



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 13, 2023**

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

EX OFFICIO: Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Lillian Zollinger, City Planner; Caitlyn Tubbs, Senior Historic Preservation Planner; Connor Dahlquist, Planning Technician; Jaron Ehlers, Planning Technician; Mark Harrington, City Attorney

1. ROLL CALL

Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. and announced that all Commissioners were present in chambers.

Chair Hall announced that the Planning Commission conducted a site tour along Main Street to look at a couple of locations for Temporary Structures.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from November 8, 2023.

MOTION: Commissioner Van Dine moved to APPROVE the Planning Commission Meeting Minutes from November 8, 2023. Commissioner Frontero seconded the motion.

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

B. Consideration to Approve the Planning Commission Meeting Minutes from November 29, 2023.

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from November 29, 2023. Commissioner Frontero seconded the motion.

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

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

A. Inactive Application Staff Communication.

Assistant Planning Director, Rebecca Ward reported that there were no Staff Communications.

There were no Commission disclosures.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. CONTINUATIONS

- A. Land Management Code Amendments** - The Planning Commission Will Consider Amendments to Chapter 15-7 Subdivision Regulations to Comply With Changes to State Code Regarding Process, to Section 15-3-11 to Increase Electric Vehicle Charging Station Conduit Required for New Development From 20% to 50% and to Allow Fast Charging Stations as an Accessory Use, and to Chapter 15-6.1-8 to Establish Rooftop Setback Regulations for Mechanical Equipment and to Remove Perimeter Setback Requirements.

Chair Hall opened the public hearing. There was no public comment. Chair Hall invited a motion to continue the item along with the public hearing.

MOTION: Commissioner Van Dine moved to CONTINUE Land Management Code Amendments related to Electric Vehicle Stations and the public hearing thereon to January 10, 2024. Commissioner Johnson seconded the motion.

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

6. REGULAR AGENDA

- A. Land Management Code Amendment** - The Applicant Requests an Amendment to Land Management Code Section 15-2.13-2 to Prohibit Nightly Rentals, Accessory Apartments, and Internal Accessory Dwelling Units in The Bald Eagle Club at Deer Valley Subdivision in the Residential Development Zoning District. PL-23-05770.

City Planner, Lillian Zollinger, reported that there would be no presentation on this item and stated that Staff was looking to finalize the recommendation to the City Council based on the prior discussion regarding the Bald Eagle Land Management Code ("LMC") Amendments. The applicant requested the removal of the Accessory Apartment request and was only looking to prohibit Nightly Rentals and Internal Dwelling Accessory Units ("IADUs"). Chair Hall sought clarification on whether the Planning Commission was to make both a positive recommendation for the Draft Ordinance and a negative recommendation against the IADUs. Planner Zollinger confirmed that was the case.

Chair Hall opened the public hearing. There was no public comment. The public hearing was closed.

Chair Hall made it clear that there was a very clear consensus for a positive recommendation to the City Council for the Draft Ordinance, with clear instructions from all Planning Commissioners. There was also a very clear consensus for a negative recommendation for the IADU and Accessory Uses, which were now removed from the application.

Commissioner Suesser referenced the “WHEREAS” clause in the proposed Ordinance and the reference to Goal 8 of the General Plan to increase affordable housing opportunities, and Objective 8.C. of the General Plan to increase housing ownership opportunities for the workforce within primary residential neighborhoods. Because the Commission was forwarding a negative recommendation, Commissioner Suesser felt that clause seemed inconsistent with the findings.

Senior City Attorney, Mark Harrington understood that Commissioner Suesser was making the point that the negative recommendation to preserve the affordable uses was not included in the Ordinance, so the “WHEREAS” clause mentioned was not needed. He reported that Staff would take the position that the language was still relevant because the Ordinance would prohibit Nightly Rentals as an alternative use, while still preserving those other opportunities in this zone. He stated that there was a relationship to preserving those alternatives by prohibiting Nightly Rentals. Commissioner Suesser noted that it would make sense to include this language if the Commission were to forward a positive recommendation; however, it did not make sense to include it along with a negative recommendation. Assistant Director Ward commented that the inclusion of that language was due to the “WHEREAS” to support the negative recommendation, and it was in part due to that goal that the Commission was forwarding a negative recommendation on the IADUs. Commissioner Suesser understood and felt that made sense.

MOTION: Commissioner Van Dine moved to forward a positive recommendation for the City Council’s review on February 1, 2024, for Bald Eagle Club at Deer Valley Land Management Code Amendments prohibiting Nightly Rentals, and to forward a negative recommendation for the prohibition of Internal Accessory Dwelling Units. Commissioner Laura Suesser seconded the motion.

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

B. Land Management Code Amendments - Historic District Design Guideline Updates - The Planning Commission Will Review Draft Amendments for Chapter 15-13 Design Guidelines for Historic Districts and Historic Sites to Clarify Driveway Width Regulations for Historic Districts and Make Minor Grammatical and Clarifying Changes. PL-23-05962.

Senior Historic Preservation Planner, Caitlyn Tubbs reported that the proposed LMC Amendments to the Historic District Design Guidelines are relatively minor and are limited to grammatical or gender-specific term changes. The amendments also include changes to Driveway Standards. Staff was working on additional amendments that would be presented to the Historic Preservation Board and the Planning Commission in the future. Planner Tubbs

noted some of the minor corrections in the Draft Ordinance, which included the removal of some conflicting statements. There were a couple of instances in the Design Guidelines where they had “should/shall” codified together in the same requirement. The amendments would also replace the term “Guidelines” with the term “Regulations,” as these were adopted standards that projects must adhere to.

They also proposed the removal of an asterisk in the Historic Sites Inventory that indicates, “appealed properties.” There were currently no properties on the Historic Sites Inventory under appeal, so the asterisk is moot and would be removed. Planner Tubbs reported that the amendments replace terms such as “his/him” with “their.” The amendments would also correct some minor grammatical and spelling errors. Staff recommended clarifications to the Driveway Regulations for side-by-side garage configurations. The current requirement allowed for a maximum of 12 feet in width, while the Guidelines encourage 10 feet. The 12-foot maximum allowed by the Code was what was typically built. She mentioned that the 12-foot side-by-side configuration typically takes up a portion of the Front Setback, and is often expanded outward to provide a two-car wide driveway. Based on this, Staff recommended amendments to clarify these standards by limiting the Maximum Driveway Width to 10 feet and requiring a minimum of 18 inches of landscape buffer between the two driveways. The landscape buffer could consist of ground landscape materials, turfstone, or a permanent planter box structure. Staff recommended the Planning Commission review the proposed amendments, open a public hearing, and consider forwarding a positive recommendation to the City Council.

Chair Hall opened the public hearing. There was no public comment. The public hearing was closed.

In response to an inquiry regarding the impetus for the landscape buffer, Planner Tubbs stated that over the past summer, they had several instances where people wanted to tear out existing, non-compliant driveways and replace them with heated driveways. There was frustration upon learning that the Code specified a Maximum Driveway Width. The hope was this clarification would change the overall built streetscape and demonstrate that Park City needs narrower driveways within the Historic District. Chair Hall questioned how the landscape buffer would impact snow plowing.

Commissioner Frontero reported that he lives in Old Town, and submitted that the 18-inch strip will provide a place to move the snow. He did not find the requirements particularly restrictive.

