON AREAS AND FACILITIES (LCE) APPURTENANT TO ADJOINING COMMERCIAL UNIT "B"

- NOTES:**
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY COOPER ROBERTS ARCHITECTS, A.I.A.
 2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
 3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
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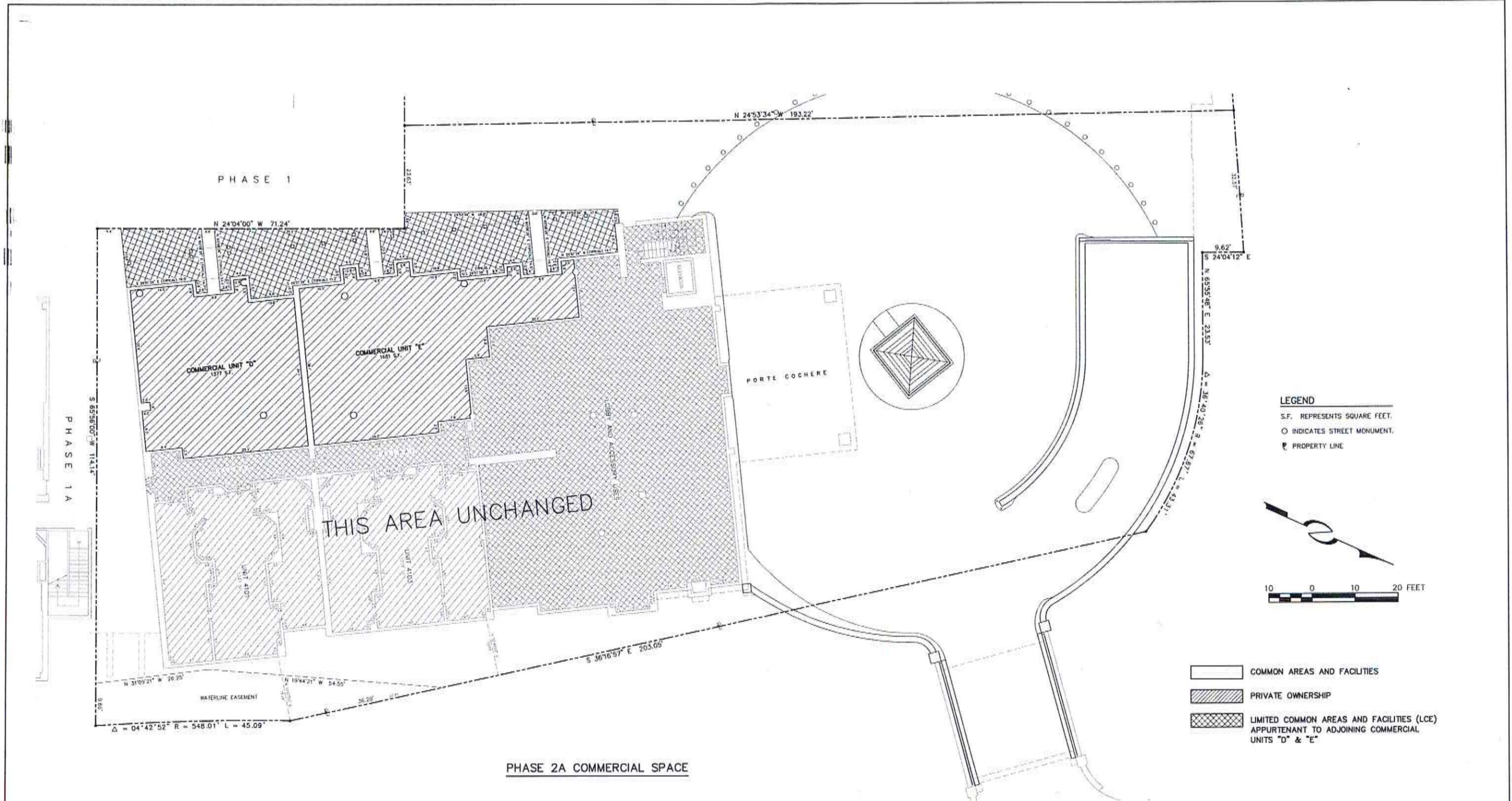
PHASE 1A COMMERCIAL SPACE

- NOTES:**
- 1) THE LIMITED COMMON AREAS AND FACILITIES DEPICTED ON LEVEL 1 RELATING TO STAIRWAYS WHICH ASCEND TO LEVEL 2 AND ABOVE ARE RESERVED SOLELY FOR USE BY OWNERS OF RESIDENTIAL UNITS AND RESORT UNITS AND THEIR AUTHORIZED OCCUPANTS AND AGENTS. LIMITED COMMON AREAS AND FACILITIES DEPICTED ON LEVELS 2, 3, AND 4 ARE RESERVED SOLELY FOR USE BY OWNERS OF RESIDENTIAL UNITS AND RESORT UNITS AND THEIR AUTHORIZED OCCUPANTS AND AGENTS.
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FOURTH SUPPLEMENTAL RECORD OF SURVEY MAP
 CONVERSION OF CONVERTIBLE SPACE TO UNITS
SUMMIT WATCH AT PARK CITY

AN EXPANDABLE UTAH CONDOMINIUM PROJECT
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

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 Page 36 of 53



NOTES:

