



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 22, 2023**

COMMISSIONERS IN ATTENDANCE: Chair Laura Suesser, John Kenworthy, 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; Olivia Cvetko, City Planner; Spencer Cawley, City Planner; Caitlyn Tubbs, Senior Historic Preservation Planner; Lillian Zollinger, City Planner; Mark Harrington, City Attorney

1. ROLL CALL

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. All Commissioners were present. Commissioner Christin Van Dine participated remotely.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from January 25, 2023.

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from January 25, 2023. Commissioner Hall seconded the motion.

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

3. PUBLIC COMMUNICATIONS

Bob Theobald referenced an email and letter with enclosures that he sent to each of the Planning Commissioners. He is Commissioner Hall's neighbor and has followed the activities regarding her property. He felt it was necessary to call attention to a couple of violations and believed the Planning Commission had not only the authority but the obligation to look into the violations. He was in possession of two reports submitted to the City Council that he referenced in the material provided to the Commissioners. With regard to the amended re-stated plat received by Commissioner Hall in 2021, Mr. Theobald indicated that it highlighted five issues. These issues involved numbers 13, 17, and 19, which require the submission of a plan that shows that the home does not exceed 9,300 square feet. He did not feel that was submitted with the original application so it was deficient and incomplete.

In addition, Mr. Theobald stated that a Landscaping Plan was not submitted with the original application, so it remained incomplete. He also referenced discussions about landscaping

contained in his letter. He noted that with regard to the home's maximum square footage of 9,300 square feet, the MLS listing calls it out at 11,500 to 12,500 square feet. In addition, tax records show it at 12,341 square feet and the Government Records Access Management Act ("GRAMA") drawing lists it at 10,997 square feet. In response to an inquiry from Chair Suesser, Mr. Theobald stated that this is for the existing home built in 1999. He clarified that he was not stating that Commissioner Hall built the home but she inherited it and it was been disclosed as part of the plat requirement.

He awaited the proper methodology as opposed to what Chief Building Official, Dave Thacker proposed, which he felt was totally inappropriate. Mr. Theobald referenced the floor plan he received pursuant to his GRAMA request and claimed it showed, after the garage, a net of 10,997 square feet as measured by floor. He noted that some may say this was done by satellite only but indicated that satellites do not pick up the pool or the area to be removed. He suspected that this was the same plan that was submitted, although he acknowledged that he did not know because the Building Department would not allow him to see the plans.

Chair Suesser asked Mr. Theobald what he felt was not included in the square footage. Mr. Theobald explained that everything was included in the 10,997 square feet on the County plan he received pursuant to his GRAMA request. With regard to the reference to an attic, he stated that at one time the General Manager of Park Meadows Golf Course lived in that space, and it was not an attic. He referenced another plan that showed a bedroom, fireplace, French doors, a balcony, and a bathroom. He stressed that despite it being represented as an attic, it is not.

Mr. Theobald stated that the other major issue was that one year ago the Planning Commission began discussions regarding amending Recreation Facilities. At that time, Commissioner Hall did not disclose that she had a permit to build a pool under construction; however, she argued on February 23 and March 23 pools and spas were deleted from the Recreation Facilities definition. He stated that while perhaps they should be deleted, it was not done properly and the Commission did not have the knowledge that Commissioner Hall was advocating removal when five days earlier a Building Inspector informed her that her pool foundation was done according to plans. This was not disclosed. If he were a Commissioner he would expect that as part of any discussion.

Chair Suesser noted that the pool was permitted at that time. Mr. Theobald agreed that the pool was permitted but at that time Commissioner Hall would have had to go through a Conditional Use Permit ("CUP"), which is the primary issue. He did not know why Commissioner Hall filed for an approved use when she should have known it should have been a CUP. He also questioned why the Planning Director did not demand a CUP. He felt that was a question that still needed to be answered.

Mr. Theobald stated that he was informed that wetland delineations are good for a period of five years and activities like tree planting are considered as fill and, therefore, regulated. He referenced the photograph showing trees planted by Commissioner Hall and stated that neighbors have complained about the trees and filed a formal complaint about not only the issues discussed previously but the trees that will block the view of the neighbors. He referenced a photograph that showed the neighbors' current views and stated that they can see the mountains, the wetlands, and the meadows. The tree lines shown in the photograph were the trees that currently screen Commissioner Hall's home. He then referenced a photograph that showed what was being planted and noted that there has been excavation, fill, and a fence

all done without a Landscaping Permit as required. He stated that a Sensitive Lands Overlay ("SLO") analysis would also be required with a CUP.

Mr. Theobald referred to a photograph showing his current view and what the neighbors will see in a few years. He used to have a view of mountains and the canyons from his yard. The trees were planted in 2005 when he did not know any better and he allowed the owner to plant them. He stressed that the trees going in now should be regulated and reviewed. He stated that the two reports discuss all of the details as well as what he considers the failures of the Planning Department for not interpreting Codes correctly and advocating Codes. He felt that all of this needed to be looked at very carefully. Although he made that suggestion to City Council, he believed this would come under the purview of the Planning Commission.

Mr. Theobald asked Commissioner Hall to comment. Commissioner Hall stated that Commissioners are not allowed to comment or respond to questions during the Public Comment portion of the meeting. Mr. Theobald expressed his understanding that she would reach out at some point but had not yet heard from her.

Chair Suesser reported that she met with Mr. Theobald, the Mayor, and City Attorney Margaret Plane on February 16, 2023, and they discussed the concerns. If the Commission would like, she would update the Planning Commission on how they were addressing these issues.

Commissioner Frontero asked about the options being contemplated. Chair Suesser stated that Staff committed to getting back to her on whether a determination had been made with regard to the square footage of the home. In addition, Staff asked if the trees were planted outside the Limits of Disturbance ("LOD") or in the wetlands. Staff would also advise as to the size of the indoor hot tub and why it was initially described as a pool and then later described as a hot tub. Staff would also determine whether an indoor hot tub would require a CUP. Mr. Theobald commented that this issue could be resolved if Commissioner Hall would voluntarily submit a Conditional Use Permit and go through the process.

Jerry Hall identified himself as a resident of Park Meadows and wished to respond to Mr. Theobald's attacks. He apologized that the Planning Commission, City Council, and Staff have had to spend so much time on this. He noted that they should all be focused on the more important business of the City. Mr. Hall disagreed with many of Mr. Theobald's assertions about the property and stated that they will correct it on the record when appropriate. He did not feel this was not the appropriate forum to do so. He was disappointed that Mr. Theobald chose to levy these accusations when Commissioner Hall cannot respond or defend herself. He requested that they be given the benefit of the doubt until there is a proper forum available.

Mr. Hall stated this is not the first time Mr. Theobald has had an issue with neighbors. Over the last two years, he has brought action against three neighbors on the cul-de-sac, one for a pickleball court, one for a permitted and built sauna, and now the Hall's home. Mr. Hall felt that if Mr. Theobald had issues with three of his neighbors that rose to the level of legal action, the problems were likely not with the neighbors, but with him. He would like to speak more about the issues raised but did not want to create more fodder in this public forum. He felt that Staff had done the job they were expected to in reviewing plans and issuing the permits properly. He commented that there have been half a dozen remodels over the years and this was the one that has received the most scrutiny.

There were no further public comments. Chair Suesser closed the Public Communications portion of the meeting.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken provided an update on the Request for Proposals ("RFP") for a Consultant to assist with the remaining Land Management Code ("LMC") Amendments prioritized by the Planning Commission for 2023. The RFP was issued on February 15 and will close on March 10. They hoped to be making a selection soon thereafter. She noted that the timeline for completing the LMC Amendments was November 10, 2023.

Director Milliken also highlighted some land use House Bills ("H.B."). She mentioned H.B. 271, which addresses home ownership requirements. It would prohibit a county or municipality from enacting land use regulations on co-owned homes and treating them any differently than residential units. She noted that Assistant Planning Director, Rebecca Ward would discuss this in more detail during her presentation on Fractional Use.

Director Milliken also mentioned H.B. 406, the Land Use Development and Management Act, which is a 70-page land use bill they are following closely. A portion of the bill would allow for subterranean improvements that would not fall under any type of land use regulation. For example, subterranean improvements would not be counted toward square footage or as part of a building footprint. In addition, this bill would also include a provision that any residential units that already have a CUP would not require a new CUP for improvements that could include things like demolishing and rebuilding a new home. The bill would also streamline the subdivision process. She noted that they were keeping a close eye on these bills, and if any of the Commissioners wanted further information, they could schedule a time to go through this legislation in more detail.

Director Milliken mentioned the General Plan Update and reported that Staff was hoping to issue an RFP later in the spring. Staff would like to schedule a Work Session prior to issuing the RFP to get Planning Commission input. She stated the earliest date for the Work Session would be March 8, 2023. In response to an inquiry from Chair Suesser, Director Milliken explained that the Consultant would assist with data collection, community outreach, development of the plan, and other processes for the update.

Commissioner Johnson disclosed that he knows the applicant's representative for Agenda Item 6.B. as well as the owner of the property. While he did not feel it would affect his decision, he stated that he would err on the side of caution and abstain from voting on that matter. Chair Suesser advised Commissioner Johnson that he would have to recuse himself and leave the room during the discussion of that item.

Commissioner Kenworthy stated that his term would be expiring in the next few months and after all his years of service there were a couple of things he wanted to address that were not on the LMC priority list. He mentioned that during the last Planning Commission Meeting and recently in the community, there were conversations about the 12 individuals with J-1 visas from Argentina living on a floor and paying \$1,000 per month. Everyone he has spoken to agreed that there needs to be a solution but questioned what it could be. He felt that having more transient zoning within the City is a helpful way to address the issue. Transient zoning would allow for motels, campgrounds, and different kinds of construction that have seasonal businesses. If the City wants to get involved and restrict some winter usage only for seasonal

housing, it would be a simple, proven way to help out. He reported that he employs people in town, many of whom are J-1 applicants who are provided with transportation to and from their homes. He knows how these people are living and stressed that it is horrific. He recalled what happened at the Colby School four or five years ago where over 100 children were living in the dilapidated structure. The landlords and/or the people who rent the homes are filling them with 30 to 40 people.

Commissioner Kenworthy understood that when these people are caught, they only receive a slap on the wrist for a zoning violation, which means no one is really accountable. He provided an example of renting a home for \$5,000 and making \$30,000 per month by renting it to 30 people at \$1,000 per month each. He noted that people even rent kitchen tables to sleep on. He stated that this is happening in the community and as a community, they are not accountable. Commissioner Kenworthy wanted to propose solutions such as more transient zoning and felt there should be laws that make it a criminal offense to overfill the homes. This would then force them to fix the issue where they would have to have housing and work with the resorts. He suggested that they address these issues and stop ignoring them. He stressed that this is going on right now and was aware of several homes where this is occurring.

Chair Suesser asked if he was referencing private landowners as opposed to the resorts. Commissioner Kenworthy confirmed that he was referring to private landowners who funnel the J-1 individuals into unsafe housing. He noted that Park City, as the most affluent city in the State, does not address the issue and allows it to go on. His two solutions pertained to zoning and the enactment of criminal codes so that violators do not simply get a slap on the wrist and a zoning violation. He clarified that the penalties should be imposed on those who are allowing 30 to 40 people to live in a home. He asked City Attorney, Mark Harrington, if this would involve only the LMC or require action by the City Council to address it politically and with law enforcement.

Mr. Harrington stated that it would depend on how it was addressed but they would be limited by the State legislature in terms of land use enforcement. He suggested they might be more effective by taking a broader look at a criminal ordinance in licensing or a similar category. He noted that the City's land use authority, in terms of enforcement, is not as acute as for criminal violations.