Commissioner Suesser sought clarification on whether a two-foot buffer was now being reduced to 18 inches. Planner Tubbs explained that the requirement of a two-foot offset in the garage wall will remain; however, the current standards do not include a requirement to separate the driveways. The amendments would include a requirement of having a landscaped area between the driveways that would mirror the offset in the garage wall.

Commissioner Suesser understood that currently, the garages could be right next to one another as long as they were staggered, and these amendments would require owners to include an 18-inch buffer between the driveways. Planner Tubbs emphasized that the staggering of the garage wall would still be required, and this amendment would require a separation in the driveway itself. Commissioner Suesser observed that if a property owner has a two-car garage and wants to install a heated driveway, they would be restricted to two 10-foot driveways with the landscape buffer in the middle.

Assistant Director Ward gave examples of heated driveways that can be installed underneath the landscaped pavers. Commissioner Suesser questioned the option of installing pavers in the landscape buffer. She noted that most people would choose that option and she felt it was not the same as a true landscaped buffer. Commissioner Van Dine echoed this concern and wondered what these amendments were designed to target. She noted that if they were targeting something that could be parked on, then the pavers made sense. However, if they wanted the separation, she did not feel the pavers should be an acceptable option.

Planner Tubbs noted that the intention behind including the turfstone was to provide property owners with an additional option for landscaping. Commissioner Frontero agreed that the allowed materials depend on the goals and noted that having turf stone as an option would simply allow owners to park on the 18-inch strip. He asked if the goals were to visually separate the impervious driveway or to discourage extra parking on the driveway. He agreed that turfstone might not be a good option if the latter was the goal. Commissioner Van Dine reiterated that she was unclear on the objective of this amendment.

Commissioner Suesser noted the prior changes from paving in front and then only having 12 feet on the right-of-way versus now having two 10-foot openings on the right-of-way. She asked if this change would be an improvement, and opined that they might be better off with the 12-foot opening in the right-of-way. While she stated she would not like more pavement, they would now have 20 feet in the right-of-way rather than 12 feet. Commissioner Van Dine felt this would fit better with Old Town and the efforts to maintain the aesthetic of one house and one driveway. She preferred the 10-foot curb cut with an actual planter in between the two driveways. Commissioner Van Dine was not in favor of allowing pavers in the landscape buffer.

Commissioner Sigg mentioned that an owner could also potentially use gravel or bark at grade with the concrete. He felt the spirit was to create landscaping and not a flat surface, and was not sure that some of the allowed landscape materials that could be installed at grade would satisfy that. He concurred with the other comments on this issue.

Commissioner Suesser questioned the practicality of putting a planter down the middle of a home in terms of accessing the further garage from the front door. Chair Hall commented that as someone who does not live in Old Town, this would make Old Town look more beautiful but as a resident, she would not want this requirement. She felt the practical implications for full-time residents of Old Town would be an annoyance.

Commissioner Sigg did not feel that any of this was a deterrent to a heated driveway, because the heating tube could be run underneath any kind of landscape feature. He felt the notion that it had to be this way to accommodate a heated driveway was nonsense.

It was noted by Commissioner Suesser that they are trying to get away from turf and grass. Planner Tubbs stated that people typically install some sort of grass seed or sod with the pavers, although pavers could also be installed with ground cover or native grasses.

Commissioner Shand questioned why they were considering this and stated that it appeared this was being done to make driveways more compliant with a ten-foot width at the curb instead of 12 feet. If the 18-inch separation between the two driveways was for aesthetics, Commissioner Shand understood the reasoning behind this amendment; however, if the intent were to physically divide the two driveways, then they would need something vertical in that space. He stressed that he had not heard the real reason behind the proposed amendment.

Commissioner Shand remarked that having two driveways would mean more concrete and more heated mass. It would create the 10-foot curb cut, but with this, there would be two 10-foot curb cuts instead of one 12-foot curb cut.

Planner Tubbs appreciated the Commission's feedback. She explained that in the context of the Historic District and the way Historic Structures were built, the focus was on the entry porch and the front door. Over time, the focus morphed into the vehicle and the garage door, and that particular development pattern was not as compatible with the Historic District as what the Guidelines typically require. The intent behind this proposed amendment was to visually break up the concrete massing between garages, and make the garage doors and parking areas appear smaller and more in keeping with the Historic context, while also allowing the property owners the ability to utilize this area for snow storage or additional property beautification.

Assistant Director Ward referenced the graphics before the Commission and reported that the configuration on the left showing a flare-out was not currently allowed. The Code allows a maximum driveway width of 12 feet but also allows two-car garages. Therefore, they have seen configurations change over time and they have heard from property owners that a two-car garage could be approved but they cannot install a driveway that would allow them to navigate vehicles into a 9' x 9' garage. Generally, one-car garages are allowed on Historic Sites; therefore, the proposed amendment would apply to new infill development and would allow access to what is approved under the Code while at the same time working to mitigate the impacts of the driveway massing.

Commissioner Johnson had similar concerns to those expressed by Commissioner Shand. He listened to the Historic Preservation Board Meeting and this was an additional concern expressed by that body as well. He understood that the proposed amendment would provide a little more consistency in the LMC with the infill development. To Commissioner Van Dine's point, Commissioner Johnson noted that they would want to restrict anyone from parking in the landscape buffer strip. He felt it sounded like a good plan to move forward.

Commissioner Frontero concurred with the comments of the other Commissioners that the 18-inch landscape buffer should require some vertical element in the landscaping. He felt that would discourage parking on that strip. Commissioner Suesser added that perhaps the vertical landscaping would not be required to go all the way up to the doors to allow for a walking path to the furthestmost garage.

Commissioner Suesser sought clarification that the proposed amendment would be for infill development. She noted that many homes in Old Town were being built with a two-car garage and a big cement slab in front of the garage. She felt that despite the 12-foot maximum, they had driveway slabs going to the right-of-way that were two lanes wide and wider than 12 feet. Chair Hall commented that there also seemed to be many wide driveways that go to a one-car garage, and were used for the entry area and parking. Commissioner Sigg agreed that there needs to be a continual vertical element because they had heard applications where that exact type of paver was contemplated and considered to be just more parking area. He felt that the landscaping requirement should be better defined to require a vertical component. Commissioner Shand added that if the vertical element was a structure such as a metal flower box, it should extend from the garage and terminate 10 feet from the street. He felt this would allow for easier access to and from the driveways.

Commissioner Suesser noted that perhaps the way the Code was drafted discouraged two-car garages. Referencing the graphic that showed the disallowed configuration, she noted that the configuration had a 12-foot wide driveway at the street, whereas, now they would have 20-foot driveways at the street. She reiterated her feeling that the Code was previously written to discourage two-car garages in Old Town, and if that was the case they were going in the wrong direction. Assistant Director Ward reported that two-car garages are discouraged but allowed in the Historic District. She clarified that the Code described the Maximum Driveway Width as 12 feet.

Commissioner Suesser remarked that allowing two 10-foot driveways would encourage more two-car garages in the Historic District. She noted that one of the ways the Code discouraged two-car garages was by restricting driveway width to 12 feet.

Commissioner Van Dine commented that from a design standpoint, it is more awkward to try to park cars with a 12-foot driveway. She liked the proposed amendment and felt it fit with the character of Old Town with smaller garages.

