



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MARCH 27, 2024**

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

EX OFFICIO: Rebecca Ward, Planning Director; Spencer Cawley, City Planner; Caitlyn Tubbs, Senior Historic Preservation Planner; Lillian Zollinger, City Planner; Virgil Lund, City Planner; Jaron Ehlers, Planning Technician; Jacob Klopfenstein, Planning Administrative Assistant; John Robertson, City Engineer; Mark Harrington, City Attorney

1. ROLL CALL

Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. She confirmed the attendance of all Commissioners either in person or via Zoom.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from February 28, 2024.

Commissioner Johnson noted that on page 8, paragraph 5 Thaynes was misspelled.

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from February 28, 2024, as amended. Commissioner Christin Van Dine seconded the motion.

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

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward reported that the Bonanza Park Small Area Plan community meeting was scheduled for April 9, 2024, at the Park City Library. With respect to the Work Session for this meeting, there would be no public hearing or public input; however, there would be opportunities to provide input by emailing planning@parkcity.org. Director Ward also reported those wishing to provide public comment on tonight's Regular Agenda to state their full name and sign in, limit comments to three minutes or less, and direct the comments to the Commission. She also reported speakers to be civil and address only those matters on the pending ordinance or application before the Commission.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. WORK SESSION

- A. Land Management Code Amendments** – The Planning Commission will Discuss Opportunities for Potential Land Management Code Amendments to Incentivize New Childcare Facilities and Align Municipal Code with State Regulations.

Planning Department Administrative Assistant, Jacob Klopfenstein appeared with Planning Technician, Jaron Ehlers to discuss childcare land use regulations. Planning Assistant Klopfenstein explained that there are currently four different types of childcare Facilities defined in the Code. In-Home Babysitting and Family Childcare are allowed Citywide in residential zones. Childcare in multi-unit dwellings requires a Conditional Use Permit (“CUP”). Family Group Childcare, which provides care for 9 to 16 children, also requires a CUP. Childcare Centers are allowed in non-residential zones and require a CUP or approval through a Master Planned Development (“MPD”) in residential zones.

Planning Assistant Klopfenstein reported that because Childcare Centers are typically located in commercial zones, they included location criteria as part of the CUP approval that encourages them to be placed on neighborhood peripheries and near schools, libraries, houses of worship, and parks with playing fields. They will address land use regulations for Childcare in MPDs and Affordable Master Planned Developments (“AMPDs”). The Code provisions for both MPDs and AMPDs state that the Planning Commission could require Childcare Facilities under an MPD or AMPD if the project creates additional demand for childcare; however, the Code does not define how to measure whether a project would create that additional demand and it was left to Planning Commission discretion. He stated they were looking at possibly creating more specific criteria in this regard.

Planner Ehlers explained that most of the Childcare regulations were imposed on the State level and City Code may only supplement, but not override those regulations. An example was provided for regulating the number of children for a specific facility and stated they could set the broad land use groups; however, when approving a specific facility, the City could not limit it to 10 children as that is part of the State's decision when they license a facility.

Planner Ehlers reported that the State defined Childcare in two broad categories – Commercial and Licensed Family. A Licensed Family facility must be in a provider's residence or a second facility. The State does not allow Commercial Childcare within residential zones; therefore, these facilities were only allowed in commercial and mixed-use zones. He also reported that the State regulations also contained a basic capacity limitation calculated at 35 square feet of interior space per child, which includes play areas, classrooms, or kitchens. This area must specifically be used for the children and would not include administrative areas.

Planner Ehlers stated there was also a requirement for 40 square feet of outdoor play area per child who would be outside. He explained that if the Childcare Facility limited the number of children going outside at any given time, then they would not need to have 40 square feet per child. He noted that the outdoor play area requires a fence of a certain height to enclose the play area.

In response to Commissioner Van Dine's question as to whether these capacity numbers applied to both Commercial and Licensed Family Childcare Facilities, Planner Ehlers responded in the affirmative. Planner Ehlers also mentioned that the State does not have any parking regulations associated with Childcare Facilities. He noted that the childcare crisis is not only in Park City but also in the entire State. In recognition of that, the State Division of Licensing changed its Code to the effect that if someone already owned and operated a licensed Family Facility, they could open another Family Facility that is not the operator's primary residence. He noted that the State encouraged the Family Facilities to be home-like, but under the new Code, the operator would not have to reside in that location. The requirement is that an employee licensed to take care of children must be present the entire time that children are present at the Facility.

Planner Ehlers stated that the situation contemplated with this change would not currently be allowed under Park City's Code. During the last Legislative Session, the Legislature passed House Bill ("H.B.") 153 that expanded the Child Tax Credit. It also allowed any Childcare Facility of up to 8 children to operate without obtaining a license from the State. These facilities are required to undergo a background check, but there was no enforcement mechanism created by the State to ensure compliance with that requirement.

Commissioner Johnson understood that background checks are recommended but not required and expressed that was a red flag for him. Planning Assistant Klopfenstein stated that these Facilities are technically required to get a background check and request a certificate from the Division of Licensing. He highlighted that H.B. 153 did not include enforcement for the background check and noted that it raised concerns.

Planner Ehlers noted that Salt Lake City was also concerned about the lack of childcare and adopted several major Code changes following a public hearing on March 5th. Those Code changes provided that smaller facilities within an occupied home only required a business license from the city. Anything larger would be an allowed use in any zone where residential or commercial would be allowed.

Planner Ehlers mentioned that Staff looked into the possibility of a density bonus and noted that the State of California enacted a Mandatory Density Bonus Law, where one of the ways to get additional density beyond that established by a General Plan was by having a Childcare Facility on site. He noted this law applied to projects in excess of five units. If the Commission was interested in further exploring this, he stated that Staff could reach out to more California cities. He referenced the Staff Report that stated that across the nation, comparable jurisdictions had taken a wide range of approaches for parking requirements. He presented the current Park City parking requirements for the four types of facilities.

Planning Assistant Klopfenstein next addressed Staff questions for the Commission on the amendments. First, Staff requested feedback on whether the State regulation changes regarding the second home Childcare Facility location be incorporated into the Land Management Code ("LMC"). He noted the change in State Code that allowed providers to operate a second location. Planner Ehlers added further that the State wants more facilities, but they wanted to encourage them to be operated by experienced operators, which is why the State allowed a second facility opened by those who already operate a home Childcare Facility.

Commissioner Frontero observed that the State wants to encourage experienced Childcare providers, yet the State will not regulate or enforce licensing. Planner Ehlers explained that the

decision to allow a second location was issued by the State agency, whereas the State Legislature enacted the change with respect to licensing.

Commissioner Johnson requested an example of a second location and noted that the two Montessori schools in the County fall under commercial. Commissioner Van Dine responded that most of the home facilities are not publicized Childcare Facilities. Rather, they typically involve someone who opens their home and takes up to 8 children per day. She would support the second home Licensed Family Facility that could be opened under the original license. She understood that there did need not be another commercial space; rather the operator would simply be expanding their umbrella to include another home.

Commissioner Shand asked about supervision in the second home and noted that the owner of the second home would not be licensed. Commissioner Van Dine responded that the second home would have to have a designated person in that location but acknowledged that it was not clear. She understood it was to be a designee from the original home that would supervise the second home. Commissioner Shand suggested this was akin to a license assistant.

Commissioner Johnson understood that there is no limitation on the size or the number of children per State Code. Planner Ehlers stated that there were regulations regarding the capacity and ages of children but noted that Park City's 18 children maximum for Family Group Childcare was aligned with State limitations. If a provider desired to have more than 18 children, they would be required to become a Commercial Facility.