Commissioner Kenworthy asked if anything can be done when occupancy is grossly exceeded. Mr. Harrington responded that the City Council asked for the same discussion at the Retreat and would be looking at some ideas. He mentioned that some stakeholders might also be discussing the same topic with the Mayor. He stated they would get the agenda to see where the Council is on the issue. Mr. Harrington added that there are Building and Fire Code regulations that deal with occupancy. Commissioner Kenworthy noted that they only allow for a slap on the wrist.

Mr. Harrington stated that they could set limits but pursuant to State statute, civil penalties require an opportunity to cure before a citation is issued. He felt they would be better off looking at a criminal option on the non-land use side. If it were a land use regulation, they would be bound by the presumption. He added that they were open to ideas, and noted that some of the examples given have occurred in the County; therefore, looking at both counties for joint enforcement might be something to evaluate. He acknowledged that this is a broad problem just as affordable housing is a broad problem. Larger jurisdictions have rent control authority, which does not exist in Utah. He mentioned District Attorneys who have created widespread

anti-fraud enforcement divisions in the criminal arena. If they want something similar in terms of long-term rental licensing, they would have to involve the local and State legislature to make sure they are not running afoul of expectations. This was the type of discussion the Council was interested in having at the Retreat. Commissioner Kenworthy stated that many offenders are the same ones every year who are renting houses and stuffing them without fear of being caught.

5. CONTINUATIONS

- A. 316 Woodside Avenue - SSCUP and CUP - Applicant Seeks to Construct a New Addition to an Existing Historic Home on a Steep Slope and Encroaching into the Required Lot Setbacks. PL-21-05086 and PL-22-05483.**

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

MOTION: Commissioner Hall moved to CONTINUE 316 Woodside Avenue – SSCUP and CUP to March 8, 2023. Commissioner Johnson seconded the motion.

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

6. REGULAR AGENDA

- A. 1325 Empire Avenue and Parcel SA-200 - Plat Amendment - The Applicant Proposes a Plat Amendment to Amend the Knudson Subdivision and Parcel SA-200 and Re-Subdivide the Vacant Lots into Four Lots to Eventually Construct Four Single-Family Dwellings. PL-22-05357.**

City Planner, Jaron Ehlers presented an image showing the location of the properties and noted that it is located near the Library and the Park City Mountain parking lot. He also presented a graphic showing the proposed Plat outlining the four lots, the 30-foot non-exclusive public utility easement, the five-foot fire access easement, and the 16-foot shared driveway. He noted that it had a curve that brought it flush with old Norfolk Avenue. Norfolk Avenue originally extended much farther than it does today. In October 1980, the City Council decided to close Norfolk Avenue where it ends today. The area highlighted in yellow showed where Norfolk Avenue was closed. Two years later, the City Council sold off that right-of-way.

Chair Suesser asked if the City currently owns North Norfolk Avenue north of 13th Street. Planner Ehlers answered in the affirmative. He stated that in 2014, the Redevelopment Agency (“RDA”) along with the Knudsons applied for a Plat Amendment to subdivide 1314 and 1315 Empire Avenue into three parcels. The Plat Amendment was approved by the Planning Commission and thereafter by the City Council. The Plat Amendment was recorded later that year.

Planner Ehlers presented the Plat, which is the current Plat for the Knudson Subdivision. The Plat Amendment under consideration would affect Lot C. He identified the location of Parcel SA-200 on the graphic and explained that it was not a platted lot, but rather a metes-and-bounds parcel. The proposal was to subdivide the two lots into four lots that complied with the Recreation Commercial (“RC”) Zoning District requirements and would the Minimum Lot Size

requirements for Single-Family Dwellings in the RC zone. He noted that none of the four lots would be large enough for the construction of a duplex.

Planner Ehlers referenced Condition of Approval 7 which would make clear that the Maximum Height would be 27 feet from the existing grade. In addition, all Single-Family Dwellings would be required to comply with the parking ratio requirements of two parking spaces. With respect to good cause, Planner Ehlers stated that good cause was met because it would further the Old Town goals in the General Plan. The shared driveway was preferred under the Historic District Guidelines, and while the RC Zone is not in the Historic District, it talks about keeping the historic nature of the neighborhood. Under the General Plan, there is similar language as it pertains to Old Town. He reported that the Plat Amendment meets all lot requirements and would increase the housing stock near Park City Mountain Resort. He noted that Single-Family Dwellings are common in the immediate neighborhood, the RC Zone, and in Old Town. He stated that no public street, right-of-way, or public utility easement would be vacated.

On September 20, 2022, the Development Review Committee provided feedback, and based thereon Staff crafted three Conditions of Approval. Condition of Approval 4 would require a geo-technical report and the Engineering Department would review any proposed subterranean basements. Condition of Approval 5 would require a Plat note that before any construction could begin, the Fire Department required that any public stairs for access be created from Empire Avenue to the shared driveway. Condition of Approval 6 would regulate what could be built in the 30-foot public utility easement.

Planner Ehlers reported that Staff received one public comment, which was e-mailed to the Commission on February 21, 2023, and was part of the record. Staff recommended the Planning Commission review the Plat Amendment to re-subdivide these two lots, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on April 4, 2023, based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Draft Ordinance.

Chair Suesser asked to see the image showing the shared driveway and the stairs to be built from Empire Avenue. Planner Ehlers presented an image and explained that the red-lined area depicted the location of the shared driveway. He also pointed out the easement and explained that it would be required to run out to Empire Avenue. Chair Suesser asked if the public would have the right to cross the shared driveway. Planner Ehlers stated that as proposed, public access would stop at the driveway. He noted that the Fire Department required the stairs for its access, but noted that the Fire Department stated they would be public stairs. Chair Suesser also asked if this proposal would have an impact on Woodside Phase 2 plans. Planner Ehlers stated that no concerns were raised in their discussions.

In response to an inquiry regarding the location of the 30-foot public easement, Planner Ehlers identified the location on an image before the Commission. He stated that the public easement would end on either side of the shared driveway. He further explained that a certain distance was required between the various utilities' lines and the utility departments would be the users of the easement.

Chair Suesser observed that this would be similar to other rights-of-way in Old Town and provided the example of 11th Street, which is a vacated roadway used as a Right-of-way. She understood that this easement would also be 30 feet but it was not a vacated roadway. In response to an inquiry, Planner Ehlers advised that the dimensions of the proposed Lot C would

be a standard depth and 30.5 feet wide and, therefore, slightly wider than an average Old Town lot.

Bill Van Sickle from Van Sickle Design & Drafting, was helping to facilitate the project. He stated that Lot C is five feet wider to accommodate the five-foot easement for the fire access staircase. The other two Lots would be 28.5 feet wide and Lot C would be 30.5 to accommodate that difference. He added that the Building Envelopes for all three Lots would be the same with the setbacks.

Chair Suesser asked if the public staircase that would meet Empire Avenue would be located on the corner of Empire Avenue and Manor Drive. She tried to recall the Woodside Phase 2 public staircase in relation to the staircase proposed with these plans. Senior City Planner, Alexandra Ananth, believed that the stairway referenced by Chair Suesser was located toward the bottom of the graphic. Chair Suesser noted that those were the 13th Street stairs and reiterated her question as to the location of the proposed staircase in relation to the Woodside Phase 2 staircase. She believed it was on the other side of the Lot.

Planner Ehlers identified the location of the Woodside Phase 2 staircase. Chair Suesser noted that the staircase reached Empire Avenue, and believed it was on the far side of that Lot shown with the cars in it. Mr. Harrington observed that the Woodside Phase 2 proposal was in flux, so they did not know officially where it would land.

In response to Chair Suesser's inquiry, Mr. Van Sickle stated that the dimensions of proposed Lot D would be 41 feet wide by 87.5 feet long.

Commissioner Johnson asked about the width of the current Norfolk right-of-way in that location and noted that the private driveway was proposed to be 16 feet wide. Mr. Van Sickle explained that the Norfolk easement was 35 feet wide as it sits now.

Commissioner Johnson understood that the 35-foot current right-of-way would transition to a 16-foot wide private driveway, and the public stairway would be connected to that. He requested clarification that access would be available through the private driveway. He recently visited the site and noted that there was no place to turn around. He advised that he drove to the end and had to back out and wondered whether the Fire Department looked at that in terms of emergency vehicle access.

Planner Ehlers stated that the Fire Department reviewed the proposal and its only request was the stairway. Planner Ananth added her belief that the Fire Department decided that they could enter the driveway and back out, and did not require a turnaround area.

Chair Suesser asked if the private driveway would have any parking or if it would just be a private access roadway and if each of the lots would have its own driveway and parking requirements. Planner Ehlers answered in the affirmative. Commissioner Sigg asked if that would come after the front setback and a 20-foot driveway from the property line to wherever a building could be placed. Planner Ehlers stated it would not necessarily be 20 feet. Commissioner Sigg observed that each lot could have a short driveway that would only allow parking in the garage.

Commissioner Sigg asked about the front and rear yards on Lot D and if the front yard on Lot D will face the driveway. Planner Ehlers stated that the Planning Director would make that

determination. Commissioner Sigg noted that the side setbacks are three feet and the rear setbacks are 12 feet. Mr. Van Sickle indicated that the rear setbacks are 10 feet.

Commissioner Sigg asked about the property to the immediate east of Lot D, SA-265-A-X. Director Milliken confirmed that the City owns that property. There was discussion about the location of the Senior Center. Commissioner Sigg expressed concern that if the long side of Lot D was determined to be a side yard, there would be a building close to a potential future civic use. He understood the irregularities of having a driveway and a 24-foot deep garage that would not leave much room. He requested more clarification from the Fire Marshal, as he understood that shared driveways can provide access to no more than two houses without having a hammerhead or a roundabout. He was pleased that they were looking only at unimproved property. However, there would be a time when a Building Permit would come in for each of the four houses and the Fire Marshal will look at them in terms of access. Commissioner Sigg was not sure he agreed that the hook and ladder could be pulled into a road of that width, which is not even the standard of a municipal right-of-way. He mentioned the possibility of someone parking in the driveway, even for a short period of time.

Commissioner Sigg struggled with vehicular circulation and pedestrian access to the stairs. He felt it was far-fetched that the Fire Marshal would require five feet of stairs that would go into a lot. Unless there was an easement that carries through on Knudson's property, he questioned the proposal.

Chair Suesser reiterated her understanding that it was supposed to run from the private driveway to Empire Avenue. Commissioner Sigg asked if Knudson granted the easements. Planner Ehlers stated he would have to check with regards to Knudson-B, but the fire access easement exists and was recorded from Lot C to Empire Avenue. Mr. Van Sickle noted that the applicant met with the Fire Marshal on the site who was aware of the proposal for four lots. The Fire Marshal suggested the staircase rather than a turnaround. As far as vehicular access, there would be a parking space for each garage so that parking would be available outside without being in the private driveway. He added that they would hold to that intention when preparing the designs and noted that that could be part of the Plat Conditions of Approval. Either way, it was being taken into consideration, as the applicant does not want people having difficulty moving in and out of this private area.

Commissioner Sigg assumed that fire protection was required by the Building Department. Mr. Van Sickle answered in the affirmative and believed it was required just inside the building.

Gavin Steinberg identified himself as the property owner and reported that Knudson-B has an easement that was granted and recorded from the staircase up to Empire Avenue. Planner Ehlers noted that the fire access easement, Exhibit E, was recorded. Chair Suesser commented that the question was about the easement that should be recorded on Knudson-B up to Empire Avenue.

Commissioner Sigg asked if the Floor Area Ratios and Setbacks in Old Town would establish the square footages of the proposed residences. He noted that each dwelling has a specific square footage allowance and wondered how it would be affected by the new State legislation that would allow a developer to dig way under the house with no restriction or City jurisdiction. Mr. Van Sickle noted that there are three requirements when building underground. There is a maximum height of 35 feet from the lowest point in the home to the highest plate height. An owner would also be limited by the footprint allowed on the parcel which would equate directly to

the amount of square footage allowed. He did not believe that going subterranean would even be an option because a developer was still limited to a 27-foot height restriction.