In response to Commissioner Frontero's inquiry as to whether the proposal would encourage two-car garages, Commissioner Van Dine noted that the proposed amendment would only apply to infill development and would make the new properties look more consistent with the rest of the neighborhood.

There was discussion about adding language requiring a vertical element to the landscape buffer. Commissioner Van Dine sought clarification that the consensus was that the vertical element could be met with bushes as opposed to a solid element. She suggested including a minimum plant height or hard structure.

Commissioner Shand agreed but noted that if the landscaping includes tall grasses that die off in the winter, the strip would then be used for parking. On the other hand, he felt that a two-foot concrete wall in that strip could cause damage to vehicles and would eliminate the availability of that area for snow storage. He suggested that a good compromise would be to require bushes within the landscape strip.

Chair Hall asked Staff for proposed wording requiring a vertical element. Assistant Director Ward stated that if they had consensus from the Planning Commission on what the vertical element would look like, Staff could review it with the Engineering Department for site requirements. There was consensus requiring a vertical element and directing Staff to review it with the Engineering Department. Assistant Director Ward felt Staff could make these changes prior to the matter going to the City Council. Chair Hall noted that the Planning Commissioners could weigh in at that City Council meeting as well.

In response to an inquiry from Commissioner Johnson, Planner Tubbs stated that the smallest Old Town Lot that this configuration could fit on would be a traditional two-lot parcel totaling 50 feet in width. She then corrected herself and reported that it could fit on a 1 ½ Old Town Lot.

Commissioner Suesser reiterated her position that they were moving in the wrong direction and felt that retaining the 12-foot driveway would help to discourage two-car garages in Old Town. This proposal would add a lot more pavement and concrete in Old Town and would encourage two-car garages. She was opposed to moving in this direction. She added that the 18-inch

landscape strip would be difficult for the homeowner to maintain, and would not likely beautify these driveways.

Commissioner Johnson understood that Commissioner Suesser felt this amendment would encourage two-car garages. Commissioner Suesser explained that under the current Code, it was awkward to have a two-car garage with a 12-foot wide driveway. With the proposed change, they would allow an owner 20 feet to get into their garages, which would make it easier and more desirable to have a two-car garage. Commissioner Johnson noted that the current Code was written to discourage it to a point where there were fewer two-car garages. Commissioner Suesser understood the property owner's position that they could install a two-car garage, but only have a 12-foot driveway, but felt that helped to discourage two-car garages. Assistant Director Ward added that they often see Building Permits to replace and repair driveways and they hope that for those that were built out of compliance, they could give something to those properties where a two-car garage was already built. She noted this would be a solution that would minimize what is on a property currently, but still allow for use of the existing structure.

Commissioner Sigg wondered how a 12-foot wide driveway worked with a two-car garage. As a retrofit, he acknowledged that provided context in how this proposal could clean up a non-conforming condition that could be brought into compliance.

Chair Hall noted that there was no clear consensus and that Commissioners Van Dine, Shand, and Johnson agreed with requiring a vertical element. She also noted Commissioner Suesser's opposition to the substantive modifications.

Commissioner Suesser noted that line 711 of the Draft Ordinance refers to "guidelines."

Chair Hall sought input from Commissioners Frontero and Sigg on whether they would like a vertical component. Commissioner Sigg hoped to see a vertical component to offset the two driveways. He acknowledged that the proposal would add more curb cuts, and felt the Commission had to determine whether the 12-foot driveway would be enough to discourage two-car garages.

Commissioner Frontero initially felt the proposal was acceptable but understood Commissioner Suesser's position that the 12-foot maximum driveway width would discourage two-car garages. He noted that the Code discourages but does not restrict owners from building two-car garages. Owners can have a two-car garage but it would be difficult to park. The proposal would make it easy for owners to park in two-car garages and would not discourage two-car garages as much as the current Code. He was not in favor of the new design plan and stated that they should retain the single 12-foot curb cut. If new development wishes to add a two-car garage, he asked how it would be parked. Planner Tubbs acknowledged that was a great question.

Commissioner Van Dine posited that the current Code encourages not looking like the rest of town, because owners will build two-car garages in any event. They could maintain the 12-foot maximum width, but they would be encouraging people to not conform to what they want Old Town to look like.

Commissioner Frontero stated that Old Town has mostly one-car garages and this would only apply to 1 ½ or two Old Town Lots, which he felt was a minority of Old Town lots. He felt that

even with a larger lot, an owner could build a two-car garage in a tandem configuration rather than side-by-side, which he felt was more in keeping with Old Town.

Commissioner Johnson asked if they could limit the driveway length and noted some of the properties with longer driveways. He felt the proposal could work in the majority of Old Town for certain properties.

In response to Commissioner Shand's inquiry, Planner Tubbs reported that two driveways for two garages were currently allowed in the Code, but noted that was not common. Commissioner Shand felt that each Commissioner had a different picture of what a Lot would look like, and commented that if the garages were set further back from the curb, there might be enough room to have a single 12-foot cut and enough room to maneuver into the second garage. He did not believe that the driveway configuration would have any impact on the number of cars coming into town. If owners can build two garages, they will.

Commissioner Shand asked if there was a way to address this on a case-by-case basis, subject to the Planning Commission's recommendation to the City Council. He echoed Commissioner Johnson's point that it would depend on the Lot. He understood the positions of the Commissioners but stated it seemed that either scenario could work in a particular situation.

In response to an inquiry, Assistant Director Ward explained that the graphic depicting a disallowed driveway configuration was based on the current Code that proscribes a 12-foot maximum driveway width. Building Permits are often conditioned on that standard but often do not reflect what is actually built. She added that they see 27-foot wide driveways in Old Town. She explained that one of the challenges they have tried to address was situations where the as-built condition exceeds the approval as conditioned. For those homes with two garages, they want to bring them into compliance when they come in to do an upgrade. She noted there might be a distinction between what is already built and new construction.

Chair Hall asked if there was a distinction between the curb cut and the driveway. Assistant Director Ward stated that the current Code did not address curb cuts.

Chair Hall understood that Commissioner Suesser might be agreeable to a 12-foot curb cut with the acknowledgement that the actual driveway might be wider to allow access to both garages. Commissioner Suesser added that the curb cut had the biggest impact on the public and was often landscaped to minimize the impact.

Commissioner Sigg echoed Commissioner Johnson's comments that all of the lots are different and he wanted to make sure they were not looking at this in a static condition where they assumed every Setback was the same. He questioned whether they could tie this to how far the Front Setback extended from the right-of-way, and noted that if someone had a particularly deep Lot, the house could be set further back. In that situation, the notion of having a flared-out driveway to access two garages would become less intrusive. He felt that they were looking at this as though every front setback is the same, but that is not the case. If the extent that the driveway could flare out was directly correlated to how far the home was set back, then perhaps there was merit to one curb cut.

Commissioner Suesser suggested applying this new concept to existing driveways that apply for upgrades. They could keep the 12-foot maximum width requirement, but for those properties in

violation, they would be required to install the landscape strip when they apply for upgrades. She noted there were many driveways in violation by exceeding the 12-foot maximum width.

Commissioner Frontero commented that if they introduced the landscape strip, they would be introducing two curb cuts. Commissioner Suesser felt they would split up the curb cut with an 18-inch buffer.

