

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 28, 2021

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, John Kenworthy, Sarah Hall, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Planner; Mark Harrington, City Attorney; Jessica Nelson, Planning Analyst

The Planning Commission meeting was conducted virtually via Zoom.

The public was able to submit eComments during the meeting.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

Chair Phillips read the Public Notice for Electronic Meetings and Exhibit A: Determination of Substantial Health and Safety Risk.

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4), is attached as Exhibit A. Planning Commission members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, raise your hand on Zoom. Written comments submitted before or during the meeting date will be entered into the public record but not read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org/public-meetings

Exhibit A: Determination of Substantial Health and Safety Risk

The Commission Chair has determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include:

- Statewide COVID cases and hospitalizations remain high.
- Based on metrics established by the statewide COVID-19 Transmission Index, Summit County moved to the High-Risk designation on October 22, 2020; and

- Park City is a resort community continually hosting visitors from areas which may be experiencing rapid COVID-19 spread.

This determination is valid for 30 days and is set to expire on May 14, 2021.

Dated: April 14, 2021.

ROLL CALL

Chair Phillips called the meeting to order at 5:30 p.m. and noted that all Commissioners were present.

APPROVAL OF MINUTES

April 14, 2021

MOTION: Commissioner Thimm moved to APPROVE the Minutes of April 14, 2021 as written. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

No hands were raised on Zoom and no eComments were submitted.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Milliken announced that the public meeting format was going before the City Council the following evening. The Planning Commission will have a work session at the next meeting regarding public meetings going forward and what that format will look like.

Chair Phillips reported that a new Planning Commissioner, Bill Johnson, had been appointed. Mr. Johnson will be a great addition to the Planning Commission, and he looked forward to having him. Chair Phillips anticipated that Mr. Johnson would be joining the Planning Commission at the next meeting.

Commissioner Suesser asked for clarification on the May schedule and whether there would be a third meeting for the Base Area project. Director Milliken believed the Planning Commission would have an additional PEG meeting in May. She understood they would be covering the parking for the project at the next regular meeting and use the next scheduled PEG Planning Commission meeting to continue the architectural and volumetric discussion from the last meeting. Chair Phillips stated that the two

regular meetings in May would be May 12th and May 26th. The PEG meeting would be May 19th.

Director Milliken stated that she would double-check the schedule and if for some reason that is incorrect, she would provide the Commissioners with the correct information. Planning Analyst Jessica Nelson remarked that there were already two notices for the meeting on May 12th. The legal notice for the May 12th meeting indicated that PEG would be a work session item at the end of the meeting. Director Milliken clarified that the PEG work session on May 12th was for parking only.

WORK SESSION

- 5.A. 543 Park Avenue -- The Planning Commission Will Conduct a Work Session to Provide Input to the Applicant Regarding Their Proposed Conditional Use Permit to Convert the Washington School Inn, a Landmark Historic Structure on the Park City Historic Sites Inventory in the Historic Residential -- 1 Zoning District, from a Bed and Breakfast to a Minor Hotel with Accessory Facilities for Events.

Planner Rebecca Ward introduced Graham Gilbert, the applicant's representative.

Planner Ward reviewed the request for a conditional use permit to transition from a bed and breakfast to a minor hotel use. She stated that the purpose of this work session was to provide the Planning Commission with background information and to identify the information needed to evaluate the proposed use prior to scheduling this item for a public hearing.

Planner Ward reported that the Washington School House at 543 Park Avenue had fallen into disrepair in the 1990s. In the 1980s the LMC allowed for the use of a bed and breakfast and a minor hotel within a primarily residential historic district as a way to incentive the restoration and rehabilitation of historic structures. Planner Ward stated that under this allowance, in 1983 the Historic District Commission approved a CUP for a 14-room bed and breakfast with an additional room for the caretaker. In 2011 the applicant completed an interior renovation and reduced the number of rooms from 15 to 12. It has been operating as a bed and breakfast under 12 room since that time.

Planner Ward noted that a bed and breakfast require that a manager live on site or be on site 24/7. The uses are limited to guest rooms and facilities for guest meals. The applicant was now proposing a minor hotel use. Planner Ward stated that the LMC defines a minor hotel as allowing for accessory facilities such as restaurants, bars, meeting rooms, group dining facilities, and other activities that are customarily

associated with hotels. She explained that the applicant was proposing to expand the use not just for guests, but also to open the property for events with up to 60 attendees.

Planner Ward remarked that some approvals have transformed the use over the years. In 2001 the Staff approved the conversion of a gable roof garage to a flat roof garage with the addition of an outdoor patio and gazebo. At that time the neighbors were concerned about disruptive outdoor use and noise in this primarily residential area. Planner Ward stated that the only complaint on record to date was regarding an outdoor spotlight, and that was corrected.

Planner Ward stated that in 2010 the Planning Commission approved a CUP for an outdoor swimming pool. At that time, the Findings of Fact and Conditions of Approval were specific that the use that was allowed on the site was for the guests of the Washington School Inn. The CUP specifically called out that the general public was not permitted for activities such as parties, weddings, public assemblies, etc. under the scope of the 1983 approval. Planner Ward reported that in 2015 the Planning Commission approved a modification that shifted the laundry facilities from the basement to the detached garage. The applicant submitted building plans from 2011 which does not reflect the current use of the former laundry facilities. The Staff was recommending updated building plans and the total square footage of the proposed accessory facilities.

The Staff was also recommending information on kitchen capacity and whether events would require off-site catering and deliveries, information on access and parking for delivery and service vehicles, and details about the outdoor uses, including the swimming pool facilities, and any speakers, time restrictions, or outdoor lighting.

Planner Ward commented on parking and indicated an error in the Staff report. She noted that there is an agreement in place for 11 parking spaces; but she had not called out the 11 spaces specifically in the Staff report. Planner Ward clarified that there is an agreement in place for 11 parking spaces across Park Avenue. There is a multi-level parking deck and some of the 11 parking spaces are on the upper level. The parking spaces on the lower level are accessed from Main Street through two historic structures over an easement that was granted by the City.

Chair Phillips commented on the new units that share the driveway. He stated that when that applicant came in to build those units there were long and details discussions about the reconfiguration of the stairs that go up at the end of the alley. Chair Phillips believed that project was conditioned to put in pedestrian striping in that alleyway for pedestrian safety. If this project is using that parking, he suggested circling back to

make sure that condition was met. He understood that it was a different project, but they use the shared area. Planner Ward offered to look into it.

Planner Ward stated that the applicant was also proposing an additional parking space that would be accessed off of Woodside Avenue behind the pool area. The City Engineer has concerns about pedestrian use of the right-of-way to access the property. The Staff needed additional information regarding the proposed parking space.

The Staff was recommending that the applicant provide information on the number of employees required for a minor hotel use and events, and where they would park. They would like more information on the proposed valet service outlined in the parking study, and where the valet service would park vehicles when the 11 spaces are full. They were requesting information on a potential shuttle service and proposed management to prevent on-street parking along Main Street, Park Avenue, and Woodside. More information is needed on whether the proposed parking spaces in the driveway will encroach into the right-of-way. Planner Ward stated that the Staff needed to further evaluate the parking space along Woodside.

Planner Ward requested that the Planning Commission provide input and direction to the Staff and applicant.

Graham Gilbert stated that he is an attorney representing the applicant, the Washington School House. He thanked Planner Ward for doing an excellent job of digging through years of documents and including them in the Staff report and her presentation. Mr. Gilbert was prepared to supplement her presentation with additional information and to answer any questions.

Mr. Gilbert stated that in terms of additional background, the Washington School House was constructed in 1889. It is a Landmark Historic Structure in the Park City Historic Sites Inventory and it is on the National Register of Historic Places. Mr. Gilbert noted that a facade easement protects the facade of the building to preserve it as a historic structure. He thought Planner Ward did a great job highlighting the history of approvals; particularly the 1983 approval which authorized the bed and breakfast use that is in place today.

Mr. Gilbert outlined what the application for the hotel minor would entail. He stated that the applicant was not proposing any interior modifications as part of this application. They were also not proposing any exterior modifications to the building. The only physical change to the Washington School House would be the addition of the one parking space Planner Ward mentioned, and that addition is to comply with the off-street parking requirements in the Code. Mr. Gilbert stated that in addition to the 11

parking spaces across Park Avenue, the applicant looked at the site to determine where they could tuck in one extra spot to reach the 12 spaces required for off-street parking and came up with the proposed parking spot on Woodside. He understood that the Staff and the City Engineer have questions. In an effort to address those questions, the applicant will meet with the City Engineer to talk about those concerns. Mr. Gilbert stated that his goal would be to come up with a solution with Planner Ward and the City Engineer that does not involve cutting down the aspen trees. They will work through that and come back to the Planning Commission with something they can all agree upon.