Commissioner Sigg acknowledged the steepness of the grade in that location and asked if height was measured from average grade. Mr. Van Sickle explained that height would be measured from any singular point on the lot; therefore, from a vertical measurement from any point on the lot, the building must be within the 27-foot height. He added that was why many homes step up the hill to keep within the 27-foot height requirement. He noted that developers are still limited by the 27-foot height requirement and the allowed buildable footprint based on the lot's square footage. The owners are only allowed to go up to 35 feet from the lowest point of the house to the highest plate height.

Commissioner Sigg asked if the driveway easement was exclusive to the four lots or if it could be amended or changed to provide access to an underground parking facility on a property to the north. He mentioned resort parking and wondered whether other types of access could be transferred. Planner Ananth felt that was a question for the applicant to address. Mr. Steinberg stated that currently, they have it running lot line to lot line, so as far as creating an access easement for a parcel change on Knudson-A that was something for future discussion. He advised they were planning to run their driveway from lot line to lot line, and he did not know that they would limit an expansion if someone wanted to attach to that driveway.

Chair Suesser asked about the history of the vacation of Norfolk to the north. Planner Ehlers reported that Staff was unable to find any reasoning behind the vacation; rather, they just had the ordinances and the public notice in *The Park Record*. Chair Suesser noted that they were talking a lot about the potential public access stairway from the private driveway up to Empire Avenue because there has been a lot of public requests for a connection from Empire Avenue down to Park Avenue. That was what the Woodside Phase 2 access way provided. She noted that there was a public staircase south of these lots up 13th Street.

Chair Suesser opened the public hearing.

Mark Brian reported that one of the items missing in terms of history was that in 2003, he participated in building homes in the area and they built that street from 13th Street to the proposed lots. They also installed the sewer, power, and water. The plan was to build three houses and he has lived there for 20 years. In response to an inquiry about the width of the street, Mr. Brian stated that the street is very narrow at the end and is not 35 feet continuously. It is effectively a single-lane road in some locations. Planning Director Milliken noted that the 35-foot measurement was the measurement of the right-of-way and not necessarily the width of the road.

Mr. Brian stated that last year he met with City Engineer, Nestor Gallo and Fire Marshal, Mike Owens at the site. Both indicated that the street could not be built that way today. He noted that four additional homes were being proposed along with the Woodside 2 Project, which was being revised. Although they did not know what the Woodside 2 Project will ultimately be, there were plans to build additional homes. He noted that in Woodside 2, the developers plan to sell the blue home.

Mr. Brian stressed that what exists today is fundamentally a single-lane road with three homes and four more planned and potentially even more. This would place a lot of traffic on this little street that is already crowded and difficult in terms of ingress and egress. He stated that there

is a fire hydrant directly in front of his home and if there were a major fire at the end of the road and fire trucks accessed the road and hooked up to the fire hydrant, he would be blocked from leaving his home. He felt his neighbors would be similarly blocked. He noted with interest that the other side of the street where the blue house is located is City property. Mr. Brian was present representing himself and his neighbors who are concerned about the safety of being able to get into and out of their homes and the additional traffic. They would like to see the Norfolk extension that he built brought up to City Code. He clarified that he was not suggesting that the proposed 16-foot shared driveway be brought up to Code.

Mr. Brian noted that the shared driveway would be private property and questioned whether the public would be allowed to go up that driveway to the proposed staircase. In effect, the staircase would not be accessible to the public. Currently, the homes on the street are occupied by four single individuals who use the road; however, that could change and the principal issue was that the road was inadequate and should be widened. He also suggested that it be a public street and since it is City-owned, he would like the City to plow it. He stated that he had picked up the plowing expense for the last 20 years.

Chair Suesser asked if it had been dedicated to the City. Mr. Brian stated that was beyond his knowledge. He was aware that the road was City property. He originally heard that the lot needed to have a turnaround for a fire truck but that disappeared. He assumed that was due to the Fire Department needing 150 feet of access, which he understood might be the Code requirement, but it was surprising when the notion of a turnaround disappeared. Mr. Brian reiterated that he and the neighbors have safety concerns and wondered what would happen if there was a major fire on the street.

Chair Suesser wanted to understand the staircase as a fire requirement and what it would provide to the Fire Department, as she had never heard of a similar request by the Fire Department in this type of scenario. Mr. Brian was supportive of the project and cleaning up the neighborhood. He would appreciate the City doing something with the blue house and the two sheds that have been occupied by vagrants. He has had to call the police on multiple occasions to get the vagrants removed from that lot. He noted that the sheds were for some reason designated as Historic in the last year, but they are about to fall down. He noted that one of the sheds is leaning significantly with the snowpack. He asked about the City's plans for Woodside 2. Chair Suesser stated that it is still being litigated. Mr. Harrington stated there was no litigation but the project is going through the next steps on the redesign. The priority has been on Homestake before moving back to Woodside.

Mr. Brian stated that if the City plans to build significant housing, he could foresee some sort of condominium complex. If that happens then the one-lane street would not be adequate to handle all of that traffic. He acknowledged that he did not know how the Commission determines what is adequate but he felt that the road in its current state is inadequate and would be extraordinarily inadequate with the addition of more traffic. He requested that the Commission provide a read on his concerns prior to approving this application.

Chair Suesser explained that the Commission generally takes public input but there is not a back-and-forth discussion. After the public hearing is closed, the Commission will discuss the issues raised. She informed Mr. Brian that he can always write to the Commission or the Planning Department and attend future meetings regarding the project. Mr. Brian requested that the Commission visit the site and measure the street. It is quite narrow and they have had some automobile accidents as a result when people have tried to back up.

Deb Rentfrow identified herself as a resident of Old Town. She listened to the Commissioner's questions and Mr. Brian's comments and concerns and realized there were discussions about Woodside Phase 2 at a recent City Council Meeting. She understood there was a signed agreement with the seniors in terms of moving forward. Ms. Rentfrow felt there was enough concern that this application should not be approved this evening. She suggested that additional information be gathered before approval is granted by the Planning Commission.

Mr. Steinberg wanted to provide more clarity on the staircase that was approved by the Fire Department. He stated that the intent of the staircase was to provide the Fire Department with access from Empire Avenue to the four homes. The Fire Department visited the site and approved the project with a fire staircase coming down the side of Lot C to provide access to the homes. The Fire Department indicated that they did not need a turnaround. It was not intended to be a public-use staircase but to provide access for the Fire Department. Chair Suesser asked if the Fire Department would park on Empire Avenue and access the homes via the staircase. Mr. Steinberg confirmed that was what the Fire Department requested.

Commissioner Sigg asked Mr. Steinberg about a Service Letter from the Fire Marshal. Mr. Steinberg stated that they had a stamped letter.

Commissioner Kenworthy asked for information regarding the intent of the Knudson-B staircase, as he was having difficulty understanding that it was dedicated with the intent of providing fire access for four houses below it. Chair Suesser added that it had been presented as a public access staircase. She clarified that Commissioner Kenworthy was asking about the easement granted by Knudson-B to this project for public access stairs from Empire Avenue to connect to the private driveway. Mr. Steinberg stated that the owner of Knudson-B was the same owner on the proposed Plat Amendment. Part of the condition of the purchase was that they would have access along the side of Knudson-B to be paved for Fire Department access on Knudson-B. He had no understanding that there was ever any intent that Knudson-B's staircase would be used for public access.

Commissioner Hall highlighted Exhibit E, the recorded unofficial copy of the easement access. Chair Suesser observed that does not go up to Empire Avenue; rather, it only goes the length of Lot C. Commissioner Hall asked if the easement was recorded consistent with the Fire Department's request. Mr. Steinberg recalled that the easement along Knudson-B was recorded around the same they closed on the property. Commissioner Hall noted the applicant's reference to a letter for the fire access and assumed that the easement was recorded in conjunction with the fire access request from the Fire Department. Chair Suesser asked that the fire access easement that was requested be provided to the Commission for review. Mr. Steinberg confirmed that the easement recorded approximately one year ago was consistent with the request from the Fire Department for this envisioned subdivision.

Mr. Steinberg noted that with regard to parking and access, the proposed 16-foot driveway would be a private driveway with two parking spaces per home. Outside of the 16-foot driveway, the applicant would have no issue if the City wanted to widen it. He clarified that they would not object to widening the roadway outside of the private driveway. Planner Ehlers stated Staff would look into it and get back to the Commission.

Chair Suesser referenced the comment that the three existing homeowners on North Norfolk plow that portion of Norfolk Avenue to 13th Street and wondered why that would be the case if it

is a City-owned road. If the road is private and not dedicated to the City, she asked if the new homes that will cross that portion of North Norfolk would have to participate in the road maintenance. Planner Ehlers stated that Staff would obtain that information and get back to the Commission.

Commissioner Hall averred that the width of Norfolk Avenue was not relevant because it was not part of this application; however, she was curious as to whether Staff had that information.

Chair Suesser felt it was odd that Norfolk Avenue was privately maintained and asked if the applicant had looked into that issue. Mr. Steinberg was aware that the neighbors had been maintaining that roadway and they asked the applicant to help with the maintenance costs this year. That was determined to be outside this proposal and he had no further information. Chair Suesser reiterated her request for information on the impact of a project on the surrounding properties and that would be something she would like clarity on before they look more closely at the project. She would like to understand the access to the project.

Mr. Brian noted that the City maintains the street currently and for years he tried to get the owner of the blue house to help with the plowing, which was refused for 15 to 16 years. When he discovered that the City purchased that property three years ago, he contacted Heinrich Dieters at the City, and the City recognized they have some accountability for maintaining that road. He also added that the yellow front-end loader that takes care of the Senior Citizen's Center and behind the City Library could just come down the street and scoop out the snow. He would like the City to participate or just take over plowing the road. He pays taxes and given that it is City property, they ought to plow the road.

Chair Suesser asked about the allowances for snow storage on the property. Mr. Steinberg stated that they have various plans for snow removal in front of each house. Once they get through the design side of the homes, they would have a place for snow storage, although it is not specified specifically on the Plat.

Mr. Brian commented that currently, they push snow to the end of the road and over the road where the two dilapidated shacks are. In the Woodside 2 Project, the plan was to build a home there. As a result, there will be less space to store the snow. He did not know if it would be adequate and noted that currently they are scooping some of the snow from the neighboring condominium and pushing it onto the Library field. He stressed that this is another issue that will require some sort of action by the Commission before the project is approved.

There was no further public comment. The public hearing was closed.

Commissioner Sigg asked if something was driving the size of Lot D. He noted that they are discussing issues such as snow removal, circulation, and fire access, and there is one Lot significantly larger than the other Lots. He also saw some allowance in the width of the Lots as it relates to Old Town widths. He noted that Lots A, B, and C were greater than 25 feet, which could lead to some flexibility in the back to create more circulation if they became more standardized City Lots. He observed that they were looking at a proposal that is asking for some level of compromise to create four lots rather than three. He felt that Lot D was an anomaly lot and one that the applicant could potentially look at having more standardized widths where they could pull the road back and create some way to increase the area for circulation. Chair Suesser noted that could include expanding Norfolk Avenue to the full width instead of having a 16-foot driveway.

Commissioner Van Dine stated that if the lot sizes were increased, they could potentially increase them to a size that would allow duplexes and more square footage. Chair Suesser noted that Commissioner Sigg suggested that the lot sizes be decreased to standard Old Town Lot width. Commissioner Van Dine understood the discussion of only having three lots that can increase the lot size.