Commissioner Johnson suggested a lot size restriction for two driveways and mentioned 50-foot wide lots. Commissioner Suesser still preferred the 12-foot curb cut. Commissioner Johnson reasoned that if they imposed a minimum lot size requirement for two driveways, then smaller lots would have a single curb cut, and anything larger than 50 feet wide could obtain approval for a side-by-side garage and two ten-foot driveways. Commissioner Suesser felt that this suggestion would assume that a 12-foot curb cut did not discourage garages; whereas she felt that it did.

Chair Hall noted that the Draft Ordinance includes one paragraph that included the bulk of the substance and suggested looking to see if modifications could be made. Her review of the language highlighted the distinction between “curb cut” and “driveway.”

Looking at the language, Commissioner Johnson suggested adding language after “side-by-side garages” as follows: “Two driveways are permitted for two side-by-side garages on lots 50 feet wide and larger.” Commissioner Van Dine noted that the Commission just limited Lot Combinations. Commissioner Suesser reiterated her support for the new design with respect to driveways that were not currently in compliance and that apply for revisions or Planning Department approvals.

There was discussion about the burden of tearing out an existing driveway or installing an 18-inch green strip to bring the driveway into compliance. Assistant Director Ward confirmed that would be the case for property owners who proposed changes to a non-compliant driveway.

Commissioner Frontero sought confirmation that Commissioner Suesser might be comfortable requiring that current homes that seek renovation of their driveways must be brought into compliance. Commissioner Suesser agreed with the added statement that this should only apply if the property was not in compliance with the 12-foot curb cut.

Commissioner Frontero confirmed his understanding that Commissioner Suesser would like to keep the 12-foot maximum width for new infill.

In response to an inquiry, Assistant Director Ward explained that the 10-foot recommendation and 12-foot maximum became effective in 2019. She recalled that in the 2007 Code, the 12-foot maximum was a recommendation and not a requirement. Commissioner Suesser observed this was why they had so many 22-foot driveways in Old Town.

Chair Hall commented about the unintended consequences of the owners not seeking to renovate non-compliant driveways. She referenced the first sentence of subsection (6) and wondered if they could distinguish “curb cut” from “driveway.” She suggested that if there was one curb cut, they could still have a wider driveway to access both garages, whereas if the Commission allowed two driveways, then an applicant could have two curb cuts. Chair Hall noted that her suggestion would make the graphic on the left compliant because the focus would be on the width of the curb cut, not the driveway.

Commissioner Van Dine reiterated her position and felt that Chair Hall's suggestion did not fit with the character of Old Town. Minimizing the driveways and the amount of payment was more desirable and she supported the Draft Ordinance as written.

Chair Hall noted that Commissioner Suesser would prefer the left diagram to the right diagram. Commissioner Suesser clarified that was not necessarily her position, but felt that keeping the 12-foot driveway width and curb cut would discourage two-car garages. She stressed that a 12-foot curb cut versus a 20-foot curb cut was preferable.

Chair Hall questioned how wide a driveway to a two-car garage could be with only one 12-foot curb cut. She felt at some point the driveway would have to exceed 10 feet wide to provide access to the two-car garage. City Attorney Harrington reminded the Commission that the State has pre-empted local municipalities from design guidelines statewide, with some exceptions. Park City was able to convince the State that it deserved an exception to this by virtue of the fact that it has a Historic District and was balancing private property rights in new construction versus preservation of the quality of Old Town. All of the comments captured the balancing perspectives but noted that it was important to align function with pragmatics. If the Commission did not want two-car garages, then there should be a zoning discussion where it could be addressed as a zoning matter.

City Attorney Harrington did not recommend using design guidelines to achieve a result on the structural build-out because that would increase the danger of the City losing its Design Guidelines or Driveway Regulations altogether. He commented that they receive a lot of complaints that this Code does not make sense, and if they allow two-car garages but do not allow a way to use them, that is not a good argument. He felt the Commission was on the right track in terms of identifying what they want to prioritize and they could direct Staff to come back with a couple of options as discussed. If they do delay a decision on this item, he recommended the Planning Commission conduct a survey of the existing conditions so they know what they are influencing and achieving by this amendment.

City Attorney Harrington did not necessarily agree that single-car garages predominated in Old Town. He stated it may be true of Historic Structures, but questioned whether that could describe all the districts. He added that imposing zoning that would make everyone non-conforming would influence the defensibility of the regulation. He recommended that the Commission direct Staff to make some further modifications and hit the issue of two-car garages head-on, rather than through driveway regulations.

Commissioner Johnson suggested deleting "within the required setback," as that would still allow the existing non-conforming driveways. Assistant Director Ward reported that "within the required front setback" is not in the current Code.

Commissioner Suesser supported moving toward the 12-foot curb cut with a flare out to access a two-car garage. She felt this was a better solution than having two 10-foot wide strips coming to the right-of-way. Commissioner Johnson described one way they could get there was by using a flare-out to get to their two permitted garages. He noted that some properties would not be able to install two side-by-side driveways.

In response to Commissioner Van Dine's inquiry, Planner Tubbs explained that the reasoning behind disallowing a flare-out was to discourage additional vehicles from being parked outside

of structures. Commissioner Shand observed there would still be cars parked on two 10-foot driveways.

Commissioner Frontero did not think the reasoning behind two 10-foot driveways would reduce cars being parked in front as opposed to the flare-out. Commissioner Suesser agreed.

With regard to the flare-out not being allowed, Commissioner Frontero stated he was surprised and felt that should be an allowed design in certain circumstances. He did not find the argument that the flare-out would result in more parked cars to be a strong one. He wanted to see the flare-out become an allowable design.

Commissioner Shand understood the prior comments as suggesting that a single 12-foot curb cut could service two garages, and if two driveways were servicing two garages, they were limited to 10 feet each. Commissioner Frontero agreed that these two options should be considered. There was discussion as to how this determination would be made. Commissioner Frontero expressed that the flare-out could have an additional calculation ratio to avoid large amounts of concrete.

Chair Hall suggested language along the lines of a 12-foot curb cut with a driveway reasonably necessary in width to access both garages as determined by the Planning Department. Commissioner Johnson felt the front setback would cover this issue, and as long as the flare-out started past the Front Setback. Commissioner Johnson felt the compromise would be to define option 1 as "new single driveways shall not exceed 12 feet in width within the required Front Setback..." Option 2 would then be the two 10-foot driveways with an 18-inch landscape strip with vertical elements. City Attorney Harrington stated that given the depth of the discussion, he would prefer to bring the language back before the Planning Commission for final action. Commissioner Van Dine agreed and wanted to see what the language would look like. City Attorney Harrington also suggested inviting the City Engineer who could walk through some of the variables with different lots so the Commission could see if it was possible. For example, a Right-of-way line might not allow for a turning radius that would meet the Engineering Code for the second garage door.

Commissioner Suesser liked the idea of adding this element to current non-compliant driveways that apply for renovations. She did not like the idea of allowing the option of two 10-foot driveways for new construction or infill development. She wanted to maintain the 12-foot curb cut for new infill construction and require the installation of a landscape strip for any non-compliant driveways that come in for renovations.

