



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 14, 2022**

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

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Jaron Ehlers, City Planner; Davis Petersen, Planning Department Intern; Spencer Cawley, City Planner; Mark Harrington, City Attorney

1. ROLL CALL

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. She reported that all Commissioners were present. She noted that she was attending the meeting remotely.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from October 26, 2022.

MOTION: Commissioner Kenworthy moved to APPROVE the Minutes from the Planning Commission Meeting from October 26, 2022. Commissioner Van Dine seconded the motion.

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

B. Consideration to Approve the Planning Commission Meeting Minutes from November 9, 2022.

Commissioner Johnson noted that the reference to "John Phillips from Alliance Engineering..." on page 56, should read "John Phillips, for the applicant..."

MOTION: Commissioner Hall moved to APPROVE the Minutes from the Planning Commission Meeting from November 9, 2022, as amended. Commissioner Van Dine seconded the motion.

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

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken, reported that the special meeting on December 19, 2022 at 5:30 p.m. would be held at the Prospector Theatre, located at 2175 Sidewinder Drive. She explained that this venue would be able to accommodate more people than Council Chambers in the event there is a large public turnout for that meeting. She noted that parking in the area is somewhat limited and they informed the Parking Department that there would likely be a lot of street parking at that time. She encouraged transit use, walking, or carpooling to the meeting.

Director Milliken also stated that the Historic Park City Alliance ("HPCA") will be attending the January 25, 2023 meeting to provide input on the Vibrancy Ordinances. The January 25 meeting would address the Land Management Code ("LMC") priorities.

City Planner, Jaron Ehlers reported that Regular Agenda Item 7.C. was withdrawn and there would be no public hearing tonight.

Director Milliken noted that the microphones in Council Chambers were not working and asked everyone to speak up so that their comments could be heard.

Chair Suesser sought clarification regarding the withdrawal of Item 7.C., 2647 Meadow Creek Drive. Director Milliken stated that the application was withdrawn so there would be no public comment.

Commissioner Hall reported that she attended the Open House at Deer Valley earlier in the day and spoke to people socially but did not discuss the Master Planned Development ("MPD").

Commissioner Kenworthy requested a summary of ratings on the intersections, as mentioned in the October 26, 2022 Meeting Minutes. He noted some confusion with the ratings of intersections and felt they could do a better job if they had something like the Transit Report that just came out. He mentioned that the Transit Report provided information to assist with travel planning, such as impact days and peak days. He felt that it would be helpful if everyone had something that summarized Park Avenue, and Bonanza and Kearns Avenue so that they would not have to go through every single report for the information on these intersections. He added that he discussed this with Assistant Planning Director, Rebecca Ward. He felt this type of report would help the Commission address mitigation efforts.

Chair Suesser wondered about the value of having the past ratings or a blend of the past ratings of these intersections. She felt they would want information on the current ratings that could be contemplated in any plans coming before the Commission. She asked Commissioner Kenworthy if his request was to have the City establish current ratings for these intersections. Commissioner Kenworthy felt that a blended rate would be useful because if the Commissioners had before them a Traffic Report from an applicant, they could quickly compare them intersections to the historic numbers.

Director Milliken acknowledged that Commissioner Kenworthy had asked for this type of report previously and indicated that Staff spoke to the City Engineer who was working on correcting this. She hoped to be able to bring this back to the Commission in early 2023. Commissioner Kenworthy commented that the Report could be included in the Packets for applicants who present a Traffic Report.

Commissioner Sigg felt it would be important to also look at traffic counts on certain roadways, because the traffic on the roadways impacts these interchanges. He noted the gridlock existing on secondary and tertiary roads. Director Milliken stated she would ask the City Engineer if they had the data requested by Commissioner Sigg for inclusion in this Transit Report. Commissioner Sigg clarified that he was looking for data on certain feeder roads. He was aware that there was some level of mitigation as it related to parking and resort traffic in the Thanes area. He felt that there were streets that needed to be looked at, especially through the Prospector area and Park Meadows. Director Milliken commented that this was something the Engineering and Transportation Departments look at as part of their function. She surmised that the traffic counts that impact the Deer Valley, Snow Park or other applications would be most relevant but would obtain input from the Engineering Department.

Commissioner Sigg remarked that this data would provide a sense of whether the road could handle the capacity at certain peak hours and days of the year. He mentioned the pedestrian interface with everyone trying to leave town and commented that it seemed like an unsafe situation. As they look at the intersections, he suggested also looking at the roadways because it could help with circulation planning. Chair Suesser agreed with Commissioners Sigg and Kenworthy and acknowledged that having some sort of baseline would be helpful when the Commission analyzes the Traffic Studies submitted by applicants.

A. Open and Public Meetings Act Training.

City Attorney, Mark Harrington reported that the above agenda item was a Staff communication and not a presentation item. Despite the popularity of last years' presentation, due to timing they presented the training in written format for at-home self-study. He requested that the Commissioners review the information and direct any questions to him or Assistant City Attorney, Luke Henry.

B. Conventional Chain Businesses and Vibrancy Ordinance Summary.

Assistant Director Ward stated that the Staff Report was informational and intended to provide a historical background so the Commission could review the Vibrancy Ordinance to see if there should be certain amendments prioritized in 2023. She reiterated the statements of Director Milliken that the HPCA was reviewing the Ordinances and Conventional Chain Business Regulations and would provide input for the Planning Commission.

5. CONTINUATIONS

A. 8680 Empire Club Drive - Conditional Use Permit - The Applicant Proposes to Install a 20-Foot by 300-Foot Seasonal Tent for Private Club Outdoor Dining. PL-22-05422.

City Planner, Virgil Lund indicated that the applicant requested a continuance to a date uncertain to potentially modify their application.

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

MOTION: Commissioner Hall moved to CONTINUE 8680 Empire Club Drive—Conditional Use Permit, to a date uncertain. Commissioner Johnson seconded the motion.

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

6. CONSENT AGENDA

A. Consideration to Adopt Resolution 01-2022, a Resolution Authorizing Participation in Meeting by Electronic Communication.

Mr. Harrington reported that the above Resolution will supplement the existing Resolution to incorporate the new changes in State law. All of the Boards and Commissions and the Council will be adopting the identical Resolution that clarifies the minimum requirements to be counted for purposes of a quorum. He stated that Park City already follows this protocol, but they were required to adopt it as a Resolution.

MOTION: Commissioner Van Dine moved to ADOPT Resolution 01-2022, Authorizing Participation in Meeting by Electronic Communication. Commissioner Hall seconded the motion.

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

B. Consideration to Adopt Planning Commission Regular Meeting Dates for 2023.

Director Milliken presented the Regular Planning Commission meeting dates for 2023. She reported that there would be two meetings per month with the exception of December, which only had a meeting scheduled for December 13, 2023. She noted that this schedule did not include the special meetings for January, February, and March, as discussed.

MOTION: Commissioner Hall moved to ADOPT the Planning Commission Regular Meeting Dates for 2023. Commissioner Van Dine seconded the motion.

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

7. REGULAR AGENDA

A. Parcels: PCA-S-79-B and PCA-S-79 C (Bransford Parcels) - Zoning Map Amendment - The Applicant is Proposing a Zone Change for Two (2) Pods of Three (3) Acres Each, From Recreation and Open Space (ROS) to Estate (E) Zoning, for the Construction of Two Single-Family Homes. PL-21-05042.

Senior City Planner, Alexandra Ananth reported that the above item involved a zoning change for a large parcel in Empire Pass. The applicant owns two lots that total approximately 40 acres. They were requesting a pod of density and a zone change on six of the acres from Recreation and Open Space ("ROS") to Estate that would allow them to eventually build two Single-Family Dwelling Units. She referenced the Flagstaff Development Agreement that created pods of development referred to as Pods A through E that allocated density to those pods. Eventually, the pods had to come in for a MPD and a Conditional Use Permit ("CUP") to construct the units.

Planner Ananth reported that the applicant's proposal was, in effect, similar to that outlined in the Development Agreement in that they requested an allocation of density to these parcels. If the zone change is approved, they would come in with a Subdivision Plat at a later date. She noted that this method would hedge their risk related to the expense of creating the Subdivision Plat. She noted that the applicant was still working on access.

Planner Ananth stressed that at this point, this application would just create density and would not be approving any future development because the applicant does not yet have the Subdivision Plat. The Subdivision Plat would come back before the Planning Commission. Mr. Harrington added that the other pods were zoned concurrently with the annexation. In response to an inquiry, Planner Ananth advised that the current density was zero.

Chair Suesser appreciated that the density considered for the Bransford Parcels prior to the Flagstaff Development Agreement was greater than what the applicant was requesting. She noted, however, that the applicant passed on being included in the Flagstaff Development Agreement. That Agreement made determinations for the whole area, including road access, utility access and density. When they considered this application a few months ago, she took the position that the access for utilities and roads needed to be worked out before they should consider a rezone of this parcel. She observed that the access had not been worked out.

Commissioner Sigg concurred with Chair Suesser and felt that this put the cart before the horse, and there were a lot of unanswered questions regarding access even before consideration of the zone change to provide density. He felt this would set a dangerous precedent because there is a lot of land out there.

Commissioner Frontero agreed with Commissioner Sigg. He spent a lot of time on this application and understood what the applicant would like to do as well as the sequencing of the process; however, shifting the burden to the Commission was not the correct approach. He felt that the current approach was placing a lot of the burden on the Commission to make decisions without having a Subdivision Plat. He was unlikely to approve the zone change as currently presented. He would like to see and would certainly consider a more detailed application that included both the Subdivision Plat and the zone change so they could understand what this would look like in its final form.

Commissioner Kenworthy asked about the concern with the access and compared it to the National Ability Center ("NAC") approval that included a Condition of Approval directly on the access issue. Planner Ananth recalled that there would not be a significant difference and noted that the NAC parcel was required to record an access agreement prior to recording a plat. She observed that this application was at an earlier stage in that the applicant was currently only seeking an approval of density, not necessarily development. The applicant would have to come before the Commission for the Subdivision, which would require access or an access agreement prior to recording the plat. Commissioner Kenworthy observed that the Commission's decision on the NAC was similar to the access issue on this application, which is what made it difficult for him to agree with the concerns stated by the other Commissioners.

Commissioner Johnson was aligning with the other Commissioners and requested to hear from the applicant on some of the concerns raised by the Commission.

Commissioner Van Dine noted that approving the zoning would not mean much in terms of what the Commission might give the applicant going forward. Although she was not in favor of the

sequencing, she was open to seeing what plan they could present to see if it was feasible. She felt that the rezone could be reasonable considering the rest of the area. She reiterated that even if they approved the rezone, the Commission would still have leeway to not let anything else go forward. She felt it would be fair to the applicant to know that it would not be in vain to at least look at it. She acknowledged that going forward, she could not envision thinking that this project looked great and was still on the fence.