Commissioner Sigg stated that the intent of his suggestion was to then use the extra land area for circulation, public right-of-way, snow storage, and fire turnarounds. He noted that the use for Lot D was established but disproportionately larger than the others. They were trying to solve problems with fundamental aspects of the property.

Commissioner Frontero asked if Commissioner Sigg was suggesting the applicant do something different with Lot D. Commissioner Sigg stated that it was not up to the Commission to bend and compromise so that someone can get four lots rather than three. He noted that this is an unplatted lot and they were talking about public safety, public access, and snow storage issues.

Commissioner Frontero opined that the northwest orientation of Lot D does not fit with the neighborhood. He felt it would be the only north/south oriented Lot, and was not certain where the Front and Side Setbacks would be, nor where the driveway would be located. He was not comfortable with Lot D for a number of reasons. He understood the applicant would like four Lots, but three Lots might allow the construction of garages for Lots A, B, and C. and they could widen the driveway and create more room for snow storage. Commissioner Frontero felt that Lot D could be reconfigured to allow Lots A, B, and C to be more in keeping with the neighborhood and also address some of the safety issues.

Commissioner Sigg stated that looking at the land area across from Lot A, a driveway could be installed that hooked into a house in the north/south direction. They could potentially create an easement that would be part of the larger driveway going into Lot D that could be a fire easement. He added that with small lots and a small right-of-way, they should start looking at the garage doors. He stated that all of these issues were fundamental to circulation, public health and safety, fire, and snow storage. He encouraged the applicant to try and develop more creative ideas with regard to Lot D.

Commissioner Hall asked about Condition of Approval 5 which referred to "public stairs." She wanted confirmation that the application would require the stairs to be public access even though the Fire Department and the access easement only require emergency service access. Planner Ehlers stated that Staff would clarify that language and the intent regarding access. Commissioner Hall stated that she would be fine with this if the applicant was willing to make this public access in addition to emergency access. Chair Suesser noted that the applicant's representative understood that to be emergency access and not open to the public. If the stairs would be open to the public, the private driveway would not be public, so there was a question that needed to be answered.

Commissioner Hall asked what solution the applicant would propose if the intent was that the stairs would provide public access to a private driveway. Chair Suesser noted that Staff presented it as public access, but was unclear whether the public would have access over the private driveway and the applicant understood the stairs to only provide emergency access. Mr. Steinberg explained that the staircase along the last lot was intended for fire use only. He felt that the language referencing "public use" was a misstatement. The staircase would then go

on to Knudson-B, which is someone else's property, and it would be their right to decide whether it would be public or private.

Commissioner Johnson referenced paragraph five of the Fire Easement and read it as stating that the intention was that if there were a City easement on the Knudson-B property, the access easement would automatically terminate. He requested clarification on whether the City would enter into an easement, or if they had because then they could understand that Knudson-B would not be a public benefit. It would only provide a public stairway to the four proposed Lots. He struggled with good cause and whether the proposal provided public amenities and benefits. He also felt that the existing Norfolk Avenue section should be clarified because although it is outside this application it provides an opportunity to resolve existing issues. Commissioner Johnson also struggled with the Fire Marshal's determination and would like to see that in writing. He suggested continuing this item.

Commissioner Kenworthy felt that the intent was for public access to Knudson-B. He was having difficulty with the fact that this applicant wanted to stop it from being public access. He agreed with the comments of the other Commissioners regarding the fourth lot and felt it created a compromise that he felt would have negative effects on the neighborhood. He commented that by having Lots A, B, and C go all the way across to the east end of Lot D and having a full-size road going down the middle, they could have some Accessory Dwelling Units ("ADUs") for each of those Lots on the east side of each property. The developer could still find some significant value and construct ADUs that would be beneficial to the community.

Commissioner Hall accepted the Staff's confirmation that the recorded easement was in line with the Fire Department and felt it would be sufficient for it to go to City Council as part of the packet.

Chair Suesser observed that the presentation was somewhat contradictory and it was unclear whether it was intended for public access or just emergency access. She noted that Staff acknowledged that this needed to be clarified.

Commissioner Hall noted that the public hearing was closed and suggested that if anyone had public comment on this application, they could also email planning@parkcity.org.

Planner Ehlers advised that Staff would provide the following for the next meeting on this item:

- Fire Marshal statement on no turnaround;
- Who has access to the stairs and driveway;
- Information on circulation;
- Setback determination;
- Information on the second easement;
- Status of the road;
- Statement from the Fire Department on why they want stairs;
- Information on possible parking;
- Information on the status of why the road is not plowed by the City;
- Information on snow storage plans; and
- Consideration of Lot D.

It was noted that the stair access for the Fire Department would be secondary access, and the Fire Department would still pull into the private driveway in a normal situation.

MOTION: Commissioner Hall moved to CONTINUE the 1325 Empire Avenue Plat Amendment to April 12, 2023. Commissioner Kenworthy seconded the motion.

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

After a brief recess, Chair Suesser confirmed that all Commissioners were present with the exception of Commissioner Johnson, who recused himself from the next Agenda Item.

Director Milliken noted that there were two items she forgot to mention during Staff Communications. With respect to 327 McHenry, which was an application previously before the Commission and continued, she stated that it would be back before the Commission on March 22, 2023. A site visit would take place prior to the Planning Commission Meeting. She felt the site visit would take place around 4:45 p.m. The second item was that the next Agenda Item would be presented by a New City Planner, Olivia Cvetko.

B. 1313 Park Avenue – Single-Lot Subdivision – The Applicant Proposes to Create a Lot of Record from an Existing Property in the Historic Residential Medium Density Zoning District. PL-22-05380.

Planner Cvetko reported that the applicant proposed to create one Lot of Record from an existing metes-and-bounds parcel. She presented a graphic that showed the existing and proposed lots and explained that the current lot fronts Woodside Avenue to the southwest and Park Avenue to the northeast. The address is on Park Avenue. She identified a small portion of property along Woodside Avenue that is owned by the City and noted that it was technically part of the frontage and provides access to the property. She highlighted the hashed area in the bottom left-hand corner, which is an area under dispute with a neighbor. The applicant voiced that they would like to continue with the Subdivision process to create a formal Lot of Record while the dispute proceeds. If necessary, they would come back for a lot Line adjustment.

Planner Cvetko referenced the graphic showing the proposed lot that illustrated that the lot would jut around that disputed portion. She explained that this Lot was part of the original Snyder's Addition Plat, but it was part of Block 24, which was left as an open Block with no subdivisions like the rest of the original area. The Historic Residential Medium ("HRM") District calls for Lots to be 37.5 feet wide; however, existing platted Lots of Record could be as narrow as 25 feet. The subject Lot is a Non-Conforming Existing Lot at 35 feet wide. She advised that the current structure on the Lot had been there since 1979 as a duplex. She explained that the applicant was going through the Subdivision process to allow them to update the exterior of the home. The applicant currently has a Building Permit going through review for internal work to transform the structure from a duplex to a Single-Family structure.

Planner Cvetko reported that Staff found good cause for the proposed subdivision. She reported that the purpose of the HRM Zone is to allow for the continuation of permanent residential housing in the original residential areas of Park City and to encourage the rehabilitation of existing structures. To maintain and rehabilitate this structure, the applicant would need a formal Lot of Record. This Subdivision will not vacate or amend any portion of the platted right-of-way and no easements would be vacated or amended. The Development Review Committee reviewed the Subdivision on February 7, 2023.

Staff recommended the Planning Commission hold a public hearing and consider forwarding a positive recommendation for City Council's consideration on April 4, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance. Commissioner Hall welcomed Planner Cvetko and thanked her for the presentation.

Chair Suesser referenced the City-owned frontage and asked how it would be part of this Lot. Planner Cvetko identified the location of the City-owned frontage, which she stated was combined with the right-of-way. She could not find any history on this configuration but understood that the applicant was in discussions with the City to potentially purchase that land to add on to the property. There is currently a paved parking area at the back along Woodside Avenue.

Planner Cvetko stated that during the review by the Development Review Committee, no one had any ideas as to how the City was using that property. In response to an inquiry, she advised that the Development Review Committee did not raise any major issues regarding this application.

Chair Suesser asked about the use and intention of the City-owned paved portion of the property if the applicant did not purchase it from the City. The applicant's representative, Polly McLean advised that her understanding was that this portion of the property had been in existence since that Block was platted. She explained it was not actually part of the right-of-way, it was just City-owned property that was being maintained by the owners. She did not believe the property owners park on the City-owned property, but they need it clear for access off of Woodside Avenue. Ms. McLean added that the structure on the applicant's parcel had traditionally been a duplex, so the people who reside at the rear of the duplex use the part that is on the 1313 property, not the City property.

Chair Suesser asked how the property was currently accessed. Planner Cvetko advised that currently there was vehicle access from both sides. Chair Suesser asked if one of the Conditions of Approval was that the structure would no longer be used as a duplex and become a Single-Family Dwelling. Ms. McLean responded that a duplex is an allowed use. She added that the applicant was considering changing it to a single-family dwelling and had only recently received Building Permit approval to do that. She noted, however, that the applicant is still trying to figure out what they want to do with the property, so they would not want to limit the use. She mentioned that since 1979, the property has had the ability to be parked in the back. In further response to Chair Suesser's inquiry, Planner Cvetko added that it was not a Condition of Approval that use would be limited to a Single-Family Dwelling. Commissioner Kenworthy commented that Condition of Approval 3 only requires that it comply with the Land Management Code.

Chair Suesser noted that the Nightly Rental of the property is not prohibited by the Conditions of Approval.

Chair Suesser opened the public hearing.

Angela Moschetta questioned the good cause and opined that good cause is not the same as "no immediate harm." She felt that if the applicant was currently in negotiations with the City to purchase the City-owned portion of the property, it would make sense to figure out that transaction before pursuing this application. She noted that earlier this evening during the discussion and approval of North Norfolk, there was a slide that stated good cause would

include that the proposal increased housing stock near Park City Mountain Resort ("PCMR"). She observed that this property is located near PCMR and for as long as she has lived in Park City, it has been a year-round affordable rental for employees of the community. Ms. Moschetta believed this was another situation where an owner was looking to take two year-round rentals off the market and redevelop them into an updated and much more valuable single-family home. If the Planning Commission was going to continue to allow situations like this and Staff continued to never push back and find good cause with everything, she would urge the Planning Commission to add some meaningful Conditions of Approval. She suggested a Condition of Approval prohibiting Nightly Rentals, and a Condition of Approval that the structure should remain a duplex. Ms. Moschetta felt this was how they could prevent people from continuing to turn the town into one giant speculative real estate opportunity. She stressed that the fabric of Park City continued to be eroded and it depended on every one of these decisions.

Chair Suesser clarified that the North Norfolk application was not approved and was continued.

There was no further public comment. The public hearing was closed.

Chair Suesser stated that this property might remain a duplex, which is currently accessed from Park and Woodside Avenues. She imagined that if it remained a duplex, the access would remain as-is and remain over the City-owned property, which raised concerns in her mind.

Commissioner Sigg concurred with the public comment that it was important to have the City deal done before they look at this application because it will affect access. He was aware that people park on that property now but that does not mean they will in the future. He mentioned a potential use for snow storage. He would like to see the City deal finalized along with the through capability from Park Avenue to Woodside Avenue. Since the structure is not historic, there was nothing prohibiting the owner from tearing it down and building something else.

Commissioner Sigg was fine with the duplex and added that it would conform in terms of lot size. Chair Suesser noted that there was some internal remodeling going on. She asked if access exclusively from Park Avenue would be practical if the structure remains a duplex. Commissioner Sigg felt it stood to reason that if it went through, there could be access from both sides if the applicant owns the City-owned property.

