

March 8, 2006  
Tom Bakaly  
City Manager  
445 Marsac Avenue  
PO Box 1480  
Park City, Utah 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name McPolin Farm

Project Description Amendment to Conditional Use Permit

Date of Action March 1, 2006

Action Taken By Planning Commission: The Planning Commission APPROVED the proposed amendment to the McPolin Farm Conditional Use Permit based on the following:

**Findings of Fact**

1. The McPolin Farm is a 135 acre property located in the Recreation Open Space District. Eighty-five acres are located west of Hwy 224. Approximately 50 acres are located east of Hwy 224.
2. The Planning Commission has approved two year Conditional Use Permits for the use of the building on March 28, 2001 and May 14, 2003.
3. The purpose of the ROS District is to 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; permit recreational uses and preserve open space lands; encourage parks, trails, golf courses and other private or public recreational uses; and preserve and enhance environmentally sensitive lands, such as wetlands, streams, corridors, and forests.
4. The proposed special events will not be located within the Frontage Protection Zone (FPZ).
5. The property is owned by Park City Municipal Building Authority, a.k.a. The City.

6. On June 5, 2003 the City Council passed and adopted Resolution No. 15-03, which amends Resolution 19-95. Resolution 15-03 states that special events are to be limited as to not interfere with the open space character of the Farm, and provides a guideline of “not more than 150 people” for passive summer events.
7. The property includes several important historic structures which have been restored, rehabilitated, and/or reconstructed at considerable public expense.
8. As of June 5, 2003, the McPolin farm house and the barn are not approved for human occupancy; however plans are underway to bring the farm house into building code and ADA compliance.
9. Public trails are located on the property.
10. McLeod Creek meanders through the property.
11. Public restrooms are located in the reconstructed shed building.
12. The McPolin Farm property is highly visible open space area on the entry to Park City.
13. The McPolin Farm has been consistently used for open space and public trail use since its acquisition by the City.
14. The Conditional Use Permit allows up to twelve (12) one-day, City Council-sponsored special public events per year.
15. Special event permits will be processed by City staff and reviewed and approved/denied by City Council. Event specific issues such as transportation parking, vending, and health requirements are reviewed through a Master Festival License process.
16. The proposed conditional use permit allows for the use of the farm complex including the newly reconstructed McPolin shed and appurtenant outdoor areas, and the farm house, subject to the conditions of the approval herein.
17. Each Master Festival License application is to include a City-approved event transit plan to transport event patrons to and from the farm site.
18. No additional special event exterior lighting will be permitted.
19. Public trail use of the property is permitted, including cross-country ski events. A winter trail pass may be required.
20. The restroom facilities in reconstructed shed building are to be open to the public trail users.
21. The findings from the analysis section are incorporated herein.
22. The applicant stipulates to all conditions of approval.
23. The Park City Police Department has not received any complaints at the McPolin Farm since the Planning Commission approved the conditional use permit at their March 28, 2001 meeting.

### **Conclusions of Law**

1. The application complies with all requirements of the Land Management Code, specifically Section 15-1-10.
2. The use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
3. Any negative effects of the project have been mitigated through careful planning and conditions of approval.
4. The proposal is consistent with the Park City General Plan.

### **Conditions of Approval**

1. Up to twelve (12) one-day, City Council-sponsored, special public events per year are permitted. Special event permits shall be processed by staff under a Master Festival License and reviewed and approved/denied by the City Council.
2. Use of the farm complex may include the newly reconstructed McPolin shed and appurtenant outdoor areas. Use of the McPolin Barn is not permitted under this conditional use permit. Use of the Farm house shall be allowed only if the structure is brought into building code and ADA compliance for public occupancy, subject to approval and occupancy limits set by the Chief Building Official.
3. No single event shall exceed 150 persons maximum per event.
4. Each special event shall include a City-approved event transit plan to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property, including the east side of 224.
5. Parking along SR 224 during City-sponsored events is prohibited.
6. No additional exterior lighting shall be permitted for special events.
7. All special events must comply with the municipal noise ordinance.
8. Special events shall not preclude public trail use of the property. Use of the existing trail system for cross-country ski races shall not count towards the 12 permitted events.
9. The City's Special Events Department shall review all event components under a Master Festival License such as traffic, parking, transportation, signs, food service, attendance, lighting, and noise. Review of such items are coordinated with all City Departments as well as the Park City Fire District and Summit County Health Department.
10. Sales may be permitted if they are subordinate to the primary event, and no event shall be considered expressly for the purpose of selling merchandise for commercial enterprise.
11. Sale of merchandise shall be identified in the Master Festival License.
12. All standard conditions of approval apply.
13. All uses of the property shall comply with any deed restrictions the City Council places on the property.