- 1) THE LIMITED COMMON AREAS AND FACILITIES DEPICTED ON LEVEL 1 RELATING TO STAIRWAYS WHICH ASCEND TO LEVEL 2 AND ABOVE ARE RESERVED SOLELY FOR USE BY OWNERS OF RESIDENTIAL UNITS AND RESORT UNITS AND THEIR AUTHORIZED OCCUPANTS AND AGENTS. LIMITED COMMON AREAS AND FACILITIES DEPICTED ON LEVELS 2, 3, AND 4 ARE RESERVED SOLELY FOR USE BY OWNERS OF RESIDENTIAL UNITS AND RESORT UNITS AND THEIR AUTHORIZED OCCUPANTS AND AGENTS.
- 2) LEVEL 1 HALLWAY ALSO PROVIDES EMERGENCY EGRESS FOR CONVERTIBLE SPACE AS REQUIRED BY THE PARK CITY BUILDING CODE.
- 3) THE LIMITED COMMON AREAS AND FACILITIES DESIGNATED "LOBBY AND ACCESSORY USES" ARE APPURTENANT TO THE RESIDENTIAL UNITS AND RESORT UNITS.
- 4) ANY OUTDOOR DINING USE IS A CONDITIONAL USE AND ANY OTHER OUTDOOR USE OF THE AREA FOR COMMERCIAL PURPOSES IS PROHIBITED UNLESS SPECIFICALLY APPROVED BY THE PLANNING COMMISSION.

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AN EXPANDABLE UTAH CONDOMINIUM PROJECT
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 5 OF 6

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JOB NO. 2-11-96 \TL\SW\PA\P-PH4P5



SUBJECT
PROPERTY

80' 0 80' 160'

APR 05 2015

 (435) 648-8467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2004 Park City, Utah 84002-2004	STAFF: MARSHALL KING HARRISON HOLLEY DATE: 6/25/15	AERIAL PHOTOGRAPH SUMMIT WATCH AT PARK CITY FOR: SUMMIT WATCH CONDOMINIUM OWNERS ASSOCIATION, INC. JOB NO.: 7-5-15 FILE: X:\Snyder\Addition\dwg\Exhibits\summit watch-aerial.dwg	SHEET 1 OF 53
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From: Kayla Sintz [mailto:kayla.sintz@parkcity.org]
Sent: Monday, January 12, 2015 11:51 AM
To: Paul Colton <colton@wgdlawfirm.com>
Cc: Shauna Stokes <stokes@parkcity.org>
Subject: RE: Sundance - Summit Watch Courtyard

Paul: Below are the RECORDED plat notes from the Marriott Courtyard. As you can see if severely restricts any activity besides existing outdoor dining. We talked to various groups down there and they are aware they have to modify the plat and re-record prior to moving forward (which is typically a 3-4 month process because it goes to Planning Commission and City Council). So they should be able to get something going for the next year's Sundance.

In speaking to the prior planning director, when this was originally platted, there were concerns from the old portions of Main Street in regards to what activities could occur down in the plaza. Therefore, they severely restricted the plat notes regarding uses. However, since this was some time ago (1998), the City would be in favor of a modification of the plat, as times have changed and it is no longer a difficult commercial lease atmosphere.

Let me know if you need anything further. It's pretty straightforward. Here are the notes:

Standalone NOTE: listed on ALL recorded sheets

ANY OUTDOOR DINING USE IS A CONDITIONAL USE AND ANY OTHER OUTDOOR USE OF THE AREA FOR COMMERCIAL PURPOSES IS PROHIBITED UNLESS SPECIFICALLY APPROVED BY THE PLANNING COMMISSION.

Numbered Notes:

4. Any outdoor uses on the plaza must receive city approval.

Since the Master Festival License holder approved by City Council during this timeframe is the Sundance Institute, the City will/cannot approve any other outdoor uses on the patio. As you can see removing these restrictive notes in a plat amendment is necessary. I have a hard copy of the plat you are welcome to come in and get a copy of. Thanks-

Kayla

Kayla Sintz
Planning Manager
435.615.5062



Planning Commission Staff Report



PLANNING DEPARTMENT

Subject/Location: 1000 Ability Way
Applicant: National Ability Center – Jon Serio
Type of Item: Conditional Use Permit (CUP)
Project #: PL-15-02876
Zoning: Recreation Open Space (ROS)
Adjacent Land Uses: Open Space, trails, and sporting fields
Author: Makena Hawley, Planner Tech
Date: September 27, 2015
Reason for Review: An accessory building greater than 600 square feet is a Conditional Use in the Recreation Open Space zoning district.

Summary Recommendations

Staff recommends the Planning Commission review the application for a Conditional Use Permit (CUP) at 1000 Ability Way, conduct a public hearing, and approve the CUP for an Accessory Structure greater than 600 square feet. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Project Description

This application is a request for a Conditional Use Permit (CUP) to install a hay barn to support their adaptive equestrian as well as other learning programs.

Background

The site is described as Parcel # PCA-97-B, it is a metes and bounds parcel of land located in the Quinn's Junction neighborhood of Park City. The 26.2 acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation.

On November 12, 2014 the Planning Commission reviewed a pre-MPD application for future expansion of the Center. The National Ability Center will be required to create a lot of record for this parcel when submitting for the full Master Plan Development application. Due to the fact that the hay storage barn is accessory to the existing uses and does not have density associated with it as well as, it is permitted as a Conditional Use in the ROS zone, the Planning Director has determined that this application can move forward.

Since the parcel has been annexed into Park City, the National Ability Center has applied for an Administrative CUP for an Archery Pavilion (2012), a Pre-MPD (2014),

and an Administrative CUP for the hay storage barn (2015). These applications have been granted and the structures have been constructed.