On behalf of the applicant, Jeffrey Kuhn from the Kuhn Company stated that the annexation occurred in 1998 and prior to that annexation all the land on Flagstaff Mountain, including the Bransford Parcels, was part of the County. After the annexation, all of this land became part of Park City. He agreed that for various reasons, the Bransford's did not sign on to the Annexation Agreement at that time; however, it was always expected that they were free to come back to close this at some point in the future.

Mr. Kuhn reported that the Bransford Parcels were rezoned to ROS just after the 2007 version of the Flagstaff Annexation Agreement, nearly a decade after the parcels were initially annexed into the City. He submitted that the Code did not require an off-property easement before a zone change, and in fact it was quite common that land gets its zoning before coming back for easements, plats, and everything else that would be required. He felt that that rezones were not so unusual before density has been granted.

Mr. Kuhn acknowledged there was a lot of work to be done and the applicant really wants to work with the Planning Commission. They also would like input from the Commission on its thoughts on the feasibility of building two homes and protecting the rest of the land before they commit to everything. He referenced the litigation and gag orders related to that litigation.

John Phillips, on behalf of the applicant, noted that this property was unique in that it is listed in the Development Agreement. All of the different properties on the land itself are unique and it would not open the floodgates for anyone who owns ROS-zoned property. He added that the precedent had been set by what was developed around these parcels and in Flagstaff. The Bransford's just happened to be the last owners coming in to exercise their rights. He referenced the Red Cloud development, which is less acreage than the Bransford Parcels. Mr. Phillips reiterated that the Bransford's were in a position where they are ready to go through the process, and he offered that they were proceeding responsibly by only proposing two units on a very large piece of land and have agreed to put the remainder in a conservation easement for all of Park City to enjoy.

Chair Suesser asked Mr. Harrington about Mr. Kuhn's comment regarding the gag order related to the litigation as contrasted with a letter received from Parsons Behle that claimed there was no gag order. Mr. Harrington could not clarify whether there was a gag order and added his belief that it was irrelevant in any event. He stressed that the reality is that access is unresolved regardless of the parties' posture in the litigation, and it would be awkward to comment at all in public with regards to the litigation.

Mr. Harrington added that the Planning Commission has no jurisdiction to determine who is right or wrong in the litigation, or the likelihood of the outcome of the litigation. He noted further that with regard to the Bransford's opportunity to join the Development Agreement, they only know that the parties did not come to an agreement. It is not a situation where the City offered the Bransford's something that they passed on; rather, it was an opportunity to join with the other owners who were being annexed without their consent to see if they could work out a deal with

the City. Mr. Harrington took some umbrage with the notion that the Bransford's "passed" on the opportunity to join the Development Agreement; rather, they did not join the Development Agreement and therefore retained their property rights independent of the Mine Company. He acknowledged it was a slight difference, but an important one.

Chair Suesser commented that the negotiated deal was that the Flagstaff Development Agreement rezoned certain areas to Estate and left many parcels as ROS, and the Bransford Parcels were left out of the zoning that occurred as a result of the Development Agreement. She felt that the Bransford's had the opportunity to have their parcels zoned Estate at that time.

Mr. Harrington acknowledged the complexity of a public negotiation that was very acute and involved back and forth with the Mine Company and Council rejection of a Resolution. Other property owners were watching what was occurring until it became evident that there would actually be an annexation proceeding and then they were in a time crunch in terms of whether they had an opportunity to negotiate separately with the Mine Company in the confines to respond to the Council's Annexation Resolution. He stated that it is not a situation where the Bransford's were at the table. Instead, the negotiations with the Mine Company were very fluid and controversial. Mr. Harrington felt it was fair to say that the Bransford's and other owners argued that the density was still on the table, and the City has agreed with the characterization that once Red Cloud was developed the bonus density went away; however, the Bransford's did not lose all rights to pursue their own application.

Commissioner Sigg asked if the density for the entire annexed area was assigned. Mr. Harrington stated that density was assigned for the property owned by the Mine Company; however, there might be a couple of units within Pod A where density was unassigned. He mentioned the separate application for the Marsac claim, in which the City was negotiating with those owners. He noted that Red Cloud was at full build out. In response to a further inquiry by Commissioner Sigg, Mr. Harrington stated there was no provision in the Development Agreement that would allow for transfer of density.

Commissioner Hall remarked that the applicable Code at the annexation was the Snyderville Basin Development Code. She was ready to process the application based on the application before them. Commissioner Frontero asked her to clarify what she meant by "process." Commissioner Hall responded that she meant she would like to talk about the ordinance. Commissioner Hall felt this was a challenging application and agreed with the other Commissioners who would rather have the Subdivision Plat concurrent with this application. She did not favor converting ROS to Estate, but also understood the applicant's unique position. She expressed that it would come down to having a heavily conditioned rezone since they do not have a Plat in conjunction with this request. Referencing the Snyderville Basin Development Code, she stated that the applicable density for a Rural zone was one dwelling per 40 acres. Her first inquiry was whether this would be zoned for two units or one unit.

Mr. Kuhn stated that this was one of the possible zones; however, Planning Staff had not been able to advise whether this parcel would have been one unit per 40 acres or one for each 20 acre "lot of record," one unit for 10 acres or one unit per five acres. Mr. Kuhn believed that the applicant could have easily had one unit per five acres, especially given what happened with the Flagstaff Annexation the following year.

Mr. Phillips added that the one unit per 40 acres came up and was based on an exhibit that City Planner Makena Hawley presented. The applicant later realized that the exhibit was for The

Canyons Village and was not applicable to the Deer Valley area, and he believed that Planner Hawley was in agreement with applicant on this issue.

Commissioner Hall noted the Commission's preference for lower density for areas previously zoned ROS. She offered some thoughts on the Conditions of Approval and noted that they did not know where the six acres would be located. She understood that the draft map would not be attached to the Ordinance. Mr. Kuhn believed that a version of the draft map would be attached to the Ordinance.

Planner Ananth added that they would attach the draft map as a conceptual plan and when and if the applicant comes in for a Subdivision, the plat will effectively allocate where the six acres of Estate zone land would be located. Mr. Phillips added that the applicant was willing to abide by what is defined by the draft map; however, they also believed it would better served for the Commission to have more input in the next phase and noted that it might be the Commission that could shuffle the six acres around.

Commissioner Hall preferred to not specify the location of the six acres because this is a preliminary application. She asked if the Conservation Easement would include the driveway, or if it would be included in the developable six acres. Planner Ananth stated that the Conservation Easement would allow for access and there would not be development allowed over the conservation easement with the exception of access.

Mr. Kuhn reported that when the applicant came up with the percentage of preserved land, it included the length of the driveway as though it was not protected, although they expect that it would be protected. The percentage was intended to be a "worst case" number and included the length of the driveway. Mr. Kuhn added that the applicant has had three meetings with Utah Open Lands with regard to the Conservation Easement. If the applicant gets approval of the zone change, they could also negotiate with the City for potential easements related to the bicycle trails. He stated that all of this information would be brought back as part of the proposal for the Plat.

Commissioner Hall stated that assuming there would be a Subdivision Plat application, they should incorporate any conservation easements at that time, and that it be part of the Plat. She also strongly preferred that any disturbed land be included within the total six acres. Commissioner Hall also questioned whether they wanted to further define the Condition of Approval that "development on Steep Slopes is prohibited." Mr. Phillips offered that this was well defined in the Sensitive Lands Overlay, so the applicant would follow the existing Code. Mr. Kuhn confirmed that the applicant would comply with the Code as specified in the Sensitive Lands Overlay zone.

Chair Suesser concurred with Commissioner Hall's comments that if they were going to approve a rezone that the Commission would potentially add a Condition of Approval further limiting Steep Slope development on this parcel beyond that specified in the Code.

Chair Suesser also referenced the Ontario Ski Run and questioned whether there should be a Condition of Approval to protect that as a ski run and not allow the applicant to use it as an access way. She also requested input on where the Commissioner's stood with respect to the sunset clause. She referenced discussions about having this Commission review the Subdivision Plat rather than another seated Commission. Ideally, this Commission would see the Subdivision application.

Commissioner Hall agreed with Chair Suesser to have Condition of Approval 13 that there would be a sunset clause for two years with a possible one-year extension. She felt that the Conditions of Approval should be detailed because there would be new people looking at them in the future. Commissioner Van Dine agreed.

Commissioner Frontero disagreed and felt the sunset clause should be shorter. He felt that the two-year clause in Condition of Approval 13 was not a magic number; rather, he felt it should be one-year, and if that one-year expires, the applicant could always seek an extension. He stressed that the Commission had already seen the application a few times and giving it another four years would mean that it would come before a new Commission. He reminded of his earlier point about burdening the Commission by continually bringing this application back before the Commission. He stated he did not want to kick the can down the road four years. Commissioner Frontero also referenced Condition of Approval 3 that would require the conservation easement be tied to the recording of the Subdivision Plat. He would like the applicant consider executing the conservation easement at the time of the rezone approval.

Mr. Kuhn observed that the rezone application had taken approximately 18 months and the idea of having a sunset clause of one year was unrealistic given that the plat would be considerably more detailed and complex and likely not completed in one year. He questioned whether it could be done in two years. With regard to the litigation, Mr. Kuhn stated that the neighbors were not known for expediting any kind of work and were known for making things take as long as they could to improve their bargaining position. As a result, he felt it was not remotely possible that they could get the easement tied up and plat process completed within one year. He agreed that the idea of the sunset clause was very appropriate, as was the idea of ensuring that they would come back before this Planning Commission. The applicant was supportive of that and recalled that this was actually suggested by the applicant.

With respect to the idea of putting all of the land into a conservation easement before they had the time to design the plat, Mr. Kuhn had no authority to agree to that; however, he did not feel that was an equitable proposal because if the rezone and the plat were denied, the owners would still have other rights with regards to the property. There could be other options regarding their use of the property that they have not yet researched. Granting a conservation easement would preclude them from pursuing any other options.

Mr. Kuhn stressed that the Code allows for a zone change before a plat process. He submitted that the applicant was not arbitrarily seeking the zone change first. He stated that the applicant was doing the best they could with the cards they were dealt. They haven't shied away from any of the additional work to identify the two three-acre parcels and they did not expect to push a Steep Slope boundary on any road or burdened structure. He felt that they have undertaken responsible planning and they want to build a tight project. In response to an inquiry regarding the Steep Slopes analysis, Mr. Kuhn referenced the applicant's narrative. He advised that they prepared an analysis and then had Alliance Engineering double-check their analysis. The current analysis has four different color codes.

Chair Suesser asked again about the Ontario Ski Run and whether the Commission wanted to discuss protecting it for recreational purposes only by prohibiting any access over or on that ski run. She asked the applicant to address the potential use of the Ontario Ski Run as access to the parcels. Mr. Kuhn responded that the applicant never anticipated particular access on the Ontario Ski Run but they did anticipate skiing in and out if they are able to build homes on those

parcels. He added that the ski run is a lease and the owners do not have a right under that lease. He stressed that using the ski run as access for the parcels was not viewed as remotely feasible and would have no issue accepting such a Condition.