Commissioner Shand asked about the impact on street parking by having two curb cuts and wondered if that was of interest to the Commission. Commissioner Suesser did not believe that encouraging an extra driveway to discourage street parking was a good idea because it would just encourage more concrete and would detract from the historic feel of Old Town.

Commissioner Van Dine observed that an unintended consequence of two 10-foot driveways would be the reduction of parking.

Commissioner Suesser felt that currently there were a lot of restrictions for on-street parking in Old Town, and some on-street parking for service people was necessary. Putting in extra curb cuts to reduce on-street parking would not be a good path.

Chair Hall was unsure if there was consensus at this point on the substance of the amendment; however, she felt there was consensus to continue this item.

Commissioner Johnson understood the point about hearing from the City Engineer but felt that the Front Setback would be good. He also noted the Code would be updated again soon with illustrations, so they would have a chance to review this again at some point in the near future. He expressed a preference to move forward tonight.

Chair Hall agreed but felt that with a true policy decision on the make-up of Old Town, she would defer to the City Council and the public. She noted that some of the changes were administrative, but this issue was more of a policy discussion on what they want to encourage in Old Town.

Commissioner Frontero also did not want to continue this item, to which Commissioner Suesser disagreed. He asked Commissioner Johnson to set forth his position and felt they could potentially vote on that.

Commissioner Johnson focused on Subsection (6) and would include two options. They would add to the first sentence "New driveways shall not exceed [10 or 12] feet within the required Front Setback." He acknowledged they could further discuss whether they keep the Maximum Driveway Width at 12 feet, or reduce it to 10 feet. He would then keep the language regarding allowing two driveways for approved two-car side-by-side garages. He stated the first section would give owners the option to build a tandem if they could make it work outside of the Front Setback, and stressed there would be some engineering restrictions on having a tandem driveway. If an owner gets an approved side-by-side garage, they could choose option B, which would be two 10-foot wide driveways with the landscape strip. He felt this would be more applicable to the properties with shorter Front Setbacks. He emphasized that illustrations would be added in the near future and this section would be back before the Commission for additional edits at that point. He also mentioned adding the vertical element to the landscape strip.

Commissioner Shand observed that if someone were to opt for a tandem driveway with a 10-foot cut, the vertical element should be mandatory. Commissioner Frontero agreed. He felt that the curb cut in either option should be 10 feet. Therefore, the first option would allow an owner to construct a flare-out to the second garage, and option 2 to allow the construction of two 10-foot driveways with a vertical element in the middle. Commissioner Sigg stated that the only way to access would be to create a retaining wall at the road because he felt you would not bring in two driveways off of a road that is sloped. He felt that linearity at grade would protect the character of Old Town.

Chair Hall raised the issue of clarifying "driveway" versus "curb cut." Assistant Director Ward understood that the Commission was interested in a 10-foot maximum curb cut for both options. The first option would allow a 10-foot wide driveway within the Front Setback, with a flare-out. She noted the maximum driveway for a Single-Family Home was 27 feet, so they could establish a maximum flare-out for option 1. The second option would allow a 10-foot maximum curb cut with two driveways and a vertical element as recommended by the City Engineer.

Chair Hall felt Assistant Director Ward's summation was accurate. Commissioner Frontero would support the proposal as summarized.

Assistant Director Ward commented that they could limit the maximum width of the flare-out to the minimum dimensions for the two-car garage, which would result in a 20-foot driveway. She confirmed that option 1 would not require the landscape strip. Chair Hall noted that the 20-foot maximum was okay as long as the garages were not touching. Assistant Director Ward added that due to the two-foot offset requirement for two-car garages, they would need a 22-foot maximum width for the flare-out. Commissioner Suesser suggested going back to the 12 feet for the flare-out option because reducing it to 10 feet could discourage that design. There was agreement.

MOTION: Commissioner Frontero moved to forward a POSITIVE recommendation on Land Management Code Amendments regarding Driveways in the Historic District, consistent with the summary provided by the Interim Planning Director and the redlines. Commissioner Shand seconded the motion.

VOTE: Commissioner Frontero-Yes; Commissioner Shand-Yes; Commissioner Johnson-Yes; Commissioner Sigg-Yes; Commissioner Van Dine-No; and Commissioner Suesser-No. The motion passed 4-to-2.

The Commission took a short recess.

C. 8200 Royal Street, Stag Lodge Phase I Units 11 & 12 – Condominium Plat Amendment – The Applicant Proposes to Combine Units 11 & 12 Into One Unit in the Residential Development Zoning District. PL-23-05930.

City Planning Technician, Connor Dahlquist reported that Stag Lodge Phase 1 Condominium Plat was recorded in 1985 and created a 24-unit condominium within the Deer Valley's Silver Lake neighborhood. The development was limited to 52 units, with no unit size restrictions. Combinations similar to that sought for Units 11 and 12 had been approved for other units within the development. Planner Dahlquist reported that the Homeowners' Association ("HOA") approved the Unit combination on October 4, 2023. The proposal complied with the Residential Development Zoning District, parking requirements, and the Deer Valley Master Planned Development. The proposed changes were internal and neither the Building Footprint nor Open Space would be affected. The proposed Condominium Plat Amendment complied with the LMC with respect to combining units. Staff recommended Condition of Approval 3 that "All Conditions of Approval of the Stag Lodge Condominium plats as amended, and the Deer Valley MPD as amended shall continue to apply."

Planner Dahlquist reported that Staff found good cause for the proposed Condominium Plat Amendment, as it would not alter the Footprint or Open Space of the Lot, there would be no negative impacts to the public and would not create any non-conformities. Staff had not received any public input and recommended the Commission review the Condominium Plat Amendment, hold a public hearing, and consider approving the Plat Amendment subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Draft Final Action Letter.

Chair Hall opened the public hearing. There was no public comment. The public hearing was closed.

Commissioner Sigg asked if combining units in the MPD where there is an allocated number of units would open the door for additional construction. Senior City Planner, Alexandra Ananth acknowledged that was a good question and something she had not been asked previously. To construct an additional unit there would need to be approval from the HOA, and the plat would need to be amended to ensure that the development was maintaining parking and Open Space requirements. Technically, because there are no size limits and the Deer Valley MPD allows for 52 units, the possibility for another unit would exist. She noted she was not 100% sure about this and would defer to legal counsel.

Commissioner Van Dine stated that it would come back before the Planning Commission in any event. In addition, she stated they could add a Condition of Approval to this Plat Amendment that no additional unit would be allocated anywhere within the MPD and no new units constructed. City Attorney Harrington explained that they have added similar conditions on other approvals, and it would be appropriate in this instance.

Commissioner Sigg would like to include it as a Condition of Approval. Chair Hall supported that, as did Commissioner Frontero. Commissioner Frontero stated that this application still requires the Commission to find good cause. He has struggled with that concept in the past and wondered if there was good cause for this Plat Amendment. He understood the owner would have a larger unit, but he did not see any cause beyond that. He also referenced page 5 of the Staff Report which lists three things that would mandate against a unit combination and would like something more specific on those three items. He noted that the Staff Report informed that the "Building Department reviewed the proposed Plat Amendment and there were no concerns at present and would review plans prior to the issuance of any Building Permits." He asked if that statement was meant to address the three issues he mentioned.