On July 13, 2015 the NAC was granted an Administrative Conditional Use Permit for a temporary hay storage barn. The temporary hay storage building must be removed from the site by October 13, 2015 unless a full Conditional Use Permit for a “permanent accessory structure greater than 600 sq. ft. of floor area” is approved by the Planning Commission prior to the deadline.

If this full Conditional Use Permit is approved the hay storage building will not change and will stay in its present location. The NAC applied for the Administrative Conditional Use Permit ahead of the full CUP due to a timing issue with construction. In July 2015, a company was able to offer the construction and materials for free to the Non-profit organization which was favorable to NAC’s mission. The hay barn only serves as a storage use; there have been no impacts from this building on the rest of the site. The hay barn does not increase existing uses and provides additional storage.

On August 6, 2015 the City received a completed application for a full Conditional Use Permit for 1000 Ability Way.

Purpose

The purpose of the Recreation and Open Space (ROS) District is to:

- (A) Establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots.
- (B) Permit recreational Uses and preserve recreational Open Space land.
- (C) Encourage parks, golf courses, trails and other Compatible public or private recreational Uses.
- (D) Preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- (E) Encourage sustainability, conservation, and renewable energy.

Analysis

The National Ability Center is proposing to keep the hay storage building that was temporarily approved with an Administrative Conditional Use Permit in July, 2015 for the sole purpose of storage. The structure is 73'-9" wide by 24'-8" in length totaling an area of 1,819 square feet with the height standing at 22 feet above existing grade. The hay storage barn is located off an access street, near the center of the NAC property close to the horse pastures. The storage barn will allow the NAC to separate storage spaces for the different activities they accommodate, which will minimize program interruption and maintenance of equipment associated with the current shared use operations. The Planning Commission must review each of the following items when considering whether or not the proposed conditional use mitigates impacts of and addresses the following items as outlined in LMC § 15-1-10(E):

	Review Criteria -	Project Proposal -
1	Size and Location of the Site LMC requires a minimum of 25 foot setbacks and a maximum height of 28 feet from existing grade.	Accessory Building Size: 1,819 sq. ft. – All to be used for Hay storage. The closest property line from the storage barn is 278 feet and the height stands at 22 feet above existing grade. Location: Please see Exhibit A. - <u>No unmitigated Impacts.</u>
2	Traffic considerations including capacity of the existing streets in the Area -	The requested use of the space is similar in nature to the support uses to the primary development/use in the area. - <u>No unmitigated Impacts.</u>
3	Utility capacity -	Minimal electricity is needed for 3 lights.
4	Emergency vehicle access -	Emergency vehicles can easily access the unit and no additional access is required. - <u>No unmitigated Impacts.</u>
5	Location and amount of off-street parking -	The hay barn will not require additional parking spaces. - <u>No unmitigated Impacts.</u>
6	Internal vehicular and pedestrian circulation system -	The Accessory building is directly accessed of the driveway which is connected to the parking area and Ability Way. - <u>No unmitigated Impacts.</u>
7	Fencing, screening, and landscaping to separate the Use from adjoining uses -	Fencing, screening, and landscaping are not proposed and are not needed to separate uses, as the uses are all co-dependent. - <u>No unmitigated Impacts.</u>
8	Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to buildings on adjoining lots -	The barn uses the same materials as the surrounding structures and is generally smaller than most of the adjacent buildings. Since the hay storage barn is a storage use for the other buildings and lands, the physical design and compatibility are similar. - <u>No unmitigated Impacts.</u>
9	Usable Open Space -	The requirement for the NAC parcel in the Recreation Open Space zone is to maintain 60% open space. The hay barn will support the recreation activities that utilize the open space and maintain well over the 60% open space requirement. Please see “Exhibit F” Open Space Analysis from Pre- MPD application.
10	Signs and lighting -	Only lights have been proposed. The lighting shall remain down lit and shielded. - <u>No unmitigated Impacts.</u>
11	Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing	The barn uses the same materials as the surrounding structures and is generally smaller than most of the adjacent buildings. Since the hay storage barn is a storage use for the other buildings and lands, the physical design and compatibility are similar. - <u>No unmitigated Impacts.</u>
12	Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site -	The hay barn will be used to store baled hay which is already stored onsite in support of the existing programming. The building allows for the material to be

		stored more responsibly minimizing odor, dust, or loss of material from the site. The hay is regularly utilized for feed and replaced on an as need basis. - <u>No unmitigated Impacts.</u>
13	Control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup areas -	There are no negative impacts expected with delivery and use of the hay barn as the structure is located within the NAC property. - <u>No unmitigated Impacts.</u>
14	Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities	The building shall not be used for occupant inhabitants. - <u>Not Applicable.</u>
15	Within and adjoining the site. Environmentally sensitive lands, physical mine hazards, historic mine waste, and Park City soils ordinance, steep slopes, and appropriateness of the proposed structure to the existing topography of the site -	Prior to placement of the proposed building was a low grade, slight dirt embankment consisting mostly of dirt, rocks, and very minimal low shrub vegetation growth. - <u>No unmitigated Impacts.</u>

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18.

Department Review

This project has gone through an interdepartmental review. No issues were brought up other than standards items that have been addressed by revisions and/or conditions of approval.

Public Input

No input has been received regarding the Conditional Use Permit.

Consequences of not taking the Suggested Recommendation

The hay storage building would have to be removed from the site if the applicant does not file for an extension on their approved Administrative Conditional Use Permit. An extension would allow an extra 6 months for the hay storage building to stay at its existing location with proper noticing done by the Planning Department. The extension could provide a possibility for the applicant to revise the plans.