There was discussion regarding adding the following language to Condition of Approval 7 to clarify this issue: the ski trails shall not be relocated and if a bike trail needs to be relocated, it shall be at the expense of the applicant. Commissioner Hall also felt that any relocation should be presented at the Subdivision Plat and be a Condition for the Subdivision Plat.

With regard to Steep Slopes and Condition of Approval 5, Chair Suesser did not feel that she had a good enough understanding of the analysis of the Steep Slopes to offer language further limiting the Steep Slopes. Commissioner Hall noted that she did not have any suggestions. Mr. Kuhn stated that the applicant was prepared to talk about Steep Slopes in two different ways: as it related to vertical development, and as it related to horizontal development. Very Steep Slopes are those 40% and over, and he noted that nothing would be built, or accepted by the City to be built, on any slopes over 30%. He stressed that the applicant's Site Plans do not push these boundaries. He added that there are many requirements to have development below Very Steep Slopes, and further Setbacks are also required to mitigate against falling rocks or snow. He reiterated that the applicant had no plans to push any of these requirements, and want to have the safest, flattest lot for anyone who ends up residing in that location.

Commissioner Johnson asked if future amendments to the Sensitive Lands Overlay provisions in the Code would apply to the Subdivision Plat application if they kept Condition of Approval 5 as worded. Mr. Harrington confirmed that if the Code were amended prior to submittal of a Subdivision Plat application, the amended Code would apply. Mr. Kuhn added that the applicant understood that they would be required to meet whatever Code is in effect when they file their application.

Commissioner Johnson asked if a Condition should be added regarding Significant Vegetation. He referenced Condition of Approval 3 and wondered if they could add language requiring a conservation easement prior to Subdivision Plat recordation.

With regard to Condition of Approval 4, Commissioner Johnson requested requiring a report from a licensed Arborist. He wondered if Condition of Approval 6 had enough teeth with respect to the last sentence. He requested additional language that would still give the applicant leeway.

With regard to Condition of Approval 13, he felt that Commissioner Frontero made a good point regarding the sunset clause. He suggested a two-year sunset clause with no opportunity for extension.

Commissioner Frontero asked about the preferred wording if the Commission agreed to a two-year sunset clause and wondered if it should provide for a one-year sunset clause, with a one-year extension, or simply two years with no extension.

Mr. Harrington opined that under the Code, the Commission could certainly implement the one-year option but was unsure whether the Commission could take away the applicant's right to apply for an extension. Understanding the rationale for trying to keep the review with the current Commission, Mr. Harrington was not sure whether there would be a Code basis to restrict the clause to preclude an extension.

Mr. Harrington added that the Commission has a right to establish a phasing plan to address the deadlines on non-legislative applications, which are typically two years. He felt the Commission could specify two years without the option for an extension but doubted whether the Commission could affirmatively prohibit a Code-allowed extension.

Commissioner Hall interpreted Condition of Approval 13 as the plat would be approved within two years, and based on her personal experience, it would take at least a year from date of application to date of recording to do something extremely simple such as moving an internal lot line. She was okay with the Condition as is and felt it would incentivize the applicant to move this along, while recognizing how long it takes to process applications. She added that this was a fairly complex application that the Commission would highly scrutinize.

Commissioner Kenworthy agreed with Commissioner Hall and was sensitive to the fact that there was pending litigation that would complicate the issue. Commissioner Van Dine was also agreeable to the language as proposed.

There was discussion about who proposed the two-year clause with a one-year extension. Mr. Harrington noted that Commissioner Frontero suggested removing the reference to the extension and stated the Commission could make a reference to the existing opportunity to apply for an extension that would require the applicant to affirmatively request an extension and show good cause for the extension.

In response to an inquiry, Commissioner Kenworthy agreed that a two-year sunset with a one-year extension would be enough time.

Chair Suesser agreed with Commissioner Frontero and would agree to language limiting the sunset clause to two years and requiring the applicant to request an extension as opposed to granting them the one-year extension outright.

Commissioner Hall offered that as written currently, Condition of Approval 13 would require that any extension would be approved by City Council, and the applicant would still be required to go before a body to explain why they needed an extension.

Mr. Harrington clarified that the Commission could reference the extension section of the LMC. Chair Suesser confirmed that the applicant would have the right to seek an extension under the Code even if not specified in Condition of Approval 13 and would support just referencing the two-year clause. Planner Ananth added that extensions are typically for one year. There was a consensus to remove the language referencing the two-year extension and keep the two-year sunset clause.

Commissioner Hall asked if they could require, in conjunction with this rezone, that the conservation easement be written to provide that no more than six acres could be developed, including access roads. Mr. Kuhn observed that Staff previously informed that because of the ROS and Estate Zone, there was a requirement that each of the lots be three acres in size. The applicant sized the lots under the belief that this was required to obtain the rezone.

Commissioner Hall offered that there was an exception for the Estate Zone that in a Subdivision Plat the lots could be less than a ratio of 3:1.

Mr. Harrington stated he would have to further review this to determine if the applicant qualified for the exception but felt the intent was clear and the Commission could direct Staff to resolve that prior to final action by the City Council. He acknowledged that it was a Limits of Disturbance issue and the Commission wanted to minimize the Limits of Disturbance to six acres, inclusive of the driveway.

Commissioner Johnson asked if they could add language regarding Significant Vegetation to the last sentence of Condition of Approval 5 to read: "Development on Steep Slopes and removal of Significant Vegetation is prohibited." It was suggested that this addition would present a challenge given the nature of the parcel. Commissioner Hall noted that the LMC required that Significant Vegetation be replanted, so they could reference that in Condition of Approval 5.

Chair Suesser suggested opening this item up for public input before addressing further Commission comments to the Conditions of Approval.

Chair Suesser opened the public hearing.

Tom Barton identified himself as a lawyer with the law firm of Parsons Behle & Latimer, who represents Extell Development. He recalled that Extell's letter to the Commission was the fifth written submission outlining its position on this application, and mirrors some of the concerns he heard expressed by some of the Commissioners. He stated that Extell Development is fundamentally opposed to the rezone and believe this application was premature. He argued that this land was not currently suited for development because there is no adequate access. The applicant should reapply once they can demonstrate adequate developability, with a concrete Subdivision and Development Plat.

In addition to the fact that the land was not developable, Mr. Barton pointed out that the Estate Zone was for development. He stated that Extell Development initiated litigation as a result of a Notice of Interest filed by the Bransford's on Extell's property. He noted that Extell's property surrounds the Bransford Parcel, and the Notice of Interest burdened and still burdens Extell's land. He commented that there is no gag order with respect to the litigation; rather, it is a matter of public record, as is the Notice of Interest that described the 60-foot roadway.

Mr. Barton stressed that the roadway access in the Notice of Interest followed the Ontario Ski Run and then veers off to the right to get to the Bransford Parcel. He referenced the submitted map that showed a different route of access from that in the Notice of Interest. He explained that the access route in the map did not track the Ontario Ski Run; instead, it runs across Extell's property and through a forest. He noted that this access route was not at issue in the litigation. He pointed out that access was disputed and there was uncertainty of the location and width of the proposed access. The Notice of Interest identified a 60-foot-wide roadway, while the map presented to the Commission described it as a 100-foot-wide roadway.

Mr. Barton also submitted that this process was inappropriate, as it was putting the cart before the horse. It was burdening the Commission and there were too many unknowns. Before a rezone like this occurs, he urged that there should be a concrete Subdivision Plat and Subdivision plans, which are not possible at this point. He added that Extell Development felt that the rezone was inconsistent with the Master Plan or the City's General Plan. He understood that the General Plan preferred development within the existing boundaries, whereas this would be development outside of that and on the other side of the Trump Ski Run.

He reiterated that the access claimed in the litigation interfered with the existing recreational opportunities that include the ski run. Mr. Barton noted that it would be incompatible to put a driveway where a ski run exists.

Mr. Barton also noted concern with the core values of the General Plan and the fact that the driveway as depicted on the map would go through a forest and require a significant amount of vegetation relocation. He pointed out the lack of support from the neighboring stakeholders, Extell Development and Red Cloud. He felt this should weigh significantly against approval.

Mr. Barton referenced the discussions regarding Condition of Approval 7 and the existing recreational uses and felt that the proposed rezone would not be compatible with the ski run. Extell's position was that if this rezone were granted, the sunset provision should be limited to two years given the possible Planning Commission turnover in two years. He observed that the Planning Commission's position on this issue was in line with Extell's position.

There was no further public input. Chair Suesser closed the public hearing.

Chair Suesser suggested that the application be continued to allow for revisions to the Conditions of Approval in line with tonight's discussions, rather than drafting revisions on the fly.

Commissioner Sigg would be ready to forward a positive [sic] recommendation because of the path that this has taken and there was no evidentiary support that a development would even be approved on this site. He felt that the Commission was spinning its wheels on the Conditions of Approval. He clarified that he was ready to forward a negative recommendation on this application.

Commissioner Hall was willing to continue discussing the Conditions of Approval but was also agreeable to having Staff prepare revisions to present to the Commission for consideration.

Commissioner Kenworthy suggested the Commission try to get through the Conditions of Approval at this meeting and was ready to move forward with the application. He felt the intent was clear.

Chair Suesser felt there was still a question of fact regarding the issue of access and what was being proposed. She asked Planner Ananth to speak on this issue and whether they needed a Condition of Approval that would protect the Ontario Ski Run. Commissioner Kenworthy observed that the applicant agreed to the Conditions of Approval and all of those ski runs were protected.

Planner Ananth stated that the issue of access is completely conceptual and would come back before the Commission at Subdivision, and the Commission could approve or deny it at that time.

Commissioner Hall noted that Condition of Approval 2 states that no Building Permits will be issued until access is secured. She assumed that the issue of access would be a significant issue and have a Condition of Approval in the Plat Amendment. She felt that Condition of Approval 2 was acceptable, as is, but was willing to discuss additional language. She agreed that there was an access issue, but that it would be dealt with at the Subdivision Plat stage, as clearly stated in Condition of Approval 2.

Commission Johnson was aligned with Commissioner Hall and wanted to work through the Conditions of Approval.

Commissioner Hall summarized the discussions on the Conditions of Approval. For Conditions of Approval 1 and 2, there were no changes.

With regard to Condition of Approval 3, they would like to add language to clarify that the six acres included all services, including the driveway. There was discussion regarding the timing of recordation of a conservation easement. Mr. Harrington stated they had previously implemented a two-step process for Flagstaff when the pods were established by the individual approvals. He stated they could either require them to do it as part of the zoning, and then have it conformed to the final Plat Amendment, or draft documents that by operation of law that would identify the area excluded from the six acres.

