



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
May 11, 2022**

COMMISSIONERS IN ATTENDANCE: Chair John Phillips, John Kenworthy, Sarah Hall, Laura Suesser (attended virtually), Doug Thimm, Bill Johnson, Christin Van Dine

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Spencer Cawley, City Planner; Browne Sebright, Planner II; Makena Hawley, Planner II; Mark Harrington, City Attorney; Heinrich Dieters, Trails and Open Space Manager; Alex Roy, Senior Transportation Planner; Julia Collins, Transportation Planning Manager

1. ROLL CALL

Chair Phillips called the meeting to order at approximately 5:30 p.m.

The following written determination was read:

The Planning Commission of Park City, Utah will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on Wednesday, May 11, 2022. Planning Commission members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically.

Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom through www.parkcity.org/publicmeetings. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

Chair Phillips reported that there had been a site visit at 4:00 p.m. for the Work Session item, 3805 Fox Tail Trail. Four of the Commissioners were present and one attended virtually. The limits of disturbance were staked on the property and a drone was flown at different elevations to provide a visual for the heights. Additionally, Commissioners walked around the site itself and looked at the trails. There were no discussions about the application itself during that time. It would be discussed in the Work Session.

2. PUBLIC COMMUNICATIONS

Deb Rentfrow had a question regarding the May 25, 2022, Planning Commission Meeting. She wondered if PEG would return to present at that time. Planning Director, Gretchen Milliken reported that PEG would not present at the May 25, 2022 meeting.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

A. Transportation Planning Project Update.

Chair Phillips informed the Commission that an appeal was filed for the Mountain Lifts upgrade plan, which was heard on April 25, 2022, during an Administrative Public Hearing. When an appropriate date for that appeal was determined, public notice would be provided.

Commissioner Thimm had already notified the Mayor, City Attorney, and Planning Commission that he would be stepping down as a Commissioner at the end of the month. However, he wanted to make that statement publicly as well. He appreciated the efforts of the Planning Commission and was grateful for the eight years he spent on the Commission. Chair Phillips thanked Commissioner Thimm for his service and dedication. He brought a lot to the Commission.

Director Milliken explained that there would be a broader recruitment plan for the Planning Commission as well as other Boards and Commissions within the City. Something would be launched as soon as next week and details would be shared on social media and the City website. Chair Phillips pointed out that two terms were ending in July 2022. The replacement process would begin at the same time. Director Milliken clarified that the positions that needed to be filled on the Planning Commission were as follows:

- Chair Phillips;
- Commissioner Suesser; and
- Commissions Thimm.

Those positions would be part of the broader recruitment plan, but current Commissioners were welcome to reapply. The City was looking for a robust applicant pool. Director Milliken reported that City Council Members would interview the applicants and make the final decisions. Due to their busy schedules, the appointments might not be made until July or August 2022. She would share further details with the Commission at a later date.

Senior Transportation Planner, Alex Roy, and Transportation Planning Manager, Julia Collins were present to overview a Transportation Planning Project Update. Planner Roy explained that this was not the only time the discussions would take place. There was already an agenda item scheduled for May 25, 2022, where there would be a deep-dive into Park City Forward, which was a long-range transportation plan. Other upcoming Planning Commission and City Council discussions included June 9, 2022, when there would be a Work Session with the Planning Commission, and in late June 2022, Park City Forward would be considered for adoption with the City Council. Throughout the summer and fall, there would be information about other projects.

There were four transportation plans currently in process, which included the following:

- Park City Forward (Long-Range Transportation Plan);

- Short-Range Transit Plan (S RTP);
- Park City Rail Trail Master Plan; and
- Park City Bike and Pedestrian Plan.

Park City Forward had been in the works for approximately four years and it was the overarching blueprint for transportation in Park City. It included multiple modes, different nodes, and covered the next 30 years. It was a broad outlook plan that was not overly specific toward any one node or project. The Short-Range Transit Plan was also in progress and it was partly necessitated by the split with High Valley Transit. It was the five-year capital operation plan for transit. The plan looked at the current buses and buses that could feasibly be added within the next five years. It would also look at how those buses would be deployed. The Park City Rail Trail Master Plan would look at the future of the rail trail and the Park City Bike and Pedestrian Plan would look at the next 10 to 15 years of active transportation in the community.

Planner Roy explained that the different transportation plans interacted with one another. Park City Forward was first as it was an overarching blueprint of transportation planning. Large concepts were broken out into different types of transportation and the projects varied between 1 and 25 years. One step down from that, there were more specific plans and projects, which included the Short-Range Transit Plan, Park City Rail Trail Master Plan, and the Park City Bike and Pedestrian Plan. From there, the focus would shift to the design and implementation process, where funding would be secured, and engineering and construction would be done. Planner Roy reported that the Park City Bike and Pedestrian Plan was currently on pause. However, first mile and last mile connections would be explored in other transportation plans. He stressed the importance of connectivity within Park City.

Commissioner Suesser wondered why the Park City Rail Trail Master Plan was not part of the Park City Bike and Pedestrian Plan. She felt it would make sense that the two would be connected. Trails and Open Space Manager, Heinrich Dieters explained that the Council initiated a separate project in April 2021 specific to the rail trail. The plan was proposed to come before the Planning Commission on June 22, 2022, so it could be reviewed before it went to Council.

Planner Roy thanked Commissioner Suesser and Commissioner Kenworthy for sitting on the Long-Range Transportation Plan Technical Advisory Committee. He further discussed Park City Forward and explained that the goal was to look at different travel segments: recreation users, seasonal employees, residents, year-round visitors, secondary homeowners, and cultural event visitors. Since this was an overall transportation blueprint, the plan could not be focused on any one user group. A resident would have a different travel pattern than someone that came to ski. That was recognized in the plan and there were two central questions to consider:

- What are we doing to address people coming into Park City?
- What are we doing to get around Park City?

Several regional projects had been identified through the planning process, such as working with the County on SR-224 High-Capacity Transit, reengaging with the Utah Department of Transportation (“UDOT”) on what could be done with the SR-224 corridor, focusing on park and ride facilities, working with resorts to make sure transit and active transportation were considered, and implementing peak day mitigation strategies. Getting around Park City was slightly different because there was a population base that needed to be considered. It was important to have strong connectivity for people who lived and worked in Park City. Planner Roy explained that the

intention was to focus on the rail trail and other active transportation, intersection improvements, bus stop improvements, and flexible transit zones. Through those tools, the hope was that the transit footprint would be expanded to areas that may not necessitate a fixed route line. Manager Collins reported that there were 90 projects in the long-range plan. There had been a robust three-year process, where feedback from the community was received. Additional information about the plan would be shared at a future Planning Commission meeting.