Findings of Fact:

1. Applicant requests the use of an accessory building greater than 600 square feet to be used for hay storage.
2. The property is located at 1000 Ability Way.
3. The property is located within the Recreation and Open Space (ROS) District and the proposed use requires a Conditional Use Permit which meets the purpose of the zone.

4. The lot is described as Parcel # PCA-97-B, a metes and bounds parcel of land located in the Quinns Junction neighborhood of Park City.
5. The 26.2 acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation.
6. The size of the proposed hay barn is 1,819 square feet.
7. The current space was previously an area of low grade, slight dirt embankment consisting of mostly dirt, rocks and minimal shrub growth used as a short cut for ATV and equipment access to the horse pastures.
8. Access to the proposed hay barn will be from highway 248 via Gilmore Way and Ability Way directly accessed off National Ability Center driveway, which is connected to their parking lot.
9. No additional parking is proposed or needed according to the Land Management Code.
10. The neighborhood is characterized by a mix of open space, trails, and sporting fields. The buildings closest to the property are the USSA training center and the IHC hospital.
11. The project has been reviewed by the Park City Fire District and approved per clearance number 6159.
12. The proposed structure complies with all setbacks. The minimum setbacks from all boundary lines of the lot are twenty five feet (25'). The proposed accessory building is 278 feet away from the closest lot line. According to the Building Department there are no requirements for setbacks between structures.
13. The proposed structure complies with the twenty-eight feet (28') maximum building height requirement measured from existing grade. The proposed structure will be a maximum of twenty-two feet (22') in height.
14. Staff finds that the proposed barn is compatible with the surrounding structures. The barn uses the same materials as the surrounding structures and is generally smaller than most of the adjacent buildings. Since the hay storage barn is a support use for the other buildings and lands, the physical design and compatibility are very similar.
15. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.
16. This property is will not require independent utility services for water and sewer.
17. Lighting is proposed in three exterior areas. The lighting currently has been approved for the temporary use and is down lit and shielded.
18. The findings in the Analysis section of this report are incorporated herein.
19. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.7-2(C)(14).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.
- 5.

Conditions of Approvals

1. All Standard Project Conditions shall apply.
2. Construction waste should be diverted from the landfill and recycled when possible.
3. No housing of farm animals shall be permitted as a use of the barn.

Exhibits

Exhibit A – Overhead map of the National Ability Center (NAC)

Exhibit B – Overhead map of NAC with location of proposed Accessory structure

Exhibit C – Photographs of the hay storage barn

Exhibit D – Schematics of hay barn

Exhibit E – Subdivision Map of National Ability Center

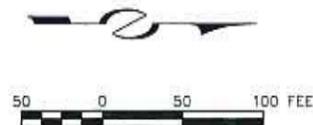
Exhibit F – Open Space Analysis from Pre- MPD application



NOTES

1. Existing NAC parcel is 26.20 acres
2. Existing Development Zone is 6.77 acres.

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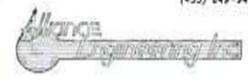
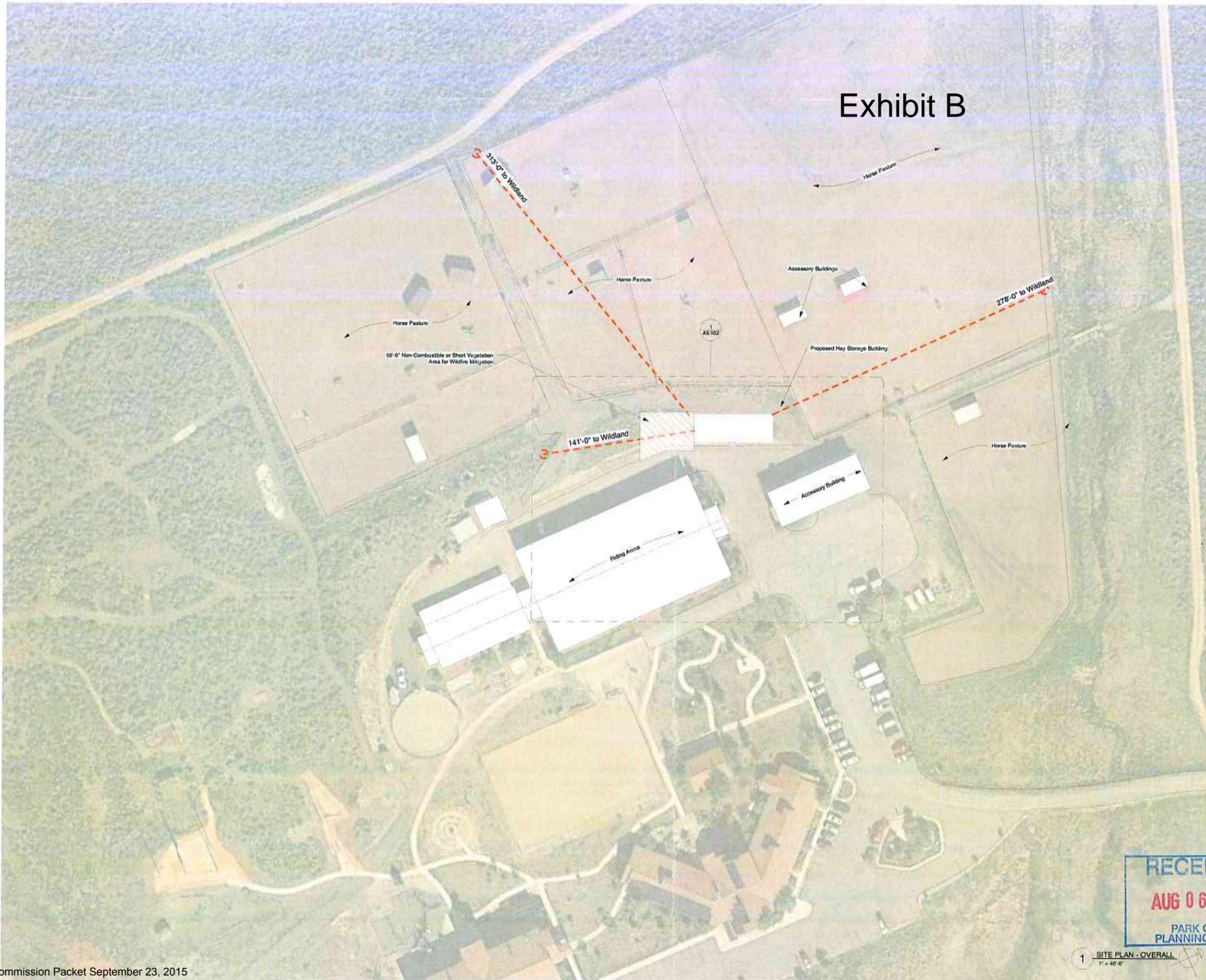
 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</small> <small>522 Main Street P.O. Box 2084 Park City, Utah 84302-2084</small>	(435) 649-2467 STAFF: STEVE SCHUELER	EXISTING SITE PLAN NATIONAL ABILITY CENTER PARK CITY, UTAH	SHEET 1 OF 1
	DATE: 4/09/13	FOR: NAC JOB NO.: 6-4-13 FILE: X\QUINNS JCT.\dwg\NAC\site plan.dwg	Page 47 of 53