Commissioner Hall supported the two-step process that would require a lite easement recorded now and amended in conjunction with the final Subdivision Plat that would be much more detailed. Mr. Harrington stated they could forward it with that recommendation and then Staff could refine what that would look like for the Council.

Mr. Kuhn understood that they could create a draft conservation easement and submit that to Staff to determine if it was satisfactory, and then record it at a later time. Mr. Harrington clarified that Commissioner Hall suggested that something be recorded that initially established the boundaries and have an amendment clause that would incorporate the Subdivision.

Commissioner Hall added that if the Subdivision were not approved, then the easement would stand, subject to another rezone and Subdivision. She reiterated the requested language to the effect that the preliminary conservation easement would preserve some portion of the acreage that would be subject to amendment by the Subdivision Plat. She continued with Condition of Approval 4 and noted the suggested addition of the language requiring a licensed arborist. There was discussion regarding including language requiring revegetation of the Significant Vegetation. Mr. Kuhn felt it was already included in Sensitive Lands, but they would not object to including it in this Condition.

With respect to Condition of Approval 5, Chair Suesser did not have language to add and noted that she did not feel this application would not go this route, so she did not prepare language to supplement this Condition. She asked Planner Ananth to include more restrictive Steep Slope language consistent with their discussions at prior meetings. There were no suggested changes to Condition of Approval 6. Commissioner Hall stated that Condition of Approval 7 would include language that ski trails could not be relocated, but bike trail relocation would require approval by the Trails and Open Space Manager and the Planning Commission at the Subdivision Plat and would be at the owner's expense.

Mr. Harrington questioned whether the Commission wanted language that would prohibit use of the ski easement for access. Commissioner Hall agreed. It was noted that Condition of Approval 8 was standard and Conditions of Approval 9 and 10 would remain unchanged. Commissioner Johnson felt that Condition of Approval 10 was an important one based on the information in the Staff Report regarding the ability to get any sort of utilities to the site.

Commissioner Hall supported Condition of Approval 12 and felt it was more specific than the current Code. She noted she would like to see similar language in other applications. With

respect to the Condition of Approval 13, there was consensus to eliminate the extension language.

After a short recess, Chair Suesser called the meeting back to order.

Planner Ananth reported the changes to the Conditions of Approval ("COA") as follows:

- COA 3 added, "Limits of Disturbance are limited to the six acres and shall include the driveway area."
- COA 4 was amended to read as follows: "The applicant shall submit a Tree Preservation and Replacement Plan by a licensed arborist to the Planning Director with the Subdivision Plat application that identifies Significant Vegetation in the Estate zoned portion of the lot, and any Significant Vegetation to be removed for development, including for access in the driveway areas."
- COA 5 added to the last sentence as follows: "New development must comply with the Estate Zoning District regulations outlined in LMC Chapter 15-2.10, and the Sensitive Land Overlay regulations outlined in LMC Chapter 15-2.21. Development on Steep Slopes and Very Steep Slopes is prohibited. Access shall be prohibited from Steep and Very Steep Slopes."
- COA 6 added, "The driveway width shall be the minimum required by the Park City Fire District."
- COA 7 was amended to read as follows: "The applicant shall maintain and grant easements for existing bike and ski trails located on the property at the time of plat recording, and ski trails shall not be impacted by development or access. If any bike trails require relocation, the applicant shall move the trails at their own expense, as approved by the Trails and Open Space Manager in conjunction with the Subdivision Plat."
- COA 11" Final location of the two proposed Single-Family Dwellings and Limits of Disturbance shall be outlined on any future subdivision plat with a Planning Commission Finding that these locations meet the requirements of the Sensitive Land Overlay, Land Management Code, and General Plan."
- COA 13 amended the first sentence to read, "The approval of this Zone Change is subject to a two-year Sunset Clause. If the applicant has not received an approval for a Subdivision Plat within the allotted amount of time from the date of City Council action, the Zone will revert back to Recreation and Open Space (ROS).

Commissioner Hall requested that the Commission revisit Condition of Approval 3 to address the discussions requiring a two-pronged approach for a conservation easement. She recalled that they agreed to require a conservation easement in conjunction with the rezone. Planner Ananth recalled that the applicant did not want to prohibit their options until they presented the Subdivision Plat.

Commissioner Hall observed that the applicant would not be limited any further than what is already in the Conditions of Approval. Mr. Harrington suggested the following language: "Consistent with the permitted uses of the ROS zone and this approval..." and then change the last sentence to read, "...at the time of the rezone recordation." Commissioner Hall clarified that by the time the applicant goes before City Council for final approval, there should be a draft conservation easement.

Mr. Harrington suggested adding, "Minor adjustments shall conform to the final Subdivision approval." He stated that based on the discussions, the Commission should clarify under "Section 1. Approval" in the Draft Ordinance that the elimination of the actual lot lines proposed on the attached map would not be defining the lots as part of the rezone. He added that the question was whether the Commission wanted to preliminarily approve it as shown, and then finalize it with the Subdivision Plat.

Mr. Kuhn liked the term "Draft Conservation Easement," because they do not know what else might be changed in a more detailed plat.

Commissioner Hall did not feel that they wanted to be bound by the existing map and noted that it was helpful in understanding how it might work. Mr. Harrington explained that typically a rezone would adopt the map, and he wanted to get to the logistics of the floating boundary concept or publishing a preliminary boundary now that could be amended with the Subdivision Ordinance, if necessary. He recommended eliminating the references to the lots but keeping the preliminary area of six acres undefined that would be amended with the Subdivision Ordinance if those boundaries moved. He would keep the reference to Attachment 1, as modified, but exclude the references to the lots. In addition, for Condition of Approval 3, he suggested adding "minor adjustments to the Conservation Easement and Zoning Map."

Commissioner Hall commented that they addressed the changes that would lead her to a positive recommendation and added she would like to see an LMC Amendment to require a Plat Amendment with a rezone in the future, because she felt this process was tedious, despite by allowed by the current Code. She felt that with this application complied and they have narrowly tailored Conditions of Approval to address their issues.

MOTION: Commissioner Hall moved to forward a POSITIVE RECOMMENDATION for City Council consideration, based on the Draft Ordinance, and the Findings of Fact, Conclusions of Law and Conditions of Approval as modified:

Findings of Fact:

1. Parcel PCA-S-79-C (the Bransford Parcel, also known as the Logan Parcel) contains 19.8 acres and is currently zoned Recreation Open Space.
2. The Applicant proposes to rezone six acres within Parcel PCA-S-79-C from Recreation Open Space to Estate to create two three-acre pods to accommodate the development of two Single-Family Dwellings, one for each three-acre pod.
3. Parcel PCA-S-79-C is in the Sensitive Land Overlay Zone and development must comply with the regulations of Land Management Code Chapter 15-2.21.
4. Prior to the annexation into Park City in 1998, the Snyderville Basin Development Code located the existing parcels in the West Mountain neighborhood within the Mountain/Remote Area.
5. The Bransford Parcels were included in the 1,750 acres of property in unincorporated Summit County that was annexed into Park City Municipal under the 1999 Flagstaff Development Agreement.

6. After the annexation of the parcels into Park City, the area was zoned Recreation and Open Space (ROS) Master Planned Development (MPD) in which a Single-Family Dwelling (SFD) is a prohibited Use.
7. The Applicant's proposed Zone Change to Estate (E) will allow the development of two Single Family Dwellings.

Conclusions of Law:

1. The Zoning Map Amendment request is consistent with the Park City General Plan and the Land Management Code, including Section 15-1-7(B)(2).
2. The Zoning Map Amendment is consistent with applicable state law.
3. The Zoning Map Amendment furthers the purposes of Utah Code Section 10-9a-102.

Conditions of Approval:

1. The Planning Director, City Attorney, and City Engineer will review and approve the final form and content of the Zoning Map Amendment for compliance with State Law, the Land Management Code, and the Conditions of Approval.
2. Maximum density in the rezoned area is two (2) Single Family Dwelling Units. No building permits shall be issued to develop Parcel PCA-S-79-C until access has been secured and a subdivision plat consistent with the Conditions of Approval of this Ordinance has been recorded.
3. Limits of Disturbance are limited to the six acres and shall include the driveway area. Consistent with the permitted uses of the ROS zone and this approval, the Applicant shall record a Conservation Easement for the remaining Recreation and Open Space zoned acreage for Parcel PCA-S-79-B and PCA-S-79-C, excluding the six allocated Estate acres, at the time of the rezone recordation.
4. The applicant shall submit a Tree Preservation and Replacement Plan by a licensed arborist to the Planning Director with the Subdivision Plat application that identifies Significant Vegetation in the Estate zoned portion of the lot, and any Significant Vegetation to be removed for development, including for access in the driveway areas.
5. New development must comply with the Estate Zoning District regulations outlined in LMC Chapter 15-2.10, and the Sensitive Land Overlay regulations outlined in LMC Chapter 15-2.21. Development on Steep Slopes and Very Steep Slopes is prohibited. Access shall be prohibited from Steep Slopes."
6. Access to the rezoned Estate areas within Parcel PCA-S-79-C requires a common/shared driveway to minimize site disturbance and shall be located to

prevent Significant Vegetation disruption and steep slope disturbance. The driveway width shall be the minimum required by the Park City Fire District.

7. The Applicant shall maintain and grant easements for existing bike and ski trails located on the property at the time of plat recording. If the trails require relocation the Applicant shall move the trails at their own expense, as approved by the Trails and Open Space Manager.
8. The subdivision plat shall require a maximum irrigated or landscaped area and additional restrictions to maintain a reliable Limits of Disturbance (LOD).
9. In keeping with Red Cloud Subdivision, the Maximum House Size shall not exceed 10,000 square feet Gross Floor Area.
10. The City shall require the finalization of plans for utilities and access, prior to submittal of a subdivision plat application. The approval of this Ordinance does not guarantee approval of the subdivision plat, or future development. Future applications shall be evaluated according to the Land Management Code in effect at the time of application, and these additional conditions of approval.
11. Final location of the two proposed Single-Family Dwellings and Limits of Disturbance shall be outlined on the subdivision plat, or on any future subdivision plat, with a Planning Commission Finding that these locations meet the requirements of the Sensitive Land Overlay, Land Management Code, and General Plan.
12. Both Single-Family Dwellings shall be designed and constructed to incorporate best planning practices for sustainable development for Residential construction in place at the time of building permit application including but not limited to water-efficient low-flow fixtures and Energy Star rated appliances; building envelopes shall be designed to be energy efficient; all landscaping shall be water-wise and native; all exterior lighting shall meet the City's Dark Sky Ordinance LMC § 15-5-5(J). Electrification of all utilities is required, and all outdoor appliances/utilities such as heated paving, roof heat tape, firepits, irrigation systems, etc. shall be connected to timers and moisture sensors, to only pull energy when necessary/required.
13. The approval of this Zone Change is subject to a two-year Sunset Clause. If the applicant has not received an approval for a Subdivision Plat within the allotted amount of time from the date of City Council action, the Zone will revert back to Recreation and Open Space (ROS).

