

MINUTES

SNYDERVILLE BASIN PLANNING COMMISSION

REGULAR MEETING
TUESDAY, MARCH 26, 2019
Sheldon Richins Building
1885 West Ute Boulevard,
Park City, UT

COMMISSIONERS PRESENT:

Malena Stevens, *Chair*
Thomas Cooke
Ryan Dickey

Joel Fine
Canice Harte
Crystal Simons

Regrets: *John Kucera*

STAFF PRESENT:

Patrick Putt- *Community Development Director*
Peter Barnes- *Planning & Zoning Administrator*
Jami Brackin- *Deputy County Attorney*
Sean Lewis- *County Planner*

Tiffanie Northrup-Robinson- *Senior Planner*
Jennifer Strader- *Senior Planner*
Kathy Lewis- *Secretary*

The meeting was called to order at 4:30 PM.

REGULAR SESSION

1. General Public Input

The public hearing was opened. No comments were made and the public hearing was closed.

2. Discussion and possible recommendation regarding the proposed Resort Core Development Area RC17 Final Subdivision Plat & Resort Core Development Area RC21 Final Subdivision; Parcels PP-75-4, PP-75-5, PP-75-A-4, PP-75-K, PP-75-A-4, and PP-74-H, Canyons Village; Spencer White, applicant- *Tiffanie Northrup-Robinson, Senior Planner*

Planner Northrup-Robinson said the applicant is requesting the Planning Commission forward a positive recommendation to the County Manager for the Final Subdivision Plats as demonstrated in Exhibit A. The proposed plats will define the parcel

boundaries. The road and utility easements were identified. The parcels are located in the Canyons Resort Core on Canyons Resort Drive and High Mountain Road. They are identified in the Amended and Restated Canyons SPA and Development Agreement (DA) land use chart and map.

Planner Northrup-Robinson said Staff has reviewed the application and found that it meets the standards in both the Snyderville Basin Development Code and the Canyons DA. The Canyons DRC have reviewed the Final Subdivision Plats and recommends approval. It is recommended that the Planning Commission forward a positive recommendation to the County Manager as outlined in the Staff Report.

COMMISSION COMMENTS AND QUESTIONS

Commissioner Cooke asked if all of the service providers have been contacted. Have there been any problems that haven't been resolved? Planner Northrup-Robinson said the Service Providers have all been satisfied.

MOTION

Commissioner Fine made a motion to send a positive recommendation to the County Manager as outlined below. Commissioner Cooke seconded the motion. All voted in approval.

FINDINGS OF FACT

- 1. According to the current assessor's parcel information TCFC Propco, LLC is the owner of record for parcels PP-75-4, PP-75-5, PP-75-A-4, PP-75-K, PP-75-A-4, and PP-74-H.*
- 2. TCFC Propco, LP has authorized Spencer White to process the application for the two (2) Final Subdivision Plats.*
- 3. RC17 & RC21 are zoned Specially Planned Area (SPA) and are within the Canyons SPA boundaries.*

CONCLUSIONS OF LAW

1. *The proposed Resort Core Development Area RC17 Final Subdivision Plat and the Resort Cord Development Area RC21 Final Subdivision Plat complies with all requirements of the Snyderville Basin Development Code and the Canyons DA, as conditioned.*
2. *The proposed Resort Core Development Area RC17 Final Subdivision Plat and the Resort Core Development Area RC21 Final Subdivision Plan, as conditioned, is consistent with the Snyderville Basin General Plan, as amended.*

CONDITIONS OF APPROVAL

1. *All service provider conditions shall be met, to their satisfaction, prior to recordation of the plat.*
2. *The Summit County Attorney's Office shall review and approve the subdivision plat notes for consistency with the conditions of approval and terms of the Canyons Development Agreement, along with a current title report, prior to recordation of the plat.*
3. *No further development or issuance of any building permits may occur on these parcels until a detailed Final Site Plan and Development Improvement Agreement is reviewed and approved on a site-by-site basis, as set forth in the Canyons Development Agreement.*

- **MOTION CARRIED (6-0)**

3. **Public hearing and possible action for an amendment to a Conditional Use Permit for Lincoln Station; parcel PP-84-A-2; 670 West Bitner Road, containing 4.0 acres; Vincent Criscione, applicant - Jennifer Strader, Senior Planner**

Planner Strader explained the applicant is requesting to amend a Conditional Use Permit that was approved in May of 2018. At that time, the Planning Commission approved a rezone and a Conditional Use Permit for Lincoln Station, which is located at

670 West Bitner Road. It contains four acres. The rezone moved the property from the Rural Residential (RR) Zone to Community Commercial (CC). A multi-family development with a community commercial building is being proposed. Community Commercial is allowed in the RR zone through a CUP.