Commissioner Suesser felt that walkability should be included in Park City Forward. She noted that there was a bicycle and pedestrian component, but extending sidewalks, stairs, and pedestrian connectivity would fall under the category of walkability. She wondered how Park City Forward would address pedestrian needs. Manager Collins explained that Park City Forward was an overarching document and there were elements of walkability and bicycle connectivity sprinkled throughout. The community wanted to walk and bike more and had stressed the importance of being able to do so safely. Projects, programs, and policies had been selected to support that desire. Staff knew it was important to have an active transportation plan, but in order to do the Park City Bike and Pedestrian Plan justice, the themes from the Park City Forward needed to be incorporated into that and refined. For instance, if Park City Forward said: "Complete street enhancement zone in Old Town," the Park City Bike and Pedestrian Plan would consider what that looked like in a more detailed manner. She felt it was the best approach to put the Park City Bike and Pedestrian Plan on pause for the time being.

Commissioner Hall agreed with the comments shared by Commissioner Suesser and felt the walkability component should be at the forefront. It was extremely important to Park City residents. Manager Collins explained that the Park City Bike and Pedestrian Plan work would continue when there were the resources to do so. There was a plan for walkability improvements throughout the Bonanza District that Staff would work on advancing and constructing. A lot of grant money had been located for that purpose. There was a lot of work taking place throughout the City related to connectivity and walkability. Just because the Park City Bike and Pedestrian Plan had been put on pause did not mean that nothing was being done to address walkability. She noted that the work on the rail trail that Manager Dieters had done was extensive and there was coordination with Wasatch County and Summit County. There were different modal plans included in the Park City Forward plan and a specific portion was dedicated to bikes and pedestrians. It would be presented to the Commission in the future.

Commissioner Johnson was glad that the Park City Rail Trail Master Plan was moving forward but also felt that the Park City Bike and Pedestrian Plan should be a priority. He was in full support of the comments shared by the other Commissioners. Chair Phillips agreed, but also recognized the position of Staff as well as the resources needed. He believed the public outreach process needed to start as soon as there were resources available to do so. Chair Phillips understood that this was an introductory overview but asked that when Planner Roy and Manager Collins came back to the Planning Commission, it be made clear what type of input was desired from the Commission. The more that could be outlined ahead of time, the more robust the conversations would be. Commissioner Kenworthy and Commissioner Thimm echoed the comments shared by other Commissioners and felt that connectivity should be at the forefront.

4. WORK SESSION

A. 3805 Fox Tail Trail - Subdivision - The Applicant Proposes Creating One Lot from Parcel PCA-S-98-SEC-11 for a Single-Family Dwelling in the Estate Zoning District and One Parcel in the Recreation Open Space Zoning District. PL-21-04826.

Planner II, Browne Sebright explained that the Work Session item related to 3805 Fox Tail Trail, which was a subdivision application. The last time the item was presented to the Planning Commission, there were two applications: a subdivision application and a rezone application. The applicant representative had since decided not to include the rezone and it was now a subdivision application within the existing zoning boundaries. The dimensions had changed slightly and the project had shifted location, as described in the Staff Report. Planner Sebright noted that this would be the fourth meeting related to the application. It had been discussed by the Planning Commission in July 2021, October 2021, and February 2022.

The property had been in the City since 1992 when it was annexed. Subsequently, it was officially zoned and a portion of the annexed area was platted, which was Hidden Meadows Phase 1. Over time, the option to include Hidden Meadows Phase 2 had expired. As a result, there was now a piece of unplatted land that was proposed to be subdivided. Planner Sebright explained that this portion of the land was anticipated to be a lot within the larger Hidden Meadows area. He shared the original Hidden Meadows Annexation Plat and the Site Plan Per the Approved MPD map. The subject property was an unimproved lot, located between Hidden Meadows and PC Heights. The property was in the Estate and Recreation Open Space Zoning Districts. The zoning boundary ran diagonally through the property, with approximately three acres in the Estate Zone and the remaining property falling within the Recreation Open Space Zone.

Several development constraints needed to be considered for the property. For instance, the zoning boundary, the utility easement that ran through the property, and the protected ridge line area. The latter was outlined through the Sensitive Lands Overlay Ordinance. The proposed subdivision differed from the last proposal. Planner Sebright explained that the last proposal had a building pad that was further out onto the lot. The new proposal had a 3.9-acre lot that would be immediately adjacent to the cul-de-sac. The remaining 38 acres would remain as a parcel, to be dedicated to the City, so it could be preserved as open space. Within the 3.9 acres of Lot 1, which would be the privately owned portion of the lot, there would be a 16,000 square foot limit of disturbance. The portion of the lot within the Recreation Open Space Zoning District would have a conservation easement put on it.

An aerial image was shared with the Commission. Planner Sebright explained that the site visit that took place before the Planning Commission Meeting was focused on the limits of disturbance and outlining the contemplated maximum allowed heights. He overviewed the Analysis portion of the Staff Report, and Analysis III looked at the subdivision for lot and site requirements in the Estate and Recreation Open Space Zoning Districts. The maximum allowed building height in the Estate Zone was 28 feet and an additional five feet was allowed for roof pitches that were 4:12 or greater. That meant there was an absolute maximum building height of 33 feet. The ridge line was also an important consideration for the lot. The ridge line was protected from designated vantage points. There were two spots where the property could potentially be visible: Treasure Mountain and Utah Highway 248 at the turn-out one-quarter mile west of U.S. Highway 40. The newly proposed site meant it would not be visible from Treasure Mountain and there was only one vantage point. The applicant had submitted a new visual analysis.

Planner Sebright shared the Ridge Line Area Cross Section graph with the Commission. There was a fairly gradual hill, which was not too steep on either side. As a result, the significant area beyond the ridge line would not be visible from the designated vantage point. The applicant also provided additional renderings that were included in the packet. Analysis IV in the Staff Report talked about the Conditions of Approval that were recommended to comply with the general subdivision requirements. For instance, limits of disturbance, drainage, grade, vegetation protection, ridgeline protection, and trails. In the previous proposal, where the building pad was further out, there would have been impacts on the trail location and where the trails met the cul-de-sac. However, with the new location, the informal trail known as Fox Tail Cut would be removed. The other trail would remain in the existing location. He noted that there would be a dedication of a 10-foot easement for the trail on the property.

