

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 14, 2021

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO: Gretchen Milliken, Planning Director; Brendan Conboy, Planner; Alexandra Ananth, Planner; 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

March 24, 2021

Commissioner Thimm referred to page 20, second to the last paragraph, and changed the word roofs to correctly read **roots**.

MOTION: Commissioner Thimm moved to APPROVE the Minutes of March 24, 2021 as amended. 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 updated the Planning Commission on process for selecting a new Commissioner. She reported that the City Council was still discussing the candidates and no decision had been made. The City Council expects to make a decision at their meeting on April 29th.

Chair Phillips looked forward to having a new Planning Commissioner and he encouraged all the Commissioners to do whatever they can to help bring the new Commissioner up to speed.

Commissioner Thimm asked if the Staff could cull through all the work sessions concern the Park City Mountain Base Area and create one document for the new person to review. Director Milliken agreed with that idea and thought it could be done.

Commissioner Hall disclosed that she would be recusing herself from Agenda Item 5C.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

**5.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.**

Planner Brendan Conboy requested that the Planning Commission continue this item to April 28, 2021.

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 the Payday Condominiums amended plat to April 28, 2021. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

**5.B. 1049 Lowell Avenue - A Plat Amendment in the Historic Residential (HR-1)
Zone to Adjust the Lot Line Between Lots 2 and 3 of the Northstar
Subdivision under Common Ownership by the Applicant.**

Planner Conboy reported that the 1049 Lowell Avenue plat amendment came before the Planning Commission on March 10th and it was continued. At the last meeting the Planning Commission requested additional information from Staff and the applicant regarding a streetscape analysis. Planner Conboy presented the streetscape from the HDDR that was submitted on behalf of the applicant for the existing house and the new addition to the garage. The view was looking west from Lowell Avenue up the hill. Planner Conboy also presented a rendering of the proposed changes to the house for

the new garage addition. He showed a view looking to the east across Lowell Avenue to the historic lots, which is a much denser streetscape.

Planner Conboy stated that the Staff had done an analysis of the existing average lot sizes in the neighborhood in general. The existing size for 1025 Lowell is .5 acres and .33 acres for 1049 Lowell. What was being proposed is a reduction of .10 for 1025 Lowell Avenue bringing it to .15 acres, and an increase for 1049 Lowell of .10 acres bring it to .43 acres. Planner Conboy stated that in general, for the lots facing Lowell Avenue, the average lot size is .30. Therefore, the existing lots are fairly average. However, for the Northstar Subdivision in general, the average lots are approximately $\frac{1}{2}$ acre each. That number is inflated by the upper Hillside Lots, which are typically one acre each. Planner Conboy remarked that the lots on the east side are smaller historic 25'x75' lots, .05 acres. Both sides of the street together result in an average of .08 acres.

Planner Conboy noted that the Staff was comfortable with the adjusted lot because the adjusted lot is still 3-1/2 times the minimum required lot size of 1,875 square feet for the HR1 zone. The neighborhood in general has smaller lots, however, this would be a reduction in lot size for the Northstar subdivision.

Planner Conboy presented the site plan that was submitted for the HDDR review. A red circle shown was an approximation of where the deck is located to help orient the Commissioners. He noted that the deck will be right in the middle of the newly adjusted lot line. The Staff spoke with the Building Department and they are comfortable with the location because decks that cross lot lines are considered to be "temporary structures" in that they can be easily removed, as opposed to a building foundation. Planner Conboy stated that in talking with the Building Department, lots under common ownership do not require encroachment agreements or easements for temporary structures like decks. If or when the property is sold, the onus is on the landowner to either rip out the improvements or record an easement.

Planner Conboy stated that a condition of approval was added which would require the applicants to either put a note on the plat or to record an encroachment agreement prior to recording the plat. He noted that the applicant has stated their intent to record the encroachment agreement because it would be cleaner. The Staff supports that intent because it would show up in a title report if the property is ever sold.

Planner Conboy remarked that the existing garage that will be demolished currently encroaches into the hammerhead turnaround for fire vehicles. That improvement

should have never been approved and the Staff will work with the applicant on the proposed retaining wall as part of the HDDR review process.

Planner Conboy noted that in the last meeting the Planning Commission asked for a better idea of how the lot was being adjusted. He presented a slide showing the adjusted lot, showing how a .10-acre sliver of land is added to Lot 2 and subtracted from Lot 3 creating a smaller lot than Lot 2.

Planner Conboy stated that upon further review, he believed the Staff's initial interpretation of the LMC was incorrect in terms of the building footprint. He clarified that when a lot reaches 18,750 square feet, the maximum allowable footprint is 4,500 square feet. By adjusting this lot line, Lot 2 will have a potential of 4,500 square feet max; however, the HR1 Zone and the LMC talks about any footprint over 3,500 square feet requires a conditional use permit. Planner Conboy reported that the current plan is to remove the 638 square foot existing garage and replace it with a 988 square foot attached garage and ski room, which will result in a total net of a 350 square foot addition overall to the existing footprint.

Planner Conboy noted that the Planning Commission had also asked for the potential buildout of these sites. He stated that based on what could be considered below grade garage that is included, as well as a second-floor addition recessed and setback, he estimated that the existing potential square footage could be somewhere around 6,000 square feet. With the adjusted lot line, it could potentially be 6,500 square feet of floor area. Planner Conboy clarified that anything above 3,500 square feet would require a CUP. As currently proposed, the maximum footprint is 3,465; however, it does not include the 400 square foot garage. Planner Conboy explained what when the lot size reaches 18,750 square feet, there is an automatic exemption of 400 square feet for a garage. Therefore, the actual total footprint would be 3,865 square feet. The current footprint is 3,550. Planner Conboy reiterated that while the lot size is larger, the actual addition only nets approximately 350 square feet.

Planner Conboy stated that the reduction in lot size was more significant for Lot 3. The lot size would decrease approximately 40% from 10,867 square feet down to 6,559. The allowable footprint is reduced approximately 700 square feet. The potential square footage that could be built on site as it exists now is estimated to be 5,500-6,000 square feet. Planner Conboy estimated that the house size would be reduced by 500-1000 square feet based on height restrictions, setbacks, etc.

Planner Conboy reviewed the conditions of approval that were added or deleted. At the last meeting the Planning Commission discussed the teepee and the Staff added

conditions of approval to address the teepee and the deck. He noted that Condition #6 reiterates what is already included in the Code, and the Code enforcement measures already in place. In speaking with the Building Department, any tarpon structure or tent that is less than 400 square feet does not require a building permit. Per the LMC, anything less than 30" from grade is not considered a structure. Planner Conboy stated that the Staff considers the teepee a temporary structure and the teepee itself cannot exceed 180 days within a 12-month period.

Planner Conboy reported that the Planning Department received notice from neighbors, particularly Mr. Grimes who lives next door, that the applicant has not been adhering to the 180 days limit. The added condition of approval clarifies that it will result in Code enforcement if the teepee is not taken down or a building permit is not obtained. The Staff opinion is that a building permit cannot be obtained for the teepee structure and it needs to adhere to the 180-day limit.

Planner Conboy stated that another added condition of approval states that the recorded driveway easement shall have language that clarifies it is for the benefit of Lot 2 and Lot 3.

Commissioner Suesser noted that the condition specifies "the recorded driveway easement". She understood that nothing has been recorded and the condition of approval requires a shared driveway easement for the benefit of Lots 2 and 3.

Commissioner Suesser referred to the encroachment agreement that was referenced in the last condition. She noted that it references any encroachment, and she believes the shared driveway is also an encroachment.

Planner Conboy stated that he spoke with the Engineering Department on whether they needed separate encroachment agreements for retaining walls, or whether they could just be contained within the easement itself. The Engineering Department preferred to have it contained in the easement itself for the retaining wall. Planner Conboy explained that the other additional encroachments mentioned in Condition #7 is basically the deck structure. The intent is to ensure that if the property is sold to a second party that those features are remedied.

Commissioner Suesser did not think that language was clear.

Planner Conboy stated that he received comment from Michael Kelly, the Northstar HOA President, and the neighboring property owner, that the Northstar subdivision HOA did not receive mailed notice. All the other properties did receive notice. The

Staff relies on the applicant to provide the mailed notice list, which typically comes from the Title Company. In look at the GIS, the Staff was unable to find the HOA mailing address and they believe it was an oversight.