Planner Strader said the approved CUP consisted of 68 apartment units with 10 townhomes and a 5,000 square-foot commercial building. Thirty-one of the units were identified as deed-restricted units. They were targeted at $\leq 80\%$ AMI. An additional 21 deed restricted that are targeted at $\leq 120\%$ AMI.

Planner Strader said when this application was originally brought before the Planning Commission, it was accompanied by the rezone application and the Development Agreement (DA). The DA was voluntarily accepted by the applicant in order to restrict the commercial uses. This was because of the concern that some of the uses, which are allowed in the CC zone, may not be appropriate for this site.

The Commission recommended approval of the rezone and the Development Agreement to the County Council. A condition was added that the CUP would not go into effect unless the rezone and the DA were recorded. The County Council formed a subcommittee. Work sessions and public hearings were held. Details of the affordable housing were further fleshed out and these were added to the DA.

Planner Strader said due to the amount of development being proposed, the applicant chose to ask for relief from the front setback, the parking standards, and the building height. They requested the County Council approve these amendments through the DA. The Council approved the DA and the rezone on March 6, 2019.

The Development Agreement states if solar panels are put on the structures, the height may be exceeded, but not by more than 4 feet. The mechanical equipment on the apartment buildings may extend up to 34 feet from the ground floor slab elevation. The Code limits the maximum height to 32 feet. This is measured from either existing grade

or finished grade, whichever is lower. **Chair Stevens** asked if, with the solar panels, the structure could reach a height of 36 feet. Planner Strader said that is correct.

Planner Strader said that 146 parking stalls were approved. The Code requires the front setback to be 80 feet from the right-of-way. The DA permits the front setback to be 60 feet from the property line.

Planner Strader explained the plans being proposed at this meeting is actually an exhibit found in the approved DA. The DA states it is subject to the Commission's approval of an amended Conditional Use Permit. The amendment should be substantially consistent with the terms and conditions of the DA, including the exceptions that were granted. The DA requires that the CUP amendment incorporate in its entirety, the approved densities, building configurations, unit configurations, and architectural details as shown on Exhibit D.

After the DA and rezone was approved by the County Council, Staff received plans that were slightly different than Exhibit D. The primary difference is related to the architecture on the office building. These changes were pointed out. Staff is asking the Commission if the proposed changes are consistent with what was originally approved. If the Commission is inclined to approve the amendment, Staff is also requesting the Commission determine if other minor adjustments can be approved at a Staff level.

Commissioner Harte noted the County Council approved the DA, but this is coming back to the Commission because of the changes being requested. Planner Strader said that is correct. **Commissioner Dickey** asked if all details of the CUP are now open to approval or denial. Planner Strader said that they are.

Staff has outlined a couple of options for the Commission. The first is to approve the CUP as outlined in the Staff Report. If the Commission feels that there is additional information or modifications needed, they could choose to continue to a subsequent meeting. Another choice would be to deny the CUP and provide Findings of Facts and

Conclusions of Law. If the Commission chooses to deny the CUP, the applicant could appeal that decision to the County Council.

APPLICANT'S PRESENTATION

Brook Hontz thanked the Commission for their time. She said it has been interesting to watch the process has unfolded. They believe the Commission approved plan was a good plan. However, while going through the process with the County Council, they received additional input from both Staff and the County Council. They believe this has made the plan even better. The Council wanted to ensure the proposal meets the standard required of a public benefit. To that affect, attainable housing was added.

Because of these adjustments, changes are needed to the approved CUP. The County Council wanted to memorialize the changes in the DA. Ms Hontz stated the applicants believe the proposed changes are beneficial to both the project and the community. They hope that an approval will be forthcoming at this meeting.