Analysis V in the Staff Report was related to maximum dwelling or unit square footage. The analysis was largely the same as what was shared with the Commission previously. Given the history of the adjacent subdivision, Staff determined lot and site requirements for maximum site disturbance and maximum floor area that were consistent with the larger lots of the adjacent Hidden Meadows Phase 1. The maximum site disturbance was 16,000 square feet and a maximum floor area of 10,000 square feet. That was not the footprint but the gross floor area for the entire home. Planner Sebright reported that the applicant had agreed to a minimum rental period of 12 months. Public comments had been received at the last Planning Commission Meeting related to the item and those comments had been incorporated into Exhibit L.

Staff recommended that the Planning Commission conduct a Work Session on the new proposal and continue the item to June 28, 2022, for action. The applicant representative, Doug Ogilvy was present to answer any of the Commission questions. Mr. Ogilvy noted that he had been in front of the Planning Commission several times and there had also been a lot of input from neighbors. The latest application tried to address all of the input received. He highlighted some of the previous concerns that had been raised by neighbors, such as nightly rentals. To address that concern, the 12-month rental restriction was agreed to. Earlier on, there were concerns about relocating Fox Tail Cut too close to Lot 25. With the elimination of Fox Tail Cut, which was no longer an issue. Fox Tail Trail would still be maintained. There were some comments from the owner of Lot 25 about the possibility of relocating the sewer easement across his property to reduce the impact. Mr. Ogilvy explained that he had worked with that neighbor and had reached an agreement to relocate the sewer easement so it was closer to the road.

Mr. Ogilvy reported that view studies had been done from Fox Tail Trail, even though it was not a designated viewpoint. There was a comment on the public record that stated the open space dedication would be of little value, but he felt there was a significant difference between 29 acres that the City had an opportunity to further develop trails on and 29 acres of privately held land. He noted that there had been comments about a 10,000-square-foot home not being consistent with the neighborhood, but there were half a dozen other properties in the neighborhood that were permitted to have a home that size. Mr. Ogilvy noted that the original proposal was to push the home to the east to mitigate impacts to neighbors, but a lot of neighbors were against the 800-foot driveway proposed. With the revised location, there would be a short driveway instead. He believed the new proposal was consistent with what was contemplated back in 1992. Mr. Ogilvy thanked Planner Sebright for his work.

Chair Phillips noted that there would be a 28-foot maximum height, with an additional five feet permitted for a steep pitched roof. He asked for more information about the building height.

Planner Sebright explained that the 28 feet, plus the five feet for a pitched roof, was a standard established in the Estate Zoning District requirements. In addition to that, the applicant was proposing an absolute maximum height of 71.35 feet, which was in relation to the lowest point of the saddle of the ridge. Any building beyond that height would be visible from the designated vantage point. In addition to the maximum height of 33 feet, a certain point would have a maximum cap as well, due to the topography. This made it more restrictive. Mr. Ogilvy explained that Figure 10: Ridge Line Areas Cross Section would provide further information on that.

Chair Phillips explained that during the site visit, he saw that some of the corners were as low as 25 feet from existing grade. The reason for establishing a secondary, more restrictive height limit was to protect the house from being visible from over the ridge. Mr. Ogilvy discussed the topography and stated that a simple elevation cap would make it easier to conform to the intent of the Ridge Line Ordinance. It would also mitigate impacts on the neighbors to the south and west of the property. As a result, the applicant had proposed the absolute maximum height.

Commissioner Hall asked whether the homeowners association ("HOA") would pay for street plowing for the subject property. It was clarified that it was a public street and it was serviced by the City. Mr. Ogilvy explained that the streets were built by the original developer, but the City had maintained them since then. Commissioner Suesser asked Planner Sebright if the subject property would have the five-foot exception for the building height. She noted that the exception was intended for specific types of pitched roofs. Planner Sebright explained that the requirements for building height in the Estate Zoning District would apply. 28 feet was the maximum height, but there was the exception for pitched roofs of 4:12 or greater. Commissioner Suesser did not like the idea of the absolute maximum height. She felt that the 28 feet, plus the exception if it applied, was more than appropriate. Mr. Ogilvy explained that Conditional of Approval 9 was intended to state that the lower height would be used, either under the Estate Zone requirements or the 71.35 feet. The condition language could be altered for clarity.

Commissioner Hall referenced Condition of Approval 24, which talked about the 12-month minimum rental. She thanked the applicant for including that but wondered whether the language in the condition could be tightened up further. She wanted to make sure there was no fractional ownership. It should be clear on the plat note what was permitted. Commissioner Van Dine and Commissioner Suesser agreed. Commissioner Suesser wondered if there would be a deed restriction with respect to the 12-month minimum rental. Planner Sebright reported that it would be included as a plat note. He believed a deed restriction would have the same functional effect as a plat note but could confirm that with the City Attorney. Commissioner Kenworthy agreed with Commissioner Hall and hoped there was a way to clearly restrict the language. Mr. Ogilvy explained that there was proposed language for the plat, but fractional ownership and Airbnb types of rentals could also be addressed. He would work with Staff on that.

Commissioner Kenworthy wondered whether the owner of Lot 25 was in support of the new proposal. Mr. Ogilvy reported that the owner of Lot 25 had indicated his support for the revised application. There was an agreement to relocate the sewer easement on his property. The owner of Lot 25 was on site earlier in the day and was satisfied with the resolution. That could be put into writing for the Planning Commission to review at the next meeting. Discussions were had about the on-site visit. Manager Dieters believed the open space would benefit the community.

Chair Phillips opened the public comment period.

James Letchford stated that he lives on Solamere near the mouth of Fox Tail Trail. He also serves as President of the Hidden Meadows HOA. While he understood that the applicant had addressed a lot of the concerns, a lot of issues were still outstanding. He believed the proposal only benefited the applicant. The Staff Report did not mention that the Hidden Meadows HOA was extremely resistant to the project. Mr. Letchford explained that there were many reasons for this. For instance, the applicant had not offered to become a part of the Hidden Meadows HOA. Additionally, the 12-month rental requirement had not been communicated to the HOA.

Mr. Letchford referenced a previous application that had been denied by the Planning Commission for a 100-foot addition. The proposal in this case was for a 10,000-square-foot home that would be in the middle of an existing neighborhood. There were runoff and wildlife impacts to consider. In addition, he felt that the proposal was not consistent with the neighborhood. Mr. Letchford stated that the applicant representative had not reached out to anyone within the Hidden Meadows HOA. He had not been invited to the site visit and was only now hearing about the new proposal. There were 40 homes in the Hidden Meadows HOA and there was 100% participation in a petition against the project. He asked that this be considered.