Planner Conboy reported that the second issue was access from Northstar. The Staff report mentioned the possibility that the lot could be accessed from Northstar; however, that appears to be a more complicated issue between the applicant, Mr. Larcher, and the Northstar HOA. Mr. Larcher had removed himself from the HOA in terms of paying dues and, therefore, has not been paying for the upkeep of that road. For that reason, there was an understanding that he would not be able to access his property from Northstar. Planner Conboy emphasized that this was an issue between the Northstar HOA and the applicant.

Commissioner Suesser understood there were two driveway easements. Planner Conboy answered yes. There is the existing Northstar private road easement that was part of the original plat. There is also the driveway that Mr. Larcher added that was never formally included in any plat until now and the Staff was currently requesting that it be formally recorded. Commissioner Suesser thought Condition #5 needed to be reworked because none of the conditions of approval reference the other driveway easement. She did not think it was clear that the one in Condition #5 references the driveway easement that cuts across Lot 3.

Chair Phillips stated that until the presentation this evening, he was unaware that a 3500 square foot threshold triggers a CUP. He intended to review the other zones to know whether that only applies to the HR1 zone or to other zones as well. Chair Phillips asked how the Staff views that trigger on an addition versus a new application. He wanted to know if this would be viewed as a CUP when the applicant comes in for a building permit application.

Planner Conboy explained that the 400 square foot exemption for garage space puts them over the 3,500 square foot threshold. That 400 square feet is deducted from the total because the applicant should not be required to apply for a CUP on square footage that is exempt. Planner Conboy remarked that the current square footage without the garage is 3,465 square feet. If the applicant adds additional square footage in the future, it will trigger a CUP.

Chair Phillips asked for the total footprint allowance with the new lot line. Planner Conboy replied that the existing allowance is 2,950 square feet for a footprint. The adjusted lot would be 2,269 square feet. Chair Phillips clarified that he was talking about the larger lot. Planner Conboy stated that the existing footprint is 3,200 square

feet. Once they hit the threshold of 18,750 square feet, they benefit from the 4,500 square foot maximum and get the 400 square foot garage exemption. If the lot is less than the maximum size, there is no garage exemption.

Commissioner Suesser asked if the applicant could build out 4900 square feet. Planner Conboy answered yes, including the exemption. However, anything above 3500 square feet requires a CUP.

Chair Phillips stated that if the lot line adjustment is to accommodate an addition, how far does the lot line need to be moved in order to resolve any issues and to allow the addition. For example, are they moving it 20 feet if they only need to move it ten feet. Planner Conboy preferred to let the applicant speak to his question because they made a number of revisions to their plans. He explained that the latest revisions were filed as a modification of approval and it was not showing up. In the previous HDDR application a smaller addition was proposed; however, looking back at prior discussions with Staff regarding this process, the reasoning for the lot line adjustment was because the existing footprint is non-conforming, and the applicant could not do any addition because they were over their maximum footprint. In order to get rid of the garage and do a smaller 350 square foot addition, they would still need to adjust the lot line to meet the requirements. Planner Conboy stated that if the lot size was less than 18,750 square feet, they would see a significant reduction in the allowable footprint and there would not be the 400 square foot exemption for a garage.

Commissioner Suesser thought it was apparent that the applicant's goal is to hit that threshold and get the garage exemption in order to max out the space.

Chair Phillips opened the public hearing.

The following people raised their hand on Zoom to comment.

John Michael Kelly stated that he an attorney in Utah as well as President of the Northstar HOA. Mr. Kelly wanted to expand on Planner Conboy's comment for the record. He had not intended to participate in this meeting until he saw the Staff report because he believed the Northstar HOA has worked out the issues with the owner of Lots 2 and 3. However, he wanted the record clear that there is no available access to Northstar Drive. Mr. Kelly stated that a number of years ago, Lots 1, 2 and 3 of the Northstar subdivision, of which Lots 1, 2 and 3 are still part of, were allowed to withdraw from the Homeowners Association because they were not using Northstar Drive, and it did not make sense for them to pay dues for the upkeep, which is required of the HOA. Mr. Kelly explained that even though it is a public road, an agreement with the City

requires the Association to take care of the road. They allowed the owner to be removed from the Association; however, it is not explicit in the recorded agreement but there was an understanding that those two lots would never be able to access Northstar Drive. Mr. Kelly remarked that with this change and the driveway bisecting both lots, there is a potential in the future that the smaller lot could be sold, and that owner would want to access Northstar avoiding hundreds of thousands of dollars in past dues and assessments for upkeeping Northstar, and that would not be fair. Mr. Kelly clarified that he was not there to take a position on the lot line. He was there because the HOA believes there is an understanding that will be further documented by agreement of the parties and recorded, that there is no access by Lot 2 or Lot 3 to Northstar Drive because they are not members of the Association and they are not required to get approval of the Association for their house. Therefore, they cannot access Northstar Drive.

Michael Grime appreciated all the efforts by the City Staff. He listened to the last meeting and this meeting and a lot of the questions were answered. Mr. Grime appreciated Chair Phillips' question about how large the lot needs to be and the applicant's agenda for the square footage. Mr. Grime would like the new owner to abide by the rules. The teepee has been up for years even though it should only be up for 180 days each year, but he would leave that issue to the City Staff. Mr. Grime stated that he and others want to be good neighbors. They abide by the Code and the rules and they expect the same of their neighbors. Mr. Grime thought it was disappointing to see the lot become smaller, but after doing the math and seeing the size of the house that could be built on the property, he was comfortable with the reduction. He only asked that the teepee be addressed and whatever penalties are in place should be enforced. It is an eyesore and not in keeping with Old Town, but if the applicant has the right to have a temporary structure up for 180 days, they will accept that rule.

Chair Phillips closed the public hearing.

Chair Phillips stated that knowing the teepee has been up for over 180 days, he suggested adding a condition that prior to plat recordation that the teepee is taken down for the proper amount of time just to show that the applicant is serious about conforming, as opposed to starting 180 days from now.

Chair Phillips also suggested adding a condition of approval stating that there is no access to Lot 2 and Lot 3 from Northstar Drive.

Chair Phillips stated that he is not a fan of creating a lot within a subdivision that will be the smallest lot. He would have liked to see the overall subdivision layout, but it is not necessary. Chair Phillips assumed this plat amendment would create the smallest lot and possibly the biggest lot next to it. In general, the Planning Commission does a lot of plat amendments and most of the time it is to clean up lot lines and different issues. He noted that the Planning Commission compiled a list of issues for discussions and one of the items is how to treat these plat amendments. He would not hold this applicant to a future discussion, but he would like to look at the process and how other municipalities handle plat amendments. Chair Phillips stated that in this one situation, he felt that reducing the lot by 40% and having a driveway intersect at the bottom would negatively impact the neighbor.

Planner Conboy pulled up the Northstar Subdivision. Chair Phillips thought it confirmed that this plat amendment would create an “oddball” in this neighborhood. He clarified that he was not opposed to moving forward on this plat amendment, but this was another reason for having a broader discussion on overall policy. Planner Conboy pointed out that there is some precedent in the Northstar Subdivision for lot splits.

Commissioner Suesser asked Planner Conboy to clarify whether or not there is access to Lot 3 off of Northstar Drive. She understood from the HOA President that there is not access. She asked if there was something in writing specifically saying that there is no access from Northstar to Lot 3. Planner Conboy did not believe it says that explicitly, but the understanding at the time Mr. Larcher removed himself from the HOA was that Mr. Larcher was abdicating his right to take access from Northstar. Planner Conboy was comfortable adding conditions to clarify that access is not allowed.

Commissioner Suesser stated that if they add a condition stating that the applicant will record a shared driveway easement for the benefit of Lot 2 and 3, and that the driveway easement includes the retaining wall, she believed that would give Lot 3 access. Currently, without access to Northstar the only access for Lot 3 is to go over Lot 2.

Commissioner Thimm asked whether Northstar Drive was a private drive or a public right-of-way. Commissioner Suesser replied that it is private. Commissioner Thimm questioned whether the Planning Commission should be placing conditions on a private drive or whether it should be private business between property owners.