Vincent Criscione said he has a brief presentation. He introduced his team. He said the project is located on Bitner Road. This is an ideal location for mixed use and work-force housing. It has 1 and 2 bedroom apartments, retail, and some office space.

Mr. Criscione referred to the James Wood housing study. It indicates that affordable rental housing is very limited. The current vacancy rate is at or near zero. Graphics were shown that indicated the demand and availability of rental units. There is a lot of community support for workforce housing at this location.

The site plan was shown. There have been some minor changes. By working with Staff and the County Council, Mr. Criscione believes the changes are all improvements. Several subcommittee meetings, work sessions, and public hearings were held.

Mr. Criscione said the development has been made more environmentally friendly, walkable, and livable. Many sustainability features were added. There are more deed restricted units. Two townhomes were removed.

Throughout the process, the County Council kept going back to their strategic objectives. These include transportation, affordability, and sustainability. They wanted these to be incorporated into the project.

TRANSPORTATION *(these amenities are over and above the impact fees)*

- An e-bike station with 5 bikes will be incorporated within the project.
- A sheltered bus stop will be provided.
- A paved Basin Rec trail connection will be installed.
- A marketing transportation plan will be developed. This is required by HUD.

The goal is to reduce cars and emissions.

During their meetings with the County Council, it became clear they wanted more deed restricted units. As a result, 21 attainable units added. Almost 70% of the units will be deed restricted. They will remain for-rent for 60 years. This was important to the County Council. He said HUD won't limit the affordable housing to the local workforce.

Mr. Criscione described his efforts in creating an energy-star compliant development. All units will have electric heat pumps. They are looking at going all electric to reduce the carbon footprint. He said the exceptions that were discussed with the Council were height, front setback, and parking.

HEIGHT

- There is a two foot allowance for the mechanical equipment and screening for the apartment buildings. In most cases, it is 28-30 feet from the edges of the structures, making it difficult to see until someone is far from the building.

- The height exception assists with drainage for a building on the far north side of the project and with the apartment buildings.
- An explanation was given of the challenges they faced in meeting the height requirements with the far-north building. The County Council allowed a three-foot height exception for that building.
- The apartment buildings were permitted to be 32 feet. There are 8 inches of exposed foundation. This will make it easier to grade away from the building.

Commissioner Dickey asked, if because of the swell at the back of the property, will all of the buildings appear to be the same height from Bitner Road. Mr. Criscione said that is the case. He thinks the height exceptions are minor and the County Council agreed.

PARKING

- The Commission approved 146 stalls. This number remains the same, even though two townhomes were removed.

THE FRONT SETBACK

- The building will be 120 feet from Bitner Road. This is consistent with the other commercial buildings of the area.

Mr. Criscione said the façade changes include replacing some stone with stucco. When the building was designed, the thickness of the stone was unknown. In order to be accurate with what was presented to the County Council, he decided to remove the stone. The structure is against the setback. He wanted to avoid having the stone making the structure exceed the setback by a few inches. He is happy to work with Staff on all of the conditions of approval. He hopes the Commission will concur that minor amendments can be approved administratively.

The public hearing was opened.

Ernest Orientie said he has lived in Snyderville Basin for 21 years. There are been huge increases in the price of housing. His family moved to Park City after looking at several ski resort communities. He likes that there is an emphasis on open space and affordable housing here. He has worked with people who live in those communities. Because of this, he has seen the impact that affordable housing has. He is in support of this project.

Carol Librizzi has lived and worked in Park City since 1988. She has seen a lot of changes throughout that time. One thing that is missing has been affordable housing. Employee housing is scarce. Lincoln Station is a great start at improving this situation. If people live near where they work, traffic could be reduced. She urged the Commission to move swiftly and consider similar developments.

Marion Crosby has lived in the area for 35 years. In 2016, the Planning Commission began a comprehensive review of the Snyderville Basin Development Code. New zones were considered. At that time, the applicant's property was chosen to participate in a charrette where the NMU zone was applied in a hypothetical situation by five civil engineers from the county. The NMU zone was intended to replace the SPA process.

Ms. Crosby said 3 years later, the NMU zone has not come into existence. The applicant continues to pursue a rezone under the existing zones that allows mixed-use development to occur. He is proposing less total square footage that was used in the charrette exercise. The applicant has met or exceeded all requirements.