Phil Palmintere gave his address as 3790 Solamere Drive and explained that he lived in the Hidden Meadows HOA. He agreed with the primary points raised by Mr. Letchford. Mr. Palmintere explained that previously, he has asked Planner Sebright about the deed restriction versus a plat note. At that time, he stated that he was not an attorney and did not know for certain. Mr. Palmintere hoped the question would have been passed on to the City Attorney by this point. He was also concerned about the 10,000-square-foot building because it would be similar to a small hotel. If the subject property was its own subdivision with its own HOA, this indicated that the rules could be changed, regardless of the surrounding community. There were already some Airbnbs in the neighborhood that had caused real issues.

Mr. Palmintere was concerned that a large entity could purchase the parcel, build a 10,000 square foot, ten-bedroom home and use it as a corporate retreat on an ongoing basis. That was one way to get around a deed restriction related to rentals. He did not want to see that happen in the neighborhood. The simplest solution would be for the applicant to join the Hidden Meadows HOA. This would ensure that the property owner was part of the community and there were reasonable neighborhood conditions.

Nancy Palmintere was concerned that the subject property would have a separate HOA. Even if there was a restriction on the plat, the City would not be out there enforcing it regularly. The true enforcement factor was the HOA. Creating a separate HOA meant that the enforcement function would not work. The applicant would simply choose not to enforce infractions. Unless the applicant was part of the Hidden Meadows HOA that currently exists, she felt that the new proposal was not appropriate. It was wonderful that the City would receive extra land for open space, but it would be at the expense of the homeowners in the surrounding neighborhood. All of the neighbors were in agreement that this was not what was desired.

Bill Ligety noted that when the application was first proposed, the main objections had to do with the removal of scrub oak for the long driveway and the sewer easement. He was happy with the solution proposed by Mr. Ogilvy and agreed to a sewer easement across the lower part of his property. That easement resolved his concerns about scarring on the hillside. Mr. Ligety did not object to the new proposal based on the sewer situation and the work that had been done.

There were no further comments. Chair Phillips closed the public comment period.

Chair Phillips explained that the proposal had gone through all the right processes. He commended Planner Sebright for his hard work and the thorough Staff Report. The City had followed all proper procedures in noticing. Additionally, conditions were proposed that were not typical and he felt that a lot of effort had been put into the proposal. The applicant had also tried to address neighborhood concerns. Chair Phillips did not believe the Planning Commission could require the applicant to join an existing HOA. While the Commission understood the concerns that were expressed related to rentals, certain limitations need to be considered. The Planning Commission had already requested that Staff come back with stronger language and he hoped that the public could appreciate that.

Commissioner Thimm felt it was important that Staff, along with the City Attorney, formulate a note on the plat, Condition of Approval, or a deed restriction that ensured there would not be nightly rentals. Commissioner Suesser shared additional comments related to the application. Even though the applicant had been before the Commission several times, this was a very different proposal. She believed a Steep Slope Analysis should be conducted for the new building location on the site. In addition, the significant vegetation on the site needed to be identified. The building site was in a Sensitive Lands Overlay and that required the protection of the ridge line as well as steep slopes and significant vegetation. She did not believe the Staff Report adequately addressed those concerns. For instance, Condition of Approval 11 was inadequate, because the natural drainage of the site needed to be determined, identified, and preserved. Condition of Approval 9 and Condition of Approval 24 needed to be clarified. Commissioner Suesser was curious whether there was an argument to be made that the landowner must be brought into the Hidden Meadows HOA. She hoped to hear from the City Attorney about that.

Mr. Ogilvy addressed some of the public comments. He apologized that he had missed Mr. Letchford in his communications. He had communicated with 29 of the neighbors after searching through all of the email comments. It had been pointed out numerous times that this was a distressed property. Mr. Ogilvy explained that he was a representative of Wells Fargo Bank, which foreclosed on the property. Wells Fargo Bank was trying to recover from the significant losses it had experienced. The proposal was within their rights as this was entitled land since 1992. They were asking permission to develop 16,00 square feet of a 33-acre parcel. That was one-quarter of an acre out of a 33-acre parcel. He did not feel that was an unreasonable request. The Palmintere's were accusing him of trying to build a 10,000-square-foot hotel, which was not the case. He was not a developer. He was moving forward with a single-lot plat, which could be sold to someone else, who could build a home there. There would be a clear restriction against any short-term rental uses and he was confident that between Staff and the Planning Commission, there would be a way to create clear language about that.

The Steep Slope Analysis had been previously prepared but was not included in the packet. Mr. Ogilvy explained that it would be shared with Commissioners. The significant vegetation was the scrub oak, which could be seen in aerial photographs but could be clearly identified to meet the request from Commissioner Suesser. He would also obtain a letter from an engineer to confirm that there was no natural drainage on the site. Planner Sebright explained that there was a Steep Slope Analysis for the entire lot. In the past, the applicant had provided an overlay with the previously proposed limits of disturbance placed on top of the Steep Slope Analysis map. Mr. Ogilvy confirmed that this would be done for the new location as well.

Chair Phillips noted that during the site visit, the Commission had seen where the limits of disturbance were proposed. He guessed that the perimeter of the building pad exceeded no more

than 10% from corner to corner. It was likely the flattest part of the entire lot. Mr. Ogilvy reported that a Steep Slope Analysis had been done for the formally proposed 9-acre lot. The new proposal was a portion of that and there was 0-10, 10-20, and 20-30 on the slope analysis. Commissioner Suesser asked to look at Exhibit E. That showed the slope and she wanted to better understand where the lot was located within that area. Chair Phillips was comfortable with the direction the Commission had given and asked that the updated analysis be shared. Planner Sebright reported that the item would return to the Planning Commission on June 28, 2022. There would be further discussion at that time as well as a possible vote.

B. Land Management Code Amendments - The Planning Commission Will Conduct a Work Session on Fractional Ownership of Single-Family Dwellings in Residential Zoning Districts. PL-22-05210.

City Planner, Spencer Cawley explained that the Work Session item related to Land Management Code amendments for fractional ownership. Prior to the meeting, Staff received written public input, which had been forwarded to the Commissioners. Planner Cawley shared background information on fractional ownership and explained that it was percentage ownership in an asset. Various ownership percentages existed, but locally, it was common to see a fourth or an eighth. This was a common investment structure that was used for expensive assets or luxury goods, such as vacation homes, vehicles, and aircrafts.