Mr. Gilbert stated that there are currently 12 rooms at the Washington School Inn as a bed and breakfast. If the hotel minor use is approved, there will continue to be 12 rooms. He did not envision the day-to-day operations of the Washington School House to be any different. Mr. Gilbert stated that the one difference is that the applicant would like to host special events on occasion. He emphasized that all the events would be private events. Mr. Gilbert offered some background as to why the applicant filed for the conditional use permit. He explained that the applicant gets frequent requests from past and future clients asking if they can have a wedding, a retirement party, business retreats, or other events. Mr. Gilbert pointed out the limitations with a bed and breakfast. One option would be for the applicant to seek a special use permit on a case-by-case basis. However, in trying to accommodate guest requests it is not ideal to need a permit for each event because those requesting the event do not like that uncertainty. Mr. Gilbert believed a CUP is a win/win because it gives the applicant the opportunity to host some of these events and the CUP is a more rigorous process than the special events permit process.

Mr. Gilbert noted that the space at the Washington School House is fairly small and the kitchen is small. The applicant was asking for a cap of 60 guests for events based on the physical constraints of the site. The maximum occupancy for guests who stay in the rooms is 34 guests. Mr. Gilbert stated that when they talk about people coming from off-site, they are looking at approximately 25-30 people coming from off-site. He emphasized that the events anticipated would be a small wedding or a corporate retreat where guests are friends, family, or colleagues.

Mr. Gilbert believed this application offers a good chance to maintain the adaptive reuse and help to preserve this great historic structure. He noted that Planner Ward had posed great questions and the applicant was working on answering those questions. Mr. Gilbert was open to questions or comments from the Planning Commission this evening.

Chair Phillips agreed that Planner Ward did a great job. He also agreed with the additional information, answers and clarifications that the Staff was requesting from the applicant. Chair Phillips noted that the Planning Commission has dealt with similar applications in the past. The applicant has the option to go through a special events process, which means they could function using that path, although that process is cumbersome. Chair Phillips understood why the applicant would prefer to provide consistency and ease through the CUP. Chair Phillips stated that when they have all the information, he thought they could look at a CUP, but he assumed they would be comparing it to the special events process because the applicant already has the right to that process.

Chair Phillips noted that the applicant was asking for a 60-maximum occupancy for events. He wanted to know if there is any difference in occupancy between the special events permit versus a CUP. He wanted more background on occupancy and how the applicant reached the 60-person maximum occupancy to help the Commissioners understand the intensity of the use.

Chair Phillips had the same question on parking. He wanted to know the difference in parking requirements functioning under the rights to do special events versus a CUP. Chair Phillips remarked that as it was described, there is not much change in use other than the applicant was looking for a blanket ability to do special events. In looking at the project as a whole, without having a CUP for events he questioned whether they would need 12 parking spaces or if 11 spaces would work to avoid pushing the impact from above onto the Woodside corridor. Chair Phillips noted that the Planning Commission would need a lot more information on that parking stall. He was already thinking of ways to mitigate those impacts. For example, if the Staff is part of the 12-parking stall calculation, and they determine that the 12th parking stall is needed, he would suggest a condition limiting that space to staff.

Chair Phillips remarked that the Planning Commission needs to be careful when approving a use. When an applicant describes the intended use, the Commissioners need to look at what the approved use allows for. If they grant the CUP, it is important to heavily condition the CUP to limit it to the use described.

Chair Phillips stated that this building is a beautiful Landmark structure, and he has a personal history with it because his grandfather attended school there. Mr. Gilbert asked whether the Planning Commission wanted him to respond to their comments as they go along or if they preferred to wait until this comes back at a public hearing. Chair Phillips suggested that the Commissioners make their comments and provide input. At the end they would look to Mr. Gilbert and the Staff as to whether they need additional feedback to move forward with the application.

Mr. Gilbert referred to Chair Phillips comment about whether the Woodside parking spot would be needed. He noted that the stall was added to comply with LMC Section 15-3, the off-street parking requirements. However, understood there is flexibility to reduce those requirements. Mr. Gilbert stated that the applicant included a parking study with the application that he believed would support going from 12 spaces to 11 spaces and eliminate the Woodside stall. Mr. Gilbert was interested in hearing from the other Commissioners on that issue. If the question is how events could be managed without the Woodside spot, he felt confident that they could come up with a proposal in coordination with Planner Ward that would allow it. Mr. Gilbert believed they would use those 11 spots and supplement with a shuttle or ridesharing service. He agreed that it would be better not to have that parking space on Woodside if possible.

Commissioner Suesser asked where the applicant intends to have people attending the event park off site when the 11 stalls are full. Mr. Gilbert replied that the applicant has operated for a decade and has good experience in what has happened historically. The guests at the Washington School House are out-of-town guests and primarily arrive from the airport by rideshare. He noted that the average occupancy of the parking is typically three stalls, leaving 8 stalls open. Mr. Gilbert stated that in looking at an event, if three stalls are occupied there would still be 8 available spaces to fill. They anticipate that the 25-30 non-resident guests attending the event would be staying elsewhere in Park City and would arrive via shuttle, rideshare, or some other transportation service. People arriving on site with a vehicle would be valet parked, which will keep people from driving down Main Street looking for the driveway. Mr. Gilbert referred to Chair Phillips concern about people driving up and down Woodside looking to see if the parking spot on Woodside is available. He noted that if there is a parking space on Woodside, that space would also be valet parked.

Commissioner Suesser asked if the valets would only be parking the arriving vehicles in those 11 or 12 parking spots or whether they would use other parking such as China Bridge. She was concerned that an event with 60 people could require more than 11 or 12 spots. Commissioner Suesser understood that the majority might be staying in other places in Park City and will not have cars, but she wanted further clarification on the plan for valet parking. Mr. Gilbert replied that the Washington School Inn would agree with the guests in advance that they could bring 11 or 12 vehicles, and once those spaces are filled, the rest of the guests will need to arrive by shuttle or other transportation options.

Chair Phillips asked if the Washington School Inn has been utilizing the special event process for events. Mr. Gilbert would confirm with the applicant, but he did not believe they have ever pulled a permit for a special event. Chair Phillips stated that if they did,

he would like to look at how it was handled and what they observed. Planner Ward stated that she had done some research with the Special Events Department and they had no record of issuing a special event permit for this site.

Commissioner Thimm noted that similar applications have come before the Planning Commission. He thought it was important for the values of the City and the General Plan to encourage the use of historic structures in a positive way. Commissioner Thimm was pleased to be looking at what was being proposed. He stated that in similar applications the primary concerns were parking, noise, and deliveries. With regard to parking, Commissioner Thimm thought it was important to have the right number of parking stalls. They would not want to build a stall that is never going to be used; however, they want enough stalls to keep from impacting the neighborhood. Commissioner Thimm thought it was important when the application comes in that the ITE Finding of .83 stalls per key be substantiated with more than a statement, and that there be some precedence. The ITE Finding is based upon a resort community where there are different ways of arrival as opposed to elsewhere. With regard to parking, Commissioner Thimm believed that part of the application should include a Transportation Demand Management Plan that can be made part of the conditions of approval identifying where the valets will park the cars when the 11 or 12 spots are full and how many parking spaces will be available in those locations. The Plan should account for the staff as well as the people who are guests of the hotel.

Commissioner Thimm commented on deliveries, noting that this is an Old Town area, and there generally is concern in the neighborhood with regard to how deliveries are made. If the events have a need for deliveries, the Transportation Demand Management Plan should include a way to accept deliveries at a certain point where it will not disrupt traffic or create other issues. Commissioner Thimm stated that if the Washington Inn has not had events in the past, it is important for the applicant to explain how any noise issues will be mitigated.

Chair Phillips was especially concerned about noise because it is in the HR-1 zone. He agreed with Commissioner Thimm on the key issues for discussion and he anticipated neighborhood involvement.

Mr. Gilbert thought they were great questions and ones they anticipated. In looking at the City's noise ordinance he sees very specific quantitative criteria as to what you can and cannot do and the times in which it can be done. Mr. Gilbert understood the limitations and they intend to comply. He wanted to know exactly what information would be helpful to the Commissioners.

Commissioner Thimm expected noise to be brought up as part of the public hearing. It would be helpful to have an understanding with respect to what activities will be occurring, whether there will be a live band or other things that generate noise that could impact neighbors, and how those impacts could be mitigated. Commissioner Thimm was certain that the public will want the explanations as part of the application process. Chair Phillips suggested no amplified music as an example to help the applicant consider mitigation factors ahead of the discussion. He recommended that Mr. Gilbert and the applicant look at the Kimball Building to help them prepare. He noted that the approval process for the upper level of that building was very detailed and there were many solutions. Chair Phillips stated that a lot of conditions were added to help mitigate the impacts. He pointed out that the Kimball Building was the most recent application that had the most intense discussions regarding this same type of use.