Ms. Crosby said public officials need to work harder on meeting Summit County's greatest need. The County needs to work harder to catch up to other affordable housing friendly communities throughout the State of Utah, including Park City.

Teresa Criscione said she is involved in the financial aspects of the development. Her husband neglected to bring up the ramifications of the Commission's decision tonight regarding HUD. They are at the end of their timeline for financing. If the Commission doesn't vote tonight, it will essentially mean the death of the project. She added that they will accept whatever decision is made. They have been going through this process for six years. Because of that, she believes any question the Commission may have can be answered.

The public hearing was closed.

COMMISSION COMMENTS AND QUESTIONS

Commissioner Harte noted that after the Planning Commission approved the project, it went to the County Council. When this was first before the Commission, Policy 2.3 was weighed heavily. It was considered if there is a countervailing public interest connected to the project. He is curious what the County Council's take on that was.

Planner Strader said that is why a subcommittee was formed. At the time, there were 31 affordable units. It was determined that adding attainable housing at $\leq 120\%$ AMI would be appropriate. That is when the County Council became comfortable that it met the standards of Policy 2.3.

Commissioner Harte noted there are only a few items that do not meet the Code's standards. He asked why the Council approved this, but then sent it back to the Planning Commission for an amendment to the CUP. Planner Strader said the land use authority for a CUP is the Planning Commission. Because of this, she believes they felt most comfortable that this return to the Commission.

Commissioner Harte said when a DA is approved, it becomes the law. The County Council approved the DA with exceptions to the Code. This indicates they are okay with

the exceptions. Director Putt said because there are changes in the current plan from what the Commission saw in May, it needed to return to the Commission. The County Council didn't grant variances or special exceptions, but waivers to the Community Commercial zone. Director Putt said in this case, the Commission is looking at a new plan. One of the tools they can use to evaluate the plan is the DA.

Commissioner Harte questioned if the Planning Commission decides to approve this, but in a manner that is different than what was sent to them, will the applicant have to go through another process to amend the DA? Director Putt answered that if the Planning Commission decides to take a positive action, but one that would amend the DA, the applicant would have two options. 1) They could appeal that decision to the County Council. 2) They could modify the DA. His guess is that they would appeal the Commission's decision.

Commissioner Fine asked the applicant to comment on the sustainability efforts as far as landscaping, such as xeriscaping. Mr. Criscione said they want to have landscaping with reduced water usage because it is better for the environment.

Commissioner Fine asked the applicant if they are comfortable with the new parking plans. Have all concerns been met, such as the impact to traffic, maneuverability, snow removal and storage, along with accommodation for fire trucks? Mr. Criscione said they have met with the Fire District, who is satisfied. They will have carports which will help to make the community more livable from a snowfall point of view.

Mr. Criscione said the number of parking stalls remained the same, even with the deletion of two townhomes. The parking was reviewed with a company who will manage the property. They have a lot of experience with HUD homes. They are comfortable with the parking. Talking with other apartments owners within Park City, none have parking issues, even though they have less parking than is being proposed here. They have more parking stalls than most standards recommend.

Commissioner Fine asked about the setbacks. Planner Strader answered the DA states the structure can be 60' from the property line. **Chair Stevens** asked what the difference is between the right-of-way and the property line. She was told they are essentially the same. **Commissioner Fine** said that from a traffic and safety standpoint, there doesn't seem to be much difference. He was told that is correct.

Commissioner Simons asked what the distance is of the neighboring properties to the edge of the road. Mr. Criscione said he measured the distance of all neighboring structures from the edge of the road to the structure, or their parking lot. He told the measurements of each. **Commissioner Simons** said she doesn't have any concerns with the setbacks being proposed.

Commissioner Simons asked for a description of the landscaping. The architect, Eric Langvardt, answered that they are limiting the turf area along Bitner Road. They will plant trees and shrubs. Most of the landscaping will be native grasses and plants.

Commissioner Dickey asked if Bitner Road is a County or State road. Is there a possibility it will become four lanes when it connects into Silver Creek? Planner Strader told him that it is a County road. Currently there are no plans to make it four lanes even though there is enough room for that to happen. The right of way hasn't been secured.