Commissioner Sigg asked if this parcel was close to where Mr. Knudson has a vacated right-of-way. There was discussion about parking on Park Avenue and circulation. He felt it was non-conforming now but if something else happens he wondered how it would work. Commissioner Kenworthy commented that the parking on Park Avenue was removed for the bike lane as part of the reconfiguration of Park Avenue. Planner Cvetko was not familiar with that.

Chair Suesser asked about the number of parking spots proposed for the project. Planner Cvetko stated there are two covered parking spaces on the Park Avenue side in addition to the paved lot in the back. The application stated that two official parking spots will be provided, which is consistent with the requirement.

Commissioner Frontero asked if there were only two parking spots required for a duplex, and noted that the applicant had not committed to making the structure a single-family dwelling. Planner Cvetko believed that four parking spaces would be required for the duplex. Commissioner Frontero asked where the four parking spots would be located if the deal with the City does not go through. Planner Cvetko responded that currently the residents of the duplex

park in an area that is part of the 1313 parcel, and they have to pass over the City-owned property to get to those parking spaces. Commissioner Frontero felt this was confusing and suggested taking the opportunity to clean that up. He concurred with Commissioner Sigg that he would like to see this application after the deal with the City is consummated. Conversely, if the deal does not get done, they would need to remove it from the discussion and focus on what is in front of the Commission.

Ms. McLean reported that the applicant's team reached out to Trails and Open Space Manager, Heinrich Dieters last July about the applicant's interest in purchasing the City-owned property. The applicant submitted an appraisal and a Title Report at the City's request, and at the applicant's expense, in September. She reported that the City was not interested in moving forward with anything. Based on the timing, there was nothing the applicant could do and they would have to take that off the table due to the lack of response by the City. She clarified that the parking on Woodside Avenue has been used by that property for 44 years and the residents have been passing through that City-owned property to access the applicant's property just like a right-of-way.

Commissioner Sigg asked if a prescriptive easement had been recorded for the access. Ms. McLean reported that one would not record a prescriptive easement. Commissioner Sigg believed that with continued use there would be some sort of easement that could be filed that would substantiate or permit the use. Ms. McLean deferred to Mr. Harrington but felt that one could not get a prescriptive easement against a municipality; however, the City-owned parcel is located between the right-of-way and the property and provided access at the back of the property. That was one of the reasons the applicant felt it would be a good idea to purchase it. She noted the City did not have much use for the property.

Chair Suesser clarified that it is City-owned property and not a right-of-way and the City could put a use to it. Ms. McLean stated that it is part of a much larger parcel that extends to the Senior Housing parcel. Director Milliken added that when they discussed this application with the Development Review Committee and City Engineer, John Robertson, it was considered to be historically part of the right-of-way. It is not a separate parcel but is connected to the City right-of-way.

Chair Suesser asked if the new lot configuration would encompass the disputed portion of the parcel. Ms. McLean responded that the disputed portion was not included in the proposed lot and stated that on the original plat, it was labeled "area of deed overlap." The applicant has made unbelievable efforts to work with the neighbors to resolve this portion, which would be to the benefit of both parties; however, the neighbors have not responded. Ms. McLean explained that the disputed portion was shown on the original plat as the hatched area to the south. She stated that it was a 70 square-foot area, measuring 2 feet wide by 35 feet long. She reported that there is a chain of title from the beginning showing this overlap area on both parcels. Since last summer, there have been numerous efforts to work with the neighbor to come up with a fair resolution. They put together a Boundary Line Agreement and the neighbor, Bill Hart, would communicate agreement but then nothing would happen. She stated that the applicant has now filed a complaint because the disputed portion needs to be resolved. If the applicant was determined to not be entitled to any portion of that disputed property, they would at least have a Lot of Record. On the other hand, if the applicant was determined to be entitled to a portion of, or all of that disputed property, they would come in for a Lot Line adjustment.

Ms. McLean commented that if they wait for the conclusion of the litigation, they would be looking at an extremely long period of time. They want to proceed so that the applicant can continue to maintain, renovate, and make changes to the home. She explained that changes cannot currently be made to the home because it is a metes-and-bounds parcel.

Commissioner Kenworthy understood that there were some non-compliance issues and that the applicant cannot do anything to add to these non-compliance issues. He also understood that the property has two-car access from Park Avenue and no legal access from Woodside Avenue. Ms. McLean disagreed with a portion of Commissioner Kenworthy's statement and explained there is access from Woodside Avenue over the Park City property that is being treated like a right-of-way, as described by Director Milliken. Looking at the Block and its history, it had been that way since the Block was created.

Commissioner Kenworthy asked if the applicant could add on to the building footprint by maintaining two-car access from Woodside Avenue. Ms. McLean stated that the applicant will comply with the LMC and all requirements. She mentioned that the applicant will not increase the degree of nonconformity and that anything done to the property will comply with the current LMC as well as Historic District Guidelines.

Planner Cvetko referred the Commission to Condition of Approval 4. Commissioner Kenworthy observed that if the building was transformed into a single-family dwelling there would only be a two-car requirement. Ms. McLean reiterated that the applicants did not yet know what they would do with the property. She noted that both a duplex and a single-family dwelling are an allowed use and they are weighing options. There are currently four parking spots on the property.

Commissioner Hall agreed that four would be sufficient but asked if they could add a requirement for an access easement to utilize the two Woodside access parking stalls, thus making it a duplex-compliant structure. She felt it was implied, but it would be good to clarify that so that if the applicant either acquires the property or receives a formal access easement it would be sufficient for the four stalls to make it compliant. Otherwise, they would be left with a single-family dwelling and two stalls to be Code-compliant. Commissioner Frontero and Chair Suesser felt this was a fair suggestion.

Commissioner Hall asked Staff to amend Condition of Approval 4 to include that a duplex would be allowed by having sufficient parking if there was an access easement, or if the owner acquired that parcel. Chair Suesser added that it should be a recorded, formal access agreement negotiated with the City. Commissioner Hall noted that the applicant might also acquire that property from the City. Planner Cvetko agreed to update Condition of Approval 4.

Commissioner Hall agreed that a potential bifurcated application would be annoying to the applicant but understood the reservations about whether this would happen or not. She did not feel it was part of the Code to require that the applications be consolidated into one. She sympathized with the public comment regarding discouraging Nightly Rentals but noted that is not part of the current LMC but rather a State issue facing the City. If the applicant wanted to opt into that, she would be supportive.

Chair Suesser asked if the applicant would consider this. Ms. McLean stated that she had been reviewing the Lite Deed program and would present that to the owners as an option. She stated

that the applicant would not be amenable to agreeing to a prohibition of Nightly Rentals as she felt they would not want to limit what they could do with the property.

Commissioner Sigg requested information on the surrounding uses. Referencing an aerial view of the location, there was discussion regarding the location of the former Park City Fire Station, which is now owned by the City. Commissioner Sigg asked if the existing right-of-way that heads in the northerly direction along Woodside Avenue extended to that City property. Ms. McLean responded that Parcel 265-A-X is 4.18 acres in size and encompasses the Old Fire Station and loops around to City Park. It also includes the right-of-way on Woodside Avenue and extra space on 13th Street.

Commissioner Sigg referenced the aerial view where four cars were parked in a right-of-way along Woodside Avenue and asked if it encroaches on the properties that run through the area. He asked if any of the other homes to the north have access from Woodside Avenue. Planner Cvetko felt that based on the aerial, a few do have access and referenced 1326 and 1320. Commissioner Sigg noted for reference that across the street to the north is the Senior Center. Commissioner Kenworthy observed that to the west, the second parcel in does not appear to have access to the City's right-of-way and has to cross over an additional right-of-way to access that parcel.

Commissioner Van Dine agreed with Commissioner Hall's comments about having some sort of Easement Agreement for access. Otherwise, she was ready to move forward.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation for 1313 Park Avenue – Subdivision, as amended with Condition of Approval 4, for City Council's consideration on April 4, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended, as follows:

Findings of Fact

1. The property is located at 1313 Park Avenue.
2. The property is listed with Summit County as Lot 1 of Block 24 of the Snyders Addition to Park City Survey.
3. The property is in the Historic Residential Medium Density (HRM) Zoning District.
4. The Applicant seeks to create one Lot of Record.
5. The existing non-historic structure at 1313 Park Avenue was built in 1979 as a Duplex Dwelling, an Allowed Use in the HRM Zoning District.
6. The Applicant has a building permit for an interior renovation, transforming the home from a Duplex to a single-family dwelling (SFD). The interior remodel has minimal effect on the exterior of the home and the applicant submitted a Historic District Design Review (HDDR) Pre-Application (PL-23-05524), which was reviewed and approved by staff on February 1, 2023.
7. The lot has access from two right-of-ways; Woodside Avenue and Park Avenue.

8. The creation of a Lot of Record will allow the Applicant to maintain and renovate the Structure.
9. No easement is vacated or amended as a result of the Plat Amendment.
10. The LMC regulates Lot and Site Requirements for the HRM Zoning District per LMC § 15-2.4-3.
11. A Single-Family Dwelling is an Allowed Use in the HRM Zoning District and requires a minimum Lot size of 1,875 square feet. The proposed Lot size is 4,609 square feet.
12. The minimum Lot width in the HRM Zoning District is 37.5 feet. The existing non-compliant lot is 35 feet.
13. The required front Setback for Lots is fifteen feet (15').
14. The required Side Setback is five feet (5'). The existing non-compliant structure is setback four (4) feet and eight (8) inches on the northern side and five (5) feet and ten (10) inches on the south.
15. The building height in the HRM Zoning District is 27 feet.
16. Single-Family Dwellings require two (2) parking spaces.
17. The findings in the Analysis section of the Staff Report are incorporated herein.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.4, Historic Residential Medium Density ("HRM") Zoning District, and LMC § 15-7.1-6, Final Subdivision Plat.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. 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 Planning Department, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1)

year's time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Any new development on 1313 Park Avenue, must comply with the Land Management Code.
4. The Applicant of 1313 Park Avenue may repair or maintain the existing Structure provided that such repair or maintenance shall neither create any new noncompliance nor shall increase the degree of the existing non-compliances with the LMC. The Owner may maintain and remodel the existing Dwelling in accordance with the Approved HDDR Pre. For the Owner to maintain the Duplex and the four required parking stalls, a formal Access Easement Agreement for the Woodside Avenue access shall be negotiated with the City and recorded. Alternatively, if an agreement could be reached, the Owner could purchase the City-owned property to provide access.
5. The Plat shall note that this Lot is subject to Ordinance 2023-XX.

Commissioner Frontero seconded the motion.

VOTE: Commissioner Van Dine-Aye; Commissioner Hall-Aye; Commissioner Frontero-Aye; Commissioner Kenworthy-Aye; Commissioner Sigg-Nay. The motion passed 4-to-1 with one abstention. Commissioner Johnson abstained from the vote.

- C. Land Management Code Amendments – The Planning Commission Will Consider Possible Amendments to Land Management Code Sections 15-2.13- 2, 15-2.14-2, 15-2.18-2, and 15-2.19-2 for Timeshares, Private Residence Clubs, and Fractional Use of Dwellings Units in the Residential Development, Residential Development Medium, General Commercial, and Light Industrial Zoning Districts.**

Commissioner Johnson rejoined the meeting.

Assistant Director Ward reported that the above item was the result of amendments that were before the City Council last October wherein the City Council adopted an Ordinance addressing the Fractional Use of Dwelling Units and directed them to the zones where Timeshares and Private Residence Clubs were allowed. She noted that this Ordinance was adopted to address a new type of co-ownership that had come into Single-Family Dwellings in primary resident's neighborhoods. At that time, there was reference to a study completed by Sagecrest Planning & Environmental for the City of Newport Beach that outlined some of the benefits of the new Fractional Use model that would make vacation homes more affordable. In addition, the study found that homes were used more often, there was a shared obligation to care for the property, and it would generate annual spending. She noted that the Sagecrest Study also identified impacts on communities such as taking homes out of primary housing stock, reducing available housing stock, high turnover of occupants, noise, loss of privacy, and commercialization of residential neighborhoods.