Exhibit B



Revision Schedule		
No.	Date	Description

CONSULTANTS
 Jarrat Engineering
 CO Building Systems
 N/A

ELLIOTT WORKGROUP
 Elliott Workgroup Architecture, LLC
 361 Main Street, P.O. Box 3478
 Park City, Utah 84302
 (435) 649-0000 or (801) 411-1830
 elliotworkgroup.com

DATE: March 11, 2015
 ISSUE: Construction Documents
 PROJECT: 2014-38
 DESIGNED BY: BVM
 DRAWN BY: BVM
 REVIEWED BY: CE

NAC Hay Building
 National Ability Center
 1000 Ability Way, Park City, UT 84060

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 PLANNING DEPT.

SITE PLAN - OVERALL
AS-101

1 SITE PLAN - OVERALL
 1" = 40'-0"

3/17/2015 11:48:01 AM

Exhibit C

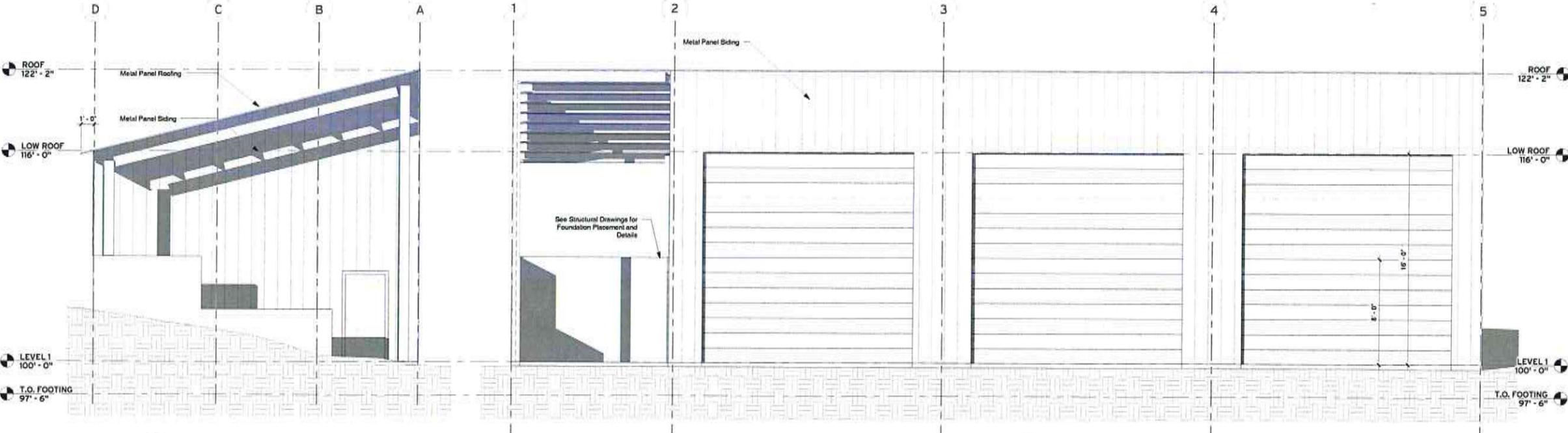




Exhibit D

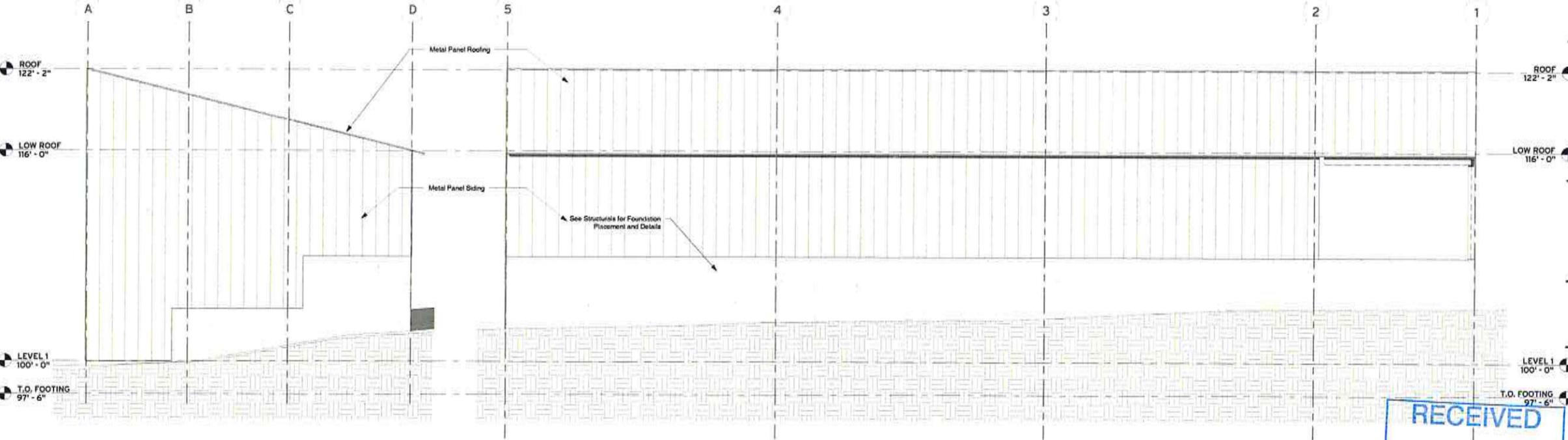
GENERAL NOTES

1. ELEVATIONS ARE FOR REFERENCE ONLY. REFER TO BUILDING MANUFACTURER DRAWINGS FOR BUILDING DETAILS