Commissioner Van Dine seconded the motion.

VOTE: Commissioner Hall-Aye; Commissioner Van Dine-Aye; Commissioner Kenworthy-Aye; Commissioner Johnson-Aye; Commissioner Frontero-Nay; Commissioner Sigg-Nay. The motion passed 4-to-2.

B. 2545 Lucky John Drive - Plat Amendment - The Applicant Proposes to Remove a Shared Driveway Easement in the Single-Family (SF) Zoning District. PL-22-05390.

Planner Ananth introduced Planning Department Intern, Davis Petersen who would present the above item. Mr. Petersen explained that this was a Plat Amendment for Lots 30 and 31 of the Holiday Ranchettes Subdivision, located at 2519 and 2545 Lucky John Drive. He reported that in 1974, the Holiday Ranchettes Subdivision Plat was approved by City Council with 102 lots. In 1999, Lots 30 and 31 were combined into one two-acre lot through an administrative lot line adjustment approved by the Planning Director. In 2014, the then-owners applied to re-establish Lots 30 and 31 as separate one-acre lots, with the addition of a shared driveway easement. This was approved by City Council.

Mr. Petersen indicated that the applicant and current owner of Lots 30 and 31 proposed to remove the shared driveway easement that is recorded on the plat for both lots. The shared driveway was a Condition of Approval when the lots were re-established as separate lots by Ordinance No. 14-18. He presented a graphic showing the existing shared driveway easement and clarified that the shared driveway was located between a Single-Family residential structure on Lot 30, and a detached garage structure on Lot 31.

Staff found good cause for removal of the shared driveway easement because it would not cause any hardship to other properties in the subdivision, was consistent with the requirements for the Single-Family Zone, and the proposed plat would not cause any non-conformities with respect to Setbacks, Lot Size, Density, or otherwise. He noted that no other lots in this subdivision have a shared driveway easement. Mr. Petersen advised that Staff recommended the Planning Commission review the requested Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on January 24, 2023, based on the Findings of Fact, Conclusions of Law and Conditions of Approval, as found in the Draft Ordinance.

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

Commissioner Frontero asked if there was a Homeowners' Association ("HOA") in this subdivision and if they provided input. Mr. Petersen responded that the HOA approved of this application and referenced the letter of approval attached to the Staff Report.

Commissioner Sigg asked if there was a minimum lot size in this development to accommodate horses. It was noted by the applicant, Eric Morgan, that the intent of the development was to have that opportunity and was outlined in the CC&R's.

MOTION: Commissioner Hall moved to forward a POSITIVE RECOMMENDATION for City Council's consideration on January 24, 2023 for 2545 Lucky John Drive, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as follows:

Findings of Fact:

1. The property is located at 2519 and 2545 Lucky John Drive.
2. The property is in the Single Family (SF) zoning district.

3. The property consists of two 1-acre lots, known as Lot 30 and 31 Holiday Ranchettes and includes a recorded driveway easement shared by both Lots.
4. The owner wishes to remove the shared driveway easement between Lots 30 and 31 of the Holiday Ranchettes Subdivision.
5. No other properties will be affected by this proposal.
6. Each lot will be 1-acre in area, consistent with the 1974 Holiday Ranchettes Subdivision platted configuration. There is no change to Density.
7. The minimum setback requirements are 20 feet for the front yard and 12 feet for the side yards. Front facing garages require a 25-foot front setback. The rear setback requirement of 15 feet is not applicable due to the double frontage nature of both lots.
8. There is an existing Single-Family Dwelling on Lot 30 that complies with all required Setbacks.
9. There is an existing garage/storage structure on Lot 31 that will be demolished.
10. The shared driveway easement between Lots 30 and 31 of the Holiday Ranchettes Subdivision will no longer be necessary, following the demolition of the garage/storage structure on Lot 31.
11. Both Lots 30 and 31 have double frontage onto Lucky John Drive and Holiday Ranch Loop Road. The 1974 Holiday Ranchettes Subdivision includes notes restricting access from Lucky John Drive that have been carried forward with this Plat Amendment.
12. The pattern of development in the neighborhood includes primary access to these double frontage lots from Lucky John Drive and not from Holiday Ranch Loop Road, providing consistent building Setback areas along Lucky John Drive and Holiday Ranch Loop Road.
13. The Plat provides for a restriction of access to Lucky John Drive and protects the safe routes to school pedestrian and bike path from additional primary access across it.
14. Drainage and utilities have already been relocated in order to accommodate both Lots 30 and 31 separately.
15. There is good cause for the removal of the existing shared driveway easement between Lots 30 and 31 of the Holiday Ranchettes Subdivision as the removal of the shared driveway allows for redevelopment of Lot 31 consistent with the existing residential neighborhood and originally approved Holiday Ranchettes Subdivision, will have no negative impacts to the public, and does not create any

nonconformities. No other Lots in the Subdivision appear to have shared driveways.

16. The Holiday Ranchettes HOA Architectural Committee submitted a letter of support for the removal of the shared driveway easement.

Conclusions of Law:

1. There is good cause for this Plat Amendment.
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:

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) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
3. A Plat Note shall indicate no access to Lots 30 and 31 is permitted from Holiday Ranch Loop Road.
4. A Plat Note shall indicate any construction on Lots 30 and 31 shall use the original existing grade (USGS topography that was existing prior to any construction on the Lots) in the calculation of Building Height.
5. A Plat Note shall indicate this Plat is subject to Ordinance 2023-Xx.

Commissioner Kenworthy seconded the motion.

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

- C. **2647 Meadow Creek Drive - Plat Amendment - The Applicant Proposes to Amend Parcel A and Parcel B of the Smith Subdivision in the Single-Family (SF) and Estate Zoning Districts.**

The above item was withdrawn as previously stated.

8. WORK SESSION

A. 1301 Park Avenue Plat Amendment - The Planning Commission Will Conduct a Work Session on the Proposed 1301 Park Avenue Plat Amendment and the Applicant's Petition to Vacate a Portion of the 13th Avenue Public Right-of-Way. PL-22-05195.

City Planner, Spencer Cawley reported that the above presentation would give the Commissioners an idea of the full scope of the proposal. Staff wished to discuss good cause and Commission input on moving forward. He presented a vicinity map showing the location of 1301 Park Avenue across from the Library Field on 13th Street. He advised that the existing lot was .15 acres and contained two structures. One of the structures is a Landmark Historic Structure, highlighted in blue on the graphic. The other is a non-historic A-frame Single-Family Dwelling, highlighted in green.

Planner Cawley presented images of the two structures on the subject property. He noted that the Landmark Historic Structure, built circa 1904, was at some point turned into a duplex. He explained that the applicant was proposing to amend the plat to create two lots. Lot 1 would include the non-historic A-frame Single-Family Dwelling and would contain approximately 2,557 square feet. Lot 2 would include the Historic Structure and would contain 3,249 square feet.

Planner Cawley reported that Historic Residential-Medium ("HR-M") Density Zone allowed for both the Single-Family Dwelling and the duplex. Under the Code, a Single-Family Dwelling requires 1,875 square feet, and a duplex requires 3,750 square feet. He noted that the duplex on this site would not comply with the required Lot Size for this zone. He stated that the required Minimum Lot Width is 37.5 feet, and both of these lots would meet that requirement. Additionally, both lots have a Front Setback of 15 feet, a Rear Setback of 10 feet, and a Side Setback of 5 feet. The Historic Structure was exempt from Setback requirements. The Building Height requirement for this zone is 27 feet from existing grade.

Planner Cawley stated that the second part of this application included a request to vacate a portion of the 13th Street right-of-way. This request, if approved, would add square footage to both lots, allowing for Lot 2 to be brought into compliance with the zoning regulations. In addition, the applicant proposed an easement along Park Avenue that would not reduce the size of Lot 2.

He referenced Resolution No. 8-98, which states that the City Council must find good cause to vacate a public right-of-way, based on the following requirements:

- No increase in density;
- Neighborhood compatibility;
- Consideration to the City for the loss of the right-of-way; and
- Consideration of the utility of the existing right-of-way.

Planner Cawley reported that the City Engineer reviewed this application and noted that the portion of the public right-of-way that is the subject of this request would not be used in the future for utility development or road widening; however, the City Engineer requested that a ten-foot access easement for snow storage and potential future improvements be included on any

proposed plat. He stated that if this Plat Amendment was approved, the Development Review Committee required Conditions of Approval at the Building Permit phase.

In addition, the Snyderville Basin Water Reclamation District advised that the sewer connection from the A-frame to the main sewer lateral could not cross property lines. This request would create that issue and would need to be corrected. Planner Cawley added that if there were any future proposals for basement bathrooms, a water ejector pump might be required. The City Engineer also stated that high water tables were an issue in this area, and further study was required to identify additional depth if basements were proposed for future development. Staff requested the Planning Commission discuss whether there was good cause for this Plat Amendment. Good cause is defined as providing positive benefit and mitigating negative impacts determined on a case-by-case basis, to include such things as:

- Providing public amenities and benefits;
- Resolving existing issues and non-conformities;
- Addressing issues related to density;
- Promoting excellent and sustainable design, utilizing best planning and design practices;
- Preserving the character of the neighborhood and of Park City; and
- Further the health, safety and welfare of the community.

He added that good cause might include such things as the retention of the uses and character of the HR-M Zoning District, that no public street or right-of-way would be amended pending City Council approval of the vacation of the right-of-way, and no easement would be vacated or amended.

Planner Cawley introduced the applicant, Gary Knudson, who stated that he moved to Park City in 1961 and acquired the property. He also had property on the resort and sold lots to the Park City Ski Resort for \$2.2 million. It was clarified that this property was sold to the City, who advised him that they would help him acquire the subject property. The applicant stated that in the meantime, the City installed a bike path in front of this property that prevented him from parking. He also referenced property sold for affordable housing. He was trying to incorporate this right-of-way into the property, and the City insinuated to him that they did not need that wedge of property.

The co-applicant, Susan Knudson added that the City installed a bike path in front of 1301 Park Avenue that extends up at least one full city block on each side of the home and prevents them from parking in front of their home. In addition, she identified area that was a sidewalk that the City took from her father's property, which totals 266 square feet. They hoped to exchange the vacated area with the sidewalk area.

The applicant's daughter, Amy Knudson, emphasized that when her father moved here in 1961, he was the football coach at Park City High School, and her mother was the Summit County school nurse. She stressed that her family were long-time residents of Park City and wanted the City to keep their word to her father.

Chair Suesser requested clarification as to how this proposal would help to solve the parking problem for the applicant. Planner Cawley explained that the Historic Structure was exempt from parking requirements; however, this additional square footage would allow for an on-site parking space.