In addition, the study noted that these effects on communities could include things like nuisances and strangers and outlined a host of other impacts that were similar to short-term rentals. She referenced the Staff Report for examples of some of these properties advertised to sleep up to 30 people.

Assistant Director Ward reported that when the City Council enacted the Ordinance to address Fractional Use, they also issued a Pending Ordinance and requested Staff look at Timeshares, Private Residence Clubs, and Fractional Use in General Commercial, Residential Development, and Residential Development Medium zones to determine if these transient uses should be updated City-wide in these zones. Since 2000, housing units occupied by primary residents dropped from 41% to 32%, where it has hovered for the last seven years. In Vision 2020, some of the input included the need to balance residents and visitors in the community. She added that the General Plan also outlined creating a diversity of primary housing opportunities and focusing on diversity in primary housing stock in primary residential neighborhoods. She explained that there was a Work Session going back to Timeshares, which was enacted in the 1980s and allowed in commercial areas; however, at that time Timeshares were not allowed near Deer Valley.

Assistant Director Ward reported that in the early 2000s, Private Residence Clubs were introduced wherein someone could actually own a condominium unit. The City enacted ordinances that allowed for Private Residence Clubs in zones where Timeshares are allowed, as well as the areas close to the Deer Valley Resort. The regulations on Fractional Use were directed to allow those uses in the same zones as Timeshares and Private Residence Clubs. At the Planning Commission's January Work Session, three potential amendment options were evaluated. The input was as follows:

- Allow Homeowners' Associations ("HOAs") to opt-in or out of transient uses;
- To remove Residential Development Medium from these options and prohibit transient uses in that zone;
- Refine the Residential Development area with limitations; and
- Schedule a public hearing and recommendation to City Council.

Assistant Director Ward stated that the proposed amendments before the Planning Commission would allow transient uses in the Commercial Zoning Districts in the Resort Center, Old Town, and Lower and Upper Deer Valley neighborhoods. It would also include hotels in the Bonanza Park area, which is currently in the Code. The proposed amendments would also allow transient uses in the Residential Development Zoning District within Lower Deer Valley, south of the Solamere Subdivision. She described this as the multi-unit dwellings around The Loop, and the Upper Deer Valley neighborhood.

Chair Suesser requested clarification on what would be considered the Bonanza Park neighborhood. Assistant Director Ward presented a map illustrating the 10 neighborhoods identified in the General Plan. She explained that Bonanza Park includes the Residential Development Medium Snow Creek area north of Kearns Boulevard, as well as Park Avenue into Prospector between Lower Deer Valley and Kearns Boulevard. This would also include the General Commercial in Prospector. She explained that these transient uses would be prohibited unless it was part of a hotel in the General Commercial Zone. She identified the white portions of the map that represent the Recreation Commercial, Historic Commercial, and Residential Development zones where these transient uses would be allowed.

Assistant Director Ward explained that Senate Bill ("S.B.") 271 was numbered and made publicly available this past Monday. It is entitled Home Ownership Requirements and was sponsored by Senator Michael McKell. The bill proposed to prohibit municipal legislative bodies from enacting or enforcing land use regulations that regulate co-owned homes differently from other residential units. She reported that the bill defined a "Residential Unit" as a "residential structure or any portion of a residential structure that is occupied as a residence." This bill was introduced as part of the current Legislative Session.

Chair Suesser asked if this definition would include Timeshares, as they are known today. Mr. Harrington expressed his opinion that it did not. He noted that the bill was just released, and he could not comment on whether it was in final form but it appeared to not apply to Timeshares. He felt that applicability to Private Residential Clubs was less clear but they would have to wait and see the final verbiage. Chair Suesser commented that clarification would be needed.

Commissioner Kenworthy asked if as written, S.B. 271 would completely eliminate the City's jurisdiction over Fractional Ownership. Mr. Harrington stated that it would unless they are treated the same as other single-family homes. He mentioned that just as in Light Industrial where they can zone out all residential uses, they can zone out Fractional Uses. He explained that if the municipality were to zone out all residential uses, it could also zone out Fractional Uses.

Commissioner Frontero felt that the definition of Fractional Ownership and Timeshare overlap, and asked Mr. Harrington to explain the distinction between the two. Mr. Harrington stated that it is a complicated question because all Timeshares are not alike. Most Timeshares are defined by State definitions and involve a right to use, as opposed to a co-ownership model. He explained that in a Timeshare, one does not own the real estate but the right to use a time period.

Commissioner Hall observed that they appear functionally the same so they should be able to regulate both.

Commissioner Frontero asked who made the decision as to whether a home is defined as Fractional Ownership or a Timeshare. Mr. Harrington referenced the legal instruments in place that create either a property interest or a right to use under the State definition. He stated that it would be part of the deed and the nature of the legal instruments that define the property interest or right.

Director Milliken added that the LMC included definitions of Timeshare, Private Residence Club, and more recently, Fractional Use. Commissioner Frontero observed that the City created a distinction and asked if they could amend those provisions to redefine Fractional Use as a Timeshare. Mr. Harrington stated that they have been watching other states and jurisdictions that were arguing that point. He noted that it could be rectified at the State level and suggested waiting until the end of the Legislative Session for the Planning Commission to do any brainstorming on further regulations in this area.

Commissioner Frontero felt that given what the local jurisdictions were being given by the State, they should look at all available options and whether they can define certain buildings as Fractional Use and therefore not be subject to the State's mandate.

Commissioner Sigg asked if HOAs might have the ability to limit Fractional Use. Mr. Harrington stated that as the individual applications have come through, a number of HOAs amended their Codes, Covenants, and Restrictions ("CC&Rs") to prohibit this use. As currently drafted, the bill would not take away that right and the HOAs can continue to modify CC&Rs to prohibit these uses.

Commissioner Sigg asked if there was a limit on the number of members that can participate in a Fractional Use home. He noted that these are often owned by an LLC, which is a single-use entity. He wondered if the number of LLC members can be limited. Director Milliken was unsure if there was a limit but stated that generally no more than eight people can access, use, and share the property. Mr. Harrington stated that they would get back to the Commission on the question as to the different limitations on the corporate structures involved.

Chair Suesser observed that even if there are limits on the number of members in the LLC, that would not necessarily prohibit those members from allowing the use of the property by individuals who are not members. She did not believe that membership in the LLC is required to occupy the home.

Commissioner Hall thought they had a great definition that they utilized in the fall about Fractional Use. She recalled that the type of Fractional Ownership that would be limited were those where a third party was organizing the use of the property. She did not see that reflected in these proposed amendments. Assistant Director Ward explained that the definition would remain as codified and referenced in footnote 3 in the Staff Report.

With regard to the definition for the Lower Deer Valley neighborhood south of Solamere Subdivision, Commissioner Hall stated that she supported the Ordinance, but wanted clarification on the term. She referenced the Lower Deer Valley map in the Staff Report and wanted to ensure that it is properly defined. Assistant Director Ward referenced the Summit County Parcel Viewer and identified the Snow Park Loop. She also pointed to the area of multi-unit dwellings that would be included in the definition and the Solamere Subdivision, which are the single-family dwellings to the north.

Commissioner Hall expressed concern that a layperson who lives in Solamere may not be able to determine if they were captured in that portion of the map. She wondered if there was a way to clean up the language to make it more obvious to someone who does not live in Solamere.

Commissioner Kenworthy asked if the Solamere Subdivision differs from the Solamere HOA. Assistant Director Ward stated if Planning Staff were looking at an application or business license coming in for one of the uses, they would look to the Subdivision, meaning the actual platted area. Within the Subdivision, the HOA could be formed to cover whatever properties would be part of the HOA. Commissioner Kenworthy commented that if the legislation passes, they will need an HOA to protect them. Assistant Director Ward commented that the Solamere Subdivision is one of the Subdivisions that petitioned the City to amend the Code. The City Council continued consideration of that item until April so they could review the proposed Citywide amendments.

Commissioner Kenworthy noted that the subdivision might fall under the new law that would allow for Fractional Use and the only protection they would be left would be through the HOAs. Chair Suesser asked if the HOAs would have to opt-in to the prohibition before the legislation

passes. Assistant Director Ward reiterated the comments of Mr. Harrington that as currently drafted, HOAs moving forward would be able to prohibit Fractional Use. Chair Suesser observed that the proposed legislation only prohibits a municipality from prohibiting this use.

Commissioner Hall expressed support for the proposed amendments and was ready to forward a recommendation to the City Council for consideration. If it gets pre-empted by the State, they would deal with it at that time. Commissioner Kenworthy agreed. Commissioner Hall did not want to waste time hypothesizing on what might happen at the State level and suggested sending the amendments forward to the City Council.

Chair Suesser opened the public hearing.

Sarah Filosa identified herself as the Senior Public Affairs Manager with Pacaso. She expressed Pacaso's disappointment with the proposed overlay districts. Since May, she and her team engaged with Staff and the City Council to discuss Fractional Ownership in Park City. They found it unfortunate that individuals who choose to co-own homes could be subject to zoning restrictions meant for Timeshares and Private Residence Clubs. She remarked that as agreed by City Council, Timeshares are a very different use from Fractional Ownership. She described Fractional Ownership as neither commercial nor transient and, therefore, should not be subject to the same regulations as Timeshares and Private Residence Clubs.

She commented that the proposed overlay districts were an overreach of the City's authority to regulate land use. Ms. Filosa stressed that ownership of property cannot and should not be regulated by a municipality limiting an individual's ability to access and maintain homeownership due to zoning restrictions. She stated that such a restriction is unconstitutional. Ms. Filosa commented that it is the right of all present and future Park City residents to own property. They hoped that Park City recognizes the issues with the overlay districts and the potential unintended consequences that would be felt throughout the community if enacted.

There were no further comments. Chair Suesser closed the public hearing.

Commissioner Frontero asked if the Commission was to select between the three options presented. Assistant Director Ward explained that the Draft Ordinance incorporated Option 2. Mr. Harrington echoed that the Draft Ordinance contains the Commission's last direction as modified Option 2.

Assistant Director Ward explained that the Draft Ordinance before the Commission would allow Timeshares, Private Residence Clubs, and Fractional Use in the Commercial Zoning Districts, which included Recreation Commercial in the Resort Center neighborhood. There were also a few Recreation Commercial pods in the Deer Crest area in Lower Deer Valley. It would also include the Historic Commercial Districts along Main Street in Old Town. Hotels would be allowed in the General Commercial Zone and as drafted, transient use would continue to be allowed in hotels in that zone but would be prohibited in other uses in Bonanza Park and Prospector General Commercial. The Draft Ordinance would also allow these uses in limited Residential Development zones within the Lower Deer Valley neighborhood, south of Solamere Subdivision, as well as the Upper Deer Valley Neighborhood. She stressed that would just be in those residential development pods. The uses would be prohibited in the other Residential Development zones identified in the General Plan as primary resident neighborhoods.

Commissioner Hall disclosed that she owns property in Park City that would be affected by this LMC and was choosing to self-limit her property rights.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation for City Council's consideration on March 23, 2023, the Land Management Code Amendments for Timeshares, Private Residence Clubs, and Fractional Use of Dwelling Units, Option 2, as outlined in the Draft Ordinance attached as Exhibit A to the Staff Report. Commissioner Sigg seconded the motion.

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

7. WORK SESSION

A. Land Management Code Amendments - The Planning Commission Will Consider Potential Amendments to Section 15-3-9 Bicycle Parking Requirements to Clarify Requirements for Outdoor Bicycle Parking and to Establish Enclosed Bicycle Storage Requirements for Multi-Unit Dwelling Developments and Developments that Generate Employees. PL-23-05563.