Commissioner Cooke said he questions why this is coming back to the Commission for approval when it was approved by the County Council in the DA. He noted the needs for affordable and attainable housing remain high.

Commissioner Cooke told the public that the Commission is still working on the Neighborhood Mixed Use Zone. With this application, the Commission had concerns about the potential commercial uses that would be allowed in the neighborhood. Those uses would vest. He said there were uses that the Commission discussed and Mr.

Criscione was willing to abandon to mitigate their concerns. Are those items still addressed in the DA? Planner Strader confirmed that they are.

Commissioner Cooke asked about the lighting associated with the project. Does it conform to the new lighting ordinance? Mr. Criscione said he intends to comply with the new lighting code, even if it is not required. The lighting plan has to be approved by Staff. Commissioner Cooke said he is happy with their proactive sustainability efforts.

Commissioner Cooke asked if their contribution to the e-bike program was memorialized in the DA. Mr. Criscione answered that it was. He is aware of one or two projects where the space was provided for the e-bike program, but not the funding. This project is providing both. They are providing \$25,000 towards the e-bike program. For the bus shelter, they are providing both the space and the money as well.

Commissioner Dickey said he thinks this is a better project, especially taking into account the attainable units. He asked about the integration of the deed restricted housing into the project. Mr. Criscione said because they are talking about 70% of the units, it would be hard not to achieve integration. The units are spread throughout the project. They will have the ability to move these around according to the need.

Commissioner Dickey asked what the reasoning was behind adding more affordable/attainable units. He wondered if the Commission could have achieved more, had they pushed a little harder. **Commissioner Harte** said the DA gives more latitude than the CUP process. One is a legislative act. The other is an administrative act.

Commissioner Dickey said he would like to see less than two parking stalls for one bedroom units, particularly because this is a transit oriented development. He commented on the change of stone vs. stucco. He said that Staff has asked if the Commission is comfortable with this alteration. **Chair Stevens** said additionally, is the question of if the Commission is okay with small changes being approved at a Staff level.

Commissioner Cooke said in the past, they have deferred these types of decisions to Staff. He thinks they should do so now.

Planner Strader said the Commission can look to see if alterations meet the minimum Code requirements and the language found in the DA. The language states the development shall be built substantially consistent with the previous plans. Staff is asking the Commission if this change is substantially consistent.

Commissioner Simons asked if the decision to move from stone to stucco had to do with being Energy Star compliant. Mr. Criscione said he doesn't think there is any significant difference between the two. His request is to give that decision to Staff. He will agree with whatever they determine is best.

Commissioner Harte said he is trying to find a solution that will not engage in another round of processes. Mr. Criscione said if this is approved tonight, it becomes the Conditional Use Permit. If this is not approved, the old CUP stays intact. **Chair Stevens** confirmed there are no other changes to the building; only stone to stucco.

Administrator Barnes said it is clear to him there will probably be other changes as they move through the project. To him, this is a minor issue. However, the Commission has to be comfortable with allowing Staff to make these kinds of decisions. There are discrepancies with what the Council approved, but he thinks they are minor.

Attorney Brackin said because this is accompanied by a Development Agreement, it makes it different than if it were a standalone Conditional Use Permit. Generally speaking, if the changes don't impact the density, intensity of use, and major impacts, it is considered a minor administrative amendment. It is also important that the CUP is not at odds with the DA. She said the Commission is the land use decision maker.

Commissioner Cooke said he is comfortable with giving Staff the right to make the decisions on minor amendments. If they come to an impasse, it should return to the

Commission. Planner Strader read the proposed condition. She said Staff always has the option of bringing something back to the Commission or the Council. **Chair Stevens** asked if any of the Commission is opposed to the condition. None of the Commissioners indicated that there were.

Chair Stevens said the conditions of approval refer to an escrow account that is set aside for the extension of the public trail. Is that also for the e-bikes and the bus, or is that dealt with separately? She said the current language reads the escrow account is for landscaping to ensure an extension to the public trail. If the Commission approves this as is and the bus and e-bike were supposed to be included, how will that play out?

Attorney Brackin said she has not read the changes that Attorney Thomas made; however, the community benefits that come with this project are usually listed separately in the DA. The County requires the benefits to be built up front. If the applicant is unable to do so, a bond is required.