Commissioner Hall asked Mr. Gilbert if he would like to talk about any conditions he thinks would be appropriate to mitigate any detrimental impacts on the primarily residential neighborhood. Mr. Gilbert noted that questions were asked regarding transportation management and getting specificity with respect to noise. He preferred to work with the applicant on a package of conditions that would fit together for this project and present it at the next meeting.

Mr. Gilbert requested discussion on light because that dovetails with noise concerns and consideration for the neighboring properties. He believed there was some benefit in how this property is oriented because it is on a steep slope and outdoor activities will most likely be on the rear side of the building. However, they are aware of the issue and looked to what the Code allows or prohibits with respect to lighting. Mr. Gilbert remarked that some of the questions and comments from Commissioner Thimm regarding noise could similarly be applied to lighting. If the Commissioners had specific comments regarding lighting, he would like to hear those now.

Chair Phillips stated that lighting and noise are in the same spectrum and the City Codes regulate noise and lighting. However, the Planning Commission has the responsibility to mitigate as many impacts as possible. Chair Phillips thought the applicant should expect that the Commissioners will try to craft language for mitigation of impacts. He suggested that the applicant begin to think about that now and propose their own mitigation measures above and beyond due to the sensitivity of being in the HR-1 zone.

Chair Phillips also requested that the applicant come back with illustrations showing the area and where these events will occur. He noted that illustrations help the Planning Commission visualize these spaces being used and it helps with the conversation.

Mr. Gilbert stated that he envisioned taking lots of questions and communicating with Planner Ward and the City Engineer to come up with coherent responses and proposed conditions. He believed there was a good pathway to finding conditions to address the concerns related to parking, lighting, noise, and other issues and come back with good package.

Commissioner Kenworthy stated that he lives a few blocks up the street on Woodside and the applicant has been a fantastic neighbor over the last decade. The historic preservation on that building is second to none. It is a true asset, and it jives with a lot of what they are trying to do in Park City. Regarding the CUP, Commissioner Kenworthy pointed out that the Washington School Inn is surrounded by primary residents as well as owners who rent their homes. He strongly recommended that the applicant reach out to the neighbors, especially those within 300 feet who will be noticed on this project and explain their plan. Commissioner Kenworthy was unsure whether a maximum 60-person limit was the right number until they get into it further. He would love for this property to be showcased in the manner the applicant was putting forth; however, time might be a problem. He recalled giving the Kimball Building a cutoff time of 10:00 p.m., but after discussions with the neighbors, he would probably suggest 9:00 p.m. Commissioner Kenworthy thought they would have problems with amplified music. He believed deliveries and parking could work out with time frames. He noted that there are peak parking hours on Friday, Saturday, and Sunday nights and if there are events or parades the parking is full. Commissioner Kenworthy stated that the City has a goal of transit first and they are still trying to find ways to meet that goal. Commissioner Kenworthy reiterated his recommendation for the applicant to reach out to the public before the public hearing. He believed everyone respects what has happened at the Washington School Inn on many levels.

Mr. Gilbert stated that Planner Kenworthy had provided great feedback and it was the same advice that Planner Ward had given. He stated that from the perspective of a land use attorney, the Washington School House is a nice client to have because they work to be a good neighbor and they know many of the neighbors. When he suggested that the applicant reach out to the neighbors, they were definitely in favor of it. Mr. Gilbert believed they were planning to reach out around the time when public notices will be sent out for the public hearing. They will be providing emails and phone information, as well as information on what they plan to do.

Commissioner Hall thought Planner Ward did a good job laying out the specifics of what the Planning Commission will be considering in terms of traffic, noise, parking, and control of the delivery and service vehicles and the unloading zones. She felt that it primarily relates to special events and figuring out the logistics. Commissioner Hall

agreed that the Planning Commission had extensive discussions on those issues with the Kimball Building, but there were creative ideas. There would be an on-site person for the community to contact directly for immediate mitigation rather than having to call Code Enforcement or the police. Commissioner Hall looked forward to reading the mitigation conditions of approval from the applicant.

Mr. Gilbert understood that the Kimball comes to mind in this discussion, but he wanted it clear that this applicant was not asking to be an event center. The Washington School House will be a hotel with private events. Chair Phillips clarified that the Commissioners were not saying that it was a comparison. However, it is a great resource because it went through the most in-depth discussions and solutions. Chair Phillips stated that if the applicant could adopt some of those solutions proactively, it will put them ahead of the curve. He agreed that the use is not the same, but there are some relatable parts.

Commissioner Van Dine stated that the other Commissioners covered most of her questions and concerns. She echoed Commissioner Hall about having one contact person. If it is not a bed and breakfast, there will not be the same requirement for a manager living on site. However, there will still be one staff member taking care of that property and communicating with neighbors. She thought it was important to make sure that avenue of communication is always open. Commissioner Van Dine looked forward to seeing the applicant's conditions of approval outlined for the Planning Commission and the public before the public hearing.

Chair Phillips agreed with the importance of having a contact person. It was instrumental in helping the Planning Commission reach a decision.

Commissioner Suesser noted that Planner Ward had mentioned that the laundry facilities were moved to an accessory building on site and Mr. Gilbert had mentioned a small kitchen. She asked if there were plans to expand that kitchen to accommodate larger events. Mr. Gilbert answered no. He stated that the kitchen is a limiting factor and there is nowhere for it to expand. He noted that Planner Ward has questioned whether 60 was the right number and they would work through her questions. Mr. Gilbert stated that in 2015 the laundry facility was moved from the basement level to the garage on the north side of the property. Prior to 2015 some laundry, such as sheets and towels, were going off-site. The laundry in the basement was used items such as wet ski clothes or muddy hiking clothes.

Commissioner Suesser asked if changing from a bed and breakfast to a hotel whether there would be a bar open to the public or if it was only for guests and private events. Mr. Gilbert was unsure and preferred to check with the applicant on their plans before

giving an answer. Commissioner Suesser also wanted to know if there would be a dining room open to the public or used for public events. She was not clear on the distinction and would like clarification on the application as to whether they would be attracting other people to the site other than for private events.

Commissioner Suesser wanted to see an outdoor lighting plan. There should be no lights overhead and the lighting should be low and close to the ground. Mr. Gilbert stated that regarding an outdoor lighting plan, in talking with the applicant there are no plans to modify the existing lighting that was previously approved. However, he would follow up to see if they need to provide additional information.

Commissioner Suesser asked if changing the use to a hotel minor could attract a chain operator as a potential buyer. She thought the Planning Commission should consider whether or not it could be sold to a different type of operator in the future if they change the use from a bed and breakfast to a hotel.

Chair Phillips stated that Commissioner Suesser's concern is the reason why he made the comment earlier that the Planning Commission needs to look at what this use allows for versus what the applicant intends to use it for. He noted that properties can change hands at any time for many different reasons and they need to consider all the possibilities. Regarding lighting, Chair Phillips could not recall ever requiring a lighting plan. He suggested that Mr. Gilbert and the applicant consult with Planner Ward and she will know how to handle it as they prepare their conditions. Chair Phillips suggested that the applicant read through the new lighting code that were recently adopted. Mr. Gilbert stated that he has seen the new lighting code and they would definitely coordinate with Planner Ward. He agreed with the comment about structuring an approval and conditions to that approval in a way that will make the use consistent with what the City is comfortable with across owners and managers.

Chair Phillips opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Chair Phillips closed the public hearing.

Mr. Gilbert thanked the Commissioners for their comments. He had taken notes and they would do their best to address their concerns and questions. He emphasized their receptiveness to taking the Woodside parking space of the plan and propose 11 spaces rather than 12. There are two tracks. They could explain why they think 11 spaces will work for this project, or the other track would be to show how they can mitigate the Woodside parking space to there is no impact on Woodside Avenue. Rather than come

back with two tracks, he preferred one track. Chair Phillips stated that at this time it was hard to be even cautious in giving that direction because they do not understand that parking spot. He stated that in general, if it makes sense, he will lean towards eliminating that spot, but only if they can check off every single box and feel comfortable that it is not needed. Chair Phillips again suggested that Mr. Gilbert work with Planner Ward and she would help guide them down whichever path makes sense.

5.B. The Planning Commission Will Conduct a Work Session on H.B. 82 Single-Family Housing Modifications, which establishes Internal Accessory Dwelling Units as an Allowed Use in Primarily Residential Zoning Districts as of October 1, 2021 and Provide Input regarding Land Management Code Amendments.

Planner Ward presented a rendering of Woodside Park Phase I, an affordable housing development that includes internal accessory dwelling units. She noted that the Planning Commission has had previous work sessions on accessory dwelling units and provided input and direction. Planner Ward reported that in the Legislative session this year, the State passed H.B. 82, which will impact some of the LMC amendments.