4 SOUTH ELEVATION
1/4" = 1'-0"

3 EAST ELEVATION
1/4" = 1'-0"



2 NORTH ELEVATION
1/4" = 1'-0"

1 WEST ELEVATION
1/4" = 1'-0"

Revision Schedule		
No.	Date	Description

CONSULTANTS
 Jarrat Engineering
 CO Building Systems
 N/A

ELLIOTT WORKGROUP
 Elliott Workgroup Architecture, LLC
 364 Main Street, P.O. Box 3419
 Park City, Utah 84060
 (435) 649-0092 or (801) 415-1836
 elliotworkgroup.com

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ELEVATIONS
AE-201

3/17/2015 11:47:50 AM

Exhibit E

FINAL SITE PLAN INDEX NATIONAL ABILITY CENTER S.P.A.

- EXHIBIT "A" MASTER PLAN
- EXHIBIT "B" CONSERVATION / GRADING PLAN
- EXHIBIT "C" PRELIMINARY UTILITIES PLAN
- EXHIBIT "D" DEVELOPMENT / OPEN SPACE ZONES
- EXHIBIT "E" LANDSCAPE PLAN
- EXHIBIT "F" IRRIGATION PLAN
- EXHIBIT "G" LIGHTING PLAN

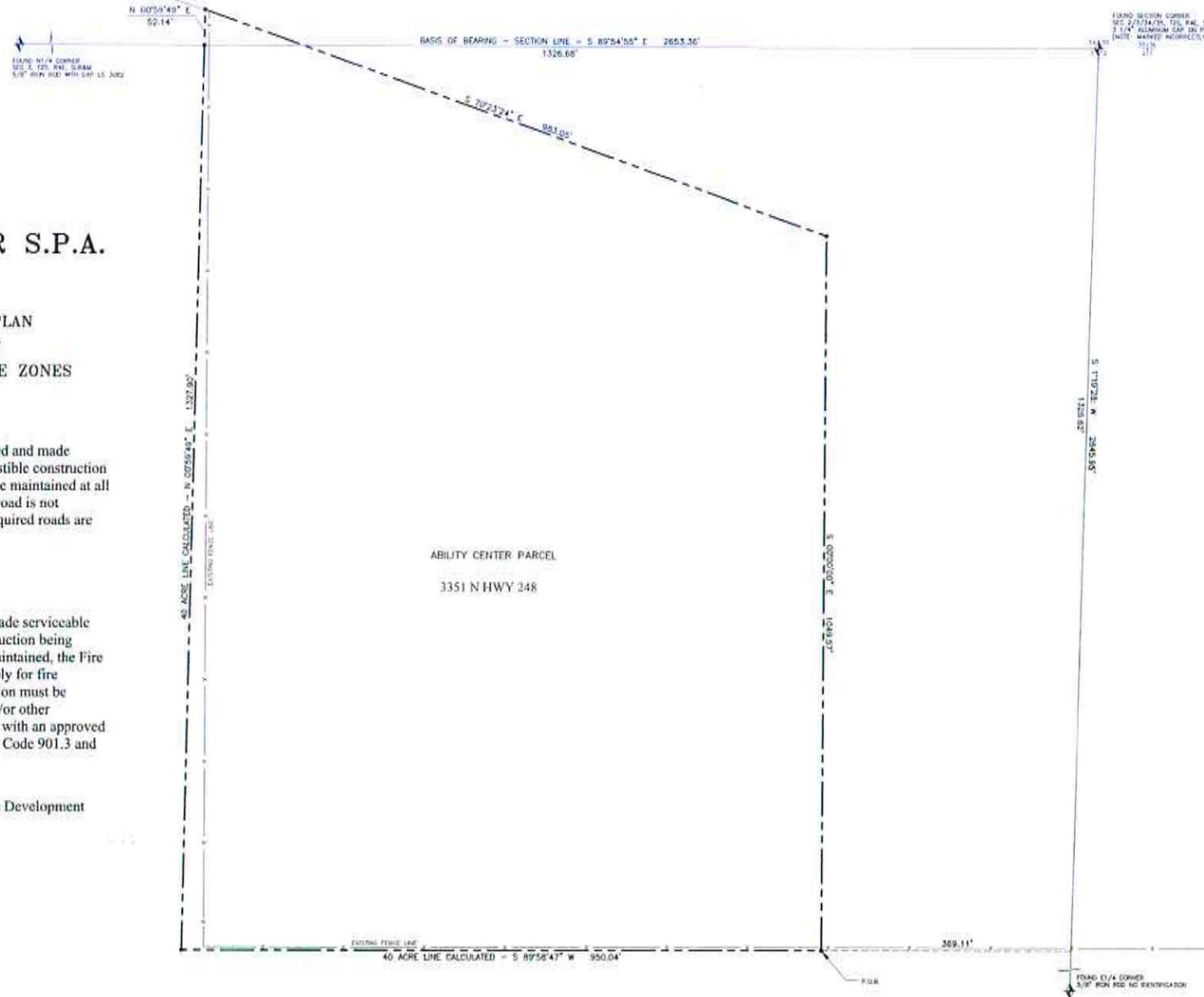
FIRE DEPARTMENT ACCESS ROADS:

An all-weather fire department access road is required to be installed and made serviceable prior to the issuance of a building permit and/or combustible construction being initiated. The all-weather fire department access road is to be maintained at all times during construction. In the event that the all-weather access road is not maintained, the Fire District reserves the right to stop work until required roads are placed back in service [Uniform Fire Code 901.3]

WATER SUPPLIES FOR FIRE PROTECTION:

Water supplies required for fire protection are to be installed and made serviceable prior to the issuance of a building permit and/or combustible construction being initiated. In the event that the fire protection water supply is not maintained, the Fire District reserves the right to stop work until the required water supply for fire protection is placed back in service. Water supplies for fire protection must be clearly identified in a manner to prevent obstruction by parking and/or other obstructions. Each water supply for fire protection must be marked with an approved flag to identify its location during winter conditions. [Uniform Fire Code 901.3 and 901.4.3.]

This Specially Planned Area is subject to conditions outlined in the Development Agreement between National Ability Center and Summit County



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163921, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction.

John Demkowicz 7/13/99
Date

LEGAL DESCRIPTION

BEGINNING at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 3, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence N 89°58'47\"/>

CONTAINS 26.2 ACRES

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT the undersigned owner of the herein described tract of land, hereafter to be known as NATIONAL ABILITY CENTER S.P.A., does hereby dedicate to Utah Power and Light, Park City Municipal Corporation, and the Park City Fire Protection District, non-exclusive easements over the herein described tract of land for the purposes of providing utility installation, maintenance, use, and eventual replacement.

In witness whereof I have hereunto set my hand this 15th day of July 1999

Heather White
EXECUTIVE DIRECTOR
NATIONAL ABILITY CENTER

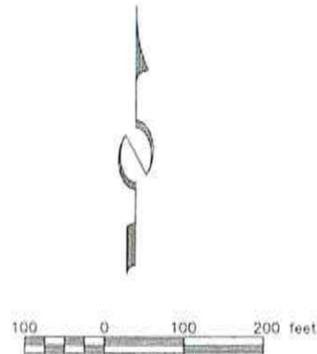
ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF SUMMIT

On this 13th day of July 1999 Heather White personally appeared before me, the undersigned Notary Public in and for said State and County, who being duly sworn, did say that she is the Executive Director of National Ability Center, the owner of the herein tract of land and that the Certificate of Consent to record was signed freely and voluntarily for the purposes therein mentioned.