City Attorney Harrington thought this was similar to the Deer Valley Loop situation where the lots in question that were being replatted were bisecting two potential points of access. In that case, private rights were being proposed below and the public access was from above, and the Planning Commission determined which units could be

accessed where based on the cuts, safety, and steepness. Mr. Harrington clarified that the Planning Commission has the ability to determine the appropriate location of the drive. He proposed that any condition of approval be worded similarly as opposed to saying what can or cannot be used for access. Mr. Harrington suggested, "The proposed access to Lot 2 and 3 is from the existing private driveway, which shall be memorialized by a recorded easement prior to plat recordation for the benefit of Lots 2 and 3". They could also add, "No access shall be from Northstar Drive without further plat amendment" if they want to clarify that no access is allowed to be cut in from above without further action by the Planning Commission.

Commissioner Thimm stated that his preference would be not to mention a private drive. He preferred to say, "Access to both Lot 2 and Lot 3 shall be off of Lowell Avenue". City Attorney Harrington replied that the only concern is that the existing driveway easement is for both lots and that is not currently recorded. Commissioner Thimm clarified that he wanted that to stay in place. His intent is only to say they expect access off the public right-of-way. If an easement is necessary to accomplish that, he agreed completely with Commissioner Suesser on that point. Mr. Harrington understood that it would need to be memorialized for Lot 2.

Commissioner Thimm noted that Chair Phillips mentioned that the teepee has been up for over 180 days, and that the applicant needs to follow the rules and the time clock should start from the date it was erected. Commissioner Thimm also noted that Chair Phillips said that the teepee needs to be down for an appropriate amount of time. He asked for clarification on "appropriate amount of time". Planner Conboy stated that it is 180 days within a 12-month period. The owner could not take it down for a day and put it back up for another 180 days. They would need to wait 6 months before putting it up again. Commissioner Thimm clarified that the teepee has already been up for 180 days within a 365-day period.

Chair Phillips stated that the Planning Commission specifically worked on adjusting those codes a few years ago.

Commissioner Thimm was comfortable with the proposed changes to the conditions of approval.

Jessica Nelson noted that the public hearing was closed; however, a hand was raised on Zoom.

Chair Phillips re-opened the public hearing.

Mike Kelly, President of the Northstar HOA, felt a clarification was necessary regarding Northstar. He explained that Northstar is a hybrid. When the subdivision was originally created, the developer developed it as a private road. Thereafter, there was an agreement, which is recorded in Summit County, between the subdivision and Park City providing that it shall be a public road, but that it shall be maintained by the Northstar Homeowners Association. Mr. Kelly explained that it is a quasi-public road, and he had no doubt that the Planning Commission has the power to limit access.

Chair Phillips closed the public hearing.

Planner Conboy pulled up the conditions as currently drafted for the Commissioners to review.

Commissioner Kenworthy supported the conditions as amended and discussed.

Commissioner Suesser asked if they record the shared driveway easement for the benefit of both Lots 2 and 3 whether additional language would be necessary to address the encroachment if a potential purchaser buys the lot. City Attorney Harrington stated that any modification to Condition #5 should just say, "...in a form approved by the City Engineer and City Attorney". He understood from the presentation that the City Engineer wanted certain elements of the retaining wall included in that easement. Adding that language indicates that it is all inclusive in the one easement.

Commissioner Suesser asked if there is an existing private easement for access to Lot 2 from the other direction, or whether going through this process also puts that easement in place. She thought part of this application was to put the other easement in place that should have been recorded in the past. Planner Conboy understood that Lot 2 has always fronted Lowell Avenue, and he thought it was assumed that access could be taken from Lowell. Commissioner Suesser clarified that Lot 3 is the new smaller lot and Lot 2 is the house. Lot 2 has access from another shared easement going north. She asked if that was part of the title of this property and whether they need to include that easement as part of the conditions. She recalled from the last meeting that it was part of this application.

City Attorney Harrington clarified that Commissioner Suesser was asking if there is an existing easement going north over Lot 1 or whether that needs to be addressed with this application. Planner Conboy replied that the easement extends across Lot 1 into Lot 2. Mr. Harrington noted that it says "access easement" on the map and he assumed it was on the replat for Lot 1 and 1A when the lot was split. He pointed out that they were looking at an existing conditions survey that references an easement that

currently terminates at Lot 2. The condition of approval would be a new easement that either extends across Lot 3 reconnecting with Lowell or is independent of Lots 2 and 3.

Mr. Harrington believed that would be a Building and Fire Department determination. Planner Conboy noted that it has been identified by the applicant as a private driveway easement that connects with the other easement but not for the benefit of Lot 1.

Commissioner Suesser reiterated her understanding that this application included a need to reflect the other access as part of this application. She asked if she was mistaken. Planner Conboy explained that the City Engineer wanted the driveway shown on the plat as an easement because it was never recorded, and it was approved across lot lines. He noted that the Assistant City Engineer had said it would improve fire access for a thru-way in that situation. Planner Conboy believed the City Engineer wanted the easement recorded for that reason. Commissioner Suesser noted that it would give Lots 1 and 1A access over Lots 3 and 2. She did not believe that was the actual intention because there is a big gate between Lots 1A and Lot 2.

Karen Beckstrom, representing the applicant, was not able to answer their question because it was before her time. She understood that Mr. Larcher had planned to attend the meeting and present additional information and she was surprised that he was not on the line.

Chair Phillips suggested that the Commissioners take the time to resolve the issues through Findings of Fact and Conditions of Approval in order to forward a positive recommendation to the City Council. He also suggested that this item could be continued if the Commissioners were not comfortable drafting modified conditions this evening. They could direct the Staff to draft the findings and conditions per their discussion this evening and come back with the revisions for review and a vote.

Commissioner Thimm believed the Planning Commission could end up wordsmithing the revisions at the next meeting. He preferred to work on it this evening while it was fresh on their minds. Commissioner Thimm proposed an additional Condition #8 stating that "Access to Lots 2 and 3 shall be only from Lowell Avenue".

Commissioner Suesser thought Chair Phillips raised some interesting issues when he talked about increasing the size of the lot, and whether it would create a remnant lot by significantly decreasing the existing Lot 3. She requested discussion on that issue. Commissioner Suesser thought it was clear that the applicant was expanding to capture maximum buildout. Chair Phillips stated that he was more concerned with creating a remnant lot than he was with the size of the new home. Commissioner Suesser believed that was a reasonable concern.

Commissioner Thimm asked to see the subdivision plat to look at the lot sizes. He noted that Lots 1 and 1A are .23 acres and .22 acres. The acreage of Lot 3, which is the smaller lot, will be .15 acres. Chair Phillips pointed out that Lot 3 will be significantly less than the average lot. Commissioner Suesser pointed out that the lots across the street are typical smaller Old Town lots. However, Lot 3 is significantly smaller than the lots north and south of Lot 3.

Chair Phillips asked if the applicant needs the full amount to achieve what they want. He suggested increasing Lot 3 to at least .2 acres to give the lot more flexibility. Beyond this application, Chair Phillips questioned the City's policy on giving lot line adjustments for the purpose of accommodating a larger home. Chair Phillips was comfortable moving forward with this lot line adjustment even though he did not particularly like it, because they cannot deny this applicant when they approved similar requests for past applicants.

Commissioner Suesser pointed out that lot line adjustments are generally clean up and not to build a larger home.

Commissioner Thimm stated that neighborhoods extend beyond a subdivision plat line. There are smaller lots on the other side of Lowell, and even though this plat amendment would reduce the lot size, it can still yield a 4,500-5,000 square foot home. Commissioner Thimm was not bothered by the lot size. Commissioner Suesser asked if increasing the home lot bothered Commissioner Thimm. Commissioner Thimm answered no because some lots in the subdivision are larger.

Commissioner Hall agreed with Commissioner Thimm due to the makeup of the subdivision. Commissioner Van Dine agreed with moving forward on this application. However, she also agreed with Chair Phillips on the importance of having a policy discussion before they see other applications to make sure this does not continue to occur all over town.