Planner Ward noted that there are three types of accessory dwelling units; 1) internal which is like a basement apartment in an existing single-family dwelling; 2) an attached addition to a single-family home or garage; 3) a detached tiny home accessory dwelling unit. Planner Ward remarked that the ABCs of ADUs is a guide that provides an illustration of some of the different ADUs being constructed.

Planner Ward stated that the LMC allows for internal and attached ADUs in most zoning districts and refers to them as accessory apartments. She noted that accessory apartments cannot be less than 400 square feet or more than 1,000 square feet, they cannot be larger than a third of the single-family dwelling, they cannot exceed two bedrooms, they must provide one additional parking space per bedroom within the accessory apartment, and they are limited to one per lot.

Chair Phillips asked why the square footages were minimum 400 square feet and maximum 1,000 square feet. Planner Ward was unsure why that range was selected. She recalled a suggestion during the June work session to lower the minimum to 280 square feet. Chair Phillips preferred the lower number. He is a fan of smaller spaces and moving to the smaller footprint could potentially make it easier for someone to create a studio inside an existing space.

Planner Ward stated that there are many existing regulations for the existing accessory apartments. The direction is to go through and reduce some of the additional requirements. Planner Ward pointed out the requirements under the current LMC.

There cannot be more than 4 accessory apartments within a 300' radius. The applicant must put their HOA on notice. Nightly rentals are prohibited. The property owner must live on site. The property owner is required to record a deed restriction with the County. The existing Code outlines authority for the City to revoke permits for non-compliance. Planner Ward clarified that she had the input from the June work session on what regulations the Planning Commission was interested in reducing.

Planner Ward stated that the input from the June 24th work session is to open the zoning districts where accessory apartments are allowed to allow them in the Community Transition Zone; expand the LMC to allow detached accessory apartments in some zoning districts; extend the minimum rental timeline from 31 days to 90 days; reduce the minimum square footage to as low as 280 square feet; and evaluate the proximity prohibitions and eliminate them in certain zones. Planner Ward remarked that an additional area of input was to evaluate the requirement that the property owner live onsite and instead look at other ways to mitigate the impacts of the accessory dwelling.

Planner Ward stated that the LMC Amendments were in progress and some of the changes will be based on H.B. 82.

Planner Ward reiterated that the City allows accessory apartments in the majority of zoning districts; however, there are a lot of restrictions and the Staff has been given direction to relax some of those restrictions to incentivize more development of accessory dwellings. Planner Ward stated that two goals in the Housing Assessment and Plan is to look through the LMC and figure out how to incentive more construction of affordable rentals. In addition, the goal is to complete the LMC amendments for ADUs as soon as possible. She noted that H.B. 82 gives a deadline of October 1st.

Planner ward stated that in 2020 the City hired a consultant to produce an accessory apartment unit policy research report. This report was presented to the Planning Commission as part of the June 2020 work session. The overall recommendations were to reduce the restrictions in place, establish a by-right approval so zones where accessory apartment are conditional uses can transition to allowed uses, reduce application and impact fees, partner with local banks to explore financing programs, and create user friendly manuals, materials, workshops, and technical assistance for community member to help build these units.

Planner Ward stated that in December 2020 H.B. 82 for single-family housing modifications was made public. It was enacted by the Legislature and takes effect in October 2021. She noted that H.B. 82 defines an internal accessory dwelling unit. Those IADUs are units created within a single-family dwelling that is occupied as the primary residence of the owner of record. It needs to be created within the footprint of

the single-family dwelling that exists at the time that the IADU is built. It is for the purpose of offering a long-term rental for 30 consecutive days or long. Planner Ward stated that when this bill goes into effect in October, IADUs will be allowed in any area zoned primarily for residential uses. Planner Ward remarked that H.B. 82 preempts certain local regulations such as the IADU size in relation to a single-family dwelling, and the total lot size and street frontage. However, the LMC may be amended to help create IADU regulations that are compatible with existing neighborhoods. Planner Ward stated that there is a long list of things the City can do, and she highlighted the main points. The City can continue to require one additional on-site parking space for each IADU but will no longer be able to require one additional space for each bedroom within the IADU. The City can require the replacement of parking spaces within a garage if an IADU displaces parking. The City can require the property owner to obtain a permit or license to rent their IADU. The City can prohibit IADUs in zoning districts covering an area equivalent to 25% or less of the total area in the City that is zoned primarily for residential use.

Chair Phillips understood what the City could do, and he wanted to know what Planner Ward was suggesting they do. Planner Ward preferred to go through each point topic by topic. The Staff had recommendations and she wanted input and direction from the Planning Commission on how they should shape these amendments.

Planner Ward pointed out that H.B.82 has a 2-year low income ADU loan guarantee pilot program. It requires that ADUs be constructed within one year of loan issuance, and the property owner must live on site for the duration of the loan. The ADU must be rented to low-income individuals at 80% AMI or less for the remainder of the term of the loan. Planner Ward noted that H.B. 82 is mostly about internal accessory dwelling units; however, the loan guarantee pilot program is not specific to the internal ADUs. It also applies to all ADUs as defined by the State. Financing could be available for detached ADUs or for what the City terms as “accessory apartments”, which are additions to existing single-family dwellings or a garage.

Planner Ward noted that the State does not define a “primarily residential zoning district”. The City defined this term for the Medical Cannabis Land Use Regulations in 2019 to protect some of the residential clusters in non-residential zoning districts such as Light Industrial, General Commercial, and Community Transition. Specific to IADUs, the City can create a new definition that would allow IADUs within residential clusters in non-residential zoning districts. Planner Ward stated that within the Light Industrial is Bonanza Park/Iron Horse/Fireside area. In the General Commercial there are a number of apartment complexes and condominiums. The Community Transition Zone includes the National Ability Center and the Park City Medical Campus, as well as Park City Heights to the south.

Planner Ward asked if the Planning Commission would like the Staff to explore a broad or a narrow definition of “primarily residential zoning districts” for these IADUs.

Commissioner Kenworthy asked Jason Glidden, the Affordable Housing Manager, what the 80% of AMI is in Park City and whether it is the AMI throughout the entire City. Mr. Glidden replied that it is the same number, and the number is Summit County-wide. He stated that new numbers came out from HUD a week ago. He noted that 100% AMI for a family of four increased up to \$120,000, which is a significant rise of almost \$10,000 over last year. Mr. Glidden did not have the exact number, but he assumed 80% AMI would be around \$85,000 for a family of four. He pointed out that a family of four would not be living in these small units. He offered to look up the exact number.

Commissioner Kenworthy stated that with the State parameters he was trying to understand what effect it would have and whether it would help or hurt in terms of generating these units. Mr. Glidden stated that an AMI is hard to use because the AMI level in Park City is so high. In other areas of the State the bill is much more effective at addressing the affordable housing issue. Mr. Glidden remarked that in previous discussion, they talked about work force specifically in the Park City area that is not making 80% AMI. They are making much lower at approximately 30-60% AMI. He anticipated some difficulties with rent being set at 80% AMI and being effective for the work force.

Commissioner Kenworthy asked if the Staff had looked at an area that could total 25% where this could be restricted. Planner Ward replied that the Staff would recommend looking to the residential historic districts because of the parking exceptions in place for existing historic structures. Under the Code they could require additional parking for the internal ADU, but that requires more pavement and parking within those historic sites.

Chair Phillips asked if it would be specific to historic sites or the historic districts. Planner Ward stated that they were looking at the historic districts as a whole. Chair Phillips thought part of the discussion should be whether or not to allow these in the historic districts. If so, he believed that requiring the additional parking stall would be a deal-breaker. Chair Phillips understood that the AMI was specific to the loan program. He thought the big picture was the ADU and providing units. The goal should be to provide units and if some are affordable that would be great. Chair Phillips remarked that any type of housing unit is helpful towards keeping people from having to commute into town and reducing the number of cars on the road. Some people might be making enough money to afford a unit.

Mr. Glidden stated that Chair Phillips was not necessarily wrong. What they have seen in their investigation of pricing, if they go above 80% AMI the ADUs will hit market rate,

specifically the smaller square footage ADUs. He agreed that increasing the inventory of rental property would definitely help. Mr. Glidden stated that the City would encourage deed restrictions on as many properties as possible to protect them. He liked the idea of having some way of deed restricting the units and providing additional incentives if they are able to deed restrict. Mr. Glidden remarked that through a deed restriction, the City might be able to adjust the rental amount and possibly set a lower requirement in the deed restriction. To Chair Phillips point, Mr. Glidden stated that any inventory that is restricted to prevent nightly rentals is good because it increases the inventory of long-term rentals.

Chair Phillips asked if the point is to create affordable units or to create units and try to get as many of those units as possible affordable. He believed that putting things into place that restrict people from making the units deed restricted will depress that market.