Sincerely, Planning Commission Meeting March 1, 2006 Page 26

3. Prior to the receipt of a building permit, the applicant shall submit a plan for flood protection that will be reviewed by the Building Department. A flood elevation certificate or flood-proofing certificate is required.

4. Encroachments shall be removed or an encroachment and/or maintenance easement in a form approved by the Chief Building Official and City Attorney resolving the encroaching historic home will be dedicated on the proposed plat prior to recordation with the County Recorder.

5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

6. A financial guarantee for public improvements including road repairs from utility installation shall be provided in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer prior to plat recordation.

7. A ten-foot-wide public snow storage easement shall be dedicated along the Park Avenue frontage of the lot.

9. 3000 Park Avenue, McPolin Farm - Review of CUP extension

Planner Milliner reviewed the application for the CUP for the McPolin Farm. In 2001 the Planning Commission issued a conditional use permit allowing a total of 8 activities per year at the barn. Subsequently, the Planning Commission increased that number to 12 activities. Planner Milliner noted that the Planning Commission put a two year expiration on the conditional use permit as a test to see if the activities were working.

The latest extension has expired and the Staff is requesting further review of the conditional use permit application. The Staff recommended that the Planning Commission approve the CUP indefinitely without further review. The Staff report contained the analysis and conditions of approval that were originally placed on the barn, with the exception of eliminating the two year review and expiration.

Commissioner O'Hara clarified that the only change to the CUP was the elimination of the two year review. Planner Milliner replied that this was correct.

Vice-Chair Thomas opened the public hearing.

There was no comment.

Vice-Chair Thomas closed the public hearing. Planning Commission Meeting March 1, 2006 Page 27

MOTION: Commissioner O'Hara moved to APPROVE the revised Conditional Use Permit for the McPolin Farm according to the Findings of Fact, Conclusions of Law, and Conditions of Approval provided in the Staff report. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - McPolin Farm CUP

1. The McPolin Farm is a 135 acre property located in the Recreation Open Space District. Eighty-five acres are located west of Hwy 224. Approximately 50 acres are located east of Hwy 224.
  
2. The Planning Commission has approved two year Conditional Use Permit for the use of the building on March 28, 2001 and May 14, 2003.
  
3. The purpose of the ROS District is to 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; permit recreational uses and preserve open space lands; encourage parks, trails, golf courses, and other private or public recreational uses; and preserve and enhance environmentally sensitive lands, such as wetlands, streams, corridors, and forests.
  
4. The proposed special events will not be located within the Frontage Protection Zone (FPZ).
  
5. The property is owned by Park City Municipal Building Authority, a.k.a. The City.
  
6. On June 5, 2003 the City Council passed and adopted Resolution No. 15-03, which amends Resolution 19-95. Resolution 15-03 states that special events are to be limited as to not interfere with the open space character of the Farm, and provides a guidelines of "not more than 150 people" for passive summer events.
  
7. The property included several important historic structures which have been restored, rehabilitated, and/or reconstructed at considerable public expense.
  
8. As of June 5, 2003, the McPolin farm house and the barn are not approved for human occupancy; however plans are underway to bring the farm house into building code and ADA compliance.
  
9. Public trails are located on the property.



10. McLeod Creek meanders through the property.
11. Public restrooms are located in the reconstructed shed building.
12. The McPolin Farm property is highly visible open space area on the entry to Park City.
13. The McPolin Farm has been consistently used for open space and public trail use since its acquisition by the City.
14. The Conditional Use Permit allows up to twelve (12) one-day, City Council sponsored special public events per year.
15. Special event permits will be processed by City Staff and reviewed and approved/denied by City Council. Event specific issues such as transportation parking, vending, and health requirements are reviewed through a Master Festival License process.
16. The proposed conditional use permit allows for the use of the farm complex including the newly reconstructed McPolin shed and appurtenant outdoor areas, and the farm house, subject to the conditions of the approval herein.
17. Each Master Festival License application is to include a City-approved event transit plan to transport event patrons to and from the farm site.
18. No additional special event exterior lighting will be permitted.
19. Public trail use of the property is permitted, including cross-country ski events. A winter trail pass may be required.
20. The restroom facilities in reconstructed shed building are to be open to the public trail users.
21. The findings from the analysis section are incorporated herein.