After looking into the language of the DA, Planner Strader confirmed that the bus transit stop and the e-bike program have specific time frames of when they have to be completed. **Chair Stevens** said in that case, this will not have to be addressed.

MOTION

Commissioner Harte made a motion to approve the conditional use permit as outlined in the Staff Report and found below. Commissioner Dickey seconded the motion. All voted in approval.

FINDINGS OF FACT

- 1. Vince Criscione owns Parcel PP-84-A-2, located at 670 West Bitner Road.***
- 2. Parcel PP-84-A-2 contains 4.0 acres.***
- 3. On May 22, 2018, the SBPC recommended approval of a rezone for the subject parcel from Rural Residential (RR) to Community Commercial (CC) and a Development Agreement that limited the uses on the site.***

- 4. Density in the CC zone is determined by the ability of the project to meet all development performance standards found in the Code.**
- 5. On May 22, 2018, the SBPC approved a CUP for seventy-eight (78) residential units and a 5,000 SF commercial building, excluding the parking. Out of the total number of residential units, thirty-one (31) of them were affordable units (<=80% AMI)**
- 6. The CUP was conditioned so that it would not go into effect unless and until the Rezone and Development Agreement Ordinances were recorded.**
- 7. At the time of Planning Commission review in May, complete, dimensioned plans were not provided; however, the plans that were provided, noted that the minimum Code requirements were being met and statements made by the applicant and his representatives confirmed that the CUP complied with the requisite Code provisions.**
- 8. In clarifying and confirming the site plan and building design details, discrepancies were revealed within the drawing sets, such as setbacks and height.**
- 9. During the Council's review of the Rezone and Development Agreement, Staff and the applicant continued to work through the site planning issues to ensure Code compliance.**
- 10. The applicant chose to ask for relief from the front setback, parking standards, and building height through the use of the Development Agreement.**
- 11. During the Planning Commission public hearing for the CUP, Rezone, and Development Agreement, the applicant did not discuss the potential of being granted relief from the front setback, parking standards of building height through the use of the Development Agreement**
- 12. The site plan has been amended from the previously approved plan in May.**
- 13. The amended project consists of seventy-six (76) residential units, thirty-one (31) of them are affordable units (<80% AMI) and twenty-one (21) are attainable units (<=120%AMI).**

14. On March 6, 2019, the Council approved the Rezone and Development Agreement with the proposed site plan attached as an exhibit.

15. The Development Agreement states:

a. 2.4.1 Conditional Use Permit required. The project and the property shall be subject to Planning Commission's approval of an amended CUP (the "Amended CUP"), which shall be substantially consistent with the terms and conditions of this Development Agreement and shall incorporate in their entirety the approved densities, building configurations, unit configurations, and architectural details shown on Exhibit Development. The Amended CUP shall also incorporate the following special exceptions which are approved as part of the Development Agreement:

2.4.1.1 Solar. The parties agree that solar panels on the apartment buildings, multi-family units of the professional building may exceed the height restriction in the Code by not more than four (4) feet.

2.4.1.2 Mechanical Equipment on Apartment Buildings. In addition to height exceptions found in Section 10-4-22 of the Code, approved mechanical electrical and plumbing equipment, as well as any associated required and approved screening, on apartment buildings shall be allowed to extend up to thirty-four (34) feet above the designed ground floor slab elevation. These additional height exceptions shall require the equipment and/or screening to be set back from the roof perimeter a minimum horizontal distance of eight feet from the outside face of the closet associated parapet.

2.4.1.3 Height of Apartment Buildings. The maximum height of thirty-two (32) feet for the apartment buildings shall be measured from the designed ground floor slab elevation. It is

recognized and agreed that the final exterior grade at the perimeter of the apartment building may be below and slope down and away from the designed ground floor slab elevation. In no case, shall this condition result in a vertical distance from top of finished exterior grade to top of roof or parapet that exceed thirty-three (33) feet.