Commissioner Kenworthy explained that the State has a one-size-fits-all and Park City has an AMI that is really high. The City's goal is to try and create units for the service workers making \$40,000 and the State's numbers will not fill that need. If someone is able to charge 80% of AMI these units will be expensive. Chair Phillips stated that the on the flipside, if the rents are too restricted no one will build the units. He was concerned about getting nothing.

Planner Ward stated that H.B. 82 is very specific in the way it defines an internal accessory dwelling unit. The current LMC definition is broader than the State definition is that the accessory apartment can be an addition to a home. Planner Ward remarked that there is a way to shape the Code moving forward by minimizing where internal accessory building units are allowed based on the State requirements and expand where accessory apartments are allowed. As they look at things like decreasing parking requirements and taking away requirements for the property owner to live on site, they could shape the accessory apartment code as a way to incentivize development of affordable accessory units. They could also make people aware of the loan pilot program and that over the next two years it will be a tool to help with constructing these units. Planner Ward stated that at this point, they can go as far as they can to restrict where internal accessory dwelling units are allowed in the City. Through the accessory apartment code and detached accessory dwelling units, they can expand to put in as many incentives as possible for affordable units.

Planner Ward stated that with IADUs there are opportunities for the City figure out what they consider a primarily residential zoning district. She pointed out that there are residential clusters within non-residential zoning district, and they could open up those areas for internal accessory dwelling units. Another option is to continue to limit and restrict them under H.B. 82 and have open opportunities for accessory apartments

within the zones. Specific to IADUs in the Historic Districts, Planner Ward commented on the opportunity to look through and evaluate areas within Park City where these internal accessory dwelling units may not be appropriate. The Staff recommended considering the residential historic districts for reasons she previously mentioned. Planner Ward stated that if this is the 25% where the City prohibits IADUs, they could open up the accessory apartment regulations within those areas. She noted that a special recommendation in the General Plan recommends prohibiting ADUs specifically in the Masonic Hill neighborhood because it is a critical area for protection and conservation and not appropriate for additional density. Planner Ward stated that detached ADUs might impact this area, but they could open this area for IADUs if the Planning Commission feels that allowing an apartment within the existing building footprint would be appropriate.

Chair Phillips understood that the language regarding Masonic Hill was from the General Plan; however, it was written in a different time and he questioned whether it was still valid.

Commissioner Van Dine thought Masonic Hill was a good area of IADUs. The properties are large, and the majority have large driveways and plenty of parking. Adding a one or two-bedroom IADU in that area of low density is a good place for these units. The location is good access to Main Street for workers. Chair Phillips agreed.

Planner Ward had a few other points. She stated that they could prohibit IADUs on lots with 6,000 square feet or less, which would prohibit internal dwelling units in many areas within the City, especially in the historic districts where lots are around 2,000 square feet. Planner Ward stated that if prohibiting IADUs on lots that are 6,000 square feet or less would not necessarily prohibit all accessory apartments. It would be specific to the internal dwelling units. Planner Ward noted that nightly rentals can be prohibited in internal accessory dwelling units.

Planner Ward stated that it was up to the City to prohibit rental of an internal accessory dwelling unit if the single-family dwelling is not the owner's primary residence. She noted that the Policy Research Report that was discussed in the 2020 work session identified this requirement as a disincentive for ADU construction because it limits what owners can do with their property and it limits the value of the property in the eyes of the lender. Planner Ward stated that in the June 2020 work session the Planning Commission recommended removing this requirement specific to accessory apartments. The Staff was looking for input on what the Planning Commission would like to do for internal accessory dwelling units. Since the unit is in an existing single-family dwelling, the City could require the property owner to continue to live within that property as part of the approval for the IADU.

Planner Ward asked the Commissioners for input on whether the City should prohibit IADUs in 25% of the primarily residential zoning districts, allow them in all primarily residential zoning districts, or prohibit IADUs in the historic district while also opening opportunities for accessory apartments in these areas. She noted that there might be other areas of town where the Planning Commission believes IADUs would not be appropriate. Planner Ward remarked that the City has some leeway in terms of what 25% can be carved out from the State preemption.

Commissioner Thimm stated that he could not prohibit IADUs in any area. Commissioner Hall concurred.

Commissioner Suesser noted that Planner Ward started the discussion talking about the Woodside affordable units and that they have attached accessory dwellings. She asked if it was an accessory dwelling attached to the property rather than an internal accessory dwelling. Planner Ward replied that it is an accessory apartment under the current definition of the Code, but it would fall under the new IADU. Commissioner Suesser asked for clarification on the distinction between internal versus accessory dwelling. Planner Ward stated that Woodside Park is a little different because they are apartments. She explained that Internal Accessory Dwelling Units do not apply to townhomes. They are only allowed in standalone single-family homes. The ones in Woodside Park are accessory apartments. She noted that the State was preempting the City on regulating internal units within a standalone single-family dwelling.

Chair Phillips thought it would hard to add exterior units in the historic district. He asked why they would want to limit the IADUs. Planner Ward explained that the State preemption was specific to IADUs. If they prohibit them on lots with 6,000 square feet or less, it reduces the area of State preemption and the City could then increase the incentives for accessory apartments or detached units within those areas. Chair Phillips stated that if they are prohibited on 6,000 square feet or less but then they open up more possibilities, those small lots do not have room to use those other possibilities. He thought the IADUs would most likely be used in the historic district because there is no room on the lots for additional structure. Chair Phillips was not in favor of limiting IADUs in the historic district.

Chair Phillips thought it would be helpful for future discussions to know the number of applications over the last two years. If the fear is that people will never do these, the goal should be flexibility to promote some movement.

Commissioner Thimm stated that he would not recommend prohibiting IADUs for lots less than 6,000 square feet. He believed any prohibition would go against some of the

values they were trying to establish in terms of bringing more affordable housing in town. Chair Phillips agreed. He noted that this is sweeping the Country right now and the problems are not unique to Park City. State bills are being passed all across the Country for this reason. Commissioner Hall stated that she completely agreed with Commissioner Thimm's statement. She would not prohibit IADUs. Commissioner Van Dine agreed as well.

Chair Phillips asked Commissioner Suesser for her thought as an Old Town resident. Commissioner Suesser stated that parking is the biggest concern in Old Town. She believed that people would figure it out and she agreed that less prohibitions against ADUs was appropriate. Commissioner Suesser favored exploring a broad definition and location and not prohibiting these units in any residential district or other type of district.

Commissioner Kenworthy was unsure where he stood on the issue and he wanted more time to think about it. He thought the Light Industrial Zone was the ideal place to create units and have a real impact. Commissioner Kenworthy could see problems with many of the other areas. He needed time to consider the negative side and the impacts, especially on Old Town roads. Commissioner Kenworthy asked Planner Ward for her thoughts on the Light Industrial area. Planner Ward stated that within the Code accessory apartments are currently allowed in the Light Industrial Zone. The Staff would work to incorporate the Commissioner's input to reduce the regulations for accessory apartments. She understood from their comments that opportunities should be open City-wide for internal accessory dwelling units. Planner Ward reiterated that accessory apartments are already allowed in the Light Industrial but based on the Policy Report and Planning Commission input on ways to reduce some of the roadblocks for construction rules, they need more development. Commissioner Kenworthy liked the idea in that area, but he still needed to think about the other areas.

Chair Phillips asked if there is a number of accessory dwelling units allowed. He wanted to know if someone in the Light Industrial area could do several units if they have the space. He was unsure how that would work.

Mr. Glidden commented on the Industrial Zone. He pointed out that there is multi-family and not single-family in those zones. In response to the question about multiple IADUs, Mr. Glidden thought areas like Park Meadow where there is a lot more land to fit multiple units is a question the Commissioners could address when they talk about exterior or detached ADUs. He believed a developer would build multi-family dwellings rather than ADUs in the Light Industrial Zone because the density is already allowed.

Planner Ward summarized the input. The Planning Commission supported allowing IADUs in as many areas as possible. She asked for clarification on requiring the property owner to live on the site if they are going to rent the IADU. She recalled comments about removing this requirement for accessory apartments but requiring that the units be long term rentals and extend the rental period to 90 days. Planner Ward asked if the Planning Commission was comfortable removing this requirement now that the City's ability to mitigate parking is reduced with the IADUs, or whether they prefer to keep the requirement that the property owner live on site.

Commissioner Hall did not think the owner should be required to live on site, but she liked the idea of a 90-day minimum for both units and the IADU, or at least for the IADU. Commissioners Van Dine and Thimm concurred.

Commissioner Kenworthy disagreed. He read the part of the General Plan that says they should protect primary residents. They want all these units but having an owner instead of a double rental does not protect the primary residents in Old Town or elsewhere.