Commissioner Van Dine stressed that the home day care facilities are still bound by the legal ratio numbers. She noted that infants required 2:1, children aged 2 - 3 required 3 or 4:1, and all providers are required to follow these ratios whether it is a primary or secondary location. Planner Ehlers confirmed that the second location would be regulated the same as the first, with the exception that it would not be the provider's primary residence. Planning Assistant Klopfenstein added that the provider or the provider's designee could operate the second facility, and the designee would be required to obtain a background check from the State.

Commissioner Shand asked if there could also be a tertiary location. Planning Assistant Klopfenstein stated that currently only a second facility was allowed.

Commissioner Sigg asked if there is a requirement that the primary operator have a leasehold or ownership in the secondary location. Planner Ehlers stated that Staff could obtain clarity from the State in this regard.

Commissioner Van Dine expressed support for adding the secondary facility in the LMC. Chair Hall also expressed support and stated she would like to encourage as many Childcare Facilities in town as they could.

Commissioner Shand agreed and noted that they want experienced Childcare providers to have this opportunity, and this would enable a single Childcare provider to expand their operations. If they do not incorporate this into the LMC, they would need a second licensed Childcare provider to open up that second location. He noted this would allow a willing Childcare provider to take on a second location.

Planner Ehlers added that the State implemented this provision, in part, because they were seeing spouses each apply for a license. With this change, it would be clearer. Commissioner Suesser

asked if it would be necessary to incorporate this State regulation into the LMC. Planning Assistant Klopfenstein explained that the current definition of Family Group Childcare and Family Home Childcare only allowed for care in the primary residence of the provider. Therefore, the current LMC did not allow a secondary location. Planner Ehlers added that with the exception of Facilities with a capacity of up to 8 children, any Childcare Facility requires approval from both the State and the Municipality in order to operate. Commissioners Suesser and Johnson supported the change to the LMC. Commissioner Frontero also expressed support and asked if there was any feedback from the City's current in-home providers as to whether they would be interested in opening a second location. Planning Assistant Klopfenstein stated they could reach out to the providers. Within Park City, there were not many In-Home Facilities. Planner Ehlers noted that according to the State, many of these providers shut down after the School Districts started operating all-day daycare as that took a lot of the demand.

Commissioner Van Dine felt that regardless of the number of providers, this should be an option as people start to explore this issue since childcare is so out of control, expensive, and difficult to find in Park City. Commissioner Frontero reiterated that he supported this change.

The next question for the Commission was whether the City should regulate Childcare Facilities that are exempt from State licenses under H.B. 153. He reported that H.B. 153 changed the licensing requirement such that no license was required for providers of up to 8 children. Commissioner Van Dine asked what the City could regulate in this regard. Planner Ehlers stated that In-Home Babysitting of up to four children only requires a Business License and beyond that, a provider must meet the criteria in the Code. Commissioner Van Dine observed that the Code required permits from the City, but asked if the City could require Utah Division of Professional Licensing ("DOPL") licensure in addition to what is required by the State. Planner Ehlers advised that the City could not require its' own licensure for providers.

Commissioner Shand understood that the State currently does not require a provider to be licensed if they were taking care of four or less children. Planner Ehlers noted that with the recent legislative change, that number is now eight children or less.

Commissioner Shand noted that the question was whether the City could step in and require licenses for situations where the State did not. He was strongly supportive of background checks and indicated he would follow the State's licensing guidelines for 8 or less children. Planner Ehlers stated that they could increase the In-Home Childcare to eight or less children.

Director Ward noted that currently, the providers that the State recently exempted from State licensing requirements would still have to go through the City's land use review process. She asked if the Commission supported removing the land use permitting reviews to align with the State. Commissioner Van Dine indicated that was the gist of her comments and noted that the City was not adding any licensing requirements; rather, the City was keeping its land use requirements and requiring providers to obtain a CUP for a facility for eight or more children. She noted that currently, Park City required a CUP for a facility for four or more children. Planner Ehlers confirmed and stated the amendments would essentially remove Family Childcare from the Code. Commissioner Van Dine supported that and commented that she did not see how much of a difference there was between 4 children and 8 children. Chair Hall agreed and was comfortable aligning the LMC with the State Code in this regard. There was unanimous consensus amongst the remainder of the Commission on this issue.

Planning Assistant Klopfenstein next turned to the third question and asked if the Commission supported reducing parking requirements for Childcare Facilities. The current requirements were presented to the Commission. Chair Hall stated that along the lines of incentivizing or enabling people to provide childcare, she would generally support reducing the parking requirements for Childcare Facilities.

Commissioner Van Dine supported reductions for the space per non-resident non-family member employee. She reasoned that they would have the ability to enforce and encourage the employees to carpool or use other alternatives. She did not necessarily support eliminating drop-off and pick-up spaces. She felt the current requirement for Childcare Centers of one parking space per 6 children was fair, as street parking could also be used. She mentioned the examples of Alpine Adventure and PC Tots. She would not reduce any of their parking requirements but felt that reducing employee spaces was fair.

Commissioner Johnson queried what Commissioner Van Dine would support. Commissioner Van Dine mentioned that the possibility of requiring one space per two employees, or one-half space per employee was fair. She noted they were trying to encourage the employees to use public transit or other forms of transportation and reducing the number of drop-off/pick-up spots was not very realistic because people were picking up children. Commissioner Johnson mentioned the example provided for Aspen's code that requires one off-street parking space per employee.

Commissioner Frontero expressed support for moving toward one off-street parking space for two employees. He stated he did not understand the meaning of a half-parking space. He added that if in a year's time, they find it to be a problem they could address it. He added that he would like to keep the drop-off/pick-up parking spaces. He sought clarification of the current provision for Childcare Centers of one parking space per six children. Commissioner Van Dine stated it related to the number of children in the facility, therefore if the facility could hold 24 children, it would need one spot per six children.

Commissioner Frontero asked why and wondered who would use these spaces. Commissioner Van Dine explained it would be for the parents to pick-up and drop-off. The facility needed open spots to facilitate the children arriving and leaving. Planner Ehlers explained that they could clarify this to identify these as "drop-off/pick-up spaces" instead of "parking space." Commissioner Frontero suggested that if the facility had a circulation plan for drop-off/pick-up, he was unsure whether they would need those parking spaces.

Commissioner Van Dine explained that daycare differs from school because these are not school-aged children. She invited the Commission to assume that the children in these facilities would be infants to Pre-K. The parents must go into the facility, pick them up, sign them out, and bring them back out to the car. Therefore, actual parking spots were necessary, as roundabouts would not work in these settings. Drop-offs and pick-ups occurred throughout the day, so they would not need many spots, but maintaining those safe drop-offs was important.

Commissioner Johnson asked if they wanted to add anything about operational hours to the Code. Chair Hall noted that having operating hours would mean that the location would not have to hold a spot for the entirety of the day or on the weekends. She mentioned the allocated parking spots at the library and facilities in mixed-use locations.

Commissioner Van Dine felt it would be fair to impose certain hours for locations that have shared lots such as the library. She noted that Alpine Adventures shared a big parking lot and agreed that could be an option to satisfy some of the parking. She mentioned that most children would be dropped off between 7:30 a.m. and 10:00 a.m., and then pick-ups would occur during the last two hours of the facilities' hours. Commissioner Sigg agreed with some sort of peak-hour language where they could get the maximum utility out of the lot, while still providing spaces for drop-offs and pick-ups. Commissioner Suesser agreed with this concept.

Chair Hall asked if there was a way to give the Planning Director or the Staff the authority to make a judgment call based on staggering drop-offs or pick-ups for shared parking use. Planner Ehlers stated they could craft language regarding a parking plan and guidelines of what would be required in that plan. The parking plan could be reviewed and approved at the Staff level. There was consensus support for this suggestion.

The Commission was then asked if it supported requiring administrative-level review for Childcare Facilities in the residential zones instead of a CUP. Commissioner Van Dine commented that as long as the application was robust enough, she would be okay with Staff level review. She noted that it would lower the bar in terms of approval and overall cost and supported this change. This change would only apply to those facilities in residential zones, which would have a capacity of 8 to 12 children.