Assistant Director Ward reported that the above matter would involve a high-level introduction to an update to the LMC prior to noticing this for a public hearing in March. Under the current Code, there are bike rack requirements for certain uses that amount to 10% of whatever the parking requirement is for that project. As currently codified, she noted that there are established standards for materials to be used for bike racks. In addition, the standards set forth the appearance of the bike racks and require that they be compatible in design and located in a convenient and highly visible active, and well-lit area. The proposed amendments would include a few additional requirements and clarifications, and make some distinctions for long-term secure bike parking.

Assistant Director Ward reported that the amendments began with the Transportation Planning team last fall, and they were continuing to collaborate on these amendments. In the fall of 2021, the Transportation Planning team issued a survey and 5% of the respondents stated that a lack of bike racks or secured bike parking were among the biggest reasons they did not bike more throughout the City. In addition, Park City Forward established a mode-share target of over 30% biking, walking, and transit by 2050. The General Plan also recommended revising the parking requirements to ensure that there are secure bike parking options. As the Planning Commission reviewed projects last year, they identified the need to differentiate between short-term outdoor bike parking and long-term indoor enclosed bike storage for residents of multi-unit dwellings or employees at a site.

Assistant Director Ward explained that the proposed amendments for outdoor bicycle parking would increase the requirement and require that some of the outdoor bike parking accommodate larger bikes such as cargo, tandem, and bicycles with trailers. The proposed amendments would also require covered outdoor bicycle parking, establishing snow clearing and maintenance standards, and updating required materials and installation standards. The proposed amendments would establish new requirements for enclosed bicycle storage to create long-term facilities that would be located within either a parking garage or building. There would be a requirement to provide storage that would be securely locked and access controlled with electrical outlets for e-bike charging. These provisions would apply to multi-unit dwellings with 10 or more units, or to uses that generate employees or commuters to the site. In addition, the

proposed amendments would allow for flexibility with Planning Commission review, to reduce or modify the balance between the outdoor bike parking and indoor enclosed storage.

Assistant Director Ward referenced the proposed amendments and invited input from the Commission. She referenced a list in the Staff Report that outlined some of the documents they used to establish best practices and model ordinances. Part of the review by the Transportation Planning Team was to find the right requirement. Some communities establish it by square footage while others establish it by parking. They were still evaluating the amount of parking per use that would be recommended. She stated that some communities also require shower facilities and additional support facilities to incentivize active transportation to their site; however, those are usually part of a Transportation Demand Management Program, which is something the Planning Commission has prioritized for this year. Staff recommended that those additional requirements be evaluated at that time as part of those amendments.

Commissioner Hall noted that she and Commissioner Van Dine had been working with Staff on the amendments so her comments were likely reflected in the Staff Report.

Commissioner Sigg asked for an explanation of the U-post and whether that would be the standard imposed on businesses. Commissioner Hall referenced Section 1.a. wherein several different options were included. Commissioner Sigg was in favor of the proposal but noted that tire sizes vary. Based on his experience, he would go to an establishment and be unable to get his bike in the bike rack. He would like the standards to reflect the ability of all the different types of bikes to be accommodated. Commissioner Hall agreed and noted she had experienced the same issue. Chair Suesser also experienced that problem and did not realize that was what was being referred to as the U-shaped model.

Commissioner Hall felt that the amendments should encourage people to ride their bikes but there should be some flexibility, which was open for discussion with the Commission. Chair Suesser noted the competition for new designs for bike storage and asked if they were restricting this to one design. Commissioner Hall noted that the amendments state that the City would approve the designs, so it would be flexible as technology changes and the City evolves.

Commissioner Van Dine noted that the Staff Report did not limit the design. The first half of Section 1 discussed the various options and was somewhat open regarding the installation of racks that would be visually appealing as well as safe for multiple bikes. She felt it would be hard to state there would be one design that would fit every bike, but the design should allow the parking of a certain number of bikes efficiently.

Commissioner Kenworthy referenced Section C.2, which states that "Enclosed Bicycle Storage shall be provided for X percentage of the required Off-Street Parking for Multi-Unit Dwellings with ten or more Units..." Assistant Director Ward stated that this was where they were reviewing the best practices and explained that some communities had a table with set square footage required for enclosed bike storage per use. She added that they were looking at what that would mean for uses specific to Park City, and were still evaluating how to determine that number. A few possibilities would be to set a number based on the number of units in a multi-unit dwelling. For other uses, they were evaluated using the number of employees generated by use, which is a table that already exists in the Affordable Housing Resolution.

Commissioner Kenworthy found it difficult to use the number of units or keys to determine bike storage requirements because there are buildings with studios and three-bedroom units. He felt

that square footage would be better and that the elephant in the room was “occupancy.” He recalled issues he had with a recent application that only wanted 50 bicycles secured in a garage. He added that the reality was their goal was to get people out walking and biking, and they have come a long way. The electric bike changed the world and they want people to do that; however, people will not want to park their e-bikes outside. There was discussion about the number of people who bike in inclement weather. He stressed that this was where the “X’s” in the proposed amendments were difficult to put into one envelope.

Assistant Director Ward explained that the current parking code for multi-unit dwellings is based on the total square footage of the unit. She asked Commissioner Kenworthy if he was looking to do something similar as it pertained to the number of enclosed bike storage spaces. Commissioner Kenworthy referenced the example of 120 units with 600 people. He questioned how they could determine how many storage units they would need. He noted the parking requirement in this example would be 120 spaces. Commissioner Frontero posited that it should be a function or derivative of the parking requirement. He asked what comparisons they would use for best practices.

Assistant Director Ward reported that they looked at other similar resort towns as well as Austin, Texas, New York City, and Portland. They also looked at the American Association of State Highway and Transportation Officials (“ASHTO”), and the National Association of City Transportation Officials (“NACTO”) outlines best practices with recommended setbacks from buildings and sidewalks, among other standards. Based on their review, they did not find a recommended table that would be a good model to copy exactly, and they need to conduct a further evaluation to make sure what they find would work for Park City.

Commissioner Frontero asked if it made sense to base the indoor parking requirement on some percentage of required parking. Assistant Director Ward stated that the current Code might work best for outdoor parking, but they might need to evaluate other options for enclosed bike storage. Chair Suesser commented that they reduced the affordable housing parking requirements to incentivize development and discourage people from using cars. She felt that units should be allowed more than one bike. Commissioner Frontero suggested it could be something such as 200% of the parking requirement and felt they should use a metric of the parking requirement to be consistent with the existing LMC. He stated that for an Affordable Master Planned Development (“AMPD”), it might be more than 100% or 150% of the required parking.

In response to an inquiry, Assistant Director Ward explained that AMPDs were required to initially meet Code-required parking; however, the applicant can ask for reduced parking, and as part of that request, one of the criteria requires the applicant to exceed the bike parking standard in the Code. Therefore, if the Planning Commission reduces parking for an affordable project, it could increase the bike-parking requirement. Commissioner Kenworthy expressed concern about whether one-size-fits-all would work to fill in the percentages.

Assistant Director Ward stated that if they used the current parking standard for outdoor bike parking, for the next meeting they could propose square footage for the enclosed bike parking requirements that would be aligned with the employees generated for certain uses. For multi-unit dwellings, they could provide some of the different numbers of what it could look like. She noted built-in flexibility for site-specific review and asked if the Planning Commission would be open to considering something like multi-unit dwellings that provide storage within the unit.

They could establish a baseline for bike storage, but also leave open some criteria for discretion for project-specific conditions.

Commissioner Frontero suggested considering subtracting bike storage from the density calculation.

Commissioner Sigg asked if there was anything in the ordinance that allowed for bike storage to be negotiated out, similar to parking. Assistant Director Ward stated there were current exceptions, especially for the Main Street zones where the buildings have zero Setbacks and a sidewalk out the front door. She stated they were evaluating whether a payment in lieu might be appropriate for situations where there are site constraints. Commissioner Sigg commented on the efficiency and stated if they really wanted to expand these they would have to make enough and make them easy. He felt that efficiency and capacity should probably outweigh the fancy design of bike racks. Chair Suesser agreed.

Commissioner Hall felt that was built into the flexibility because the City Engineer and Transportation Department would have oversight and final approval of the details. Conceptually, she supported increasing the bike-parking requirement and liked the internal and external components. She felt these amendments were ready to come back with some final options on how they would quantify minimum requirements. She felt that the Commission was supportive of the concept; they just needed to figure out the best way to establish the percentages in Section C.2. She also suggested adding a component for a bike valet parking for a Special Events Permit. She noted that some special events opt in for a bike valet, and she would like to see that in the summer event requirement.

Assistant Director Ward stated they could have information from the Special Events Manager outlining their bike valet programs.

Chair Suesser liked the idea of maintaining flexibility in these amendments. She mentioned the possibility of a lean-to or some shelter over some outdoor storage in lieu of some indoor storage might be acceptable in some situations.

Commissioner Johnson referenced Section B.1.I. and asked if they wanted to include a manmade canopy for outdoor storage. Commissioner Hall stated that this was part of the discussions because as a bike user, she would like her bike covered. While having an overhand or natural canopy is great, they did not want to force people to construct little bike structures everywhere. It was noted that this could be part of the flexibility, and if it were practical they could encourage or require such a structure. She noted that for some projects, a bike shelter would simply not work with the project's setbacks. She questioned whether it could be part of a Setback exception to allow for a covered structure.

Commissioner Johnson referenced Section 1. f providing that the rack be installed no more than 50 feet from the primary entrance.

Commissioner Kenworthy felt if that option were given, more people would use the covered bike rack all year round. He mentioned the four posts at Flanagan's holding up the balcony, and in the summer the four posts are filled with bicycles before the rack in the street is used.

Commissioner Hall noted there were many communities that take a parking spot on their "Main Street" and install a covered corral.

Chair Suesser asked if there was any bike storage in China Bridge. Commissioner Van Dine offered that there are some bike racks in the front, but there is nothing inside.

Commissioner Hall stated it would be amazing if a few stalls in China Bridge became bike storage, but questioned whether that was within their jurisdiction in terms of updating the Code. She offered that they could request City Council to install more City-sponsored bike parking. Chair Suesser commented that they would have to think about whether these requirements would apply to public buildings, and queried whether the Park and Ride at Quinn's Junction should include covered bike parking.

Assistant Director Ward stated that Staff needed to issue a public notice for these amendments, as well as the Accessory Uses and MPDs. Staff planned to bring these items back for a public hearing on March 22, 2023. The Sensitive Lands Overlay was also scheduled for Planning Commission review during that meeting.

Commissioner Kenworthy asked how many Commissioners agreed with the Accessory Uses for bike use as an allowable space for developers. Chair Suesser liked the idea but did not feel it was a necessary exception. She felt they should have the requirement without giving them something back. She added that she was moving away from Accessory Uses and giving developers more reductions in their density.

Commissioner Frontero agreed but noted that there were some uses and services that they want to encourage. Commissioner Kenworthy found good cause to allow the exclusion of bike storage from density.

Chair Suesser questioned whether the LMC would similarly exclude bike storage to the exclusion for parking, and felt it might be. She did not necessarily agree and felt that covered storage should be included.

Assistant Director Ward advised that currently, enclosed bicycle storage was part of a parking garage or building, but they could look into allowing enclosed pods not attached to a garage. Commissioner Hall was in favor of both making it a requirement, and also making it exempt from density if the developer goes above and beyond what is required. Commissioner Van Dine agreed.

With regard to Accessory Uses, Commissioner Sigg stated that if it would be an Accessory Use for bikes that would be great; but he wondered what would happen in five years if the trend changed. He stated if it was going to be part of an Accessory Use, they should make that Accessory Use have some form of restriction from it being changed in the future. Commissioner Hall stated this involved enforcement issues and noted that they were a complaint-based enforcement community.