Commissioner Kenworthy agreed with the other Commissioners. He did not think the diminished lot restricts the design and the home can easily be compatible with others on the west side of the street. Commissioner Kenworthy was concerned about the easement and suggested that the Building Department, the City Engineer, and the Fire Department draft the easement language in the way they want to address the easement.

Chair Phillips pointed out that the Planning Commission was forwarding a recommendation to the City Council, which gives the Planning Staff the opportunity to take it to the other departments before going to the City Council.

Commissioner Suesser referred to Condition #8 as proposed by Commissioner Thimm and questioned whether it was an accurate statement because there is no direct access to Lowell. Commissioner Thimm stated that he would be open to changing the language to "via Lowell Avenue or via an access easement off of Lowell Avenue".

Commissioner Suesser revised Condition #5 to read, "A shared driveway easement for the benefit of Lots 2 and 3 shall be recorded for the driveway and the retaining wall that crosses Lot 3 prior to recordation of the plat, in a form approved by the City Engineer and City Attorney".

Chair Phillips referred to his earlier about taking down the teepee, but he did not believe it was appropriate or necessary to have language regarding the teepee in the conditions for the plat. However, he thought the owners should understand that they are currently not complying with the City Codes. It is understandable if they were previously unaware of the Code, but they should now take steps to take it down. Commissioner Kenworthy agreed that everyone should follow the same rules and honor the neighbors.

Commissioner Suesser disagreed with Chair Phillips. She thought the approval should be conditioned on removing the teepee and that a condition of approval was appropriate.

Commissioner Thimm stated that his first thought is to have a Finding of Fact indicating that it was noted that the teepee has already been in place beyond 180 days. Based upon that finding of fact, they could add a sentence to condition of approval #6, "The teepee shall be removed prior to recordation of the new plat".

Commissioner Hall agreed with Commissioner Suesser about adding language to Condition #6 regarding the teepee. Chair Phillips noted that it is called a tent or tarpaulin in Condition #6 and he thought the term should be consistent. Planner Conboy stated that "tent or tarpaulin" comes from the International Fire Code where it talks about a tent or tarpaulin structure.

City Attorney Harrington stated that they could leave the Finding of Fact as written because it is a teepee and begin the existing Condition #6 with the proposed condition that "The existing teepee shall be removed prior to plat recordation". Continue the

remainder of the condition as written and add the word “future” to the first sentence to read, “The applicant shall limit any future tent or tarpaulin structure....”

David Larcher, the applicant, stated that he was more than willing to comply with the Code relative to the teepee. As he indicated at the last meeting, he was not aware of the 180-day limit. Mr. Larcher explained that his wife is part Cherokee and they simply put it up as homage to her heritage. They were not opposed to complying with the ordinance. Chair Phillips requested that Mr. Larcher remove the teepee now since it has been up for more than 180 days. Mr. Larcher stated that his intent is take it down and keep it down for close to two years while he is under construction.

The Commissioners were comfortable with the conditions as proposed and revised this evening. Chair Phillips asked Planner Conboy to have the City Engineer and the City Attorney review the language before taking it to the City Council.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council for the 1049 Lowell Avenue plat amendment adjusting the lot line between Lots 2 and 3, based on the amended Findings of Fact, Conclusions of Law, and Conditions of Approval. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1049 Lowell Avenue

1. The subject properties are located at 1049 and 1025 Lowell Avenue.
2. The subject properties consist of Lot 2 and Lot 3 of the Northstar Subdivision.
3. The property is in the Historic Residential (HR-1) District.
4. 1049 Lowell Avenue contains an existing Detached Single-Family Dwelling. 1025 Lowell Avenue is vacant land.
5. The applicant proposes to adjust the Interior Lot Line of the subject Lots.
6. The proposed Lot Adjustment meets the Lot and Site Requirement of the Land Management Code.
7. The applicant has submitted an application for Historic District Design Review, which will be processed should the Plat be approved.
8. The applicant will be subject to the Design Guidelines for Park City’s Historic Districts.
9. No public Streets, Right-of-Way, or easements will be vacated or amended as a result of the proposed Plat Amendment.

Conclusions of Law – 1049 Lowell Avenue

1. There is good cause for this Plat Amendment as it allows the applicant to construct a remodel and addition to their home. Any addition to the home will be subject to the requirements of the LMC and Historic District Design Review approval.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Lot combinations.
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 – 1049 Lowell 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 will record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the Plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
3. New construction shall meet Site and Lot requirements of the HR-1 District per the Land Management Code in effect at the time of application submittal.
4. A Historic District Design Review application is required for any new construction proposed at the Site.
5. A shared driveway easement for the benefit of Lots 2 and 3 shall be recorded for the driveway and the retaining wall that crosses Lot 3 and shall be reviewed and approved by the City Engineer and City Attorney prior to recordation of the plat.
6. The existing teepee shall be removed prior to plat recordation. The applicant shall limit any future tent or tarpaulin structure less than 400 square feet erected on site to a maximum of 180 days within a 12-month period. Should the applicant desire to exceed the 180 day limit a Building Permit will be required. Failure to adhere to these terms will result in code enforcement.
7. The applicant shall include a plat note stating that any encroachments onto Lot 3 for the benefit of Lot 2 shall be removed from the site prior to dispossession or sale of the property to a second party or the applicant shall otherwise record encroachment agreements prior to the recordation of the plat with Summit County.
8. Access to Lots 2 and 3 shall be only from Lowell Avenue or an easement off of Lowell Avenue.

5.C. 2750 Meadow Creek Drive – Plat Amendment – The Applicant is Requesting to Remove Plat Notes #3 and #4 from the Lot 2 Willow Ranch Replat Subdivision Plat, and to Replace Them With a Plat Note that Allows for the Combined Square Footage to Remain the Same (9,800 square feet) but Not Be Fixed Between the Barn and the House.
(Application PL-21-04770)

Commissioner Hall recused herself and logged out of Zoom.

Planner Ananth reviewed the application for a plat amendment for Lot 2, Willow Ranch. She noted that this was a plat amendment to allow for changes to the existing plat notes. No lot lines were being changed.

Planner Ananth reported that Lot 2 is a seven-acre site in the Willow Ranch subdivision and zoned Estate. The lot is improved with a single-family residence. The lot has a maximum house and barn size as noted in the plat notes and CC&Rs. The applicant was requesting to move square footage from the house to the barn but stay within the original total square footage allowed on the lot, as well as the building envelope shown on the plat.

Planner Ananth presented a slide showing the original subdivision as approved in 1993 with Lot 2, the subject property, outlined. She stated that the original plat limited the home size to 8,000 square feet and the barn to 1800 square feet. The height of both structures is limited to the zone height of 28'.

Planner Ananth reported that under a previous owner in 1999, this lot was replated and the replat approved the allocation of 1300 square feet of barn area to the home, and it limited the height of the barn. The house was allowed to increase to 9300 square feet and the barn was restricted from the 1800 square feet to 500 square feet. Planner Ananth assumed that because the footprint was much smaller, the height was also reduced to 18'.

Planner Ananth stated that the applicant was now proposing to move square footage from the house back to the barn and remain within the original 9800 square feet and within the building envelope shown on the plat, but not have the square footage fixed between the two structures. The applicant was not exactly sure how large they would like the barn to be, but it would be within the 1800 square feet maximum allowed. Planner Ananth clarified that it would be within the envelope allowed. It would not be

fixed as a plat note this evening, other than the total square footage of the two being limited to 9800 square feet.

Chair Phillips asked if it was safe to assume that this was basically reverting back to the original plat. Planner Ananth answered yes. Chair Phillips asked if it would be safe to say that the 500 square foot barn is actually just a shed. Planner Ananth replied that it was more like a generous single-car garage.

The Staff found good cause for this plat amendment because it was consistent with the total square footage allowed on the lot between the home and the barn. It will allow the applicant to allocate some square footage from the house to the barn consistent with the original 1993 approval. The barn will not exceed 1800 square feet and will be constructed within the building envelope.

Planner Ananth reported on a change to one of the recommended conditions of approval in the draft ordinance. Going back to the original language from 1993, Condition #18 would read, "The building heights of the home and barn are limited to 23' to the mid-point, and 28' to the peak of the roof". She emphasized that it is what was originally allowed and what is allowed in the zone.