Planner Ananth reported that the Building Department reviewed the proposed Plat as part of the Design Review Committee, and they were looking at the Condominium Plat rather than structural building permit plans for how the applicant would merge the units. She noted that the three items referenced on page 5 of the Staff Report would be addressed more during the Building Permit phase when actual plans would be submitted and reviewed.

Commissioner Frontero sought clarification that they were counting on the Building Department to review the plans and address these issues specifically before a Building Permit was issued. Planner Ananth confirmed. Commissioner Suesser concurred with Commissioner Frontero's comments regarding good cause given the definition they had to work with under the Code but was not opposed to this application.

Chair Hall requested a review of language for Condition of Approval 4 and there was discussion regarding the language to be included. There was agreement that Condition of Approval 4 should be included as a plat note.

Commissioner Sigg assumed the Building Department would review the application in the context of the entirety of the Lodge. He mentioned that there were a lot of utilities that likely fall within the common area in the walls, and he assumed the Building Department would look at all of that and wondered if that should be mentioned in the Conditions.

Commissioner Van Dine stated that the Building Department would look at these issues and felt that they could count on the Building Department to do the job they are required to do. She added that if the Commission starts nitpicking everyone else's job that could become difficult.

Commissioner Sigg assured that he was not challenging anyone's expertise, but on the issue of good cause, he wanted to ensure that no other property owners would be affected by this combination. It was noted that these applicants had HOA approval and two other unit combinations had been approved. With that, Commissioner Sigg expressed satisfaction.

MOTION: Commissioner Shand moved to APPROVE 8200 Royal Street, Stag Lodge Phase I Units 11 and 12 – Condominium Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended, and set forth in the Draft Final Action as follows:

Findings of Fact

1. The property is located at 8200 Royal Street.
2. The site consists of Units 11 & 12 of the Stag Lodge Phase I Condominium development.
3. The property is in the Residential Development (RD) District.
4. The property is within the 12th Amended Deer Valley Master Planned Development.
5. On November 29, 2023, the property was posted and notice was mailed to property owners within 300 feet.
6. On November 29, 2023, Legal notice was published in the Park Record.
7. The City received a complete Plat Amendment application for the Stag Lodge Phase 1 Amended Plat, Amending Units 11 & 12 on November 16, 2023.
8. The proposed changes include combining Units 11 (2,272 sq. ft.) & 12 (2,283 sq. ft.) to make one 4,555 sq. ft. Unit by converting the Common Area wall between the two units to Limited Common area.
9. The hallway entrance at Unit 12 will be enclosed, increasing the square footage by 16.5 square feet.
10. The Stag Lodge Condominium development is limited to 52 Units with no Unit size restrictions.
11. The proposed amendment does not increase the number of Units.
12. No exterior changes are proposed.
13. The footprint of the structure will not change.
14. The proposed amendment does not alter the Open Space.

15. The proposed amendment is compliant with parking requirements, two spaces total.
16. The Applicant provided evidence of HOA approval for the Condominium Plat Amendment.

Conclusions of Law

1. There is good cause for the Condominium Plat Amendment to combine Units 11 & 12.
2. The Plat Amendment is consistent with the Park City Management Code and applicable State Law regarding Condominium Plat Amendments.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the Conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The Applicant will record the plat at the County within one year from the date of Planning Commission approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the Director of Planning.
3. All Conditions of Approval of the Stag Lodge Condominium plats as amended, and the Deer Valley MPD as amended, shall continue to apply.
4. A plat note shall state that the action of combining units does not entitle Stag Lodge to any additional square feet or new Units. This applies to all phases of the Stag Lodge development.

Commissioner Sigg seconded the motion.

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

7. WORK SESSION

- A. Temporary Structures Design Regulations** - The Planning Commission Will Review Proposed Standards for Temporary Structures Including Tents, Globe Shelters, Enclosures, and Other Structures Installed in the Historic Commercial Business and Historic Recreation Commercial Zoning Districts on a Temporary Basis.

Planner Tubbs reported that the Planning Commission held a walking tour of a few structures on Main Street to look at Temporary Structures in the Historic District. On October 4, 2023, the Historic Preservation Board held a Joint Work Session with the Planning Commission and both bodies recommended that the Planning team research guidelines for Temporary Structures and move toward enacting an ordinance to govern those structures. The Planning team researched several comparable resort towns with Historic Districts and discovered that none of them had design guidelines for Temporary Structures. Therefore, to their knowledge, Park City would be the first to enact such requirements.

Planner Tubbs directed the Commission to the proposed new section of the Code that would codify Standards for Temporary Structures in Historic Districts. The proposed standards were based on requirements for Primary Structures, and Staff worked on maintaining compatibility between primary structures and Temporary Structures, particularly when they have the seasonality component. With regard to Material Requirements, they want to ensure that the materials utilized on Temporary Structures are durable and of good enough quality to be able to withstand their use and the elements. She reported they were also recommending that the materials be non-reflective for the comfort of the general public.

Planner Tubbs reported that they recommended neutral colors be required, and specifically earth tone colors were recommended. She noted this was also a requirement for Primary Structures in the Historic Districts. No more than three different materials would be permitted on each façade, which is also a requirement for Primary Structures. Staff also recommended that the Temporary Structure utilize the same or similar materials as found on the existing Primary Structure. Staff recommended that any glazing would need to be clear and no finishes such as metallic treatments, frosting, or tinting would be allowed. It would also be required that there be an approximate similarity between the amount of glass on the Temporary Structure as there is on the Primary Structure, and the glazing would be required to be durable.

Lighting for the Temporary Structures would be required to comply with the Architectural Design Guidelines and be Dark Skies compliant. She also noted that this section of the Code would also prohibit any additional signage on Temporary Structures and allow only minimal decoration. Staff also recommended that any roof structure on a Temporary Structure be pitch, gabled, pyramidal, or shed roof forms, which are the predominant roof forms in the Historic District. Applicants would be encouraged to match the roof form of the Primary Structure. Staff also included a provision that any Temporary Structure could not be directly connected to historic materials. If an applicant wanted to attach a Temporary Structure to a historic building, she explained they would have to ensure that there was no actual physical attachment to those historic materials.

Finally, Planner Tubbs reported that Temporary Structures would only be permitted within the public right-of-way under a Special Event permit, a Master Festival license, or an Encroachment Agreement. The proposed standards were presented to the Historic Preservation Board last

week, and the Board recommended that fixed and stand-alone Temporary Structures be permitted to have some additional glazing and flexibility for the amount of window-to-wall. The Board also encouraged the allowance of glazing treatments such as tinting or frosting of windows on Temporary Structures in order to prevent occupants from experiencing excessive brightness or heat while using the structure. She also noted the Board recommended the City consider allowing additional exterior materials or more flexibility in the wall materials to encourage energy-efficient heating and cooling systems.

Planner Tubbs presented the draft language and invited the Commission to provide comments regarding the proposal or the walking tour. She reported these amendments would return to the Commission on a future date for a formal recommendation.

Chair Hall stated there would be no public hearing as this was a Work Session item. A public hearing would be held if and when this item comes back on the Regular Agenda.

Commissioner Van Dine asked how the changes would impact Riverhorse. Planner Tubbs stated that once the current enclosure is removed from that location, they would then go through the review process, and depending on the position of window tinting, the glass treatment might change. Additionally, the amendments might also result in an overall reduction of glass to be more consistent with the Primary Structure.