22. The applicant stipulates to all conditions of approval.

23. The Park City Police Department has not received any complaints at the McPolin Farm since the Planning Commission approved the conditional use permit at their March 28, 2001 meeting.

Conclusions of Law - McPolin Farm CUP Planning Commission Meeting March 1, 2006 Page 29

1. The application complies with all requirements of the Land Management Code, specifically Section 15-1-10.
2. The use, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. Any negative effects of the project have been mitigated through careful planning and conditions of approval.
4. The proposal is consistent with the Park City General Plan.

Conditions of Approval - McPolin Farm CUP

1. Up to twelve (12) one-day, City Council-sponsored, special public events per year are permitted. Special event permits shall be processed by Staff under a Master Festival License and reviewed and approved/denied by the City Council.
2. Use of the farm complex may include the newly reconstructed McPolin shed and appurtenant outdoor areas. Use of the McPolin Barn is not permitted under this conditional use permit. Use of the Farm house shall be allowed only if the structure is brought into building code and ADA compliance for public occupancy, subject to approval and occupancy limits set by the Chief Building Official.
3. No single event shall exceed 150 person maximum per event.
4. Each special event shall include a City-approved event transit plan to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property, including the east side of 224.
5. Parking along SR224 during City-sponsored events is prohibited.
6. No additional exterior lighting shall be permitted for special events.
7. All special events must comply with the municipal noise ordinance.

8. Special events shall not preclude public trail use of the property. Use of the existing trail system for cross-country ski races shall not count towards the 12 permitted events.

9. The City's Special Events Department shall review all event components under a Master Festival License such as traffic, parking, transportation, signs, food service, attendance, lighting, and noise. Review of such items are coordinated with all City Planning Commission Meeting March 1, 2006 Page 30

Departments as well as the Park City Fire District and Summit County Health Department.

10. Sales may be permitted if they are subordinate to the primary event, and no event shall be considered expressly for the purpose of selling merchandise for commercial enterprise.

11. Sales of merchandise shall be identified in the Master Festival License.

12. All standard conditions of approval apply.

10. 361 Ontario Avenue - Appeal of Planning Director's determination of the expansion of a non-complying structure

Vice-Chair Thomas stated that this item was inaccurately noticed as a public hearing, however a public hearing will not be heard this evening.

Director Putt explained the procedural steps for the appeal this evening. The appellant Robert Goldstein, is the property owner and he was represented by his attorney, Bruce Shapiro. Anthony Manu, the project designer, was also present. Director Putt explained that following an overview by the Staff and questions from the Planning Commission, the appellant and his representatives would have the opportunity to present their statements. Director Putt stated that although this matter is being conducted during the normal public hearing portion of the Planning Commission meeting, it is a quasi-judicial procedure. The Planning Commission will be sitting as judges reviewing a decision made by the Planning Director.

Director Putt stated that this particular appeal has to do with an existing structure located at 361 Ontario Avenue. The discussion relates to the expansion of a non-complying structure within the HR-1 zone. Director Putt reported that on November 16, 2005, the appellant submitted an application to remodel the building and to construct an addition. He provided the Planning Commission with photographs of the building to help them better understand the structure, its location, and its context. Director Putt stated that this is a non-historic house located in the historic residential HR-1 zone. Mr. Goldstein's property is approximately 3,000 square feet in size and measures 40 feet wide and 75 feet deep. The building is non-complying in term of side, front, and rear yard setbacks. It was built prior to the inclusion of the maximum building footprint that was added to the Land Management Code and, therefore exceeds the maximum building footprint allowed by the current LMC. The Staff report included a table that outlined the currently required setbacks and the current existing setbacks for this structure.

**DATE: February 15, 2006**

**DEPARTMENT: Planning Department**

**TITLE: McPolin Farm CUP**

**TYPE OF ITEM: CUP for a public assembly use in R.O.S.**

**RECOMMENDATION:** Review the Conditional Use Permit for a public assembly use including 12 city sponsored events yearly at the McPolin Farm. Staff Recommends that the Planning Commission remove the previous specific conditions of the approval which required the permit to be re-issued every 2 years.