Planner Cawley overviewed the structure of fractional ownership. He explained that real estate typically involved a management company and ownership was created through an LLC. Management companies would oversee the regular upkeep and the operations of the property. Fractional ownership was becoming increasingly popular because it offered affordability for shared ownership and a shared title. It also allowed the owners to split the benefits of the asset. There were also shared responsibilities and costs for things such as furnishings and upkeep. The management side also handled maintenance, cleaning, and scheduling of the use. Planner Cawley noted that there was flexibility about when someone could use the asset.

Fractional ownership allowed many different types of people to invest in the asset. It may be more financially attainable and it also meant there would be less responsibility. As a result, there were many reasons people were attracted to this type of homeownership. Planner Cawley reported that in the General Plan, there was a section that discussed the importance of community. Goal 7 talked about creating diversity of primary housing opportunities. Underneath that goal was Objective 7B, which was to maintain a majority occupancy of full-time residents within primarily residential neighborhoods. The General Plan acknowledged neighborhoods where secondary homeownership and nightly rentals were appropriate to support the City's resort economy. Typically, those were not single-family neighborhoods.

Planner Cawley reported that the City already had definitions and codified language related to timeshares and private residence clubs. Timeshares were a Conditional Use in the Residential Commercial, General Commercial, Historic Commercial Business, and Historic Recreational Commercial Zones. Private residence clubs were also a Conditional Use in those zones but had an expanded use in Residential Development, Residential Development-Medium, Recreation Commercial Overlay, and Light Industrial. Those were typically multi-unit dwellings that existed in commercial zones and zones that were nearby the resorts. However, fractional ownership was typically seen in single-family dwellings in residential zones or neighborhoods.

The purpose of the Land Management Code amendments was to clarify and define the difference between timeshares, private residence clubs, and fractional ownership. The amendments would also require that there be a Conditional Use Permit and would prohibit fractional ownership in primarily residential zones. An active Business License would be required as well. Planner Cawley shared an example paragraph that the City Legal Team had produced. The language would create further clarification. As for the Conditional Use Permit requirement, this would be consistent with timeshares and private residence clubs. It would require Planning Commission review, which would trigger a public notice to property owners within 300-feet. This would ensure that neighbors had an opportunity to share their comments.

The proposal was to prohibit fractional ownership in primarily residential zones. Planner Cawley overviewed the zones where fractional ownership would be permitted, which was consistent with timeshares and private residence clubs. Chair Phillips wondered whether it would be an allowed use or a Conditional Use. Planner Cawley clarified that it would be a Conditional Use. He pointed out that in the Residential Development Zone, there were specific subdivisions that had gone through the process of restricting nightly rentals. Those same subdivisions could restrict the use of fractional ownership. Commissioner Suesser asked about zones that allowed nightly rentals, such as certain areas in Old Town. Director Milliken explained that one of the permitted zones was the zone around the Park City Mountain Base area, but it was not permitted in HR-1 Zones or other historic residential zones.

Commissioner Suesser asked whether the City had the authority to restrict fractional ownership to certain sections of Park City. City Attorney, Mark Harrington explained that were ongoing battles related to nightly rental authority, but some good progress had been made. Park City had been one of the first jurisdictions to regulate fractional condominiums in the past. That had been successful and they were able to maintain a steady percentage of primary residences versus secondary residences, despite the growth that Park City had incurred over the past 30 years. He felt that was in part due to those restrictions. There was an argument to be made that fractional ownership more closely resembled a nightly rental than a timeshare. If that was the reason the City had chosen to regulate the use, it would be possible to allow fractional ownership in areas where nightly rentals were permitted as Conditional Uses. The initial Staff recommendation was more restrictive and mirrored the timeshare and other fractional condominium zones. It was a fairly complicated recommendation and he expected that there would be interest Statewide.

Planner Cawley shared a map that illustrated the zones where fractional ownership single-family homes could potentially exist. There would be a clearer map provided in the future as the discussions continued. The final proposal was that an active Business License would be required for fractional ownership. He clarified that the ownership model was being regulated and not the property, and requiring a Business License would help with tracking and enforcement. The staff planned to return to the Planning Commission on May 25, 2022, with a possible recommendation made to the City Council on June 23, 2022. The Commission overviewed the map further. Chair Phillips asked that the map be made clearer ahead of the May 25, 2022, Planning Commission Meeting. Director Milliken noted that another map was not included, which showed the primary residences versus the secondary residences. The zones overlapped with that and it would be shared in the future.

Commissioner Hall wondered how the City would know that there was fractional ownership. Director Milliken explained that if an LLC or a fractional ownership company were to purchase a property, a Business License would be needed to run that fractional ownership. That would need to be done through the City. Commissioner Hall asked what would happen if someone did it on

their own instead of through a management company. Director Milliken stated that this was only intended to regulate business entities. Chair Phillips pointed out that a lot of people formed LLCs just to buy an individual property. He wanted to understand how that could be differentiated. It was also important to consider enforcement methods.

Commissioner Hall asked what the consequence would be for someone who did not get the necessary Business License. Attorney Harrington explained that it would be possible to use all of the enforcement options within the code. Coordination with the State would be important to make sure the City was consistent with the Real Estate Commission's actions as well. Chair Phillips pointed out that the majority of the public input received so far was related to Aerie. Director Milliken explained that fractional ownership would not be recommended in the Aerie area.

Commissioner Hall wanted to know if it was possible to increase the consecutive nights that an owner would need to be present, from 30 days to 60 days. She also suggested that fractional ownership be banned in an HOA that bans nightly rentals, even if that HOA had not gone through the formal process to have them banned through the City. She also wondered whether the Conditional Use Permit would be administrative. Director Milliken clarified that the Conditional Use Permit would go in front of the Planning Commission. Attorney Harrington explained that all of the questions presented by the Commission would be addressed in the next Staff Report.

Commissioner Thimm noted that the proposed language would prohibit fractional ownership in primarily residential zoning districts. He wondered what would happen if a home was willed to more than one child. For instance, whether that would be prohibited by the fractional ownership regulations. This was denied. Director Milliken explained that the language was directed towards LLCs with a management company, where there was a fractional ownership business model. Chair Phillips felt it was important to stay ahead of these types of issues and thanked Staff.

Chair Phillips opened the public comment period.