In response to an inquiry, Planner Cawley stated that the parking requirement for the A-frame was two parking spaces.

Chair Suesser expressed support for the application with the caveat that she agreed with the City Engineer that if they vacate the right-of-way, the City will get a 10-foot access easement for snow storage and a sidewalk to be installed along 13th street in front of the applicant's property. She felt this would provide a public amenity that was very needed, and it would work for both the City and the applicant.

Commissioner Johnson agreed and noted that 13th Street is quite narrow and sought clarification that the easement would be for snow storage and a sidewalk. Planner Cawley stated that Staff could clarify with the City Engineer before this item is brought back before the Commission. Commissioner Johnson noted that they will likely have to do the same with the neighboring property to allow the sidewalk and the snow storage to continue to Woodside Drive.

Chair Suesser observed that this was currently a City right-of-way and the City had the right to install a sidewalk. Those properties currently park where a sidewalk would be installed.

Mr. Harrington reported that the applicant requested this section and suggested the Commission should not worry as much about the function on the other lots where the City might have either an existing right-of-way, or an acquired right-of-way.

Commissioner Sigg expressed confusion between the Snyder's edition map and the more modern version with the proposed public access dedication and the proposed vacated area on 13th Street. Mr. Knudson clarified that Bill Hart owned the property on Woodside Drive, located behind the dog park. Mr. Knudson added that the City Engineer informed him that the City did not need the strip they were trying to incorporate, but Mr. Knudson felt they could work it out. Chair Suesser clarified that the City Engineer stated that the strip was not needed for utility lines; however, the City would want to use some of that strip for snow storage and a sidewalk.

Commissioner Sigg asked if this would create a non-conforming use on the property. Planner Cawley explained that the Historic Structure is exempt from Setbacks and from parking requirements.

Commissioner Hall did not object to the non-complying Setbacks for both structures but suggested a Condition of Approval that there would be no additional reduction in Setbacks with any additional structures. She also wanted to see how the applicant would achieve compliance with the parking requirement for the non-historic site, as she would like to see more compliance with the Code. She reiterated her concurrence with Commissioner Johnson and Chair Suesser regarding the sidewalk and snow storage.

Commissioner Kenworthy agreed with the other Commissioners and would like to hear from the City Engineer. He found good cause and equity for this Plat Amendment.

Commissioner Van Dine also found good cause and did not need any further information. Commissioner Frontero felt the application was reasonable and that the Commissioners all wanted to see a more detailed plan from the City Engineer to ensure that he was comfortable with this application. He felt that this was a workable solution. Mr. Knudson stated that he would be glad to work with the City. Commissioner Hall requested that when this comes back before the Commission for action that it be placed first on the Regular Agenda.

Planner Cawley felt he had enough feedback from the Commission to move forward with the application.

B. Land Management Code Amendments - Support Commercial, Residential Accessory Uses, and Resort Accessory Uses - The Planning Commission Will Conduct a Work Session on Proposed Amendments to Section 15-6-8 Unit Equivalents to Clarify Uses Exempt from Master Planned Development Density and to Section 15-15-1 Definitions to Update and Align Accessory Use Definitions.

Assistant Planning Director, Rebecca Ward, explained that this presentation would address Accessory Uses that were exempt from density for MPDs. The Code currently provides that the density for MPDs was the density allowed in the zone. In addition, there were exemptions for what the Code defines as Support Commercial, which includes commercial uses intended to serve the patrons or residents of the site and could potentially include additional square footage for meeting rooms for a nightly rental residential development. She added that there were also exemptions for Residential Accessory Uses and Resort Accessory Uses.

Assistant Director Ward stated that these exemptions presented some challenges as MPDs come before the Commission for review, especially given that MPD bulk can be larger than what would otherwise be allowed in the zone. Additionally, there was the potential for uses originally intended for people on site, to be open to the public without mitigating traffic and parking, and without being counted in the affordable housing obligations required in an MPD. She commented that the Planning Commission's initial input on Accessory Uses was outlined in the Staff Report. The Commission stated that it did not want to be so restrictive that projects could not be successful and allow for development in a way that was manageable.

Additionally, she noted that when Accessory Uses were first established in the Code in the 1980s, there were caps on maximum square footages that would be allowed. The Commission expressed support for reinstating those caps, especially the cap that each individual Accessory Use be 2,000 square feet or less.

Assistant Director Ward commented that there is currently no limit on Residential Accessory Uses, and the Planning Commission expressed support for creating a cap. The Commission was also supportive of removing the redundancy from some of the Accessory Use lists. She indicated that there was support for Residential Accessory Uses as specified in the Code; however, the Commission wanted to capture any additional impacts for staffing that might contribute to affordable housing demands, and parking and traffic. She also noted that the Commission wanted to use caution when creating caps, because uses might change over time, and it wanted to work to balance caps with project success. She reported that since receiving this input, Staff worked with the Planning Commission liaisons on these issues, and the feedback was to create something more restrictive in these amendments.

With regard to the Support Commercial Accessory Uses, Assistant Director Ward explained that these Uses were oriented toward the development serving the needs of the people who are part of the development. Currently, these Uses are allowed in a hotel or nightly rental condominium project and could make up to 5% of the total square footage of that project as well as an additional 5% for Meeting Space. She explained that the definition of Support Commercial had

not significantly changed since the 1980s, but some of the original parameters and uses were removed from the Code over the years.

Assistant Director Ward requested input regarding where the Commission stood on recommending these amendments, and presented the following questions for consideration:

- Whether the 1980s cap that limited Support Commercial Uses should be reinstated, and limiting each individual Support Commercial Use to no more than 2,000 gross square feet of floor area while still allowing up to 5% of the total MPD and up to 5% for meeting spaces;
- Whether the requirement that signage be viewable only within the development be reinstated, and potentially include advertising to those limitations;
- Whether the Support Commercial Use exemption should be reduced or removed, including the Meeting Space square footage; and
- Any other considerations.

Chair Suesser asked Assistant Director Ward to define what would be included in Support Commercial Accessory Uses. Assistant Director Ward explained that the Code defined these uses as “a commercial use oriented toward the internal circulation of the development for the purpose of serving the needs of the residents or users of that development, and not persons drawn from offsite.”

In response to further inquiry from Chair Suesser, Assistant Director Ward stated that lockers would be part of Residential Use. Some examples of Support Commercial would include a restaurant, a delicatessen, coffee shop, and a gift shop. Commissioner Kenworthy asked if a Support Commercial Accessory Use would include a ski rental shop. Assistant Director Ward felt that would likely fall under Resort Accessory Use.

In response to an inquiry from Commissioner Sigg, Director Milliken stated that Support Commercial was commercial space that could offer goods and services for commercial sale, although the Code did not state that specifically. She added that the signage requirements prohibited advertising outside of the development and mentioned the ski shop at The Montage.

Chair Suesser asked about a spa or a workout room. Assistant Director Ward stated that these uses had come up in a few recent reviews and are allowed under Residential Accessory Uses. She added that currently, Residential Accessory Uses specifically allowed saunas, common pools, and exercise areas not open to the public.

Commissioner Hall asked if there was a way to count every square foot built in an MPD to go towards Unit Equivalents (“UEs”) for affordable housing. She also did not feel that it needed to be 2% or 5% of the UEs for the Residential, but the net needed to be specified because a developer was essentially unrestricted. She wondered if it needed to be tied to the UEs. She added that if someone wanted to build 10% commercial in an MPD, there would just be less UEs for the residential. She noted that while they might want to limit Resort Commercial, they also wanted to make these developments as self-sufficient as possible. She did not want to give the developer carte blanche to do what they want with the space they have and felt that it should be counted towards affordable housing square footage.

Commissioner Hall asked if there was a way to limit it without assigning a percentage of floor area or UEs. Assistant Director Ward stated that there were limitations on Light Support

Commercial and those limitations could be added for Residential and Resort Accessory Uses. Commissioner Hall asked if more density or more gross square footage would be allowed if a building wanted to have 10% Support Commercial Accessory Use. She was agreeable to the net allowed density but did not want the projects to get bigger. Assistant Director Ward explained that rather than Support Commercial serving as a density bonus, they could have an allowance, with interim review, up to a certain percentage within that density.

Commissioner Sigg asked if this related to the Development Agreements and situations where a developer proposed increased heights, as an example. He felt that the restrictions should be in the Code, unless there was a compelling reason, such as an affordable housing giveback or something that would serve as an incentive to the City.

Commissioner Van Dine suggested that they should reinstate the requirement that the signage be visible only within the development. Commissioner Frontero agreed.

Assistant Director Ward explained that the current Code had no limitations or parameters for Residential Accessory Uses. They are allowed as a density bonus, and include such uses as ski equipment lockers, concierge, laundry facilities, employee facilities, pools, saunas, hot tubs, exercise areas, telephone areas, public restrooms, administrative offices, hallways and circulation, and elevators and stairs. She recalled the Commission feedback that Staff reach out to other communities to see how they regulate these Accessory Uses. She referenced the information outlined in the Staff Report and reported that they found that many communities limit Residential Accessory Uses to functional spaces, which would include mechanical rooms and shafts, hallways and circulation, and elevators and stairs. She noted that there was some Commission discussion on establishing a cap of 25% on the square footage of Residential Accessory Uses. Staff recommended amending the Code to clarify that a sauna or something that might require additional staffing would trigger consideration of affordable housing obligations, and traffic and parking. Assistant Director Ward also requested feedback on whether the Commission would be interested in amending the Code to limit Residential Accessory Uses to functional spaces.

With regard to Resort Accessory Uses, Assistant Director Ward noted that the Code did not impose any limitations. She referenced the list of Resort Accessory Uses contained in the Staff Report. She indicated that during prior discussions, there was Commission support for how the Accessory Uses were currently drafted; however, any additional impacts to affordable housing should be considered. She added that the Commission could consider establishing parameters and refine the list of Uses.

She reported that Staff made a technical recommendation that in the zoning districts that allow for Support Uses, most of them include a footnote that states specifically that these Uses would be allowed in the zone if they are part of an MPD. Staff recommended an amendment to that footnote that would tie that to all of the zones where Accessory Uses are allowed specific to Resort, Residential and Support Commercial so that those would only be allowed in zones where approved by the Planning Commission as part of the MPD.

Assistant Director Ward observed that the initial input was to evaluate how the UEs were calculated to ensure that these Uses were captured in the UEs, thereby capturing the affordable housing obligations. In addition, if there were allowances for these commercial uses, the Commission felt that there should be a limitation based on what would be allowed in the zone under the base density, and there could not be any additional exemptions beyond that. She

also understood that the Commission wanted a requirement that signage and marketing be limited to the interior of the development.