2.4.1.4 Parking. *A minimum of one hundred forty-six (146) parking stalls shall be provided.*

2.4.1.5 Front Setback. *The minimum front lot setback shall be sixty (60) feet from the property line.*

2.4.2 Permitted Uses and Densities. *The project is approved for four (4) apartment buildings, consisting of a total of sixty-eight (68) multi-family units (“the apartment building(s)”), eight (8) townhomes (the “townhomes”), and one (1) professional/office building, consisting of up to fifty-three hundred (5,300) square feet of floor area, excluding its first floor structured parking area (the “Professional Building”).*

16. *The project is located within the Bitner Neighborhood Planning Area in the General Plan.*

17. *The General Plan states that all allowed uses are currently limited by the existing Rural Residential zoning. It goes on to say that consideration should be given for future mixed use development and this may occur through possible rezoning of parcels within the neighborhood.*

18. *The future land use map in the General Plan identifies Parcel PP-84-A-2 as “Mixed Use Neighborhood Commercial.”*

19. *The property is located in close proximity to existing recreation trails and a bus stop.*

20. *The proposed development includes a location for a future transit stop.*

- 21. The applicant is proposing to extend the existing public trail to Lincoln Station identified on the attached site plan which will become an exhibit to the DA.***
- 22. The use is proposed adjacent to an existing low profile commercial building and near an existing multi-family development. To the east, are undeveloped agricultural grazing lands.***
- 23. Service providers have reviewed the site plan and can provide adequate services to the project.***
- 24. All necessary public facilities are available on site, including water and sewer. Access and internal circulation have been reviewed by the Park City Fire District and the Summit County Engineering Department and was found to be adequate.***
- 25. At the time of building permit issuance, traffic impact fees will be collected.***
- 26. The applicant is required to submit a construction mitigation plan that will be reviewed and approved by the Summit County Engineering Department.***
- 27. The structures are located a minimum of 100' from the edge of the pond.***
- 28. The development will tie into the existing sewer system.***
- 29. The site contains wetlands which have been delineated on site. All structures have been located a minimum of 40' from the edge of the wetlands as required by the Code.***
- 30. There are no slopes, ridgelines, avalanche zones or geologic hazards located on the parcel.***
- 31. This project proposed 47.1% open space.***
- 32. Mountain regional Water provided a will-serve letter.***
- 33. The Snyderville Basin Water Reclamation District entered into a line extension agreement with the applicant for Lincoln Station.***
- 34. The Park City First District provided written confirmation that they can serve the development.***
- 35. The development contains 146 parking stalls.***
- 36. The Snyderville Basin Postmaster provided written approval of the proposed mailbox locations.***

- 37. The applicant has worked with the Public Works Department as well as Republic Services (waste collector who both stated the proposed locations for garbage and recycling are acceptable, with conditions.***
- 38. The plan includes a neighborhood park, internal to the development, located in a central area.***
- 39. The applicant is providing snow storage equal to 3,987 SF (12.25%).***
- 40. The access to the project is from Bitner Road.***
- 41. Prior to any development occurring, the applicant will be required to enter into a Development Improvement Agreement to ensure that the infrastructure is installed in compliance with the approved plans, including the landscaping. The Development Improvement Agreement will include a bond for the installation and warranty of the infrastructure and landscaping.***

CONCLUSIONS OF LAW

- 1. The use is in accordance with the General Plan.***
- 2. The use conforms to all applicable provisions of this title, including the provisions contained in the associated Development Agreement.***
- 3. The use is not detrimental to the public health, safety, and welfare.***
- 4. The use is appropriately located with respect to public facilities.***
- 5. The use is compatible with the existing neighborhood character and will not adversely affect surrounding land uses.***

CONDITIONS OF APPROVAL

- 1. Prior to issuance of the letter confirming the SBPC decision, per Code section 10-3-5-H, the applicant shall submit sufficient details of the proposed light fixtures to ensure Code compliance including the fixtures being proposed on the carports to the Community Development Department, to be reviewed and approved by Staff.***
- 2. Prior to issuance of the letter confirming the SBPC decision, per code section 10-2-5-H, the architectural elevations for the north elevation of Building E, south elevation of Building F, north elevation of Building G, and south elevation of***

Building H shall be revised to reflect relocated wall lights at a maximum height of twelve (12) feet measured from the finished grade to the bottom of the light fixture, to be reviewed and approved by Staff.