Mr. Glidden respected Commissioner Kenworthy's opinion. However, if they can get more long-term rentals the renters will be community members and add vibrancy. He thought that was better than having a home sit empty. Mr. Glidden did not believe the single-family rentals need to be owner-occupied, but he would like to get them restricted to a longer-term rental.

Chair Phillips thought the long-term rental portion was important to help mitigate some of the negative impacts that occur with current rental properties.

Mr. Glidden stated that the preferred is for long-term. However, going back to their original point of not wanting to de-incentivize they need to look at how many of the houses are not primary residences. If they can get a unit inside a single-family it could be used for a property manager or a maintenance person. Mr. Glidden was hesitant to recommend putting a restriction on the primary residence.

Chair Phillips agreed that owner restriction should not be in place. His concern was making both units long-term as opposed to short-term. He was leaning towards the 90-day rental term.

Commissioner Suesser asked Mr. Glidden to speak to any data available on the success of enforcing a 90-day tenancy in a resort community where nightly rentals are in high demand. Mr. Glidden did not have specific data this evening. He pointed out that compliance and enforcement has been very effective on anything with a deed

restriction. He compared this to the short-term rental issue the City was currently having with licensing. It is very difficult to make a determination and most of the time compliance is complaint driven, which makes it difficult to enforce. Mr. Glidden thought they could face a similar problem with a 90-day term without a deed restriction on the property.

Planner Ward pointed out that the State carved out an allowance for the City to monitor these allowed IADUs to make sure they are not being used as nightly rentals. Commissioner Hall asked if the State Code would be an exemption from the current situation where enforcement is complaint-based. Planner Ward answered yes. Commissioner Hall was pleased that the State was heading in that trajectory.

Commissioner Hall noted that most of the CC&Rs within Park City prohibit accessory dwelling units. She asked if there was some way to effectuate that change to actually implement IADUs throughout town. Chair Phillips asked if the State Code extends to HOAs. Commissioner Thimm stated that State law overrides an HOA. Commissioner Suesser understood that an HOA can be more restrictive than what the State allows. Chair Phillips thought the State has the ability to set the law, including parts of what an HOA can or cannot do, but he would like to know for certain. City Attorney Harrington offered to verify State law versus HOAs for the next Staff report. He noted that both State and Federal rules do impact and override HOAs on occasion. Planner Ward read from line 892 of H.B. 82, "An association may not restrict or prohibit the rental of an Internal Accessory Dwelling Units if it complies with the Land Use Ordinance, Building Codes, Health Codes, and Fire Codes".

Commissioner Kenworthy stated that this goes back to needing more information. The guiding principle in the General Plan is to protect the very few sections of primary homeownership in the Park City. If someone is allowed to go rouge, it will disturb what everyone has built and the expectations of the people in those communities for the last 20 or 30 years. Commissioner Kenworthy thought they should take a deep breath and consider whether there are areas they want to protect. Chair Phillips was open to those discussions, but he was still leaning in the direction of his previous comments.

Planner Ward remarked that there was still a lot of work to be done on this Code and their input was helpful in giving the Staff an idea of where the Planning Commission would like to see these IADUs and the scope. The Staff would continue working on it and incorporate their input. She expected to come back to the Planning Commission with the proposed amendments fairly soon.

Mr. Glidden stated that there is a reason why the State allowed the City to put some of these restrictions in place, and he thought they should look into that further to see what

the negative effects or impacts might be if these are not limited in certain areas as Commissioner Kenworthy had suggested. The Staff would delve into it a little more and try to identify the cons of allowing free rein.

Chair Phillips thanked Planner Ward and Mr. Glidden for the information provided this evening and for all their work. He pointed out that Mr. Glidden works with affordable housing day every day and they value his suggestions and input.

Commissioner Thimm stated that every time this subject comes up, he asks if there is a way to look at incentivizing development more deeply targeted than an 80% AMI. One answer was that it was too difficult, but he would like them to look at it more closely to see if there are ways. He pointed out that other communities have provided for residential housing that is less than 80% AMI. Commissioner Thimm requested that they do more than just say it is too hard and look at ways to make it work.

Commissioner Kenworthy agreed. He thought that should be their target. Commissioner Kenworthy stated that an 80% AMI is not hitting the target they need for service workers in Park City.

Mr. Glidden reported that they were already evaluating that, and the City Council had that discussion a few weeks ago to make sure they were hitting that target. He believed they were missing it with 80% AMI. Mr. Glidden remarked that with the most recently approved AMPD and looking at the Housing Resolution that defines affordable housing at 80% AMI or less, they have talked about whether that should be adjusted to deepen the affordability of these units. Mr. Glidden stated that they were doing that with the City projects and target down to 60% or possibly lower. He pointed out that it is financially difficult to make that happen in Park City without financial incentives. Commissioner Thimm suggested that there may be the need for public/private partnership to achieve it. That is a big part of how it happens in other communities.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

6.A. 1660 & 1700 Three Kings Drive - Payday Condominiums – Plat Amendment – The Applicant is Requesting to Amend the Existing Plat to Rectify Inconsistencies and Clarify Developable Private Residential Space for Condominium Owners.

Director Milliken reported that the Staff was requesting that this item be continued to May 12, 2012. After doing more research the application is more complicated than it

appears, and the Staff wanted to gather additional information before bringing it to the Planning Commission.

Chair Phillips opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Chair Phillips closed the public hearing.

MOTION: Commissioner Van Dine moved to CONTINUE Payday Condominiums Amendment Plat to May 12, 2021. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

6.B. 1060 Park Avenue – Plat Amendment – The Applicant Proposes Subdividing a 12,868-Square-Foot Lot in the Historic Residential Medium Zoning District into a 7,839-Square-Foot Lot Containing a Significant Historic Structure and a 5,029-Square-Foot-Lot.
(Application PL-21-04793)

Planner Ward noted that the project planner, Spencer Cawley, was unable to attend the meeting and she would be reviewing the application in his absence.

Planner Ward reviewed the application for the Gasparac plat amendment. The applicant was proposing to subdivide a 12,000 square foot lot and block parcel in the Historic Residential Medium Zoning District into two lots. One of the lots will contain the Significant historic structure. Planner Ward noted that the property was designated a Significant site on the Park City Historic Sites Inventory in 2009. It was built around 1946. Planner Ward remarked that the property is a combination of many lots that would be subdivided into main lots.

Planner Ward stated that the applicant was proposing to place a lot line 5' to the south of the existing historic home, which complies with the setbacks for the zoning district, and create two lots. Lot A with the Significant historic site will be the larger lot with 7,839 square feet. Lot B will have 5,029 square feet. Planner Ward reported that the proposed subdivision complies with the HRM zoning district requirements, which encourages new development compatible with surrounding areas, to encourage rehabilitation of existing historic structures, to encourage development that provides a transition in use between the Historic District and the Resort. Single-family dwellings are an allowed use in the zone.

Planner Ward noted that the properties will be subject to architectural review for any future developments. The properties will also be subject to the Design Guidelines for Historic Districts. Planner Ward commented on the conditions of approval. She noted that chain link fences are prohibited in all zones and one condition of approval requires the applicant to remove the existing chain link fence before the plat is recorded with Summit County. Planner Ward noted that currently there is the existing historic home and an accessory garage on the property. The proposed plat amendment will alter these lot lines and separate the structures onto two separate lots. One of the conditions of approval requires the applicant to demolish the accessory building before the plat is recorded.

The Staff found good cause for this plat amendment because the character of the zone is retained, no public street or right-of-way is vacated or amended, and no easement is vacated or amended. Planner Ward presented a slide showing the context and location of the historic site and how this subdivision would align with some of the smaller lots to the north of the property along Park Avenue.

Planner Ward stated that the Snyderville Basin Water Reclamation District added an additional condition of approval that requires the applicant to record an easement. This condition of approval meets to be met and completed before the plat is recorded.

Planner Ward remarked that the Planning Department had public inquiries on this application, but no public input was submitted. The Staff recommended that the Planning Commission review this plat amendment, conduct a public hearing, and consider forwarding a positive recommendation for City Council consideration on May 13, 2021.

Planner Ward reported that the Staff was requesting two amendments to the draft ordinance. Finding of Fact #2 needs to be corrected to reflect the correct Parcel SA-357 and amend the term "metes and bounds" to "lot and block".

Commissioner Van Dine asked why this property has been allowed to have a chain link fence for 20+ years. Planner Ward was not familiar with the background and was not able to answer the question. Commissioner Van Dine referred to the table in the Staff report outlining previous applications on this site. She noted that the one dated December 7, 2020 was going through Historic Design Review pre-application, and there were questions regarding density and the historic nature of the structure's exterior. Commissioner Van Dine noted that the table indicates that it was still under review. Planner Ward explained that the application was going through the HDDR review process and currently they were evaluating what parts of the historic structure will be

required to be preserved, what is the original material, and what has been modified over time. The design review will make sure that what the applicant was proposing for rehabilitation of the historic structure and the addition complies with the design regulations and zoning requirements.