Commissioner Van Dine was interested in knowing what substantive changes Riverhorse would be required to make to comply and noted that the other Temporary Structures on Main Street already comply with the exception of The Yurt.

Chair Hall felt that The Yurt complies with the draft amendment. Planner Tubbs posited that The Yurt would not meet the new criteria because the walls are of canvas material and the glazing they used is film plastic. Chair Hall commented that of the three Temporary Structures the Commission viewed before tonight's meeting, The Yurt would not comply, Grappa and the Alpenglobes would comply, and Riverhorse would not comply because it was attached to the Historic Structure. Planner Tubbs added that the Riverhorse might also need to make some modifications to the Balcony Enclosure.

Planner Tubbs explained that the Alpen globes they viewed at Grappa and Butcher's would comply with these requirements because they were of wooden frame material. She noted that wood is a very common exterior material in the Historic District, and the glazing utilized on the dining globes is Plexiglas, which would be an allowed material under the new Code. She noted that given the lighting requirement, the lighting within those structures would still need to be Dark Skies compliant and comply with the Architectural Design Guidelines. Because there is so much glazing in the dining globes, they would want to prevent that light pollution. She explained that they would have to modify the light fixtures to be fully shielded and downward directed and otherwise Dark Skies compliant.

With regard to the balcony enclosure at Riverhorse, Planner Tubbs stated that the tinted glass might or might not be compliant, depending on whether the City determines tinted glass to be appropriate or not. She felt the overall amount of glass at Riverhorse might need to be evaluated, and the owner might look into blocking off some areas of glass so they would appear as a solid wall. Finally, The Yurt at Butcher's would not be compliant given the canvas walls and film plastic glazing on the windows.

Commissioner Suesser asked if the ceiling of the Riverhorse enclosure complied with the proposed amendment, and noted that the roof was frosted or textured. Planner Tubbs reported that would be non-compliant. Commissioner Suesser noted the feedback of allowing more flexibility for energy efficiency and asked if that was why the windows on the Riverhorse enclosure were tinted. Planner Tubbs explained that the feedback received from the operator of the Riverhorse enclosure was that tinting reduced the overall amount of heat and glare from the sunlight, and the Historic Preservation Board found that it would be appropriate to allow some flexibility in that regard to ensure that occupants were as comfortable as possible.

Planner Tubbs noted that the Historic Preservation Board's feedback had not yet been incorporated into the proposed language of the amendment, and explained that they wanted feedback from both bodies before they returned with revisions.

Chair Hall asked Planner Tubbs to explain the definition of Temporary Structure. Planner Tubbs acknowledged that some Temporary Structures seemed not very temporary, and explained that all Temporary Structures would be required to obtain approval in accordance with the other adopted sections. Those sections outline a certain time frame that those structures would be permitted to be up. For example, the Temporary Balcony Enclosures were permitted between November 1st and April 30th and must be removed each year. Assistant Director Ward reported that the Alpen globes had a 180-day maximum, but most of them have an allowed installation time that is reduced to 3 or 4 months. If an operator violates the maximum time allowed, Planner Tubbs stated it would typically go through the civil enforcement process.

Commissioner Frontero sought confirmation that the Temporary Structure at Riverhorse had not come down for three seasons. Planner Tubbs was unsure when it was last removed, but acknowledged it had been up for over one year. Assistant Director Ward added there were some exceptions during COVID-19, and the Temporary Winter Enclosure Pilot Program was scheduled for City Council consideration in their next meeting. She added that when this first came to the Council's attention, they allowed that structure to remain through April 2024; however, in general, there is a requirement for the date of installation and date of removal.

Chair Hall asked if there was a maximum size for a Temporary Structure. When Planner Tubbs replied in the negative, Chair Hall indicated she would be interested in exploring the maximum size and height of a Temporary Structure. Commissioner Suesser felt that would be site-specific and referenced the tent they permitted behind the Peaks and the tent at the St. Regis. Chair Hall noted that this amendment applied only in the Historic Districts.

Commissioner Frontero liked the Alpenglobe structures, and depending on the size of a deck, he would not feel the need to restrict the number. Commissioner Suesser agreed and mentioned the tent in Bob Wells Plaza during Sundance and other tents. She questioned the importance of trying to come up with a maximum size.

Commissioner Sigg raised the prospect of differentiating between special events and day-to-day operations. Assistant Director Ward reported that everything they were looking at under Title 15 of the LMC would be for a Temporary Structure that is not associated with a special event. The structures for a special event go through a different review and are governed by a different Code.

Commissioner Van Dine noted that this amendment would apply to very few properties. Planner Tubbs stated that Winter Balcony Enclosures applied to three properties on Main

Street. Overall, properties in the Historic Districts could request Temporary Structures, however, the majority would not be allowed to request a Balcony Enclosure.

Planner Tubbs noted that High West and Grappa were both Historic Structures and would not be permitted to enclose. Three properties could have Balcony Enclosures.

Chair Hall asked about the backside of Swede Alley. Planner Tubbs stated that Staff had not heard from operators on Swede Alley or Main Street regarding interest in enclosing portions of the buildings on Swede Alley. Commissioner Frontero asked if those operators would be prevented from installing an Alpen globe on their deck. Planner Tubbs reported that to install an Alpenglobe, an operator would be required to go through the Temporary Structure permitting process, but it was something these operators could pursue.

Commissioner Johnson supported the glazing section as written. He disagreed with the discussion before the Historic Preservation Board and did not feel they should be flexible on the glazing. He noted that if the structure at Riverhorse is taken down during the summer, heat is not an issue. During the winter, the heat might make it more efficient. He added that clear glazing was also more in line with the Historic District. He reiterated that he felt the windows should be clear and transparent. He noted an issue with the Plexiglas at the Alpenglobes as it scratches easily and might get fogged up.

Commissioner Johnson stressed that in the Historic District, and Main Street in particular, these structures were temporary and used to gain occupancy in the wintertime. If a space gets too hot, it would more likely be in the summertime when the structure is down. He noted there were no restrictions on umbrellas.

The Commission agreed with Commissioner Johnson's comments on glazing. Commissioner Shand noted there were other means of shielding the sun.

Chair Hall noted there was consensus that the Commission disagreed with the Historic Preservation Board in regard to window glazing.

Commissioner Sigg commented about consistency and what they observed at Butcher's where they had two different types of Temporary Structure. Having The Yurt next to the Alpenglobe looked random and he wondered the extent they could mandate that there must be uniformity to multiple Temporary Structures. He felt it was important to have a consistent look, and acknowledged it did not have to be over the whole street; however, for each applicant, there should be a consistency to the visual aesthetic. He also noted that at Grappa one could only circle the globe halfway, and wondered whether that was a Fire Code issue. He suggested also looking at the site planning of the structures in the space to ensure health, safety, and circulation.

Commissioner Sigg referenced the scale of the Balcony Enclosure at Riverhorse and observed that he could not see the façade of the building anymore. The aesthetic of that building has been dramatically changed and the Temporary Structure essentially masked the building. Finally, Commissioner Sigg mentioned connective finishes and suggested consistency to preserve the aesthetics in town. He commented that the connection at the Riverhorse seemed to be tacked together and did not look good. Commissioner Suesser agreed.