Commissioner Van Dine commented that they could not regulate themselves out of enforcement; rather they had to make these Code amendments without focusing on things in the future that cannot be controlled by the LMC. Chair Suesser commented that if they did not include it as an Accessory Use, they would not run into the problem down the road. Commissioner Van Dine did not believe that the bike storage would involve significant amounts of square footage and would be an enclosed area within a parking garage. Giving developers a little more square footage to make it more convenient for bikes should be encouraged. Chair

Suesser felt it might not matter to a developer one way or another, so she questioned why they would include it and expand the balloon of Accessory Uses.

Commissioner Hall recalled that it was \$50,000 per parking spot now, so if a developer was adding bike storage above the minimum, the density should be an Accessory Use. Commissioner Johnson felt that the best path forward was to make it a requirement, and then if a developer added more they could exclude that from the density. He stressed that developers have to build bike storage given the lifestyle of Park City.

8. ADJOURN

MOTION: Commissioner Kenworthy moved to adjourn.

The meeting adjourned at approximately 9:30 p.m.

Approved 03.22.2023



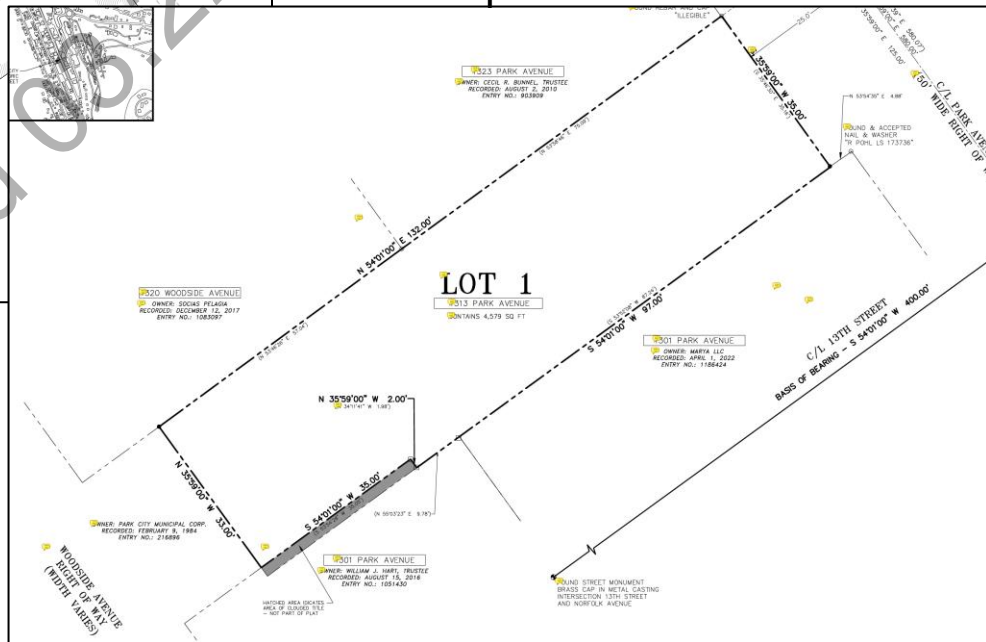
1313 Park Avenue 1-Lot Subdivision

Planning Commission Public Hearing
February 22, 2023



Beginning at a point which is North 54°01' East 353 feet and North 35°59' West 110 feet from the Southwest corner formerly described as the Southeast corner of Block 24, SNYDER'S ADDITION TO PARK CITY, and running thence South 35°59' East 35 feet; thence South 54°01' West 135 feet; thence North 35°59' West 35 feet; thence North 54°01' East 1335 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying within PARK AVENUE.



Analysis



- This is a metes and bounds parcel in the Historic Residential Medium (HRM) District
- The minimum Lot width in the HRM Zoning District is 37.5 feet. The existing non-conforming lot is 35 feet
- The existing Duplex Structure was built in 1979
- The lot has frontage on two Right-of-Ways, Woodside Ave and Park Ave
- The Applicant plans to transform the Structure from a Duplex Dwelling to a Single-Family Dwelling

Good Cause

Two of the purposes of the HRM Zoning District are to allow for the continuation of permanent residential... housing in original residential Areas of Park City; and encourage the rehabilitation of existing Structures.

The creation of a Lot of Record will allow the Applicant to maintain and renovate the Structure.

The Subdivision does not vacate or amend any portion of the platted ROW and no easements are vacated or amended.

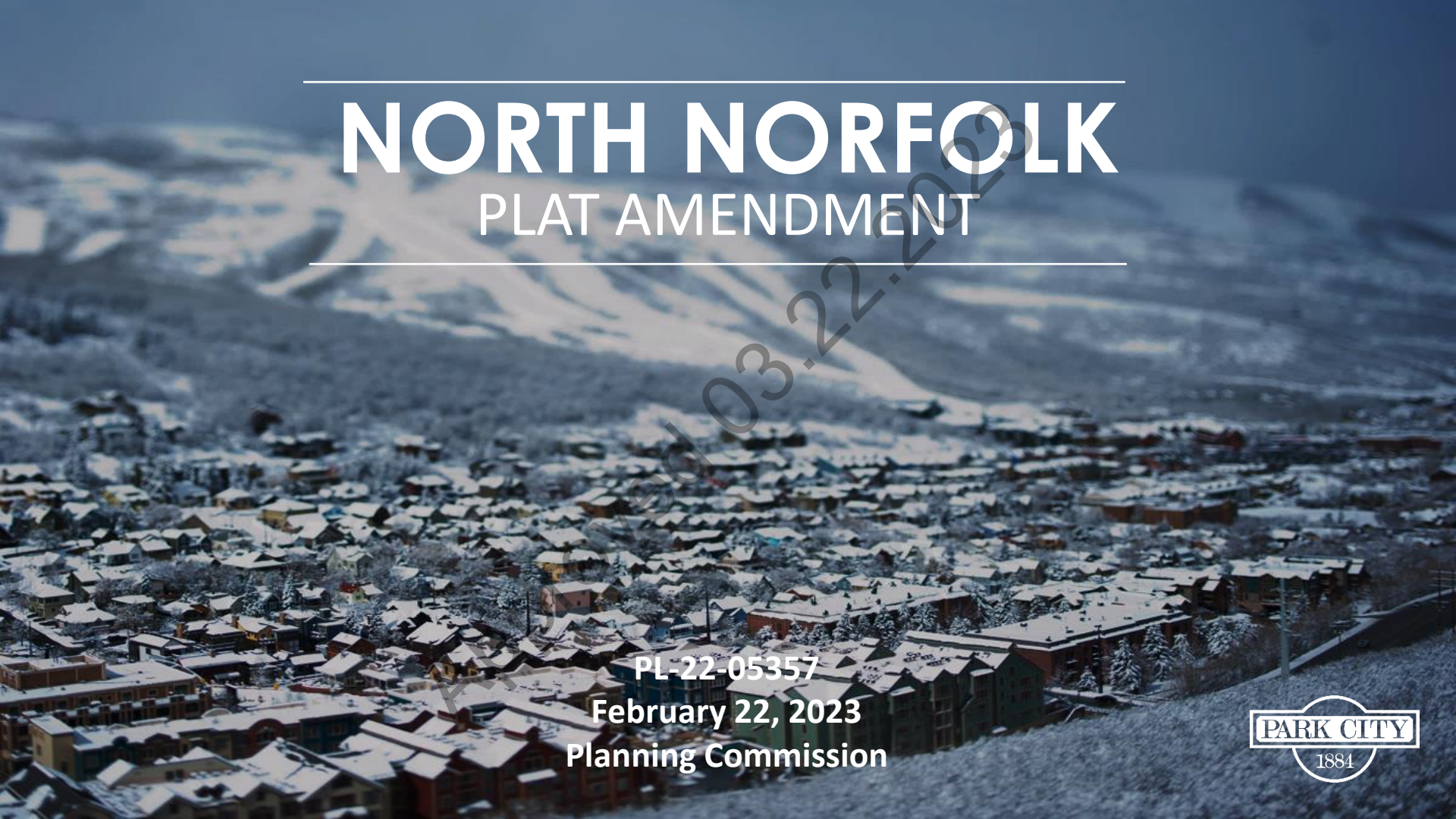
The Development Review Committee reviewed the Subdivision on February 7th, 2023.



Recommendation

Hold a public hearing; Consider forwarding a positive recommendation for City Council's consideration on April 4th, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance



An aerial photograph of a mountain town, likely Park City, Utah, covered in a thick layer of snow. The town's buildings, mostly with dark roofs, are densely packed in the valley. Snow-covered evergreen trees are scattered throughout the landscape. In the background, steep, snow-covered mountain slopes rise up. The overall scene is serene and wintry.

NORTH NORFOLK

PLAT AMENDMENT

PL-22-05357
February 22, 2023
Planning Commission





Park City 1884 logo featuring the text "PARK CITY" in a blue banner and "1884" below it, set against an orange and white background.

NORTH NORFOLK

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NORTH NORFOLK PLAT AMENDMENT

2014 KNUDSON PLAT

NORTH NORFOLK

- 2014 RDA Plan
- 1314 & 1350 Empire were re subdivided as three parcels
- January 19, 2014, positive Planning Commission recommendation
- February 13, 2014, City Council approval

[illegible]

ANALYSIS

NORTH NORFOLK

- The proposal to subdivide two Lots into four Lots complies with the Recreation Commercial (RC) Zoning District requirements outlined in LMC Chapter 15-2.16
 1. All proposed Lots meet the minimum lot requirements for Single-Family Dwellings
 2. No Lots would be large enough for a Duplex structure
 3. Proposed COA 7 would limit maximum height to be 27 feet from existing grade

ANALYSIS

NORTH NORFOLK

- Each Single-Family Dwelling will be required to comply with LMC § 15-3-6 Parking Ratio Requirements.
 1. Each Single-Family dwelling will require 2 parking spaces



GOOD CAUSE

NORTH NORFOLK

The proposal to subdivide two Lots into four Lots complies with the Subdivision Procedures outlined in LMC Chapter 15-7.1.

- Furthers Old Town goals under the General Plan
- The Shared Driveway is preferred under the Historic District Guidelines
- Meets Lot requirements
- Increases housing stock near PCMR
- Single-Family Dwellings are common in the Zone and Neighborhood
- No public street, right-of-way, or public utility easement is vacated



DEPARTMENT REVIEW

NORTH NORFOLK

The Department Review Committee met on September 20, 2022, and the following Conditions of Approval are recommended based on their feedback:

- Condition of Approval 4 regarding requiring a geotechnical approval and approval for basements
- Condition of Approval 5: A Plat Note shall be added that reads: Before any construction may take place within the subdivision, the public stairs provided for in the Fire Access Easement must be constructed from Empire Avenue to the shared driveway
- Condition of Approval 6 which regulates what can be built in the 30-Foot Utility Easement

PUBLIC INPUT

NORTH NORFOLK

Staff received 1 public comment after the packet was published, which was emailed to the Commission on February 21, 2023.

Approved 03-22-2023



RECOMMENDATION

NORTH NORFOLK

(I) Review the Plat Amendment to re-subdivide 1325 Empire Avenue and Parcel SA-200 into four (4) Lots, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for the City Council's consideration on April 4, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Draft Ordinance.



The map displays the Shaft Condo development site, which is divided into four lots: LOT A (blue), LOT B (cyan), LOT C (pink), and LOT D (green). The proposed building footprint is outlined in red. The site is bounded by Knudson St to the north, Norfolk Ave to the east, and Empire Ave to the west. Surrounding lots and buildings are labeled, including SA-201, SA-201-C, SA-201-G, SA-201-B, SA-201-A, SA-201-D, and SA-201-E. A large '03.2' is overlaid on the map, likely indicating a specific zoning or planning designation.