Stephen Beem reported that he is an Aerie homeowner and has been a lawyer for 48 years. Fractional ownership has exploded in the last several years. An LLC was formed and then a one-eighth membership interest was sold. Once there were four buyers, according to the operating agreement, they closed. If all the memberships did not sell, they were listed with the Board of Realtors. One share was listed currently for a home on Aerie Circle. Mr. Beem passed around a summary from the City Attorney's Office in Palm Springs, where fractional ownership had been shut down. Fractional ownership was a timeshare and timeshares belonged in zoning districts where that type of use was permitted. He appreciated the work done by Planner Cawley. Most people who live in single-family subdivisions do not want eight different owners of a house nearby. Fractional ownership was a business and not a residential family home.

Craig Kipp stated that he had been in contact directly with people in areas around the country who were dealing with similar issues. There was a website (<https://stoppacasonow.com/>) that outlined what other areas were doing to tackle this issue. This was a significant problem and he encouraged Staff and the Planning Commission to look at what had been done elsewhere. Mr. Kipp explained that companies like Pacaso tried to say that fractional ownership was solving the housing crisis, but this made the housing crisis worse because private residences were taken off the market to become timeshares. Once a house was under fractional ownership, the house would never become a single-family residence again, because it would be difficult to get that many people to agree to sell it back to one single owner. As a result, the six fractional ownership homes in Park City that were owned by Pacaso would likely remain. Mr. Kipp believed there would be

hundreds of these types of homes in Park City within the next few years. He appreciated everything the City was doing to try to stop this use in single-family residential areas.

Brad Smith stated that he is a resident of a home within an HOA. He noted that this was a tough issue legally and it would require tough decisions and hard work. He encouraged Staff and the Planning Commission to seek partners, such as HOAs, to help resolve this problem appropriately. Everyone seemed to be on the same page. HOAs could assist with enforcement. Mr. Smith believed this was a significant issue facing the City and the proposal was a good start.

There were no further comments. Chair Phillips closed the public comment period.

Commissioner Kenworthy asked how the different neighborhoods would be noticed. Director Milliken explained that only the zones where fractional ownership would be prohibited would be contacted. Assistant Planning Director, Rebecca Ward reported that this would result in 6,000 postcards. Commissioner Hall wondered if there would be an outreach to real estate organizations to inform them of the amendments once they were passed. Director Milliken noted that there could be some outreach there to update the Board of Realtors and others.

Commissioner Johnson wondered why Residential Development-Medium was included as a Conditional Use. It was unlikely that there would be an application there, but it might be better to have that as a more restrictive area. There were only three sections that were zoned that way. Otherwise, he was in full support of what had been proposed. Director Milliken believed the reason the zone had been included was due to the proximity to the resorts. City Attorney Harrington added that it mirrored the zones that allowed timeshares and fractional condominium uses. Commissioner Suesser wanted to understand whether fractional ownership would be allowed in neighborhoods that currently allowed nightly rentals. The impacts were very similar between the two uses. For instance, Old Town homes near the resort. Attorney Harrington denied this. There would be additional clarity provided with maps and materials at the next meeting. Commissioners discussed the impacts of fractional ownership in residential neighborhoods.

5. REGULAR AGENDA

A. 401 Silver King Drive, Unit 75 - Condominium Plat Amendment - The Applicant Proposes Amending the Plat to Accommodate an Interior Remodel of Attic Space Identified as Common Space on the Existing Plat for Snow Flower Condominiums in the Recreation Commercial Zoning District. PL-22-05167.

Planner Cawley shared information related to the Snow Flower Condominiums Fourth Amended Plat. The owner of Unit 75, Cindy Palombo was present at the Planning Commission Meeting. Planner Cawley reported that Unit 75 was located just off of Silver King Drive and the parking lot of PCMR. He explained that 401 Silver King Drive was a multi-unit condominium with 82 units. It was located within the Recreation Commercial Zoning District and the condos were approved by the Planning Commission in 1978. In 1992, common attic space was converted to private attic space, but the plat was never amended to reflect that change.

The existing plat showed the main level, where there were no changes proposed. It also showed the loft level with the attic space, which was common ownership, and the spaces that were considered private ownership. In 1992, the HOA met and decided to convert the attic space to

private ownership space, which was approximately five units, including Unit 75. An amendment was made to an Exhibit in the Covenants, Conditions, and Restrictions ("CC&R"), and that was recorded with the County. However, there had been no plat amendment process. Planner Cawley shared images of the proposed plat and compared it to the existing plat.

The current owner purchased the unit in 2020, but the owner prior to that did turn the attic space areas into bedrooms. When the current owner purchased the property, those bedrooms were already converted. When they came to the City to apply for a Building Permit, the Planning Department saw that there were inconsistencies with the plat. That had triggered the plat amendment process. The only change proposed by the current owner was to enclose four feet to have laundry in a private area. The proposed plat amendment complied with the Recreation Commercial Zoning District requirements and all of the proposed changes to the plat were restricted to the building interior. No structural changes would be made. The proposal, as conditioned, also complied with the parking ratio requirements.

Planner Cawley shared the existing plat for parking, which showed that there were 51 parking spots within each condominium building, resulting in 102 parking spots overall. He had spoken to the manager of the HOA, who stated that there was one parking spot per unit. There would therefore be 84 parking spots, with four parking spots off-street for guest parking. However, under the current Land Management Code, the amended plat showed that there was 2,387 square feet, which triggered the requirement of two parking spots for the unit. Staff recommended a Condition of Approval that the HOA satisfy the parking requirement for Unit 75 prior to recordation. Otherwise, the applicant would need to seek a determination of substantial compliance and affirmatively limit their unit to one parking space. The proposal complied with the Land Management Code section related to plat amendments and Staff found good cause for the Condominium Plat Amendment. No public input had been received and public notice was distributed appropriately.

Staff recommended that the Planning Commission review the proposed Snow Flower Condominiums Fourth Amended Plat to amend Unit 75, hold a public hearing, and consider forwarding a positive recommendation to City Council for consideration on June 9, 2022.

Chair Phillips was generally in favor of the application. Commissioner Hall asked if the applicant had spoken to the HOA about the 2 parking stalls. Ms. Palombo reported that the HOA had a rule in the CC&Rs that each unit would only have one parking spot per unit. She only had one car and did not rent out her unit, so a second parking spot would not be needed. Commissioner Hall believed that if the HOA would not grant the 2 parking spaces, the applicant would be limited to one space. This was confirmed. Attorney Harrington explained that there were several different options to satisfy the parking requirement. Additional action may be required before the plat could be recorded. Commissioner Hall wondered whether there would be similar types of applications in the future. Attorney Harrington believed there could be at least four from the condominium.