Planner Ananth stated that she was not proposing changes to Conditions 21 and 22; however, she wanted to note that the total square footage is conditioned, and the maximum barn square footage is conditioned as well.

Commissioner Suesser asked if the applicant could build a 9800 square foot home. Planner Ananth clarified that Commissioner Suesser was asking what the applicant could do under what the proposed condition reads. Planner Suesser answered yes. Planner Ananth stated that the applicant could have a 9800 square foot home if it can fit within the building envelope and they did not have a barn.

City Attorney Harrington understood there was a prior limitation on the house size that still continued to apply. Commissioner Suesser thought they could limit the size to 8,000 square feet; however, Planner Ananth had said the applicant was not sure whether they wanted to put more in the house and less in the barn or whether they wanted to revert to the 8,000/1800 split.

Planner Ananth stated that the original 1993 plat allowed for an 8,000 square foot house. The 1999 replat allowed for a maximum home size of 9300 square feet. She suggested limiting the home size to 9300 square feet, which would be consistent with the 1999 replat. Planner Ananth explained that they would be limiting the home size to

9300 square feet whether or not they have a barn. Commissioner Suesser clarified that the total for the barn and the house was 9800 square feet. Planner Ananth answered yes.

City Attorney Harrington stated that the from the original plat still remains in place and limits the home square footage to a maximum of 9300 square feet. Planner Ananth agreed that it was a condition of the current recorded plat. She stated that condition of approval #17 in the draft ordinance reads, "The home square footage is limited to a maximum of 9300 square feet". Commissioner Thimm pointed out that in that circumstance it would revert back to a maximum 500 square foot barn. Mr. Harrington stated that the applicant would have flexibility, but the limitations on each structure from the original approval would still be in place. The applicant was reverting to have the maximum flexibility and clarifying that they still have the garage exemption. Commissioner Thimm thought the biggest difference was the change in building height.

Commissioner Van Dine noted that the draft ordinance did not reflect that change in Condition #18. Planner Ananth agreed, which is why she revised Condition #18 at the beginning of her presentation.

Chair Phillips opened the public hearing.

The following people raised their hand on Zoom to comment.

Roxanne Googin asked if the Planning Commission could wait to make a decision until they know what the split will be between the two buildings. She thought it was too vague because it could be between 500 and 1500 square feet. Ms. Googin remarked that it goes back to the roof line. The roof line is supposed to be one height at 500 square feet and up to 28' at the larger footprint average, but what is the roof height if it is in the middle.

Planner Ananth understood what Ms. Googin was saying, and it could have been the case under the original plat because the original plat did not limit the height in relation to the footprint.

Ms. Googin asked if the 500 square foot building could have been 28' tall under the original plat. Planner Ananth answered yes.

Chair Phillips thought Ms. Googin made a good point, and the Planning Commission would consider it in their discussion.

Ms. Googin stated that the two are related and she thought the applicant should think more about what they actually want to do. If the height is involved the Commissioners will know what they are talking about.

Michael Watts commented on the 18'-20' height. He was a homeowner at the time these deals were made and the trade-off for having a bigger house was to reduce the height to 18'. If they go back, they still end up with a big house and a tall barn. He was fine with moving square footage from one structure to the other but having a bigger house and going to a 28' height is contrary to the idea of why they were allowed a bigger house in the beginning.

Mr. Watts stated that under the existing plat, regardless of the square footage the owner would need to build the structure at 18' high, which is what the adjacent homeowners expected to see. Mr. Watts thought it was viable to build a structure in that area and keep the height at 18' rather than 28' because they have a 3600 square foot footprint to work with.

Mr. Watts questioned the purpose and intent of the structure. From a wildland fire standpoint, he was curious as to whether there should be restrictions and a requirement for fire sprinklers. If the structure is a barn, will they be parking tractors, cars, etc. because fires historically start in garages. He suggested a possible condition to address that issue. Mr. Watts noted that the findings of fact talk about a variety of accessory buildings that could be put on this property if approved by the Park City Municipal Corp. He asked for clarification in this plat because the home site has a 17,000 square foot limit for the building and the area around it. However, the building pad for the house is 17,000 square feet, but the disturbed area is more like 100,000 square feet. It was incredibly above the disturbed area being 17,000 square feet. Mr. Watts stated that the location of the accessory building per the HOA is listed as being in the house as a housekeeper type scenario. He wanted to make sure it does not get extended into the barn and whatever else might come with doing that. Mr. Watts noted that the original plat in 1993 said 14,000 square feet and in the revised plat it was increased to 17,000 square feet. The house itself on the building pad is already at 17,000 square feet, without the barn and all the property area.

Mr. Watts requested that the Planning Commission incorporate his comments into their discussion to see if other things should be part of this plat amendment.

Chair Phillips closed the public hearing.

Commissioner Suesser appreciated Planner Ananth's response to the suggestion that the increased height may not be appropriate depending on the size of the barn and the house. She asked Planner Ananth to address the concerns and how the Planning Commission can navigate it to align with the original approval but with some flexibility.

Planner Ananth thought a 28' tall, 500 square foot structure would be awkward. Chair Phillips clarified that it was 500 square feet and not a 500 footprint. Planner Ananth replied that he was correct. Chair Phillips remarked that the size regulates itself. Planner Ananth understood that the applicant intends to match the pitch of the roof on the barn to the house, which would limit the height. She thought that would be an appropriate condition on the structure. They could ask if the applicant was willing to agree to a height limit.

Commissioner Suesser asked Planner Ananth to expand how the condition would read. Planner Ananth stated "The pitch of the barn roof shall match the pitch of the house."

Christopher Hall, the applicant, stated that approximately 500 square feet can be taken out of the house and the house will be smaller by that amount. The barn area would be expanded to 1,000 square feet for tractor storage and other things. Mr. Hall commented on the height and roof lines. He stated that an 18' roof works on a 500 square foot shed and as it gets bigger it does not work. Mr. Hall remarked that the CC&Rs require that the barn roof line must be substantially similar to the house roof, which has a fairly steep pitch. He noted that the house has a lot of dormers and different architectural rooflines and they need the extra square footage and height to make everything match. The intent is to have the flexibility to make it look better than just a four-sided building with a standard shed roof. Mr. Hall reiterated that the house is limited to 9300 square feet and approximately 500 square feet will come out of that square footage. Mr. Hall stated that they want flexibility because they are planning to do a remodel and they will not know anything for sure until they actually do it. He pointed out that they cannot pull a barn permit until they finish the house remodel and certify the exact square footage that is taken out of the house. At that point they would know what they are allowed to do on the barn. Mr. Hall agreed that a 28' roof would not be appropriate even on a 1,000 square foot barn. He assumed the roof would be in the 22' range and look appropriately sized.

Chair Phillips stated that allowing flexibility takes it back in keeping with the original plat. He personally could not find any negatives in allowing this request.

Commissioner Thimm stated that in terms of having flexibility in design the Planning Commission should allow for a range or a sliding scale as suggested. To ask someone

to go to the expense of designing a remodel and a barn and then come before the Planning Commission would be unfair if the plans are not allowed. Commissioner Thimm was not opposed to the additional height because certain proportions happen as they deal with the square footage. He noted that increased height would not increase the intensity of use or other impacts. Commissioner Thimm was comfortable with this proposal.

Commissioner Suesser asked about the excluded 600 square feet of attached garage space in Condition #21 and when it gets triggered. Planner Ananth replied that in the Estate Zone, no matter the size of the home, the first 600 square feet of attached home garage space is not included in the square footage calculation of the overall house size. Chair Phillips stated that it was a standard rule that was captured in the condition language. He asked if it was redundancy. Planner Ananth stated that because there were multiple amendments, she carried this condition forward at the suggestion of the Legal Department. Commissioner Thimm thought it was a wise suggestion because if it is not limited in that way, they could potentially end up with a garage much larger than 600 square feet. Chair Phillips also understood that it was within the overlaying zone.

Commissioner Suesser asked Planner Ananth about her suggestion of adding a condition that the rooflines of the house and the barn match. Planner Ananth replied that after giving it more thought, the condition should read, "The pitch of the barn roof shall be similar to the predominant pitch of the home roof".