Commissioner Suesser was in favor of this change so long as the notice requirements to the neighborhood were vigorously adhered to and reasoned that administrative hearings do not get the type of attention as a Planning Commission meeting. She wanted to ensure that there will be proper notice of those reviews and that public input was available.

Commissioner Johnson agreed with Commissioner Suesser and noted that they want to incentivize these facilities but as they go into the residential zones they could be playing with fire. Planner Ehlers explained that the noticing for administrative reviews goes to adjacent property owners. He asked if the Commission wanted to expand that to the 300-foot threshold for Board and Commission review. There was consensus support for that change.

Commissioner Sigg asked if there was something in the review process or in the State Code that addressed the Building Code and the physical condition of the secondary home that an operator might want to use. Planner Ehlers advised that the State provisions address those issues. Planner Ehlers also mentioned that CUPs are required for a facility in a multi-family dwelling, even if it is a Family Childcare Center. Commissioner Van Dine felt that requirement should remain because a facility in a multi-family dwelling could potentially impact more people more closely than in a single-family home. Commissioner Frontero understood Commissioner Van Dine's point.

Commissioner Suesser expressed uncertainty that a CUP would be necessary and would support administrative review for a Childcare Facility in a multi-family dwelling. Chair Hall agreed especially if there was unanimous consent from all homeowners. Commissioner Van Dine agreed with these comments and felt that would be reasonable. Commissioner Sigg also agreed. The Commission agreed that a specific administrative permit as opposed to a full Administrative CUP could accomplish this.

Planning Assistant Klopfenstein next asked the Commission if it supported amending Childcare definitions in the LMC to create an additional facility type, and if so, whether the new type could

require a lower level of review. Commissioner Frontero asked for an example of the new type of facility. Planning Assistant Klopfenstein commented that the thought was that the City could keep its current definitions and categories and change the level of review, or just create an additional category that would only require administrative level review and keep the others under Conditional Use review.

Commissioner Johnson observed that based on these discussions, it would be unnecessary to create a new category. He suggested staying on the path forward. Commissioner Shand agreed. Commissioners Frontero, Sigg, and Suesser also agreed with Commissioner Johnson's suggestion.

With regard to MPDs, Planning Assistant Klopfenstein asked if the Commission supported establishing more specific criteria for Childcare regulations. He noted the discrepancy wherein the Code provides that the Planning Commission can require a Childcare Facility in an MPD if the MPD creates additional demand. The City currently does not have a mechanism to measure whether a project would create additional demand. Chair Hall expressed interest in exploring what that would entail, because they have seen so many MPDs over the years, and they really had not utilized this provision. Commissioner Van Dine mentioned the PEG application and agreed to look into what other cities require and what it might look like.

Commissioner Suesser agreed and stated that during her time on the Commission, she had seen a real focus on including Childcare Facilities in MPDs, but that attention has been lost over the years to the point where they now see MPDs that no longer contemplate Childcare Facilities even if it was in the original MPD. She would like to see some sort of criteria included in the Code for Childcare Facilities in an MPD.

Commissioner Frontero sought clarity on what these requirements might include and wondered if it would be based on the number of units. Commissioner Suesser opined that it would be based more on demand and used the example of assessing childcare demand at the base of a ski resort. She stressed that the requirement should be demand-based rather than based on the number of units.

Commissioner Sigg asked if they were talking about demand exclusive to the MPD or open to the public at large. He felt there was a propensity to take the position "our community, our child support," and was not sure he could support that. He wanted to support childcare throughout the community.

Commissioner Suesser mentioned that her comments related to MPDs that included retail where the employees needed childcare in addition to the residents. She felt the number of employees required to run the facility would also drive the demand. Commissioner Frontero asked if they would then tie childcare square footage to commercial square footage in a mixed-use development. Commissioner Van Dine felt that Staff could research the options and provide that information to the Commission.

Chair Hall requested an analysis of what the triggers would be and what they would look to accomplish. She noted there was a lot of pushback because people do not want a Childcare Facility on-site or are worried about licensing and regulations. She would support a fee in lieu similar to what they do with affordable housing. If a developer came in with a large-scale MPD and did not want to or could not provide Childcare Facilities, it could be offset in some other way.

With respect to AMPDs, Planning Assistant Klopfenstein asked if the Commission supported removing that requirement or amending the Code to allow a bonus density or other land use incentive for AMPDs that provide Childcare Facilities. Commissioner Van Dine would like to see other incentives that might be tied to the provision of Childcare Facilities in an AMPD. She mentioned that HOPA could not make it work, and she felt that trying to find ways to make it easier for applicants would be helpful.

Commissioner Johnson agreed and felt if there was a discussion regarding a bonus density, it would only relate to AMPDs. He liked the approach taken by Salt Lake City, as indicated in the Packet, and how they were using options like small business loan interest reductions and reserving space for daycare in City projects. Commissioner Suesser was more interested in other incentives rather than a bonus density.

Chair Hall expressed interest in exploring any of the incentives and stated that as much as she would like to require some component of it for regular MPDs, she would also support removing the Childcare Facility requirement in AMPDs. She felt the AMPD was something she would also like to encourage, and if a developer was providing more than 50% affordable units, that benefit to the community was enough. Commissioner Frontero stated that if a developer wanted to build 100 condominiums in town, part of being able to do that should have some level of childcare. He felt MPDs should be included in this discussion.

Commissioner Suesser sought clarification on the question of whether the Commission supported removing Childcare Facility discretion for AMPDs. She inquired about the current AMPD requirement regarding Childcare Facilities and wanted to know about the discretion component of this question. Planning Assistant Klopfenstein explained that the language in the current Code states that the Planning Commission can require a Childcare Facility in both MPDs and AMPDs if the Commission determines that the project would create additional demand for childcare. Staff's question addressed whether there was support for removing that piece. He added that the other option was to keep the ability to require an AMPD to have a Childcare Facility but pair that with a bonus density or some other incentive.

Commissioner Suesser liked the way the Code is currently written. If a project would drive up childcare demand, it would trigger a Childcare Facility requirement. She agreed with Chair Hall's point about it not necessarily being on-site but requiring the developer to provide a Childcare Facility because of the increased demand.

Commissioner Sigg felt this might be best included in the provisions regarding Accessory Uses. He noted the discussions regarding what would constitute an Accessory Use and supported identifying some of those types of areas and designated them as Childcare.

Commissioner Van Dine felt this was also related to the prior question wherein they would discuss what the criteria would look like. Once they have established the criteria, they could then determine how it would play into AMPD requirements. She did not have a clear answer to Staff's question, except with regard to incentives. She felt the discretion would depend on what they establish as criteria.

Commissioner Suesser agreed with Commissioner Van Dine, but she believed what was proposed was a step away from requiring more Childcare Facilities, which is what the Code provided currently. She reiterated that if a proposed development would create demand, a Childcare Facility should be required. This proposal would remove that requirement.

Commissioner Van Dine clarified that she does not believe it should be removed; rather, they should address the criteria before determining how that might play into this down the line.

Commissioner Suesser felt there was a lot of consensus on reducing restrictions to incentivize Childcare Facilities, however, this particular proposal seemed to be a step in the opposite direction. She liked the demand-based trigger and felt it was appropriate.

In terms of additional land use or other incentives to encourage Childcare Facilities, Chair Hall indicated that the Commission appeared to be interested in incentives, the more creative the better. She agreed with Commissioner Suesser that they were trying to find ways to include more Childcare in the community.

Commissioner Suesser requested further information from Staff on the regulatory process, as that is generally the big hurdle in developing these facilities.

Commissioner Shand requested examples of the issues discussed herein. He specifically mentioned examples of the types of concessions made in order for a developer to incorporate Childcare Facilities in their project.