Chair Phillips opened the public hearing.

Jennifer Booth reported that she is the General Manager at Snow Flower Condominiums. There were 142 units and 142 total parking spaces. Additionally, there were two separate HOAs. The amount of parking was unlikely to change because each unit received one parking spot. There seemed to be some concern from the Commission that the other owners would try to pursue the additional attic space and use this application as a precedent. However, there were only 10 to 12 condominiums that even had this option. She did not foresee it being an issue.

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

MOTION: Commissioner Hall moved to forward a positive recommendation for the City Council's consideration on June 9, 2022, for 401 Silver King Drive, Unit 75 - Condominium Plat Amendment – PL-22-05167, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. Snow Flower Condominiums Plat was approved in 1978.
2. The property is located at 401 Silver King Drive, Unit 75.
3. The property is listed with Summit County as Parcel number SFL-75.
4. The property is in the Recreation Commercial (RC) Zoning District.
5. In 1992, the Snow Flower Condominium HOA amended Exhibit C of the Condominium Declaration to convert attic space from common ownership to private ownership for Unit 75.
6. This Plat Amendment accurately identifies the Area of private ownership for Unit 75.
7. The total area of Unit 75 is 2,387 square feet.
8. The proposal complies with Land Management Code Chapter 15-2.16, Recreation Commercial (RC) District.
9. In 1978, Parking requirements for PUDs were guided by the LMC but Planning Commission approval was not limited to these requirements.
10. At the time of development, the parking requirement for the Snow Flower Condominiums was 115 parking spaces—a minimum of eight (8) spaces, with 1.5 spaces for each additional unit over five (5) for a Multi-Unit Dwelling.
11. The current LMC requires two (2) parking spaces per Dwelling Unit with a Floor Area greater than 2,000 square feet in a Multi-Unit Dwelling.

Conclusions of Law

1. There is Good Cause for this plat amendment because existing conditions are memorialized and the 1992 HOA changes of common area into private area.
2. The Plat Amendment is consistent with Land Management Code Section 15-7.1-3(B), Section 15-7.1-6, and Chapters 15-2.16 and 15-7.
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 shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one year, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Prior to recordation of the Plat Amendment, the Applicant Shall gain HOA approval to satisfy current Off-Street parking requirements of two (2) parking spaces. Otherwise, the Applicant shall seek a determination of substantial compliance and affirmatively limit the parking to one (1) space.

Commissioner Van Dine seconded the motion.

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

- B. 2346 Park Avenue - Conditional Use Permit - Applicant is Requesting Use of a Temporary Structure (Tent) at the Peaks Hotel for a Longer Duration Than the Land Management Code Allows Without an Approved Conditional Use Permit. PL-22-05132.**

Planner II, Makena Hawley shared information related to 2346 Park Avenue, The Peaks Hotel. She explained that the application was for a Conditional Use Permit. There were two proposals in front of the Planning Commission, including a request for a temporary structure (tent) to be located in the rear section of the courtyard for a total of 180 days out of the calendar year, and a parking reduction to allow the applicant to pursue an Administrative Conditional Use Permit for outdoor use and outdoor dining for the Versante on the Lawn event in the summer.

Planner Hawley read from Land Management Code §15-4-1-16(A)7, which stated that a tent could not be installed longer than 14 days or more than 5 times per year on the same property or site unless the Planning Commission approved a Conditional Use Permit. The Peaks Hotel purchased a 20x40 tent during the COVID-19 pandemic to support distancing and safety measures. That tent had been used on and off over the last two years. The tent had also been useful for morning yoga, breakfast outside, and other events at the hotel. Planner Hawley shared the Site Plan and an aerial image of the property. She overviewed some of the other hotels that had similar types of Conditional Use Permit approvals in the past. The tent proposal complied with the FPZ and RDM zoning requirements. Staff found that Conditions of Approval could effectively mitigate the effects of the proposal.

The Peaks Hotel was also requesting a parking reduction to support outdoor use and outdoor dining. Planner Hawley explained that Versante on the Lawn was initially an attempt to adhere

to higher protocols during the COVID-19 pandemic. The outdoor dining and use, which was largely food and beverage stations as well as music, could be approved through an Administrative Conditional Use Permit. However, it could not be approved as proposed because there was not sufficient parking, according to the Land Management Code. The only way the proposal could be compliant was if the Planning Commission was able to reduce the parking requirement.

The Peaks Hotel had 129 parking spots on site. Based on the current requirements, the hotel would require 164 parking spaces. The hotel currently did not meet the required parking standards. Adding the tent would increase the requirement by 4 spaces and adding the outdoor uses would increase the requirement by 8 spaces. That meant the total would be 176.2 spaces. The Peaks Hotel completed a parking study during their peak winter month in February, when the hotel occupancy was at 92%. During that time, the report noted that the parking occupation was less than 70 spaces or just over 50% of the total spaces available. Planner Hawley noted that the parking requirement may be high for The Peaks Hotel because the current code did not account for overlapping uses on the same property. Less than 50% of hotel guests stayed without a vehicle and approximately 20% of diners at Versante were guests of the hotel.

The tent would not be used by the general public, but by hotel guests. Alternatively, the outdoor use would be open to the public. Planner Hawley reported that both Versante on the Lawn and the tent had been used for the last two years and there had been no formal complaints recorded with the City or the Police Department. There were also two bicycle racks for guests to use, a walking path across the parking lot, and a bus stop in front of the hotel. In addition, Versante provided 20% discounts to visitors who arrived by bus or bicycle to the restaurant. One of the Conditions of Approval was that The Peaks Hotel would complete an additional parking study in August to further determine parking sufficiency for Versante on the Lawn.

The Planning Department was willing to support Versante on the Lawn, but it did have the capacity to increase parking impacts on the surrounding area. As a result, there were many Conditions of Approval suggested mitigating the possible impacts. If the event seemed to create issues and there was not sufficient parking, there were conditions in place to address problems. The Peaks Hotel General Manager, Stephanie Samuels was present to answer any Commissioner questions.

Chair Phillips noted that the tent structure had worked well in similar areas. He did not believe there had been an issue with the use and was supportive of it in the proposed location. As for the outdoor use, he had some concerns related to parking. The use might push the parking into surrounding neighborhoods. Ms. Samuels addressed those concerns and explained that the underground parking was underutilized. The intention was to have additional signage to inform visitors about the underground parking and to open the garage doors for all visitors to use during Versante operating hours.