- 3. Prior to issuance of the letter confirming the SBPC decision, per Code section 10-3-5-H, the applicant shall submit an irrigation plan for the landscaping to the Community Development Department, to be reviewed and approved by Staff.***
- 4. Prior to issuance of the letter confirming the SBPC decision, per Code section 10-3-5-H, the applicant shall submit details of the proposed carports, to be reviewed and approved by Staff.***
- 5. Prior to building permit issuance for any structure, a Development Improvement Agreement shall be recorded. The DIA shall include, among other things, bonding for the installation and warranty for the extension to the public trial on Bitner Road.***
- 6. Prior to building permit issuance for any structure, all necessary requirements of the Summit County Engineering Department shall be satisfied, including the payment of the transportation impact fees.***
- 7. The dumpster located along the east side of the project will require hand pullouts.***
- 8. Outdoor storage of the dumpsters is not permitted.***
- 9. Prior to issuance of the letter confirming the SBPC decision, per Code section 10-3-5-H, the applicant shall submit details of the screening measure proposed for the recycling containers at the apartment buildings.***
- 10. All service provider requirements shall be satisfied.***
- 11. Minor amendments to the plans, as determined by the Community Development Director, may be approved administratively by Staff.***

- MOTION CARRIED (6-0)**

4. Public Hearing and possible action regarding a plat amendment to the Jeremy Ranch Plat 5 Subdivision, 2415 Daybreaker Dr; parcels JR-5-5095 and JR-5-5096; Heather Givich, applicant- Sean Lewis, County Planner

Planner Lewis said the property owners of Parcel JR-5-5096 have an existing single family home with a very steep driveway. They have an agreement with their neighbor to create an easement which would allow a new driveway to be built. The new driveway will conform better to current engineering standards. It will be much less steep. There are no property boundary changes. The only change will be the driveway configuration.

Planner Lewis said the Engineering Department has looked at the proposed driveway and found it meets the applicable standards. Section 10-4-10.D.3 states easements or connections to the public roadway that are not shown on a subdivision plat may not be added. This makes it necessary for the proposal to come to the Planning Commission for approval. A plat map was shown of the property.

Chair Stevens asked what will happen to the existing driveway. Planner Lewis said it will be removed. Vegetation will be added in its place. There were no other questions.

The public hearing was opened. There were no comments and the public hearing was closed.

MOTION

Commissioner Cooke made a motion to approve the Jeremy Ranch Plat 5 plat amendment as outlined in the Staff Report and below. Commissioner Fine seconded the motion. All voted in approval.

FINDINGS OF FACT

- 1. Jeannine Heil is the listed fee title owner of Parcel JR-5-5095.***
- 2. Parcel JR-5-5095 is 0.34 acres in size.***

- 3. Parcel JR-5-5095 is located at 2415 N. Daybreaker Dr.**
- 4. Daniel and Heather Givich are the listed fee title owners of Parcel JR-5-5096.**
- 5. Parcel JR-5-5096 is 0.42 acres in size.**
- 6. Parcel JR-5-5096 is located at 2405 N. Daybreaker Dr.**
- 7. Parcel JR-5-5095 and Parcel JR-5-5096 are located in the Hillside Stewardship Zoning District.**
- 8. The Jeremy Ranch Plat 5 Subdivision plat was originally platted in 1985.**
- 9. The applicant is requesting the amendment to add an access easement across Lot 5095 for the benefit of Lot 5096.**
- 10. Both property owners have agreed to add the easement to Lot 5095 for the benefit of Lot 5096.**

CONCLUSIONS OF LAW

- 1. There is good cause for the amendment based upon evidence submitted that both property owners have agreed to add the easement to Lot 5095 for the benefit of Lot 5096.**
- 2. The proposed amendment will not affect any other member of the public.**
- 3. No increase of density is proposed.**

- **MOTION CARRIED (6-0)**

DRC UPDATES (None)

COMMISSION ITEMS (None)

DIRECTOR ITEMS

- The County Council will discuss the Kimball Junction plan on April 10.
- A date for a retreat was discussed.
- The upcoming agenda items were reviewed.

ADJOURN

At 6:20 p.m., the meeting was adjourned.

A handwritten signature in black ink, appearing to read "Mike Stum", written in a cursive style.

Approval Signature