Commissioner Frontero stated that AMPDs provide lower cost of housing, which is a huge benefit to the City. He was not in favor of putting additional requirements on AMPDs to provide Childcare Facilities, as AMPDs were solving the housing shortage and he wanted that to continue. He did not want to burden the AMPDs with the additional requirement of solving the childcare problem. He supported requirements for Childcare Facilities in an MPD. He suggested there might be a tie-in between commercial space and requiring a Childcare Facility. He also wanted to see a formula that the square footage for the Childcare Facility would depend on the number of units. He stated the developers want certainty, and this would provide certainty. Chair Hall agreed.

Commissioner Shand responded that if you give a developer of an AMPD some incentives to include a Childcare Facility, the benefit would be that the residents of an AMPD, which are typically younger families, would be able to drop their child off downstairs rather than driving them to daycare. He was not in favor of completely relieving the responsibilities in an MPD, but he favored exploring how childcare could be incorporated into an AMPD.

Commissioner Frontero indicated that the HOPA application was one where the developer stated they could not make it pencil. Commissioner Sigg agreed with Commissioner Shand that they would find younger working families in AMPDs. He liked the idea of not generating trips to drop a child off at daycare. He would be in favor of incentivizing MPDs if they were able to economically make a Childcare Facility work. Chair Hall reported that the public could provide input on these amendments.

6. REGULAR AGENDA

- A. Land Management Code Amendments** – The Planning Commission will Review Proposed Amendments to the Historic District Regulations Enacting Standards for Temporary Structures in Historic Districts and Defining Temporary Structures. PL-24-06001.

Senior Historic Preservation Planner, Caitlyn Tubbs reported that the proposed LMC Amendments will enact standards for Temporary Structures within the Historic Districts. On October 4, 2023, the Planning Commission and the Historic Preservation Board ("HPB") held a Joint Work Session and directed Staff to return at a later date with proposed standards for Temporary Structures in Historic Districts. She explained the standards proposed by Staff were based on requirements for Primary Structures and mirrored several of those standards. On December 6, 2023, a Work Session was held with the HPB, followed by a Work Session with the Planning Commission on December 13, 2023. She reported that Staff met with the Historic Park City Alliance ("HPCA") on February 20, 2024, and provided a copy of the proposed standards. She reported that HPCAs responded to the proposed standards with no comments or concerns. Most recently, the HPB forwarded a unanimous positive recommendation of these standards to the Planning Commission for its consideration.

Planner Tubbs explained that the proposed Amendments included standards for materials, amount of glazing, and type of glazing. They also included lighting fixtures and restrictions on additional ornamentation and signage. Additionally, the proposed Amendments outlined standards for connection to historic materials as well as some sustainability and consistency measures to ensure that any Temporary Structures in the Historic District would support the Historic integrity and appearance of the Historic District. She noted that a copy of the proposed Ordinance was contained in the Packet and invited any questions. She indicated that Staff recommended the Planning Commission review the proposed LMC Amendments to enact standards for Temporary Structures in Historic Districts, conduct a public hearing, and consider forwarding a positive recommendation for the City Council's consideration on April 25, 2024.

Chair Hall invited clarifying questions from the Commission.

Commissioner Van Dine recalled that the Commission was not in favor of yurts but acknowledged that she did not review the prior minutes to refresh her recollection. Commissioner Suesser mentioned the discussion regarding Butchers and similarly recalled that there was consensus of the Commission and the Historic design group that the combination of the yurts and the Alpenglöwen huts were not appropriate.

Commissioner Johnson recalled that the size contradicted the City's sustainability goals as well as they were looking more to smaller structures that would be more compatible with the Historic District. Planner Tubbs stated that they could remove those from the Draft Ordinance.

Senior City Attorney, Mark Harrington clarified that the proposed Ordinance addressed the design guidelines criteria, not uses. If the Commission wanted to additionally prohibit temporary uses that are otherwise allowed, then Staff would have to return with a different type of ordinance. He stressed that the proposed Ordinance before the Commission did not approve or disapprove certain uses; rather, it would just establish design regulations for those particular uses.

Commissioner Van Dine recalled that the Commission did not support Temporary Structures with canvas or vinyl siding. She further recalled that it was not the use of the specific structure; rather it was the design components of that structure that did not meet sustainability and overall appearance.

City Attorney Harrington responded that Commissioner Van Dine was saying that the design by its very nature means that they should not be allowed. He stressed that the Commission should not disallow certain things because of their materials. If the Commission did not want yurts, they

could just amend the Land Use Tables to provide that yurts were not permitted in the Historic District. He added that someone could get around the material requirements by building a yurt out of metal or wood as opposed to fabric.

Commissioner Johnson asked how they arrived at the standards in subsection 8.b. and the language, “eighteen (18) feet or two (2) feet below the ridgeline of the Primary Structure.” Planner Tubbs explained that those standards came from the requirements set forth in the Historic Zoning Districts, as well as the transitional element requirements for Historic Structures. She provided the example of an addition to a Historic Structure that requires a transitional element that must sit at least two feet below the ridgeline of the Historic Structure. The overall 18-foot maximum was derived from the Maximum Height listed in the zoning districts for Accessory Buildings.

With respect to subsection 9, Commissioner Johnson asked if Staff felt there were enough teeth as far as enforcing “replace and repair as necessary...to maintain the clean appearance.” Planner Tubbs offered that if a material was damaged to the point that it posed a public safety hazard, then there were other provisions in the Code to enforce that. With respect to the timeline for installation of these Temporary Structures set forth in subsection 10, if there were concerns about the materials, they could be addressed when the owners returned for future permits. She confirmed that as long as the owners remained in compliance with the date periods, the Temporary Structures would be re-inspected at the time of installation.

Commissioner Frontero mentioned the Temporary Winter Balcony at Riverhorse that had not been removed in three years. Planner Tubbs recalled that following the pandemic, there was additional flexibility in the utilization of those Temporary Structures yet confirmed that it had remained in place. Director Ward clarified that when the Temporary Winter Balcony Enclosure Program went through the HPB and Planning Commission, the City Council allowed for that Temporary Balcony to remain in place. It will be required to be removed as of April 30, 2024. In addition to being denied a permit the following year, if a Temporary Structure was not removed by that time, there are other enforcement provisions that would require removal. She confirmed there were opportunities to enforce through both the administrative permit proposed in these Amendments and other licenses or agreements depending on the location.

Commissioner Frontero wanted it made clear that these were Temporary Structures, and if they were being used as anything other than temporary there would need to be some enforcement. He felt the easiest way was to not issue a permit for the following year.

Commissioner Shand asked if someone had both a winter and summer Temporary Structure permit, and that the only time they would need to remove the structure would be between October 30th and November 15th. Planner Tubbs confirmed and stated if the direction was that the property owner should have one type of temporary installation per year, Staff could look to craft some language for that as well.

Director Ward added that the Building Permit for a Temporary Structure states that it must be removed every 180 days.

Chair Hall opened the public hearing. There was no public comment. Chair Hall closed the public hearing.

MOTION: Commissioner Van Dine moved to forward a POSITIVE recommendation for Land Management Code Amendments – Standards for Temporary Structures in Historic Districts - for

City Council's consideration on April 25, 2024, as outlined in the Draft Ordinance attached as Exhibit A to the Staff Report, and as amended to eliminate yurts from subsection A.5, with additional direction to Staff to prepare a separate ordinance to eliminate yurts as a permitted use in the Historic Districts.

Commissioner Suesser was not in favor of completely eliminating yurts from the Historic Residential – 1 (“HR-1”) Districts. She could see an instance where they might be appropriate.

Commissioner Johnson seconded the motion. He noted that from a compatibility standpoint and the recent fire in the yurt at The Montage, he found they were not compatible in the Historic Districts.

VOTE: Commissioner Van Dine – Yes; Commissioner Johnson – Yes; Commissioner Shand – No; Commissioner Frontero – Yes; Commissioner Suesser – No; Commissioner Sigg – Yes. The motion passed 4 – 2.