Chair Phillips opened the public hearing.

There were no E-Comments submitted and no hands were raised on Zoom.

Chair Phillips closed the public hearing.

Commissioner Suesser referred to the aerial image on the screen. She asked if the parcel outlined in blue was the property exclusively being subdivided and where the lot line would be. Planner Ward replied that the area in blue was exclusively what was being subdivided. She indicated a boundary line 5' south of the historic structure, which meets the setbacks for the zone. She pointed out the proposed lot amendment showing the location of Lot A and the property line with Lot B to the south. Commissioner Suesser assumed a driveway was being proposed or a new parking location. Planner Ward replied that the historic home is exempt from on-site parking requirements. New construction on Lot B will be required to meet the parking requirements for a single-family dwelling. Commissioner Suesser pointed out that this plat amendment would increase on-street parking. She suggested the possibility of a garage underneath the house. Director Milliken stated that the applicant would not be allowed to have parking underneath the historic house because a historic structure can only be raised two feet.

Commissioner Kenworthy noted that on-street parking has been removed from Park Avenue. Commissioner Suesser thought the parking was only removed from that side of the street, but cars could still park on the other side. Planner Ward had not seen the plans for the HDDR; however, there is vacant space to the north of the historic structure which the applicant may be proposing for parking. She apologized for not having that information.

Commissioner Suesser asked if the lot directly to the south is a commercial lot. Planner Ward answered yes. Chair Phillips thought it was an interesting situation because the residents would not be allowed to park in front of their own house on Park Avenue. Commissioner Suesser had concerns because it is a historic home and parking has been eliminated directly in front of the house. She stated that the lot behind this home is extensive and there may be a potential to build a garage directly behind this home and access it from the north side of the house.

Chair Phillips remarked that they were not creating a situation that does not exist elsewhere, but he was concerned with the parking issue. Commissioner Suesser thought the Planning Commission had good cause to deny this request due to parking concerns.

City Attorney Mark Harrington stated that with respect to the Code, City already has a policy that historic homes do not require off-street parking. The Commissioners would need a different justification for impacts that cannot be mitigated; or tie it to another Code provision in terms of addressing removal of the current on-site parking.

Commissioner Suesser understood that the policy is that historic homes in the historic district are exempt from the parking requirement, but they have never applied that policy to a home on a street that has no public parking in front of the house. This is on a street that restricts parking altogether. She believed this was a different scenario.

Chris, the applicant, stated that once they subdivide the property into two lots, the parking on the north side of the historic home will have a driveway and a garage going to the back. It will be a mirror image to 1062 Park Avenue with a historic structure and an addition behind it. He explained that there will be a driveway and a two-car tandem garage providing 3-full parking spots. There will be a driveway on the south lot where there is an existing driveway and that will create two full parking spots. Chair Phillips clarified that the applicant had plans to create off-street parking for both lots. Chris replied that both lots will have garages.

Commissioner Thimm believed that would help with the parking concerns. He asked if there was a way to condition it to make what the applicant was proposing a requirement. Chair Phillips asked if the applicant would accept making it a requirement under a condition of approval. Chris answered yes, noting that the parking plan was submitted with the application.

Someone raised their hand on Zoom to speak.

Chair Phillips re-opened the public hearing.

Paula Winter, a co-partner on the project and the property owner, stated that the property currently has off-street parking, and the plan is to have off-street parking in the future. In response to the earlier question regarding the chain link fence, Ms. Winter noted that her parents bought the historic house in 1953 and it has had a chain link fence since that time.

Chair Phillips closed the public hearing.

Commissioner Thimm asked if they needed to draft a condition to address the parking. He recommended language stating, "There shall be a minimum of two-off street parking stalls provided for each subdivided lot". The applicant was comfortable with that language. City Attorney Mark Harrington stated that the new condition would be added as Condition #12.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council for their consideration on May 13, 2020 for the Gasparac plat amendment at 1060 Park Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft report and as amended to add Condition #12 that each parcel will have two parking stalls. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1060 Park Avenue

Background:

1. The property is located at 1060 Park Avenue.
2. The property is listed with Summit County as Parcel number AS-357 and consists of Lots 9, 10, 11, and 12 in Block 55 of Snyder's Addition; Also, that part of the E1/2 of Block 55 Snyder's Addition Easterly from Lots 9, 10, 11, and 12. The proposed Plat Amendment creates two (2) Lots of record.
3. On March 26, 2021, the Applicant submitted a complete Plat Amendment application.
4. The applicant proposes adding a Lot line five feet (5') to the south of the existing Structure and Subdividing the 12,868 square foot Metes and Bounds in the Historic Residential – Medium District into Lot A, a 7,839 square foot Lot containing a Significant Historic Structure, and Lot B, a 5,029 square foot Lot.
5. The property was designated as a Significant Historical Structure on the Park City Historic Site Inventory (HSI) in 2009.
6. No easement is vacated or amended as a result of the plat amendment.

Zoning District:

7. The property is in the Historic Residential - Medium (HRM) Zoning District.

Public Notice Requirements:

8. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on April 12, 2021. Staff mailed courtesy notice to property owners within 300 feet on April 14, 2021. The Park Record published notice on April 14, 2021.

Lot and Site Requirements

9. The LMC also regulates Lot and Site Requirements per LMC §15-2.4-3.
10. A Single-Family Dwelling is an allowed Use in the HRM Zoning District and requires a minimum lot size of 1,875 square feet. The proposed Lot sizes comply with this requirement.
11. The minimum Lot width in the HRM Zoning District is 37.5 feet. The proposed Lots comply with this requirement.
12. The required Front Setback for Lot depths greater than 75 feet is fifteen feet (15'). Lot A is Legal Non-Conforming, as is. Lot B will come into compliance with new construction.
13. The required Rear Setback is ten feet (10'). Lot A is Legal Non-Conforming, as is. Lot B will come into compliance with new construction.
14. The required Side Setback is five feet (5'). Lot A is Legal Non-Conforming, as is. Lot B will come into compliance with new construction.
15. There is no maximum building footprint requirement in the HRM Zoning District. Any new construction shall comply with the Land Management Code at the time of Application submittal.
16. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 1060 Park Avenue

1. There is Good Cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC § 15-2.4 Historic Residential-Medium Zoning District and LMC § 15-7.1-6 Final Subdivision Plat.
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 – 1060 Park Avenue

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 year from the date of City Council 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 date and an extension is granted by the City Council.
3. The applicant shall insert the easement legal description into Snyderville Water

Reclamation District (SBWRD) Grant of Easement form, signed and notarized by landowner, and returned to SBWRD for recordation.

4. After the easement is recorded, applicant shall insert the recording information on the plat.
5. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
6. A non-exclusive ten foot (10') public snow storage easement on Park Avenue shall be dedicated on the plat.
7. Any new construction shall comply with the Land Management Code at the time of Application submittal.
8. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
9. Any new construction shall comply with the Land Management Code at the time of Application submittal.
10. Prior to recordation of plat, the chain link Fence shall be removed.
11. Prior to recordation of plat, the Accessory Building shall be demolished.
12. There shall be a minimum of two-off street parking stalls provided for each subdivided lot

6.C. 1125 and 1129 Park Avenue – Plat Amendment – The Applicant Proposes Subdividing 1125 Park Avenue, a 5,462-Square-Foot Parcel in the Historic Residential – 1 Zoning District into a 2,875-Square-Foot Lot and a 2,587-Square-Foot Lot and Amending the Lot Line Between 1125 and 1129 Park Avenue. (Application PL-21-04797)

Planner Ward reviewed the application for the Jupiter Moons plat amendment for 1125 and 1129 Park Avenue. The applicant was proposing the creation of three lots by subdividing 1125 Park Avenue into two smaller lots and amending the lot line between 1125 and 1129 Park Avenue. Planner Ward presented a slide and noted that 1125 Park Avenue was the green structure on the left and 1129 Park Avenue was on the right. Both are historic structures on the Park City Historic Sites Inventory. Planner Ward stated that 1129 Park Avenue was constructed first around the late 1890s, and it was constructed over the lot line. When 1125 was construction on its lot in 1920 there was a rear addition to 1125 and that addition was constructed adjacent to the encroaching home. Planner Ward indicated a common wall between the two historic structures.

Planner Ward reported that the Historic Preservation Board was currently reviewing the Historic District Design Review applications for these properties. The HPB was

evaluating the 1920s addition to see if it contributes to the historic integrity of the structure, or if it can be demolished. She noted that this approval has conditions that allow for both instances moving forward.