Planner Ananth clarified that she was amending Condition #18 to take out the barn height being allowed to 28'; and adding a new condition that the pitch of the barn roof shall be similar to the predominant pitch of the home roof. She pointed out that it would need to comply with the overall zone height.

Commissioner Thimm asked if they should limit the height of the barn roof. Chair Phillips thought it was limited by the zone. Commissioner Thimm clarified that he was referring to the 23' mid-point height and a 28' ridge.

Christopher Hall stated that the CC&Rs already address the height. He was concerned about having wording in the plat amendment that contradicts the CC&Rs. He was not opposed to having some restriction on roof design, but he wanted to look at the CC&R language for consistency. They could either mirror the language to let the CC&Rs dictate.

Chair Phillips explained that the City documents are separate from CC&Rs, and the homeowner needs to work within both sets of restrictions. However, if Mr. Hall could

find the CC&R language it might help the Planning Commission. Mr. Hall offered to find the exact CC&R language while they continued their discussion.

Planner Ananth stated that between this meeting and the City Council review, she could ensure that the conditions match the CC&Rs or at least not contradict them.

Chair Phillips was not familiar with the 23' mid-point and asked if it was specific to the Estate Zone. Planner Ananth replied that it was unique to this plat. The code for the Estate Zone only states that no structure shall be erected to a height greater than 28' from existing grade.

Commissioners Kenworthy and Van Dine were comfortable with the application.

Mr. Hall thought the condition language drafted by Planner Ananth was acceptable. Chair Phillips clarified that Planner Ananth would follow up before the City Council meeting to make sure the condition language is not contradictory to the CC&Rs.

Commissioner Suesser asked if they should put a height limit on the barn. Chair Phillips assumed the other lots were still under the original plats, which puts this application in line with those except for allowing some flexibility. Mr. Hall pointed out that the other lots are zoned with 28' barns. The adjacent neighbor has a 24' barn. He believed 28' fits with the neighborhood. Planner Ananth provided an aerial of the lot showing the barn structure on the adjacent lot that appeared to be taller than 18'. The applicant spoke with the homeowner and he did not remember the height of his barn; however, he definitely thought it was closer to the maximum allowance.

A hand was raised on Zoom and Chair Phillips reopened the public hearing.

Mike Watts stated that the request for the change from 18' to 28' basically occurred today and was not part of the information that was available. In conversations with other owners, he questioned whether this should be held off until the next meeting so the adjacent owners can be made aware of the change. The only way they would have known about the change from 18-28' would be if they listened in on this meeting.

Planner Ananth replied that Mr. Watts was correct. The allowance of a barn up to 28' feet was not part of the Staff report. However, it would still be consistent with the underlying CC&Rs and the adjacent residents, which is part of the subdivision.

Commissioner Suesser asked if the notice to the neighboring properties specifically stated that this was an amendment to change the square footage. Planner Ananth was

certain the notice did not talk about building height. Planner Ananth read the notice "Remove Plat Notes 3 and 4 from the Lot 2 Willow Ranch replat and replace them with a note that allows for the total combined square footage to remain the same but not be fixed between the house and the barn". She noted that the notice was fixated more on total square footage than height.

Chair Phillips noted that the public would have another opportunity to comment at the City Council level. He believed the project was properly noticed as a whole. Things consistently get changed as part of this process and changes can be made during a meeting. Chair Phillips was comfortable moving forward knowing that this would be reviewed by the City Council and the public has the ability to comment at that time.

Commissioner Van Dine did not believe that continuing to the next meeting would change the outcome. Commissioner Suesser concurred, noting that the Planning Commission was not granting a height exception. The height range was still within the zone regulations.

City Attorney Harrington suggested that once Planner Ananth finalizes the proposed redlines to the conditions of approval she could forward the revised redlines to the HOA. It would give Mr. Watts and others the opportunity to review it and provide additional comment at the City Council public hearing if necessary.

Planner Ananth clarified that based on the discussion this evening they were adding a new Condition of Approval #18 that limits the height to be similar to the predominant pitch of the home roof and not exceed the zone height of 28 feet.

Commissioner Suesser wanted to know what triggered a plat note rather than a condition of approval. City Attorney Harrington stated that they typically do plat notes that are distinguished from existing Code or other existing conditions of approval. Plat notes can be more difficult to amend and have an intentional permanence. Since they are mirroring the zone height, he recommended a condition of approval in case there is a zoning amendment. Mr. Harrington stated that it is also a place of where they think a subsequent owner shall have notice. If there is a need for additional notice it should be on the plat for clarity.

Commissioner Thimm asked if they were also removing Plat Notes 3 and 4. Planner Ananth stated that they were replacing the current plat with a new amended plat. They were not actually removing those plat notes. They are recording a whole new plat. The 1999 plat will be superseded by the new plat amendment. Commissioner Thimm understood they were recommending approval of the new plat notes in this amended

plat and adding a new Condition of Approval #18. City Attorney Harrington explained that they were adding Condition #19 to the existing conditions of approval that were restated for purposes of clarity.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for 2750 Meadow Creek Drive, Willow Branch Subdivision Plat Amendment and adding a new Condition of Approval #18 to the conditions outlined in the April 21, 2021 Staff report for City Council consideration on April 29, 2021. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously. Commissioner Hall was recused.

Findings of Fact – 2750 Meadow Creek Road

1. The property is part of the Willow Ranch Subdivision.
2. The lot is just over 7-acres and is improved with a single-family residence.
3. The lot is considered an equestrian lot and has a maximum house and barn size as noted in the CC&R's and 1999 Plat Notes.
4. The applicant is proposing to move square footage from the house to the barn but stay within the total square feet allocated to the lot (9,800 square feet), as well as within the building envelopes for the barn and the house.
5. The applicant is also proposing that the barn height revert back to the allowed Zone Height of 28 feet, which is consistent with the original 1993 Subdivision Plat and CC&Rs.
6. The Willow Ranch Subdivision was originally recorded in 1993.
7. 1993 Plat Notes indicate that Home square footage is limited to 8,000 square feet and Barns are limited to a maximum of 1,800 square feet with no human occupancy. Building envelope areas and maximum square footage are noted on the Plat.
8. In 1999, the prior owners of Lot 2 were approved for a Plat Amendment to reallocate 1,300 square feet of barn area to the home. Plat Note #3 limits the home square footage to a maximum of 9,300 square feet, Plat Note #4 limits the barn to 500 square feet. Plat Note #5 limits the barn height to 18 feet.
9. The applicant proposes to amend Plat Notes #3 and #4 and replace them with a footnote that allows for the combined total square footage to remain the same (9,800 square feet) but not be fixed between the house and the barn.
10. The applicant also proposes to delete Plat Note #5 and revert back to the originally allowed maximum Building Height of 28 feet for the barn.
11. The applicant submitted a letter from the Willow Ranch HOA stating that the HOA voted to approve the applicant's application.

Conclusions of Law – 2750 Meadow Creek Road

1. There is good cause for this Plat Amendment as it is consistent with the total square footage allowed on the lot between the home and barn and the Zone Height.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions.
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 – 2750 Meadow Creek Road

1. The City Attorney and City Engineer will review and approve the final form and content of the amended plat for compliance with State law, the Land Management Code and the conditions of approval, prior to recordation of the Plat.
2. The applicant will record the Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. A Plat Note shall indicate the Street address of Lot 2 is 2750 Meadow Creek Drive.
4. A Plat Note shall indicate the home and barn shall be constructed within the designated building envelopes.
5. A Plat Note shall indicate the total impacted area, including building footprint and additional fill, shall not exceed 17,000 square feet.
6. A Plat Note shall indicate a minimum 5-foot non-exclusive utility and drainage easement is hereby dedicated along both sides of all lot lines.
7. A Plat Note shall indicate a 10-foot non-exclusive utility easement is hereby dedicated along front lot lines.
8. A Plat Note shall indicate all footing and foundation designs shall be approved by Geotechnical engineers.
9. A Plat Note shall indicate irrigation is by sprinkler only.
10. A Plat Note shall indicate a maximum of three horses will be allowed and no grazing of horses in the wildlife corridors.
11. A Plat Note shall indicate lot line fencing is required and must be maintained in accordance with the CC&Rs and design guidelines of Willow Ranch.
12. A Plat Note shall indicate a modified 13-D fire sprinkler system is required for the home as directed by the Park City Fire Marshal.
13. A Plat Note shall indicate this lot is subject to an animal management plan and equestrian lot open space covenant executed with the Park City Municipal Corporation.