Following a short recess, Chair Hall called the meeting back to order and confirmed the attendance of all Commissioners.

- B. 2200 Monitor Drive, Holiday Village and Parkside Apartments (HOPA) Affordable Master Planned Development – Development Agreement –** The Planning Commission will Review the Development Agreement for the HOPA Affordable Master Planned Development, a Project Providing 317 Affordable Units in the Residential Development Zoning District and Frontage Protection Zone Overlay. PL-22-05473.

City Planner, Spencer Cawley reported that for this item the Planning Commission would review the 2200 Monitor Drive, Holiday Village, and Parkside Apartments (“HOPA”) Development Agreement (“DA”). He announced that Amy Rowland and Bob Ritcher were present to represent Mountainlands Community Housing Trust.

Planner Cawley reported that this project is located at 2200 Monitor Drive and 1776 Kearns Boulevard. On June 28, 2023, the Planning Commission approved the HOPA AMPD. As required by the LMC and the Conditions of Approval, the applicant was required to submit a Draft Development Agreement within six months of that approval. He advised that the applicant submitted their draft to the City on November 6, 2023, and this draft was attached to the Staff Report. The LMC gives the Planning Commission the authority to ratify the Development Agreement. He added that the LMC also requires 12 criteria for Development Agreements, and he noted those criteria were listed on pages 2 – 4 of the Staff Report.

Planner Cawley reported that the Development Agreement incorporated the project's approval and would be recorded with Summit County. Staff requested that the Planning Commission consider an additional approval be added to the Development Agreement in relation to the phasing of the project. Condition of Approval 1 required the developer to include a Project Phasing Plan, and that Plan was attached to the Development Agreement. Staff requested that the Planning Commission consider adding a provision to the DA that would require the applicant to return to the Commission for review if all phases of the project were not completed within ten years from the date of the first issued Building Permit. Staff recommended the Commission review the HOPA Development Agreement, hold a public hearing, and consider ratifying the Development Agreement.

Chair Hall invited clarifying questions from the Commission. There being none, she opened the public hearing. There was no public comment. Chair Hall closed the public hearing.

Commissioner Suesser sought clarification on what was decided with respect to a pullout for a bus stop on Monitor Drive.

Director Ward responded that the Condition of Approval was reviewed as part of the AMPD, and the applicant agreed to install a concrete pad where transit improvements could be installed.

Commissioner Sigg asked if the concrete pad referenced by Director Ward had an undefined use at this time. Director Ward stated it was set aside for transit improvements only. Director Ward noted that the Condition of Approval she referenced was Condition of Approval 37.

Commissioner Suesser assumed that the concrete pad would be located on the eastern side of Monitor Drive. Director Ward confirmed and added that as part of the Phase 1 construction, the Condition of Approval provides that “the applicant shall install a concrete bus stop pad and bench along Monitor Drive to the size and dimensions and in a location approved by the City Engineer, Transportation, and Transit Department.”

Commissioner Suesser understood there was a bus stop on the opposite side of Monitor Drive, and therefore they were not successful in getting a pullout along Monitor Drive for either side of the street. She further understood there would continue to be bus stops close to the sites on both sides of Monitor Drive, including one on the HOPA property. Director Ward confirmed.

Commissioner Frontero understood that Staff recommended the Commission amend Condition of Approval 6. Planner Cawley confirmed that Staff recommended an amendment to the Agreement to provide clarity to the phasing, and it would not specifically be to the Condition of Approval; rather it would become part of the Development Agreement. They would be including a timeframe on the length of the full development. Commissioner Frontero noted the timeframe was not currently included in Condition of Approval 6, and sought confirmation that Staff suggested the Commission add that timeframe to Condition of Approval 6. Director Ward noted that would be included in the provision within the Development Agreement, therefore it would not change any of the Conditions of Approval. If the Commission added the requested language, the Development Agreement would provide that if the project were not completed within that timeframe, then the applicant would have to come back to the Planning Commission for review. She confirmed that Staff’s recommendation was to amend the Draft Development Agreement with that specific provision regarding the timeframe for project approval. There was consensus support for that suggested revision.

Commissioner Suesser sought clarity regarding the use of the Kearns Boulevard access and wondered if it would only be for drop-off and pick-up. She also wondered if there would be any overflow parking in that area. She also requested confirmation of the garage access from Kearns Boulevard.

Commissioner Suesser asked which Condition of Approval addressed access to the garage from Kearns Boulevard. Commissioner Frontero believed that was Condition of Approval 32. Commissioner Suesser noted there was an annual review of the Parking Management Plan but asked about a review of the parking demands throughout the life of the project.

Director Ward referenced Condition of Approval 48 which mentioned annual reporting during the construction that would outline the available parking for residents. In Condition of Approval 32, based on how the site functioned in the long-term, there could be additional Planning Commission review regarding parking, specifically the parking along Kearns Boulevard within the Frontage Protection Zone, as well as the Kearns Boulevard access. She mentioned the review would depend on the long-term functioning of the site and was built into Condition of Approval 32.

Commissioner Suesser did not support how Condition of Approval 32 was drafted because she did not know what the trigger would be for the Planning Commission to review. She felt that accessing the garage exclusively from Monitor Drive might be problematic for Monitor Drive. She thought the access off of Kearns Boulevard might be preferable at some point as an additional access point. She would support crafting a Condition of Approval that would be more in line with Condition of Approval 48 regarding an annual review of the Parking Demand Management for the project.

Director Ward stated that the application before the Commission was for ratification of the Development Agreement. The Final Action Letter constituted Final Action and asked Commissioner Suesser if she was suggesting that something be indicated in the Development Agreement that would require an annual review of the parking for the site. Commissioner Suesser answered in the affirmative.

Commissioner Van Dine asked if that review could be administrative. Commissioner Suesser confirmed and added that it could be for the first three- or five-years following the completion of construction. She believed that the project was now going to be constructed with a separate fire access or emergency access to the garage that could be accessible off Kearns Boulevard.

Director Ward stated that the review language requested by Commissioner Suesser was already included in Condition of Approval 54, which provides, "Applicant shall submit an annual parking report to the Planning Department. The Planning Director may recommend further parking mitigations with Planning Commission review." Commissioner Suesser indicated that that addressed her concerns. She asked Planner Cawley to remind her how access to the parking garage was to be constructed and whether there would be emergency access off of Kearns Boulevard. Planner Cawley could not confirm those details off the top of his head. Director Ward believed that there would be a way to access the garage off Kearns Boulevard, but it was not currently planned to be a regular access point.

Commissioner Shand asked Planner Cawley to pull up Exhibit D, the Project Phasing Plan that he believed showed the ingress and egress to the parking garages. On behalf of the Applicant, Amy Rowland from the Council of Development Finance Agencies ("CDFA") reported that she served as a Consultant on this project. The page before the Commission as requested by Commissioner Shand depicted the temporary parking during construction. The footprint of the building was the underground parking, and there would be connections between them to connect them as a garage. She recalled that the applicant was comfortable with parking garage access off Kearns to Buildings F and G, but someone from the City did not want that to be a regular access point due to traffic considerations on Kearns Boulevard.

Applicant-representative Rowland did not think there would be any problem having that access but recalled that the applicant was discouraged from doing so. She was certain there could be access from that side, and the applicant could provide it. Commissioner Johnson recalled that there was a discussion where they would use the access off of Monitor Drive, and then the building

along Kearns Boulevard would be designed to potentially open up that section for an entrance in the future should problems arise. Commissioner Van Dine shared this recollection. Commissioner Johnson was still comfortable with that plan and noted that the Commission did not have a choice at this juncture.