Planner Ward reviewed an image showing where the Jupiter Moons plat amendment would adjust the property line between the two historic structures to preserve the building footprints. Lot A would extend from Park Avenue to Woodside Avenue. The area will be subdivided into Lot B, which is the other historic structure. Lot C will be a vacant lot.

Planner Ward stated that the proposal complies with the HR-1 zoning district and the plat amendment requirements. She explained under the requirements, the lot width needs to be 25' measured 15' from the front lot line. Land Management Code Section 15-2.2-3(B) allows the Planning Director to make a determination on lot width in the case of unusual lot configurations. Planner Ward noted that Lot A is currently 23' wide and 15' back from the lot line. The proposed Lot A will increase the width to 24'. She stated that if the lot line were to go to the full 25' it then begins to encroach into the historic structure at 1125 Park Avenue. Planner Ward reported that on April 19, 2021 the Planning Director determined that the 24' wide lot line for Lot A is appropriate because it allows for the creation of two separate lots for the rehabilitation of these historic structures. It also allows for the preservation of these unique building footprints.

Planner Ward stated that the proposal complies with the zoning district requirements, but the Staff was recommending conditions of approval. One condition requires the applicant to record a party wall agreement prior to plat recordation if the HPB requires preservation of the 1125 Park Avenue 1920s addition. If the addition stays, a party wall agreement is required under the LMC. Planner Ward stated that due to the unique placement of both structures on the sites, the Building Code has additional requirements. Both historic structures must be fire sprinklered, walls less than 3' to the lot line must be built to meet specific standards, no windows or doors are allowed in the walls. These requirements from the Building Code were placed in the conditions of approval.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for their consideration on May 13, 2021.

Chair Phillips clarified that with the 24' width, the applicant would still need to follow the 3' setback rules on any new construction. Planner Ward answered yes.

Chair Phillips opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Chair Phillip closed the public hearing.

Chair Phillips believed this application was a good example of removing lot lines to accommodate historic preservation and to promote rehabilitation of historic structures. He found good cause for this plat amendment.

Commissioner Kenworthy stated that he also found good cause for the historic preservation of both historic homes.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council concerning the 1125 and 1129 Park Avenue Plat Amendment for their consideration on May 13, 2021, in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1125 and 1129 Park Avenue

1. 1125 and 1129 Park Avenue are described by metes and bounds and include Lots extending from Park Avenue to Woodside Avenue.
2. The Applicant proposes the creation of three Lots: subdividing 1125 Park Avenue, a 5,462-square-foot metes and bounds parcel in the Historic Residential – 1 Zoning District, into a 2,875-square-foot Lot and a 2,587-square-foot Lot and amending the Lot Line between 1125 and 1129 Park Avenue.
3. 1125 Park Avenue is a one-story cross-wing Single-Family Dwelling constructed in 1901 and is designated a Landmark Historic Structure on the Historic Sites Inventory.
4. 1129 Park Avenue is a one-story hall-parlor Single-Family Dwelling constructed sometime between 1895 and 1901 and is designated a Significant Historic Structure on the Historic Sites Inventory.
5. 1129 Park Avenue was constructed across Lot lines and encroaches into the 1125 Park Avenue Lot.
6. In the 1920s, a rear addition to 1125 Park Avenue was constructed adjacent to the encroaching home at 1129 Park Avenue. The properties share a common wall.
7. In addition to creating three Lots, this Plat Amendment adjusts the property line between 1125 and 1129 Park Avenue to resolve the 1129 Park Avenue

encroachment and to accommodate the Building Footprint of the adjoining Historic Structures.

8. The proposal complies with the Historic Residential – 1 Zoning District requirements.

9. The purpose of the Historic Residential – 1 (HR – 1) Zoning District is in part to encourage the preservation of Historic Structures, encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods, and encourage Single-Family Development on combinations of 25' x 75' Historic Lots.

10. Single-Family Dwellings are an Allowed Use and Duplex Dwellings are a Conditional Use in the HR – 1 Zoning District.

11. Minimum Lot Area is 3,750 square feet for Duplex Lots and 1,875 square feet for Single-Family Lots.

12. Lot A contains 4,669.50 square feet and may accommodate a Duplex, subject to Conditional Use Permit approval; Lot B contains 2,875.80 square feet; and Lot C contains 2,587.50 square feet.

13. Minimum Lot width is 25 feet.

14. Lot A is currently 23 feet wide measured 15 feet from the front Lot line. Proposed Lot A is 24 feet wide measured 15 feet from the front Lot line and does not meet the HR-1 Zoning District 25-foot Lot width requirement. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director pursuant to LMC § 15-2.2-3(B).

15. On April 19, 2021, pursuant to LMC § 15-2.2-3(B), the Planning Director determined that the 24-foot width for Lot A is appropriate because it allows for the creation of two separate Lots for the rehabilitation of the Historic Structures and preserves the unique Building Footprints of the Historic Structures.

16. Lot B is 36.70 feet wide; Lot C is 37.50 feet wide.

17. The Building Pad, Building Footprint, and Height define the maximum Building envelope within which Development must occur.

18. Historic Structures that do not comply with Building Footprints, Height, and Setbacks are valid Non-Complying Structures.

19. The maximum Building Footprint is calculated based on the following formula:
$$\text{MAXIMUM FP} = (A/2) \times 0.9A/1875.$$

20. The maximum Building Footprint for Lot A is 1,804 square feet; Lot B is 1,223 square feet; and Lot C is 1,119 square feet.

21. Front and Rear Setbacks for Lots with a depth up to 75 feet are 10 feet; Front and Rear Setbacks for Lots with a depth of 77 – 100 feet are 12 to 13 feet, for a total of 25 feet; Front and Rear Setbacks for Lots over 100 feet are 15 feet.

22. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures. Additions must comply with Setbacks.

23. Lot A (Lot depth is 150 feet) – Front and Rear Setbacks for new construction are

15 feet.

24. Lot B (Lot depth is 81 feet) – Front and Rear Setbacks for new construction will be 12 and 13 feet, for a total of 25 feet.

25. Lot C (Lot depth is 69 feet) – Front and Rear Setbacks are 10 feet.

26. Side Setbacks for Lots up to 37.50 feet wide are three feet.

27. New construction shall comply with three-foot Side Setbacks on Lots A, B, and C.

28. Building Height shall not exceed 27 feet from Existing Grade.

29. On November 4, 2020, the Historic Preservation Board conducted a work session to discuss 1125 Park Avenue, including the 1920s addition that abuts 1129 Park Avenue. The Historic Preservation Board may determine that the 1920s addition contributes to the Historic Integrity of the Historic Structure, or the Historic Preservation Board may approve removal of the 1920s addition.

30. LMC § 15-2.2-3(I)(2) allows for no Side Setback between connected Structures “where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning Districts.” Condition of Approval 10 requires the Applicant to record a party wall agreement prior to plat recordation with Summit County if the Historic Preservation Board requires preservation of the 1125 Park Avenue 1920s addition.

31. Plat amendments shall be reviewed according to Section 15-7.1-6 Final Subdivision Plat and approval shall require (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

32. No Public Street, Right-of-Way, or easement is vacated or amended.

Conclusions of Law – 1125 and 1129 Park Avenue

1. There is Good Cause for this Plat amendment because it resolves existing encroachments and allows for the rehabilitation of two Historic Structures while preserving the unique Historic Building Footprints.

2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1-6, and Chapters 15-2.2 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 – 1125 and 1129 Park Avenue

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 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. The Applicant shall dedicate a non-exclusive ten-foot public snow storage easement on Park Avenue and Woodside Avenue.
4. The property is not located within the Park City Soil Ordinance Boundary and therefore, it is not regulated by the City for mine related impacts. However, if the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance with State and Federal law.
5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. The Building envelope for all new construction must comply with Building Pad, Building Footprint, and Height.
7. The maximum Building Footprint for Lot A is 1,804 square feet; Lot B is 1,223 square feet; Lot C is 1,119 square feet.
8. New construction must comply with Height regulations.
9. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
10. The Applicant shall record a party wall agreement prior to plat recordation with Summit County if the Historic Preservation Board requires preservation of the 1125 Park Avenue 1920s addition.
11. To comply with the Building Code, the Building Department requires the following four standards to retain the common wall between the properties:
 - a. Both Historic Structures must be fire sprinklered.
 - b. The walls less than three feet to the Lot line must be built as a one-hour rated assembly.
 - c. The projections within two feet of the Lot line need to be one-hour rated on the underside.
 - d. No windows or doors are allowed in the walls that are within two feet of the Lot line.
12. The Applicant shall submit verification to the Planning Department that no easement is vacated or amended by this Plat amendment prior to recordation of the plat with Summit County.

The Planning Commission Meeting adjourned at 8:25 p.m.

Approved by Planning Commission: _____

APPROVED 05.12.2021