14. A Plat Note shall indicate no basements are allowed.
15. A Plat Note shall indicate the Lot is allowed an accessory dwelling unit subject to the approval of Park City Municipal Corporation and restrictions as outlined in the Willow Ranch CC&Rs.
16. A Plat Note shall indicate the home square footage is limited to a maximum of 9,300 square feet, excluding the first 600 square feet of home attached garage space per CC&Rs and the City's Land Management Code.
17. A Plat Note shall indicate the Building Height of the home is limited to 23 feet to the midpoint of the roof and 28 feet to the peak of the roof.
18. A Plat Note shall indicate the pitch of the barn roof shall be substantially similar to the predominant pitch of the home's roof, and under no circumstances shall the peak Height of the barn exceed the Zone Height of 28 feet.
19. A Plat Note shall indicate none of the Exception Parcels are rendered separately buildable by virtue of this amendment
20. A Plat Note shall indicate the combined total square footage of the home and the barn shall not exceed 9,800 square feet, excluding the first 600 square feet of home attached garage space per CC&Rs and the City's Land Management Code.
21. A Plat Note shall indicate the barn square footage will be limited to a maximum of 1,800 square feet as originally allowed in the Willow Ranch Subdivision Plat and CC&R's, with no human occupancy.
22. A Plat Note shall indicate floor plans for both the house and barn shall be submitted at the time of building permit for any modification to the house and any new construction for the barn, showing that the combined maximum square footage will not exceed 9,800 square feet. Plans must be stamped and signed by a registered architect to ensure the maximum total square footage is not exceeded.
23. A Plat Note shall indicate no certificate of occupancy will be issued for the barn until all construction on the house has been completed.
24. A Plat Note shall indicate the Lot 2 Willow Ranch Replat exceeds one (1) acre and shall meet the requirements of the municipal separate storm sewer system (MS4) storm water program. A plat note shall indicate that development shall be required to obtain a MS4 storm water permit prior to any construction activity.

Commissioner Hall returned to the meeting.

5.D. Land Management Code Amendment -- The City Council Recommended Evaluating Affordable Master Planned Developments (AMPDs) in Non-Residential Historic Districts. The Proposed Amendments Establish AMPDs in the Historic Recreation Commercial and Historic Commercial Business Zoning Districts.

Planner Rebecca Ward reviewed the proposal to expand the zoning districts where Affordable Master Planned Developments are allowed to the non-residential historic districts. Planner Ward reported that the Affordable Master Planned Development Code was put into place to help incentivize public and public/private partnerships to develop affordable units so they can work towards the City's goal to have 800 affordable units in the City by 2026.

Planner Ward stated that affordable master planned developments that provide at least half the residential unit equivalents for affordable units qualify for building heights up to 45 feet with a template stepback, parking reductions, open space, and setback reductions, as well as potential mixed-use up to 10,000 square feet.

Planner Ward remarked that AMPDs are currently allowed in non-historic zoning district that already allow multi-unit dwellings. On February 25, 2021, the City Council unanimously adopted the new Affordable Master Planned Development Code. The City Council directed the Staff to evaluate AMPDs in non-residential historic districts. Planner Ward noted that the proposed amendments under consideration this evening would open the door for affordable master planned developments in the Historic Commercial Business Zoning District and the Historic Recreation Commercial Zoning District, subject to additional requirements. Planner Ward noted that these zoning districts extend from 11th Street to the southern end of Main Street. She presented a slide with the proposed areas outlined in black primarily encompassing properties along Main Street, Park Avenue, and Swede Alley.

Planner Ward reported that on April 7th, the Historic Preservation Board reviewed these amendments and unanimously forwarded a positive recommendation to the Planning Commission and the City Council. The Historic Preservation Board also recommended exploring additional opportunities for affordable units that are not part of these large scale AMPDs, which include accessory affordable employee units within non-residential uses. Planner Ward stated that Summit County was looking into ways to help create affordable workforce housing.

Planner Ward reported that the HPB also recommended incentives to preserve historic footprints for more affordable single-family dwellings; workforce housing units in Old Town that allowed for shared living and kitchen spaces; and incentives to attract car-free tenants. The Staff will continue to research these recommendations; however, the proposal this evening was limited to AMPDs in the historic zones.

Planner Ward stated that the General Plan has two goals: 1) to preserve the integrity, mass, scale, compatibility, and the historic fabric of the Historic Districts.

Planner Ward noted that additional requirements in the proposed amendments would help protect these historic districts. The AMPDs already require the preservation of historic buildings. There is a requirement that any applicant for an AMPD or a Master Planned Development must submit an analysis of historic structures and preservation obligations as part of the approval. Any development of an AMPD in a historic district would need to comply with the Historic District Design Guidelines. In addition to the underlying regulations, there are regulations in the HCB and HRC Zoning Districts for storefront properties where no office or residential use is allowed at the street level. Planner Ward stated that this regulation would continue to apply to the AMPD.

Planner Ward stated that the Staff was proposing amendments that would apply the underlying zoning regulations for the HCB zoning district along Main Street because the setbacks, building volume, height, and the floor area ratio, the restrictions for how these projects relate to the neighboring zones, and the parking are very specific. To preserve that historic character and the streetscape, the Staff recommended that those zoning regulations stay in place and apply to AMPDs. It allows for height up to 45', but the setbacks are slightly different. She presented illustrations from the Land Management Code showing the required stepback from Main Street, from Swede Alley, and from any adjacent historic residential zones.

Planner Ward stated that AMPDs in the HRC zoning district would be eligible for some of the AMPD incentives, which would include the template stepback with a height up to 45'. Also, in the HRC zoning district the applicants could request a reduction in parking under the same requirements for AMPDs in the other zones where it is already in place. The applicant must demonstrate that a parking reduction materially increases the feasibility, they fund and submit a parking and traffic study, and demonstrate that the AMPD sufficiently addresses the parking demand for the project. Planner Ward noted that the same factors in place for AMPDs would apply to these zoning districts.

Chair Phillips understood that the diagram presented was showing the additional maximum height at 45'. Planner Ward clarified that it was just for the HRC area, which is to the north of Main Street. It would apply where the building facade plane would be required to meet the current building height. With the template stepback, the height could go up to 45'. Chair Phillips stated that in looking at the building in yellow and the building next to it, they appear to have the same amount of floor levels but the one has a pitched roof. If they put that same pitched roof on top of the yellow building, the maximum height would be inside the roof plane. Chair Phillips asked if that was an

accurate depiction or whether he should ignore the other buildings. Planner Ward explained that under the existing AMPD Code, a portion of the building would also have the exception for the additional roof pitch. Chair Phillips clarified that it would have the ability to have an extra roof pitch but at a maximum 45' roof. Planner Ward remarked that the roof pitch exception is above the 45' maximum. She clarified that this was only proposed for the Historic Recreation Commercial zone along Main Street. It is what was shown in the renderings.

Commissioner Suesser recalled that the HRC District also provides a 10' setback. She understood the roof allocation and asked if it was also the setback from the property line. Planner Ward replied that it was only for the height. Commissioner Suesser asked if there were property line setbacks for the Historic Recreation District. Planner Ward stated that there are property line setbacks for the HRC zone. The same setback for the AMPD Code that apply in other zoning districts would apply in the Historic Recreation Commercial District. Commissioner Suesser asked for the setback requirement. Planner Ward replied that in the HRC zone the front and rear setback are 10' and the side setbacks are 5'. Within both zoning districts, especially in the Historic Commercial Business Zoning District, a lot of the incentives that were put into place for AMPDs in other zones already exist in the HCB with the reduced open space setbacks and increased building height. Planner Ward stated that in the HRC zone the underlying zoning regulations would continue to apply. Commissioner Suesser asked if the Historic Recreational Commercial Zone is north of Main Street. Planner Ward indicated the lower part of Main Street between Heber Avenue and where you turn onto Main Street from Deer Valley Drive, which is the northern end. Commissioner Suesser asked if it captures the Town Lift. Planner Ward answered yes. She noted that the HRC zone is predominantly built out, as well as the HCB zone. This would open the door for potential redevelopment and infill. Commissioner Suesser asked where it ends. Planner Ward stated that it ends on 11th Street.