Commissioner Suesser reiterated her request for clarification as to whether that access would be available in the future in the event that they desired access off of Kearns Boulevard. She did not see that in the Conditions of Approval and was unsure from the final plans that this access way would be easily opened. She recalled that the access way would be put in place, but not utilized unless necessary.

Commissioner Sigg asked to see a plat exhibit for the development. Director Ward noted that this is a metes-and-bounds parcel; so, as part of the phasing, there would be plat applications before the Planning Commission as each phase is developed. The applicant was aware they would need to go through the Subdivision process before they could start Phase I. The way the applicant planned to divide the site, there would be several Subdivision applications that would come before the Planning Commission.

Commissioner Sigg stated that when the Commission reviews the plat for that particular section, there could be a plat note or designated area for access from that side. He also recalled a discussion about another exit point for emergency access on that east side and agreed with annual parking inspections. As long as that access was called out on a plat map, it could be reserved for that use should the need arise.

Commissioner Van Dine noted on page 592 of the Packet that the plans call out the access point to Building F. Commissioner Suesser agreed with Commissioner Sigg that the access should either be a plat note or a Condition of Approval.

Director Ward felt that the Final Action Letter reflected the Planning Commission's direction at the time of Final Action. She noted the first subdivision would be accessed off of Monitor Drive and the Kearns Boulevard portion of the project would not begin until a later phase.

Applicant-representative Rowland added that the first three phases were on the Holiday Village side of the project, so they would all have access from there. The last phase would include the area of potential access from Kearns Boulevard. She reiterated that the Traffic Department stated that they did not want that access.

Commissioner Van Dine commented that when the Commission approved this project, they were not looking to that area on the Kearns side to serve as an access point. She was willing to abide by whatever Director Ward recommended to preserve it as an available access point if needed, through administrative review. She felt that could be put in as part of the phasing. Director Ward indicated it could be added to the Development Agreement. Commissioner Sigg expressed support. Commissioner Suesser supported that as well and noted that was where they came out on the issue when it was before the Commission.

Commissioner Frontero was comfortable with the way it was currently written and Condition of Approval 54 that the Planning Director may recommend further parking mitigations with Planning Commission review. He also recalled that there would be access/ingress on the Kearns side but did not want it to be a constant access point for the project as it would introduce more traffic onto

Kearns Boulevard. He recalled they agreed on the main ingress/egress to be on Monitor Drive, and he still believed that would be the correct way to proceed.

Commissioner Johnson also recalled that the access point off Kearns Boulevard was not even a part of the applicant's property. That turnoff itself was already quite dangerous and tight, and the applicant had no real authority to improve that area. He asked if the Planning Commission would have the discretion to look into this as part of the Commission review as the phasing begins. He agreed with Commissioner Frontero that this document reflected the Commission's discussions, but inquired whether the Commission would have some discretion down the road should it become problematic.

Commissioner Suesser proffered that as currently drafted, it simply stated that the Planning Director may look at further parking mitigation, and she did not feel that was clear enough to include ingress and egress to the project. City Attorney Harrington opined that in combination with the other Condition of Approval if the Planning Director kicked additional mitigation measures up to the Planning Commission, the other Condition of Approval stated that the Planning Commission may revisit the Building F underground access. He suggested adding language regarding the Phasing Plan that prior to Phase 4, the Planning Director shall make a specific recommendation regarding the Kearns access, pursuant to Condition of Approval 32.

Commissioner Suesser noted that would still be in the midst of construction, so the potential problematic congestion on Monitor Drive would not be evident until the project was completely built out. She did not know how the Planning Director might come to a different conclusion at the end of that phase. As people experience the project, she thought that access would be possible and preferable, and she would like it to be available down the road.

Commissioner Sigg concurred with Commissioner Suesser's assessment. He agreed with everyone's recollection. His only concern was that if there were an issue with potential health and safety and traffic congestion in the future, the ability to review that as a location would already be in place. He agreed with others' recollections that the primary access would be at Monitor Drive. He also mentioned the third-party ownership dilemma for the Kearns access, but felt it was the most logical place for access should it be needed. He wanted to ensure that in any future plat this access point could be available with administrative review. Commissioner Suesser stated that was exactly her point.

Chair Hall noted the consensus between Commissioners Sigg and Suesser and invited others to weigh in.

Commissioner Van Dine agreed with Commissioner Frontero and Commissioner Johnson and would be happy to incorporate City Attorney Harrington's proposed amendments.

City Attorney Harrington offered that the Commission cannot substantively modify the Conditions of Approval at this stage; however, the Phasing Plan would provide more leeway because there is a separate affirmative requirement for the DA to have a Phasing Plan. Even clarifying a Condition of Approval was difficult to do at this point because the Commission did not have the authority to materially change the approval. City Attorney Harrington felt the Commission clarified for the record the intent of the two Conditions of Approval, and the Commission could either proceed in line with Commissioner Frontero's interpretation that this issue was covered or try to modify the language he suggested to have an additional requirement in the Phasing Plan. Beyond

that, he did not recommend trying to add a random Condition of Approval that would effectively modify the existing Conditions of Approval unless the applicant consents.

Applicant-representative Rowland noted that the City Engineer was the one who discouraged the access point along Kearns Boulevard; however, the thought was that there was room to install the ramp into the garage, and that ramp is included in the current drawings. That access point could be closed off; however, the garage was designed in a way that if that access point was needed in the future, it could be utilized.

Commissioner Suesser understood the difficulty of amending the prior approval, so she was satisfied with adding the language regarding the Phasing Plan as suggested by City Attorney Harrington. Commissioner Sigg agreed and stated he wanted it noted that it was a viable solution should there be an issue and should the administrative review deem it necessary. He did not advocate this as an absolute condition.

Commissioner Johnson sought clarification on the wording of the motion. City Attorney Harrington suggested that the motion to ratify include additional clarity for the timeline of the Phasing Plan and having the Planning Director address the access ramping for Building F prior to approval of Phase 4 of the Phasing Plan. He added that the ramping decision would be made prior to construction of that building. He reported there would still be the ongoing annual evaluation after that where they could open or close the garage at that point, but the design element would be addressed prior to construction of that building.

MOTION: Commissioner Johnson moved to RATIFY the 2200 Monitor Drive, Holiday Village and Parkside Apartments ("HOPA") Affordable Master Planned Development – Development Agreement, attached to the Staff Report, as amended per the discussions with Staff and Senior City Attorney Harrington regarding the Phasing Plan timeline and Kearns access. Commissioner Van Dine seconded the motion.

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

- C. 4807 Legacy Court – Conditional Use Permit** – The Applicant Proposes to Construct a 773 Square Foot Guest House in the Residential Development Zoning District and Sensitive Lands Overlay. PL-2305913.

City Planner, Lillian Zollinger reported that 4807 Legacy Court is located in the Residential Development ("RD") Zoning District and the Sensitive Land Overlay ("SLO"). This site currently holds a Building Permit for a Single-Family Dwelling. The applicant proposed to construct a 773 square foot Guest House, which is a Conditional Use in the RD zone. Per the Staff Report, the Guest House use was found to be compliant with the RD zone regarding minimum and maximum density requirements, Setbacks, and Height. It also complied with the parking requirements wherein the Single-Family Dwelling would have three parking spaces in the garage and only two parking spaces were required. One parking space was required for the Guest House, so the three parking spaces would be sufficient for both uses.

Additionally, Planner Zollinger advised that the Lot was greater than one acre; therefore, the Guest House met the requirements of the Code. The proposed square footage for the Guest House was less than the Maximum Floor Area requirements. She noted there would be a Condition of Approval regarding a deed restriction. Planner Zollinger stated the Guest House use also complied with the CUP and SLO requirements. This site was previously reviewed for SLO

compliance, and the Guest House would be within the Limits of Disturbance. She added that this use would not change circulation or trigger a Traffic Impact Study, and the Guest House would be compatible with the design of the Single-Family Dwelling. The Development Review Committee and Forestry Board reviewed and approved this location.