Commissioner Kenworthy liked the idea of a formula based on the minimum that should be allowed, and then other uses would eat into the density. He sought information on the problems caused by the Treasure development, as he recalled that the Accessory Uses created quite a stir. He observed that the applications presently before the Commission are what they are, and nothing the Commission does with these amendments would affect those applications.

Mr. Harrington explained that the Treasure development was a perfect storm of a biometric design that lent itself to compartmentalization on staff development. He recalled that these Use provisions were expanded mostly to enable the Mountainside Marriott development during Phase 1 of Park City Mountain Resort. There were discussions as to whether the City cared if the subterranean areas were used and mentioned Snowbird or any hotel in Hawaii that have a store or coffee shops that produce trips. He noted that the intent of the planners at the time was to focus on the uses.

Mr. Harrington advised that Treasure had some more restrictive language in the original MPD, but the rules of land use are that while rights could not be taken away, if the Code is amended to be more liberal, a landowner could take advantage of those changes. That is what occurred with Treasure because their original proposal morphed into a different concept with a different layout. He added that the situation at Treasure amplified the public perception on how 400 square feet of UEs were approved relative to 800,000 to 1.2 million gross project. They got into an apples versus oranges comparison with other MPDs and what the normal ratio of net UEs were to gross. He acknowledged the ability to control this long-term erodes with the increased success of the project and referenced Deer Valley. Stand-alone condominium resort projects were no longer the thing; rather, mixed-use, vibrant developments with pubs and restaurants were the new norm. As a result, Support Commercial Uses that were supposed to be internal start creeping outside the development.

Mr. Harrington acknowledged that any amendments would likely not impact the pending large applications before the Commission but felt that Commissioner Sigg's comments about a multiplier effect was real and that is what they saw at Silver Lake and other projects that do not have narrow confines of volumetrics. He felt that the lessons learned were to create a balance; however, there was a policy argument to remove them altogether, but he felt that keeping them with some flexibility made sense in the long-term. The question was whether the Commission wanted to go with hard caps, or different types of structural or percentage caps, and whether they should be uniform between all three classes of Uses.

Commissioner Sigg understood that the zoning dictated the uses and the occupancy but observed that it seemed that these incentives were more for institutional operators like hotels. Mr. Harrington reiterated the statements that Staff research demonstrated that most jurisdictions had clearer uses, while Park City is more unique. Assistant Director Ward cautioned that it was challenging to compare jurisdictions, because even within the City they determine that differently for different zones; however, in general other communities were more restrictive on the square footage allotted for all three Uses and the allowed Uses.

With regard to Commissioner Sigg's suggestion to limit this to hotels, Assistant Director Ward noted that the definition was expanded to nightly rental condominiums. She also asked if there was interest in reducing the percentage of allowable Meeting Space or restricting how Meeting

Space could be used. It was confirmed that Meeting Spaces were just for Support Commercial, and that hotels or nightly rental condominiums could have 5% Support Commercial Accessory Uses and 5% for Meeting Space. Both of these allowances were considered a density bonus.

Chair Suesser did not support allowing Meeting Space as a density bonus; rather, it should be included in the overall density of the project. Commissioners Johnson, Sigg, and Frontero agreed. She also inquired whether limiting the regulations to hotels would capture projects like Sommet Blanc. Assistant Director Ward expressed that Sommet Blanc would fall under the nightly rental condominium category, because it was platted as a condominium and those units could be individually sold. She understood that the limitations suggested by Commissioner Sigg would apply to a hotel that had single ownership. She noted that clarification of the definition would prohibit Support Commercial for the nightly rental condominiums; however, with regards to Sommet Blanc, the additional Uses were under the Residential Accessory Uses that go beyond functional space.

Assistant Director Ward asked if there was interest by the Commission in amending the Residential Accessory Uses to limit them to functional spaces such as hallways, circulation, elevator shafts and mechanical rooms.

Commissioner Hall revisited the Meeting Space allowance of 5% and asked if it was based on the premise that it was all density bonus so that a developer could have 6% Meeting Space but that additional percentage would eat into the UEs for the residential. This would thereby decrease the volumetrics, and the 1% would be triggered into affordable housing.

Assistant Director Ward explained that currently, the discussion was on the density bonus and felt that the extent of Meeting Space that would be allowed could be reviewed; however, the 5% was specific to the square footage density that could be increased.

In response to an inquiry regarding the density bonus for Sommet Blanc, Assistant Director Ward stated that she did not have the specific numbers.

Chair Suesser liked the idea of limiting Residential Accessory Uses to functional space, which needed to be defined. Commissioner Van Dine agreed that cutting back on the Residential Accessory Uses to only include functional, necessary uses was more appropriate. It was clarified that functional uses were related to the function of the building, such as elevator shafts and mechanical rooms.

There was discussion regarding use of the term "required functional space," that would include "hallways and circulation, elevators and stairs, mechanical rooms and shafts." There was consensus that this description was sufficient.

Commissioner Kenworthy asked if public restrooms should be included. It was noted that public restrooms were on the current list of Uses. Commissioners Van Dine and Frontero felt that public restrooms were functional to the building and would support its inclusion in the list of "functional uses."

Referencing Sommet Blanc, Assistant Director Ward reported that the developer could ask for up to 5% Support Commercial. She felt that some parameters were set through volumetrics with the previous MPD approval that was amended. She noted that the question that arose

during that project involved the saunas and exercise room, and under the Code at the time, there were no limitations on the square footage allowed.

Assistant Director Ward stated that if the Code was amended to reduce Residential Accessory Uses to functional uses to allow for improved design, applications moving forward would still be able to propose uses like that through density bonuses.

Chair Suesser felt that they needed to be clear about what was included and what was excluded in the definition of functional space. Assistant Director Ward stated that they saw some good examples of functional space definitions and limitations that they could bring to the next meeting.

There was discussion regarding how these changes would impact a hotel versus a condominium building in terms of uses such as a public restroom because conceptually they were different. Commissioner Sigg felt that the large developers wanted to squeeze as much extra profit space as they can out of their buildings, so to just give these developers a carte blanche bonus did not seem right. He felt that the fundamental aspects of the mechanics of the building and flow of the building was one thing; however, to give these developers additional space as a profit center in a condominium building did not make sense. He added that there was a degree of sensibility in allowing these uses in a hotel; but a private nightly rental did not lend itself to a shop or ski rental. Commissioner Van Dine countered that this was part of what they were trying to promote and a building with a ski rental facility could keep people there rather than requiring them to drive around. She reiterated that they would want to incentivize some of the Support Commercial Uses and did not want to eliminate them completely, even in the smaller condominium buildings. She mentioned the ski shop at Silver Star that keeps people in the area.

Commissioner Johnson added that they could get there by supporting walkability and bikeability around town and focus on that as a planning tool.

Chair Suesser clarified that they would not prohibit or limit the use; rather, these uses would count towards density.

Commissioner Kenworthy felt that they wanted to address the cap in the definition. Assistant Director Ward recalled that the initial input was to cap Residential Accessory Uses at 25%. She stated that Staff could research this further and come back with recommendations but observed that if they were going to reduce the Uses to functional uses, 25% might be high.

In response to an inquiry regarding childcare, Assistant Director Ward referenced the Resort Accessory Uses that include daycare facilities but noted that it was not included as a Residential Accessory Use. Commissioner Hall was in favor in including childcare as a Use in any of these categories. Commissioner Kenworthy noted that they should define the Uses.

Assistant Director Ward pointed out that the Commission's initial input on Resort Accessory Uses was to support no cap, and to refine the list. She noted the discussions that these Uses should be captured at least as far as an affordable housing obligation, and traffic and parking. Commissioner Van Dine expressed that these Uses would generate a decent amount of traffic and parking. In terms of having a cap on the Resort Accessory Uses, Commissioner Sigg expressed his desire for a cap based on underlying Code volumetrics. He saw it as a slippery slope if people started incentivizing to obtain an increased density bonus and part of the

increased density bonus was an increase in the profit center volumetrics. He noted the timing of these amendments and commented that the large New York developers were already coming in with applications. Commissioner Johnson asked how many applications they would affect by amending these provisions and stressed that they had an opportunity here and should jump on it.

Commissioner Hall stated did not want to incentivize a developer to include all of these Uses, and conceptually wanted to pull in affordable housing and decrease the volumetrics, but at the same time she would like to see these Uses.

Commissioner Van Dine was supportive of the Resort Accessory Uses because they were Uses that she would like to see incentivized to make a Resort functional. Commissioner Johnson felt there were Uses on the list that were useful, but also felt there were existing facilities already.

Commissioner Kenworthy observed that based on Commissioner Sigg's recommendation, they would be working within the volumetrics.

Assistant Director Ward asked if the Commission was still interested in capturing affordable housing obligations, and traffic and parking as far as Resort Accessory Uses. The Commission expressed support for this.

In terms of Support Commercial Accessory Uses, she understood that the Commission was interested in looking at reducing the allowed bonus density, and to refine the definition to include hotels rather than nightly rental condominiums. In addition, the Commission was in agreement that signage should be restricted to being visible only within the development. She recognized that there was interest in either lowering the 5% Meeting Space, or potentially requiring that the Meeting Space be counted in the density.

Commissioner Sigg was concerned that allowing 5% for Meeting Space was granting a volumetric exception, given the potential situation of the Meeting Space no longer being used or needed. He felt that Meeting Space had become part of a business model and felt that it should be part of the project's density.

Assistant Director Ward also understood that the Commission supported restricting Residential Accessory Units to functional spaces, with a specific definition, and adding childcare. She clarified that the Uses listed in the current Code would be removed, and while they would still be allowed, they would not be part of a density bonus. She commented that functional uses would include mechanical rooms and shafts, hallways and circulation, and elevators and stairways. Based on the research from other communities, placing a cap of these Accessory Uses would be desirable. She requested clarification of including public restrooms as a functional use.

There was discussion regarding whether the Code required public restrooms in a public establishment.

In terms of Resort Accessory Uses, Assistant Director Ward recalled that the Commission wanted to ensure that impact to traffic and parking would be captured. In terms of volumetrics, she asked whether they wanted any percentage or cap.

Commissioner Van Dine was generally agreeable with the list and noted that it did not include the moneymaking options, but instead were uses that they would want on site.

Chair Suesser recommended removing Administration, and Maintenance and storage facilities as a listed Use, and felt that should count toward the overall density. She stressed that those uses geared toward the public should be encouraged and exempt. She asked the Commission to consider how much this would increase the development as an Accessory Use, which was the issue at Treasure where the project kept exploding with extra add-ons that did not count toward the density. She agreed that all of these uses were desirable for the public and felt they could distinguish those from Administrative and Maintenance facilities.

Commissioner Sigg felt that the definitions could be tightened up, and stated he was not sure what Instruction facilities meant.

Chair Suesser would also remove Circulation and hallways, and Instruction facilities from the list.

Commissioner Hall was conflicted about removing Maintenance and storage facilities and referenced the desirability of having laundry facilities. Commissioner Frontero stated that the developer could still house those facilities; it would just not be in the form of bonus density.