Commissioner Suesser did not understand why the Yurt clearly fell outside of the proposed amendment. Planner Tubbs stated that if the Commission wanted to recommend that canvas be a prohibited material, Staff could add that language. Chair Hall felt that the globes were minimally invasive, and the juxtaposition of them with the Yurt made the Yurt look bad. She felt it made more sense to have five globes for consistency. Commissioner Van Dine felt that part of the aesthetic was trying to get see-through structures so they still see the elements, and a yurt was completely contrary to that aesthetic. She felt they needed to either go in the direction of the globes, with clear glazing and being able to see through the structures or allow canvas or opaque structures.

Commissioner Johnson focused on the energy efficiency component that could be added. In terms of the Yurt, design aside, they had four large heating units, as opposed to one in the globes. From an energy efficiency standpoint, he felt they were contradicting their goals as a City by having that type of structure. He agreed that they do not want to obstruct the historic character, and suggested language to promote an energy-efficient design. Commissioner Suesser agreed.

Planner Tubbs reported that the yurt at Silver Star was outside the Historic District, and although there were several Historic Structures within the Silver Star development, if it is not associated or attached to one of those structures these provisions would likely not apply. Chair Hall felt that off of Main Street, yurts were wonderful, but agreed that on Main Street they felt very closed off. Commissioner Van Dine agreed.

Commissioner Suesser agreed that they should add language regarding energy efficiency and sustainability of Temporary Structures. She felt that might eliminate the ability of someone to install a yurt in the Historic District.

Commissioner Sigg asked about prohibiting certain types of Temporary Structures. Commissioner Frontero felt a list would be problematic and preferred being able to tell an operator what they could do rather than what they could not do. Commissioner Van Dine agreed. Chair Hall echoed Commissioner Sigg's earlier comments regarding the consistency of Temporary Structures at a given site. There was support for that concept.

Planner Tubbs appreciated the feedback and stated they would make changes and bring it back at a future date.

Assistant Director Ward reported that now that they have received the initial input, the next step would be obtaining stakeholder input and engagement. She clarified some approvals for Temporary Structures would be grandfathered in, so these amendments would apply moving forward. She noted that summer decks were not considered Temporary Structures because they are installed in the Right-of-way, but they have their own requirements and regulations. They are regulated through an Encroachment Agreement.

Planner Tubbs noted that the balcony at Riverhorse was in the Right-of-way, and explained that as part of their approval process, they obtained an Encroachment Agreement with the City Council.

Chair Hall announced that the public can always email planning@parkcity.org, and Commissioners could provide additional input to Staff.

Chair Hall announced that some of the Commissioners would meet at The Annex following this meeting.

8. ADJOURNMENT

MOTION: Commissioner Suesser moved to adjourn.

The meeting adjourned at approximately 8:05 p.m.

Approved 01.10.2024

Condominium Plat Amendment

Stag Lodge Units 11 & 12

Planning Commission
December 13, 2023



STAG LODGE

Stag Lodge Phase 1 Condominium Plat was recorded in 1985 and created a 24-unit condominium within the Stag Lodge development in Deer Valley's Silver Lake.

The Stag Lodge Condominium is limited to a maximum of 52 units with no unit size restrictions.

Combine Units 11 & 12 to one 4,555 sq. ft. Unit by converting the space between the two units from Common Area to Limited Common Area.

Similar combinations of units have been recorded for Units 3 & 4, and Units 25 & 26.



ANALYSIS

Stag Lodge HOA approved the Unit combination on 10/4/2023.

The proposal complies with the Residential Development Zoning District Requirements outlined in LMC Chapter 15-2.13, the Off-Street Parking Requirements outlined in LMC Section 15-3-6, and the Deer Valley Master Planned Development.

Proposed changes to are internal and do not alter the building Footprint or Open Space of the Lot.



ANALYSIS

The proposed Condominium Plat Amendment complies with the Land Management Code requirements to combine Units.

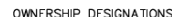
Staff recommends Condition of Approval #3, “All Conditions of Approval of the Stag Lodge Condominium Plats as amended, and the Deer Valley MPD as amended, shall continue to apply.”

RECOMMENDATION

Staff finds Good Cause as the proposed Condominium Plat Amendment does not alter the building Footprint or Open Space of the Lot, will have no negative impacts to the public, does not create any non-conformities, and is consistent with previously approved Plat Amendments for the Stag Lodge Condominiums.

Staff has not received any public input.

(1) Review the Condominium Plat Amendment; (2) hold a public hearing; and (3) consider approving the Plat Amendment subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Final Action Letter.



UNIT AREA TABLE

[illegible]

ASSOCIATION CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned, on behalf of Stag Lodge Owners Association, a Utah nonprofit corporation, having complied with the requirements of both Statutes and the Recorded Declaration hereby consents to the recording of this Condominium Plat Amendment.

Slag Lodge Owners Association, a Utah nonprofit corporation

By: C. Thomas Hopkins, President

ACKNOWLEDGMENT

State of _____)
County of _____)

On this _____ day of _____, 2024, C. Thomas Hopkins personally appeared before me, the undersigned Notary Public, in and for said County and State, being duly sworn, acknowledged to me that he is the president of the Stag Lodge Owners Association, a Utah nonprofit corporation, and that he signed the above Consent to Record for, on, and in behalf of all of the unit owners of the Stag Lodge condominium project acting as a group (under the name of the Stag Lodge Owners Association, a Utah nonprofit corporation) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Stag Lodge Condominium.

A Notary Public Commissioned in

Printed Name: _____

Residing in:

My commission expires: _____

Commission No.: _____

NOTES

- [illegible]

From: [deb](#)
To: [planning](#); [Rebecca Ward](#); [Council Mail](#)
Subject: [External] Inactive Applications - Please include in the Public Record
Date: Thursday, December 14, 2023 8:23:07 AM

Warning: Replies to this message will go to der0813@aol.com. If you are unsure this is correct please contact the helpdesk.

[CAUTION] This is an external email.

All,

The agenda for last night's Planning Commission meeting included a communication from staff regarding inactive applications. I assumed this was a result of Commissioner Suesser requesting clarification and information regarding inactive applications during the last Planning Commission meeting on November 29th, 2023.

Unfortunately, this item was omitted from the meeting. As no one on the Commission pointed out the item had been inadvertently skipped, it leads one to believe it was omitted on purpose and the Commission was advised that there would not be any communication on the matter and to not inquire about it during the meeting. Consequently, this leads one to believe advice from legal or perhaps the Mayor and Council was given to avoid any clarification or discussion on the matter. If it was staff needed more time, why not state that as is the usual protocol? So again, why not address?

Perhaps there was fear that the discussion might lend credence to the assertion the Deer Valley Snow Park application is indeed inactive and there are valid grounds for termination.

Perhaps it would strengthen the argument that the ROW vacation before the Council tonight, December 14th is also inactive.

There had to be a reason and it's not a very far leap to assume it was determined the timing was bad for an in-depth review or discussion of what makes an application inactive as it could negatively impact the Deer Valley applications and/or strengthen the public's assertions regarding the status of either or both applications.

Whatever the reason, this again raises the issue of transparency or lack thereof and it is both concerning and disappointing.

Please include this statement in the Public Record for the next Planning Commission meeting as well as the December 14th, 2023 City Council meeting.

Deb Rentfrow

[Sent from AOL on Android](#)

Approved 01.10.2024