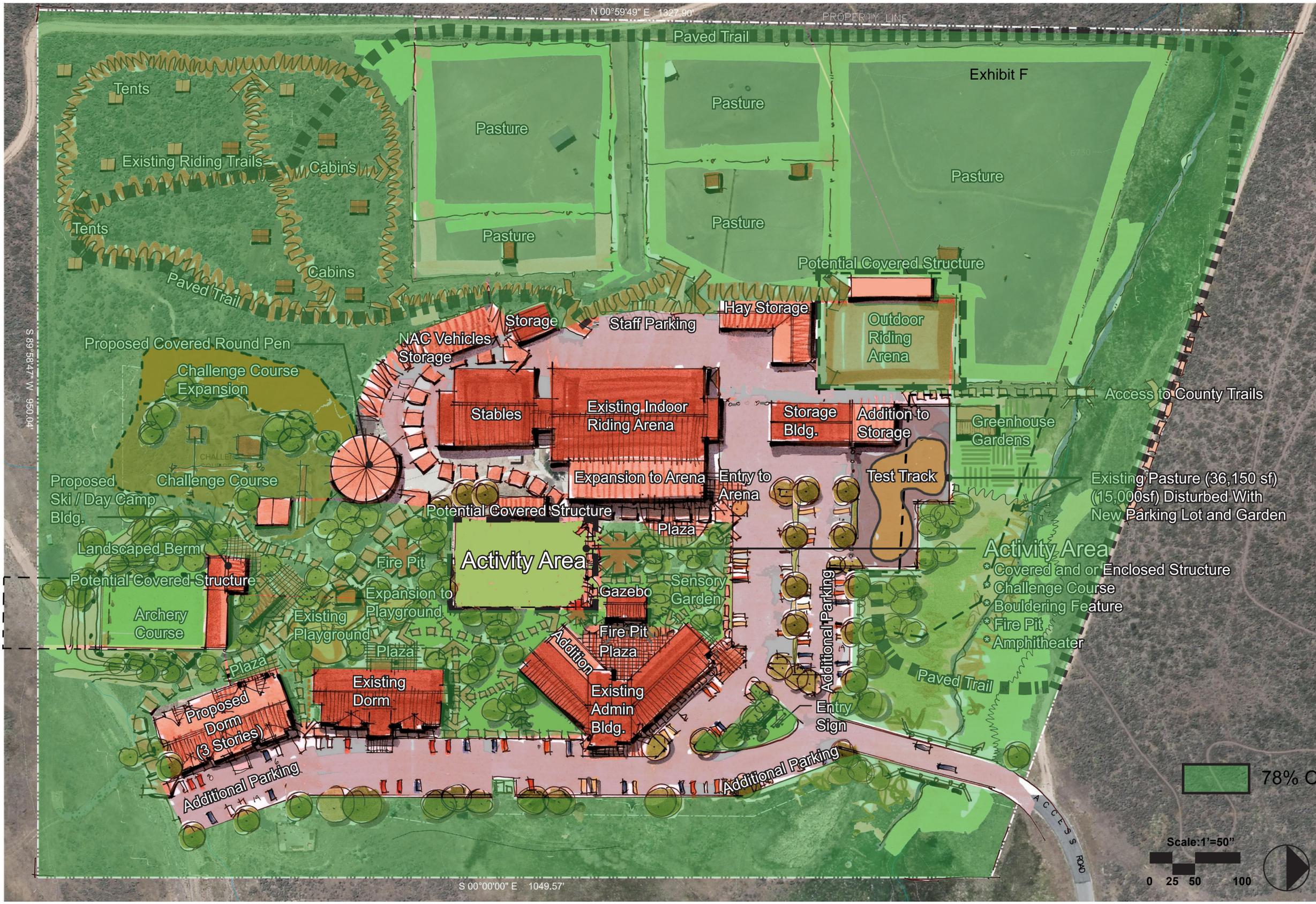
Nancy L. Rausch
NOTARY PUBLIC
My Commission Expires 8-21-2002

SUMMIT COUNTY PERMIT APPLICATION NATIONAL ABILITY CENTER S.P.A. SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH



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SUMMIT COUNTY ASSESSOR ALL TAXES, INTEREST, AND PENALTIES OWING TO THIS LAND HAVE BEEN PAID AS OF THIS 16 th DAY OF July 1999 A.D. BY <i>Bonnie J. Krasow</i> SUMMIT COUNTY ASSESSOR	PUBLIC WORKS DIRECTOR THIS PLAT HAS BEEN REVIEWED BY OUR OFFICE AND IS HEREBY APPROVED THIS 16 th DAY OF July 1999 A.D. BY <i>Heather White</i> PUBLIC WORKS DIRECTOR	UTAH POWER CO. THE UTILITY EASEMENTS SHOWN HEREON ARE APPROVED THIS 13 th DAY OF July 1999 A.D. BY <i>R. Duane Taylor</i> UTAH POWER CO.	CERTIFICATE OF ATTEST I CERTIFY THIS SPECIALLY PLANNED AREA MAP WAS APPROVED BY PARK CITY WATER SERVICE DISTRICT ON THIS 15 DAY OF July 1999 A.D. BY <i>Janet M. Seall</i> PARK CITY RECORDER	PARK CITY WATER SERVICE DISTRICT APPROVAL AND ACCEPTANCE BY THE PARK CITY WATER SERVICE DISTRICT THIS 16 DAY OF July 1999 A.D. BY <i>Bridgette Ouel</i> CHAIRMAN OF THE BOARD	FIRE MARSHAL APPROVAL APPROVED THIS 15 th DAY OF July 1999 A.D. BY THE PARK CITY FIRE DISTRICT BY <i>Scott W. Adams</i> PARK CITY FIRE MARSHAL	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS 16 th DAY OF July 1999 A.D. BY <i>Scott W. Adams</i> S.B.S.I.D.	
DRAWING INFORMATION DWG: V:\SEC\B\SPAPPVLDWG DATE: 7-9-99 DWG BY: S. DECKERT JOB NO. 21-7-96	SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT APPROVED THIS 13 th DAY OF July 1999 A.D. BY THE S.B.S.R.D. CHAIRMAN BY <i>David E. All</i> CHAIRMAN	PLANNING COMMISSION APPROVED BY THE SUMMIT COUNTY PLANNING COMMISSION THIS 19 th DAY OF July 1999 A.D. BY <i>David E. All</i> SUMMIT COUNTY PLANNING COMMISSION CHAIRMAN	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 26 th DAY OF July 1999 A.D. BY <i>John H. Seall</i> SUMMIT COUNTY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 26 th DAY OF July 1999 A.D. BY <i>John H. Seall</i> SUMMIT COUNTY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS SPECIALLY PLANNED AREA MAP WAS APPROVED BY THE SUMMIT COUNTY COMMISSION ON THIS 26 DAY OF July 1999 A.D. BY <i>Kristen Jensen</i> SUMMIT COUNTY CLERK	COUNTY COMMISSION APPROVAL PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS THIS 26 DAY OF July 1999 A.D. AND IS HEREBY APPROVED BY <i>Sheldon K. Hildner</i> SUMMIT COUNTY COMMISSION CHAIRMAN	RECORDED # 545621 STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <i>Summit County Clerk</i> DATE 8-3-99 TIME 2:01 PM BOOK - PAGE - FEE <i>NC</i> RECORDER <i>Dawn M. Dyer</i>



Open Space Plan



Discover The Possibilities