**DESCRIPTION**

Owners: Park City Municipal Corporation

Applicant: Park City Municipal Corporation

Location: 3000 Highway 224

Zoning: Recreational Open Space (ROS)

Project Planner: Ben Davis

**BACKGROUND**

On March 28, 2001 the City Council approved a Conditional Use Permit to hold up to eight (8) city sponsored events per year at the Historic McPolin Farm. The original permit allowed use of the McPolin shed and outdoor areas of the farm with a maximum of 100 persons attending each event. The Conditional Use Permit was valid for two (2) years. Subsequent to the original issuance, at the March 26, 2003 planning meeting, four (4) additional events (now totaling 12) were granted per year and additional 50 persons allowed at each event. After several years of successful events and the original permit being re-issued two times, the City seeks to re-approve the CUP and eliminate the requirement to review the permit every two years to revise the original conditions to allow the current uses to continue.

**ANALYSIS**

Because the original conditions of approval require the Conditional Use Permit to be reviewed every two years and the City has held several events at the farm without incident, the City seeks to re-approve the conditional use to allow the current uses to continue without having to be reissued every two years.

**STAFF ANALYSIS FOR COMPLIANCE WITH LMC STANDARDS FOR  
CONDITIONAL USE PERMIT**

Staff has reviewed the modified conditional use permit for application per the standards set forth in the Land Management Code. Staff's comments are in *italics*.

**Criteria 1. Size and location of the site: *COMPLIES.***

## **Planning Commission Staff Report**

*No changes. The site size and location are suitable for the proposed uses. The McPolin Farm property consists of 85 acres on the west side of Hwy. 224. Approximately 50 acres of the farm property is located east of the highway. Vehicular access to the property is from Highway 224. Direct vehicular access to the farm compounds buildings is via an unpaved driveway and newly constructed bridge over McLeod Creek. (City vehicles and authorized vehicles only).*

**Criteria 2. Traffic considerations including capacity of the existing streets in the area: COMPLIES.**

*No changes. The capacity of Hwy. 224, a major State highway, will not be adversely impacted by the proposed special events. Due to concerns related to turning movements onto/off-of the highway, a special event transit plan is proposed for shuttling special event patrons to and from the property. Each transit plan shall be reviewed and approved/denied by City Staff. Although there is a parking lot near the Farm on Highway 224, it is for trail users and not for patrons of events held at the Farm.*

**Criteria 3. Utility capacity: COMPLIES.**

*No changes. All necessary public utilities are provided to the site.*

**Criteria 4. Emergency vehicle access: COMPLIES.**

*Discussion initiated by staff at June 5, 2004 City Council Meeting adequately resolved emergency access issues. Access is provided via hwy. 224 and the farm access driveway.*

**Criteria 5. Location and amount of off-street parking: COMPLIES.**

*No changes. No public event parking in or around the Farm compound is permitted. Event access will be via special event transit (see comments on Criteria #2).*

**Criteria 6. Internal vehicular and pedestrian circulation system: COMPLIES.**

*No changes. All necessary internal vehicular circulation areas are provided in-site. Pedestrian circulation is also provided through the public transit (bus) system.*

**Criteria 7. Fencing, screening, and landscaping to separate the use from adjoining uses: COMPLIES.**

*No changes. No additional fences or screening are proposed. No additional landscaping is proposed beyond the previously approved native plant material necessary for revegetation.*

**Criteria 8. Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots: COMPLIES.**

*No changes. No additional structures are proposed for the site.*

**Criteria 9. Usable open space: COMPLIES.**

*No changes. The existing trail and open space will not be diminished by the proposed use.*

**Criteria 10. Signs and lighting: **COMPLIES.****

*No changes. No additional signs or exterior lighting are proposed.*

**Criteria 11. Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing: **COMPLIES.****

*No changes. No changes to the existing buildings are proposed.*

**Criteria 12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site: **COMPLIES.****

*No changes. Compliance with all municipal codes including noise and lighting will be a condition precedent to the issuance of any special event permit.*

**Criteria 13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas: **COMPLIES.****

*No changes. Any necessary service delivery, loading, and trash removal will be reviewed as part of the special event permit review. Permit approvals will be conditioned as necessary to minimize adverse impacts.*

**Criteria 14. Expected ownership and management of the project: **COMPLIES.****

*No changes. Property to remain in City ownership.*

**Criteria 15. Sensitive lands Review: **NOT APPLICABLE.****

*The area within 100 feet of the Hwy. 224 right-of-way is in the FPZ; however no new construction is proposed in this area.*

**STAFF ACTION**

Staff has reviewed this project for compliance with the criteria for display of outdoor dining in the Land Management Code, and approved the proposed administrative Conditional Use Permit pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

**Findings of Fact**

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