Chair Phillips noted that the last illustration in the Staff report showed an exclusion of anything to the west of Park Avenue in the District that Planner Ward had just highlighted. Planner Ward replied that he was correct. Chair Phillips pointed out that it was from 9th all the way to Heber, and he wanted to know why that area was being excluded. Planner Ward explained that there are small sub zoning districts along the Historic Commercial Zone that serve as transition zones. She reviewed the zoning map to show the different transition zones. Planner Ward remarked that the section west of Park Avenue is carved out to serve as the transition between commercial and residential, and the increased height would not be allowed along the west side of Park Avenue.

Chair Phillips liked the direction and the idea. He was unsure how much impact it will have but he thought it was a good thing to do.

Planner Ward recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for their consideration on April 29, 2021. Planner Ward reiterated that ongoing discussions and further research on additional affordable housing opportunities was still taking place.

Chair Phillips opened the public hearing.

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

Chair Phillips closed the public hearing.

Commissioner Kenworthy emphasized that he supports the affordable housing goals. He asked if this would make a significant impact now or whether the City sees it as future redevelopment opportunities 30 years from now.

Jason Glidden, the Affordable Housing Manager, believed it was more towards redevelopment; however, he hoped it would not be as long as 30 years. Mr. Glidden stated that when they initially went to the City Council the intent was to protect the Historic District. The City Council agreed with the residential side, but they also thought it should apply to the commercial side to allow for development and prepare for redevelopment. Mr. Glidden noted that the Brew Pub lot is a potential area for development. He did not want to rule out new development, but he believed it was more for later redevelopment.

Commissioner Kenworthy had the same thought about the Brew Pub lot and asked if this would allow for the retail to be on the street level floor and housing on top. Mr. Glidden stated that as written, the Code allows for a certain percentage of commercial to be present in the development. The storefront could be present on Main Street on the bottom level with housing above. Commissioner Kenworthy asked if Mr. Glidden had an idea of the number of units that could go on the Brew Pub lot. Mr. Glidden replied that the Brew Pub lot was on a long list of properties he was looking at, but he could not say how many units could go on that lot. Commissioner Kenworthy stated that five or ten years ago the HPCA was looking at this for affordable housing and he supported the proposed amendments.

Commissioner Suesser asked about possible residential redevelopment projects triggering an affordable housing component. Mr. Glidden stated that the Housing

Resolution was updated in December to increase the amount of inclusionary housing that would be required for residential, but only through an MPD. He asked if Commissioner Suesser was looking beyond an MPD. Commissioner Suesser recalled discussions about extending affordable housing requirements to a lot combination in a residential single-family being developed in town or for a large addition. Chair Phillips noted that it was discussed but it never rose to the level of implementation. Mr. Glidden stated that they were looking to have outside Counsel review the legalities of doing that in the State of Utah before they move forward on it. They were still considering having a house over a certain square footage trigger a possible housing requirement of some type but was still in the very preliminary stages of investigation.

Chair Phillips asked Planner Ward to pull up the additional recommendations from the Historic Preservation Board. Commissioner Thimm had reviewed the recommendations closely and he supported each one. However, he did not understand how preserving historic footprints increases historic affordable housing. Planner Ward stated that they see a lot of single-family historic structures that are rehabilitated and add an addition. The recommendation was to find a way to align historic preservation of the smaller footprint and to incentivize it so there would be no addition, or the addition would be restricted in size to align affordability and preservation of the original structure. Chair Phillips asked what incentive would encourage an owner to restrict the size. Planner Ward stated that the incentives would require more research.

Chair Phillips disclosed that a while ago he was helping an applicant explore an original historic home. In the process they were exploring putting an ADU on the property. There was an existing foundation from an old building. At the time they were told that an ADU needed to be attached to the building. Chair Phillips believed there are opportunities to give flexibility to where an ADU can be located on the property if they are trying to incentivize. He stated that giving someone the opportunity to do a separate structure as opposed to blowing up the historic building to achieve more square footage was worth looking into.

Planner Ward noted that a work session on ADUs is scheduled for April 28th Planning Commission meeting.

Commissioner Kenworthy asked Planner Ward to pull up the map that outlines the proposed area. He indicated the area where Swede Alley was cut off and asked if that was China Bridge. Planner Ward replied that it was the Public Use Zone with City Hall and China Bridge. Commissioner Kenworthy asked if the area just to the north were the Marsac parking lots. Planner Ward answered yes. Commissioner Kenworthy clarified that the parking lot down off of Swede Alley was to the west. He liked having

all that area included. He asked if Marsac was not included because it is a transition zone or because it is City Hall. Planner Ward replied that it is a very unique outlier zone. If there were an opportunity for any sort of reuse, the Staff would recommend rezoning to HCB at that time.

Commissioner Hall wanted to know why it was not included right now. She had the same question for the Historic Recreation Commercial zone east of Park Avenue. Planner Ward stated that all the area east of Park Avenue would be included and AMPDs would be allowed east of Park Avenue. As far as the Public Use Zone, the underlying zoning regulations are an outlier; however, they have talked about how it could potentially be redeveloped as affordable housing at some point. At that time, they would recommend rezoning the area to Historic Commercial Business so it could be included. Commissioner Hall understood that it was a different zone, but she did not understand why they could not include it now to allow AMPDs in the zone. Planner Ward replied that it could be added as an additional zone, but she would need additional time to do the analysis to see what it would look like.

Commissioner Hall stated that she supported the recommendations from the Historic Preservation Board.

Commissioner Kenworthy asked Planner Ward to address why the Sandridge Lots were not included. Planner Ward replied that it was primarily historic residential with much lower building heights for single-family dwellings.

Jason Glidden stated that if there was interest in developing the Sandridge Lots and they wanted to use the Affordable MPD, it would be similar to the PUT zone, where they would rezone to allow for it. He agreed with Planner Ward that rezoning makes more sense rather than including the PUT zone, but she would need to look at the PUT further to figure out if it is compatible and whether there would be issues. Mr. Glidden pointed out that the Staff had only looked at the zones being presented this evening. They were given clear direction to stay away from the Historic Residential. He thought the Sandridge Lots could be considered for a rezone at some point if they decide it is appropriate to do. Commissioner Kenworthy stated that if they include the Brew Pub lot there would be continuity from the west side heading east where there would be a height reduction because of cutting into the hills. Mr. Glidden replied that this has been discussed at City Council but had not yet been prioritized. It was not at the top of the list of the ones currently being looked at, but it is on the list of potential properties. If it was to come up or they were to receive a proposal for that area that makes sense, they would probably look at it. However, one of the steps needed to do that would be to rezone that area to allow for this to happen.

Chair Phillips was in favor of the proposed amendments. He thought the HPB provided good input. Chair Phillips stated that he could not see any immediate impacts from this, but it is difficult to know for because they cannot predict what a landowner will do.

Commissioner Hall was in favor and supported a positive recommendation. She liked the concept and would like more of it. She encouraged Mr. Glidden and Planner Ward to continue researching other potential areas.

Commissioner Suesser also supported the proposed amendments. She was curious as to what incentives the City was considering, particularly for the two zones presented this evening. Mr. Glidden stated that the incentives would hopefully be built into the Code. As they change the Code it will allow for a parking reduction, which is a huge advantage to any development. There is also the incentive of increased height that allows additional density to take place. Mr. Glidden stated that there are financial gains on the development side to get more density and reduce the parking. It is also consistent with the City's thinking of going car free in promoting walkability and alternative modes of transportation. Mr. Glidden pointed out that they were trying to use the Code as incentives, and he was unsure about other incentives. If they get into the public/private partnership, there are tools that can be looked at as far as providing additional assistance for development. Those have not been fully vetted yet but there are ways to help make the financial proforma work for the developer.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council on the proposed amendments to establish AMPDs in the HCB and HRC Districts for their consideration on April 29, 2021. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission Meeting adjourned at 8:40 p.m.

Approved by Planning Commission: _____