Commissioner Sigg provided the example of building a home where the CC&Rs limited the square footage to 3,000 square feet. The builder would be confined to 3,000 square feet, and everything for that home would be within that permitted limit.

Assistant Director Ward stated that the current LMC referenced Resort Support Commercial that is undefined and not associated with MPDs; however, zoning district uses state that Resort Support Commercial are allowed in ROS, Residential development, Residential development-Medium, Regional Commercial, General Commercial and Light Industrial. Some of these zones include a footnote stating that Resort Support Commercial is a conditional use subject to MPD approval. She noted that this language was not consistent across the zones; therefore, Staff recommended making sure that the footnote was tied into all zones.

As a result, Resort Support Commercial could be approved as part of an MPD. She explained that Resort Support Commercial is a use that is clearly incidental to and customarily found in connection with the principal building user, to operate and maintain for the benefit and convenience of owners, occupants, employees, customers or visitors to the principal user building.

Commissioner Kenworthy commented that they should tighten up this definition. Assistant Director Ward advised that if they make it consistent and link it to an MPD that would be accomplished.

Commissioner Frontero asked if they even needed a category for Resort Support Commercial. Assistant Director Ward stated they would look into that for the next discussion. She asked if the Commission felt they would be ready for a public hearing when Staff returned with these amendments, or whether the Commission preferred another Work Session. There was consensus to have another Work Session.

9. ADJOURN

MOTION: Commissioner Hall moved to adjourn.

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

Approved 01.11.2023

2519 & 2545 Lucky John Drive Plat Amendment

Planning Commission
December 14 , 2022



— Background —

1974 - Holiday Ranchettes Subdivision Plat was approved by City Council with 102 lots.

1999 - The then owners of the 2 lots combined Lots 30 and 31 into one parcel containing approximately 2 acres through an Administrative Lot Line Adjustment approved by the Planning Director.

2014 - The then owners applied to re-establish Lots 30 and 31 as separate 1-acre lots. City Council conducted a public hearing and voted to approve the plat amendment including a Condition that a shared driveway agreement and easement be recorded. The current plat amendment wishes to remove this easement.



— Proposal —

The Applicant and current owner of Lots 30 and 31 of the Holiday Ranchettes Subdivision, proposes to remove the shared driveway easement recorded on the Plat for both Lots. The shared driveway was a Condition of Approval when the lots were re-established as separate lots by Plat Amendment Ordinance No. 14-18, after having been previously combined in 1999.





— Good Cause —

- The removal of the shared driveway easement between Lots 30 and 31 of the Holiday Ranchettes Subdivision will not cause any hardship to other properties in this subdivision.
- Consistent with requirements of Single Family (SF) zones in the Land Management Code.
- No other properties will be affected by this proposal.
- The proposed plat causes no nonconformities with respect to setbacks, lot size, maximum density, or otherwise.
- No other Lots in the Subdivision have a shared driveway requirement.



—Recommendation—

- Review the requested Plat Amendment to remove a shared driveway easement.
- Hold a public hearing.
- Consider forwarding a positive recommendation for City Council's consideration on January 24, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft Ordinance.

Bransford Parcels

Zone Change Request

Planning Commission | PL-21-05042
December 14, 2022



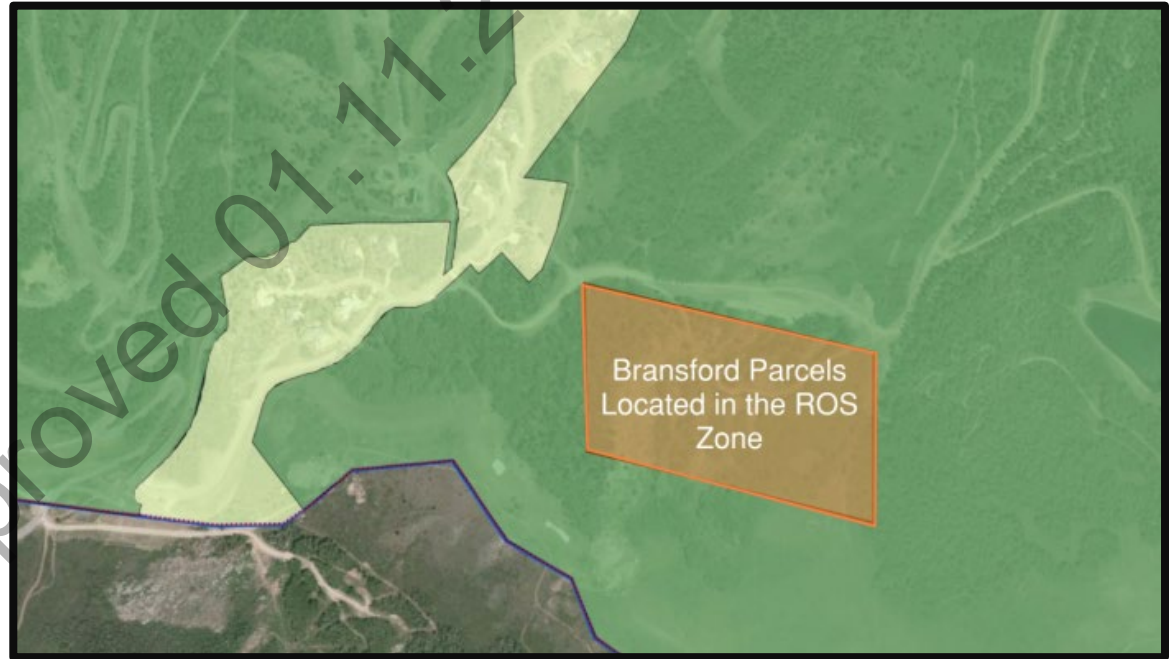
— Bransford Zone Change —

Proposal

The Applicant is requesting a Zone Change from Recreation Open Space (ROS) to Estate (E) for two (2) three-acre pods from two parcel totaling 39.62 acres.

The remaining 33.62 acres would remain ROS Zoning (>80%).

The proposed Zone Change would allow for two Single-Family Dwellings, one on each Estate zoned pod.



— Bransford Zone Change —

Previous Meetings



- April 13, 2022 - Planning Commission Work Session
- June 15, 2022 – Planning Commission Public Hearing
- August 10, 2022 – Planning Commission Work Session
- November 9, 2022 – Planning Commission Public Hearing

— Bransford Zone Change —

Existing Conditions



- 2 Parcels
- 39.62 Acres Total
- Steep Slopes
- Significant Amounts of Vegetation
- Recreation Trails and Ski Trail Easement
- Sensitive Lands Overlay
- ROS Zone
- General Plan Upper Deer Valley Neighborhood

— Bransford Zone Change —

Compliance with the ROS Zone

Complies:

Applicant proposes a conservation easement on approx. 82% of the 40 acres, maintaining ski and bike trails, and are required to comply with SLO.

Lack of compliance:

“Encourage sustainability, conservation, and renewable energy.

Compliance with Estate Zone

Complies:

SLO requires preservation of ridge tops, steep slopes, Open Space and pedestrian trail links, while encouraging compatible development.

Compliance with General Plan Upper DV Neighborhood

Complies:

Neighborhood is attributed with second homes and a comfortable visitor experience and preservation of the natural setting

Lack of compliance:

“Park City shall grow inward”:
“Future Improvements toward increased energy efficiency in 2nd homes and nightly rentals should be sought”

— Bransford Zone Change —

Application will require approval of a Subdivision Plat that complies with both the Estate and Recreation and Open Space Zoning Districts, as well as a Sensitive Lands Review for the proposed Estate Development Pods.

— Bransford Zone Change —

Staff recommends the Planning Commission:

1. Consider the requested zone change from ROS to Estate for two three-acre pods from a parcel totaling 39.62 acres;
2. Conduct a public hearing; and
3. Consider forwarding a recommendation for City Council's consideration on December 15, 2022.

Recommended COAs

1. The Planning Director, City Attorney, and City Engineer will review and approve the final form and content of the Zoning Map Amendment for compliance with State Law, the Land Management Code, and the Conditions of Approval.
2. Maximum density in the rezoned area is two (2) Single Family Dwelling Units. No building permits shall be issued to develop Parcel PCA-S-79-C until access has been secured and a subdivision plat consistent with the Conditions of Approval of this Ordinance has been approved and recorded.
3. Consistent with the General Plan and Flagstaff annexation approvals, the Applicant shall record a Conservation Easement for the remaining Recreation and Open Space zoned acreage for Parcel PCA-S-79-B and PCA-S-79-C, excluding the six allocated Estate acres, at the time of Subdivision Plat recordation.

— Recommended COAs —

4. The Applicant shall submit an arborist report to the Planning Director with the subdivision plat application that identifies Significant Vegetation.
5. New development must comply with the Estate Zoning District regulations outlined in LMC Chapter 15-2.10 and the Sensitive Land Overlay regulations outlined in LMC Chapter 15-2.21. Development on Steep Slopes is prohibited.
6. Access to the rezoned Estate areas within Parcel PCA-S-79-C requires a common/shared driveway to minimize site disturbance and shall be located to prevent Significant Vegetation disruption and steep slope disturbance.
7. The subdivision plat shall require a maximum irrigated or landscaped area and additional restrictions to maintain a reliable Limits of Disturbance (LOD).

— Recommended COAs —

8. In keeping with Red Cloud Subdivision, the Maximum House Size shall not exceed 10,000 square feet.
9. The City shall require the finalization of plans for utilities and access, prior to submittal of a subdivision plat application. The approval of this Ordinance does not guarantee approval of the subdivision plat, or future development. Future applications shall be evaluated according to the Land Management Code in effect at the time of application, and these additional conditions of approval.
10. Final location of the two proposed Single-Family Dwellings and Limits of Disturbance shall be outlined on the subdivision plat with a Planning Commission Finding that these locations meet the requirements of the Sensitive Land Overlay, Land Management Code, and General Plan.

— Recommended COAs —

11. Both Single-Family Dwellings shall be designed and constructed to incorporate best planning practices for sustainable development for Residential construction in place at the time of building permit application including but not limited to water-efficient low-flow fixtures and Energy Star rated appliances; building envelopes shall be designed to be energy efficient; all landscaping shall be water-wise and native; all exterior lighting shall meet the City's Dark Sky Ordinance LMC § 15-5-5(J). Electrification of all utilities is required, and all outdoor appliances/utilities such as heated paving, roof heat tape, firepits, irrigation systems, etc. shall be connected to timers and moisture sensors, to only pull energy when necessary/required.

— Recommended COAs —

12. The approval of this Zone Change is subject to a three-year Sunset Clause, with the opportunity for one two-year extension approved by the Planning Commission. If the Applicant has not received an approval for a Subdivision Plat within the allotted amount of time from the date of City Council action, the Zone will revert back to Recreation Open Space (ROS).