Commissioner Van Dine explained that she lives near the subject property and dines at the restaurant regularly. It was always crowded in the summer and it is often difficult to find parking when Versante on the Lawn was taking place. The parking drifted into the neighborhoods, which was problematic. While she enjoyed the event and felt it was beneficial to the community, parking was an issue that needed to be addressed. She was interested to see what the August study would show. Commissioner Van Dine suggested that hotel guests use the underground parking so the surface parking would be left for visitors. She expressed concerns about the lighting and wondered whether appropriate timing for the lights could be enforced. She was in support of the tent use on the property. Commissioner Suesser agreed with the comments shared.

Commissioner Johnson explained that he lives near the hotel. He asked that a Parking Mitigation Plan be done before either of the requests were approved. Right now, parking during special events was not working as there tended to be an overflow into other areas. Chair Phillips made note of the many Conditions of Approval. He believed the number of conditions showed that there were issues to mitigate. He believed additional studies needed to be done so the conditions could be as clear as possible. Commissioner Kenworthy wondered why a study would be done in August. Ms. Samuels stated that the study could be done in June instead, but August was the peak of the season. Planner Hawley felt it made sense to do the study at the peak of summer, but some type of Parking Mitigation Plan could be done ahead of time. Chair Phillips liked the suggestion. If the item was approved, it would need to be heavily conditioned.

Commissioner Hall was supportive of the proposal but agreed with the concerns that had been expressed about parking. For the tent use, she believed there should be a Condition of Approval for events intended for non-hotel guests. Those guests could be required to arrive by public or active transportation. Ms. Samuels reported that bicycle racks had been purchased to accommodate visitors who arrived on their bikes. There had also been discussions about signage to ensure that all guests and visitors parked appropriately. She was open to any suggestions and offered to work with Planner Hawley on a plan of action to address concerns.

Chair Phillips asked Ms. Samuels to bring as much information as possible back to the Commission. Additionally, a Parking Mitigation Plan would be beneficial. It was important to hear from neighbors in the surrounding area as well. He wondered whether the Commission could approve the tent portion and then approve the outdoor dining request at a later date. Commissioner Thimm asked if a Traffic Engineer could come and look at the existing numbers and analyze the data. Some sort of plan could be established from there. He noted that valet parking could allow for additional vehicles to be parked in the underground garage. Having information for the Commission to analyze further would be beneficial. Chair Phillips agreed. He also asked that Ms. Samuels be prepared to explain how mitigation efforts would be enforced.

Commissioner Van Dine asked what would happen with the tent until the item was approved. She wanted to understand whether an Administrative Conditional Use Permit would be needed. Chair Phillips explained that The Peaks Hotel would continue to operate as it was currently. That was why he wondered if the item could be separated into two. Director Milliken explained that it was possible to do so. Planner Hawley stated that if the Commission approved the tent portion of the application, the hotel could get a Fire Permit and have it up for 180 days within the next calendar year. As for Versante on the Lawn, if it was continued, the activities would be on hold until the item was approved. Discussions were had about the timeline for a Parking Mitigation Plan. Ms. Samuels explained that the plan was to open on June 18, 2022. She believed some sort of plan could be completed within the next two or three weeks. Planner Hawley suggested that the outdoor use portion of the application be continued until June 8, 2022.

Chair Phillips opened the public hearing.

Derek Howard gave his address as 2258 Jupiter View Drive and was present representing the Parkview Condominiums HOA. The condominiums are immediately east of The Peaks Hotel and looked out onto the tent. The Staff Report stated that from Jupiter Drive, the tent was somewhat visible, but that was not true. He was able to see the entire tent from there. The roof and walls of the tent could be seen from Jupiter View Drive. While he understood the tent was initially used because of the pandemic, he did not feel it should continue to be used. It was appropriate for one event here and there, but not for 180 days of the year, since it was completely visible to residents.

As for Versante on the Lawn, the HOA was initially in support of that, but the parking became a serious issue. In the second year, the parking issues did not approve and illegal parking continued to take place. Mr. Howard did not support the tent use and felt that if parking was not resolved, it did not make sense to allow Versante on the Lawn to continue either. Parking on Jupiter View Drive was out of control and adding this outdoor use would continue to cause issues for residents. The Parkview Condominiums HOA was not in support of either part of the application.

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

Commissioner Kenworthy believed that Versante on the Lawn was an extremely unique experience and noted that it was popular. He appreciated the feedback from the public about the parking. Chair Phillips believed the outdoor occupancy needed to be regulated. Commissioner Suesser felt that part of the solution was utilizing the underground parking. It was necessary to maximize that usage to alleviate the ongoing parking issues. The Peaks Hotel guests should be required to park underground. Commissioner Hall agreed and noted that many residents did not know that there was underground parking to use. She was excited about the addition of the bicycle racks because it was a unique mitigation strategy.

Ms. Samuels explained that due to the size of the lawn, only 12 picnic tables were allowed to be put out for Versante on the Lawn. Chair Phillips explained that a diagram with seat counts would be needed. This would also be useful for the Parking Mitigation Plan. Chair Phillips wondered how Versante on the Lawn had been allowed to take place the last couple of years. Director Milliken explained that it was an Administrative Conditional Use Permit for the season. Commissioner Suesser encouraged the applicant to implement parking strategies immediately to help alleviate the problems that already existed. Director Milliken explained that Staff could look into temporary permissions until something more permanent could be put in place. Chair Phillips agreed with Commissioner Suesser that parking strategies should be implemented immediately.

Discussions were had about the tent use. Commissioner Hall was concerned that the nearby neighbors were against the continued use of the tent. Chair Phillips believed it may be beneficial to continue the entire item. All of the Commissioners agreed. Commissioner Suesser asked for an analysis of whether the tent was still necessary and for additional information about the uses. Planner Hawley suggested that the item be continued to June 8, 2022, but Director Milliken asked that it be continued to a date uncertain so she could determine the soonest possible date. Further discussions were had about the additional materials needed and an appropriate meeting date.

MOTION: Commissioner Thimm moved to continue PL-22-05132 – 2346 Park Avenue – Conditional Use Permit to May 25, 2022. Commissioner Hall seconded the motion.

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

6. ADJOURN

MOTION: Commissioner Hall moved to adjourn.

The meeting adjourned at approximately 9:35 p.m.