Planner Zollinger highlighted some of the Conditions of Approval unique to Guest Houses. She noted that Condition of Approval 1 was taken from the LMC and required that, "Prior to Certificate of Occupancy issuance, the Applicant shall record a deed restriction "Notice to Purchaser" stating that the Guest House may not be sold or leased separately from the main house with the Summit County Recorder's Office."

Condition of Approval 2 provided that because this Lot was greater than one acre, the applicant would be required to obtain an MS4 stormwater permit.

Condition of Approval 3 addressed outdoor lighting and requires compliance with the Dark Sky Code. She noted Condition of Approval 6 that the use of the Guest House shall comply with the Municipal Code regarding noise. Condition of Approval 7 provided that "Payment for Use of the Guest House is prohibited. Long-Term Rentals and Nightly Rental of the Guest House are prohibited."

Finally, Condition of Approval 8 would require, "The Applicant shall apply for a separate building permit for the construction of the Guest House."

Chair Hall invited clarifying questions from the Commission. There being none, she opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Suesser asked about access to the Guest House during construction and post-construction.

Planner Zollinger presented the Site Plan to the Commission and explained that the Guest House was tucked behind the Single-Family Dwelling, so users of the Guest House would park in the garage and walk to the back or through the house to access the Guest House.

On behalf of the applicant, Tyler Call, Annex Architecture explained that the Building Permit for the main house that was issued and approved included a Limits of Disturbance ("LOD") line and fence that was surveyed and reviewed by the City. The same Limits of Disturbance fence would remain, and the applicant has a very qualified builder who is confident in executing the construction within that same LOD. He noted that the garage would be a three-car garage with some additional exterior parking in the auto-court. When the Guest House is completed, access will be along the stairs on the north side of the main house.

Planner Zollinger added that the Single-Family Dwelling was not yet completed, so the timeline would be about the same as if they were finishing. Applicant-representative Call noted they were just pouring foundations now.

Commissioner Suesser asked if an additional retaining wall was necessary for the construction of the Guest House. Applicant-representative Call explained that the back wall of the Guest House would essentially act as its own retaining wall; therefore, the foundation wall would come up higher than one might normally see. He noted the Guest House would be buried into the side of the hill, which would make it more invisible from Royal Street above. He added that the ridge of the Guest

House would sit approximately 35 feet below Royal Street. Referencing the image presented to the Commission, he explained how they were trying to integrate the structure into the natural grade of the hillside and would reclaim any disturbance around the Guest House with natural vegetation.

MOTION: Commissioner Frontero moved to APPROVE 4807 Legacy Court – Conditional Use Permit, pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter as follows:

Findings of Fact

1. 4807 Legacy Way is a 3.04-acre Lot (132,339 square feet) located in the Residential Development (RD) Zoning District.
2. The site is Lot 2 of the Huntsman Estates First Amended Subdivision.
3. On October 4, 2023, the City issued Building Permit No. 23-1253 for a Single-Family Dwelling (SFD) at 4807 Legacy Way.
4. The Applicant proposes to construct a 773-square-foot Guest House.
5. A Guest House is a Conditional Use in the RD Zoning District and requires a Conditional Use Permit (CUP) approval by the Planning Commission.
6. Guest Houses are only permitted on Lots of one (1) acre or greater; the Lot is 3.04 acres.
7. The Front Setback for the Lot is 20'; the Guest House will be at least 93' from the Front Lot Line.
8. The Rear Setback for the Lot is 15'; the Guest House will be at least 350' from the Rear Lot Line.
9. The Side Setbacks for the Lot are 12'; the Guest House will be at least 64' from the Front Lot Line.
10. The maximum Building Height for the RD Zoning District is 28'; the Guest House will be 17' in height.
11. The SFD has a three-car garage. Two parking spaces are required pursuant to LMC § 15-3-6(A) for an SFD. One parking space is required for a Guest House and one parking space will be provided in the third space in the SFD garage.
12. Guest Houses may be no larger than one-third the size of the main dwelling. The SFD is 10,263 square feet and the proposed Guest House is 773 square feet and compliant.
13. The Guest House will connect to the main house via a stone pathway and is restricted to non-rent paying guests of the property owners.

14. The Guest House contains one bedroom, a living room, a bathroom, and a kitchenette.
15. The proposal complies with all Plat Notes and Conditions of Approval of Ordinance No. 2023-35, approving the Huntsman Estates First Amended Plat.
16. The Guest House is located east of the SFD and is within the Limits of Disturbance (LOD) for the Lot.
17. No easements on the Lot are impacted by the Guest House.
18. The Homeowner Association approved the proposed Guest House on August 18, 2023.
19. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E):

CUP Review Criteria	Analysis of Proposal
Size and location of the Site - Guest Houses are only permitted on Lots of one (1) acre or greater	Complies: The Lot is 3.04 acres.
Traffic Considerations	No Required Mitigation: The one-bedroom Guest House is not expected to generate a significant number of vehicle trips, and does not trigger a Traffic Impact Study. The Subdivision is served by an on-call van shuttle service during peak vacation/holiday weeks.
Utility Capacity	See Condition of Approval 2: No change to utility capacity is anticipated. The Lot exceeds one (1) acre and is required to obtain an MS4 storm water permit prior to any construction activity.
Emergency vehicle access	No Required Mitigation: On December 4, 2023, the Park City Fire District confirmed the location of the Guest House does not change or impede emergency vehicle access.
Off-street parking	No Required Mitigation: The SFD has three garage parking spaces and complies with parking requirements.
Vehicular and pedestrian circulation	No Required Mitigation: No change to circulation is proposed.
Fencing, screening, and landscaping	No Required Mitigation: The Forestry Board reviewed the Applicant's Arborist Assessment

	on January 4, 2024, and approved the location of the Guest House and vegetation removal.
Orientation to buildings on adjoining Lots	No Required Mitigation: The Guest House is located between Royal Street and the SFD and will be minimally visible to adjoining Lots or the public Right-of-Way.
Open Space	No Required Mitigation: The Guest House is located within the LOD for Lot 2 and no changes to Open Space are proposed.
Signs and lighting	See Condition of Approval 3: Signs are prohibited. The outdoor lighting shall comply with to the Dark Sky Code in LMC§ 15-5-5(J).
Compatibility with surrounding Structures	No Required Mitigation: The Guest House is designed with the same exterior materials as the main residence, which include wood siding, metal accents, shingles, and stone.
Noise and mechanical factors	See Condition of Approval 5: The Guest House Use shall comply with the Municipal Code of Chapter 6-3, Noise.
Control of delivery and service vehicles	See Condition of Approval 4: Trash and recycling receptacles shall be stored on-site and placed for trash pickup according to the requirements of Municipal Code of Park City § 6-1-11.
Ownership	See Conditions of Approval 1 and 7: Prior to Certificate of Occupancy issuance, a deed restriction "Notice to Purchaser" stating that the Guest House may not be sold or leased separate from the main house, shall be recorded at the County Recorder's Office. Long-Term Rental and Nightly Rental of the Guest House is prohibited.
Sensitive Land	No Required Mitigation: The property is within the Sensitive Land Overlay. LODs were evaluated by the Planning Commission as part of the Huntsman Estates Subdivision plat review. The Guest House is located within the LOD. An arborist assessment was submitted with the building permit for the SFD and was reviewed by the Forestry Board on January 4, 2024. The Forestry Board approved the proposed plans.
Consistency with the General Plan	Complies: The Upper Deer Valley Neighborhood (pg. 14-24) Section of the General Plan notes that much of the area

	consists of second homes and resort-oriented development surrounded by open space. The Guest House is consistent with the surrounding neighborhood and the Guest House cannot be rented or sold separately.
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Conclusions of Law

1. The Application, as conditioned, complies with LMC § 15-1-10(E), Conditional Use Permit Criteria, LMC Chapter 15-2.13, Residential Development, LMC § 15- 3-6(A), Parking Requirements, and LMC Chapter 15-4-6, Guest Houses.
2. The proposed Use, as conditioned, is compatible with the surrounding structures in Use, scale, mass, and circulation.
3. The proposed use is consistent with the Park City General Plan.
4. The effect of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. Prior to the Certificate of Occupancy issuance, the Applicant shall record a deed restriction "Notice to Purchaser" stating that the Guest House may not be sold or leased separately from the main house with the Summit County Recorder's Office.
2. The Lot exceeds one (1) acre and is required to obtain an MS4 storm water permit prior to any construction activity.
3. All outdoor lighting must be down-directed, fully shielded, with bulbs 3000 degrees Kelvin or less. A fully shielded light is installed in such a manner that all light emitted either directly from the bulb, or indirectly by reflection or refraction, is below the horizontal plane through the fixture's lowest light-emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture. Final lighting details shall show compliance with this condition and shall be reviewed by the Planning Staff prior to installation.
4. Trash and recycling receptacles shall be stored on-site and placed for trash and recycling pickup according to the Municipal Code of Park City § 6-1-11.
5. Fire sprinklers are required on the inside and outside of the Guest House and main residence.
6. Use of the Guest House shall comply with the Municipal Code of Park City § 6-1-11, Noise.

7. Payment for the Use of the Guest House is prohibited. Long-Term Rentals and Nightly Rentals of the Guest House are prohibited.
8. The Applicant shall apply for a separate building permit for the construction of the Guest House.

Commissioner Shand seconded the motion.

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

- D. Parcels PC-491, PC-492-1, PC-491-UPL (Rossie Hill Drive – Plat Amendment – The Applicant Proposes Creating One Lot from One Parcel and Two Substandard Lots. PL-23-05973.**

Planner Zollinger reported that the applicant proposed to create one Lot from one parcel and two substandard Lots. She presented an image to the Commission that depicted an aerial of the two substandard Lots and the parcel. She noted that this Lot fell within the Historic Residential - 1 (“HR-1”) and Historic Residential – Low (“HRL”) Zoning Districts and showed an image of the intersection of Ontario Avenue and Rossie Hill Drive where this Lot fronts both.

The Engineering Department required 1,499 square feet of the Lot to be dedicated as Rossie Hill Right-of-Way. She presented a graphic and explained that the existing Right-of-Way was highlighted in green, with the proposed dedication highlighted in yellow depicting the area requested to be dedicated for future improvements. With that section of the Lot being dedicated for the Right-of-Way, Planner Zollinger advised that this Lot would be a total of 3,508 square feet, with the buildable portion of the Lot completely within the HR-1 Zoning District. She reported that this 3,508-square-foot Lot complied with the minimum/maximum Lot size in the HR-1 Zoning District.

Because this would be an unusual Lot that would front both Rossie Hill Drive and Ontario Avenue, the Planning Director determined there were unique Setbacks wherein both Front Setbacks were 10 feet, the Rear Setback was 10 feet, and the Side Setback was 5 feet.

Planner Zollinger advised that the maximum Building Footprint for this Lot would be 1,443 square feet, and the maximum height would be 27 feet from the existing grade. There would also be additional Historic District regulations governing interior building height and setbacks. She stated there was Good Cause for this proposal because it would create a 3,500 square foot Lot from one parcel and two substandard Lots, it was compliant with minimum/maximum Lot size, would allow for the construction of a new Single-Family Dwelling under the current LMC, and would dedicate the Rossie Hill Right-of-Way to the City for future road improvements.

Good Cause was further found because the proposal would record an easement for access from the road to 390 Ontario Avenue. She pointed out that the rear Lot shown on the graphic was 390 Ontario Avenue, and once these parcels become a Lot, it would cut off access to that property; therefore, the applicant would be required to record an easement through their property to 390 Ontario Avenue to allow for access from Rossie Hill Drive.

Planner Zollinger highlighted the following Conditions of Approval requested by the Engineering Department:

- Condition of Approval 3: Pursuant to Land Management Code Section 15-7.3-4(I), areas shown in green and yellow below shall be dedicated on the final plat to Park City Municipal Corporation as Rossie Hill Drive Right-of-Way.
- Condition of Approval 4: A Plat note shall require the Applicant to provide an access easement for Parcel No. PC-493 from Rossie Hill Drive.
- Condition of Approval 5: Driveways must have a minimum spacing from the intersection of 25' per Park City Municipal Code Section 15-3-3(H).
- Condition of Approval 6: The driveway as constructed shall be graded to tie into the future widened Rossie Hill Drive.
- Condition of Approval 7: The Applicant shall submit an updated Plat reflecting the above conditions and creating a 3,508-square-foot lot.
- Condition of Approval 8: The Applicant shall complete a Historic District Review in order to construct a Single-Family Dwelling prior to submitting a building permit.

Chair Hall invited any clarifying questions from the Commission.

Commissioner Shand asked if there was a current structure on 390 Ontario Avenue. Planner Zollinger reported that there is a current structure, and presented a graphic to describe how that landowner accessed their garage or off-street parking. She noted that this applicant also owned 390 Ontario Avenue, so they use their own Lot to access 390 Ontario currently. Staff wanted to ensure the easement was in place in the event that the applicant sold 390 Ontario Avenue to allow access from Rossie Hill Drive. Director Ward noted that was included in Condition of Approval 4 that the Plat Note shall require the applicant to provide an access easement for that Lot.

Commissioner Johnson asked about snow storage. He noted the 10-foot Setback on Rossie Hill and Ontario Avenue and observed that many of the plat amendments in Old Town included a 10-foot snow storage easement. He understood the steepness of Ontario Avenue likely restricted that, but asked why it was not included in this application.

City Engineer, John Robertson explained that the topography would make it difficult to push the snow anywhere other than up against the slopes that are adjacent to Rossie Hill and the steeper slopes Ontario Avenue. He added they would have to build a retaining wall in order to widen the road. He stated that in this case, they did not feel it was warranted or required.

Commissioner Johnson understood but asked what they would do with snow storage, as it was probably consistent all the way down Ontario Avenue on that side of the hill.

Engineer Robertson stated that Public Works pushed the snow to the side where they can and when there is an opportunity they then move what they can and clear it as needed. He would need to check with Public Works regarding exactly how they move the snow in that area but stressed that they were very good at finding ways to move and store the snow.

Commissioner Suesser asked if this corner Lot was currently used for snow storage. City Engineer Robertson did not know, although he stated that given the existing topography, it would be difficult to move the snow up and over that area. The current configuration of the driveway was such that they entered into the far end, and he was sure they would not block that access to their property.

Commissioner Sigg asked about the future plan for perfecting the intersection. He appreciated the dedication of the small triangle as part of this application that might change the way that Rossie Hill Drive would intersect with Ontario Avenue. He added that in its current condition, he expressed concern about the sight line for someone driving up Rossie Hill Drive towards Ontario Avenue, given the 10-foot Setbacks.

City Engineer Robertson asked Commissioner Sigg if his concern was that the building would potentially block sight lines. Commissioner Sigg explained that his concern was the way the road's interchange. He noted the right-hand turn onto Ontario Avenue was at a pretty obtuse angle. Commissioner Sigg liked the dedication of the small triangle to the City for future improvements but felt for the health and safety of traffic on that road, he wanted to understand the City's intentions to improve that intersection.

City Engineer Robertson had been dealing with that intersection for a while and did not think they would ever be able to perfect that intersection. However, they have plans to widen the intersection as much as possible to provide a little more width for turns. Because of the existing topography, widening the intersection would help the sight lines a little; however, he still saw that as a potential challenge. He stated they had looked at this intersection a lot over the years, but noted they had not seen a lot of significant accidents because people make that turn very slowly. He reiterated that the City's intent was to widen that intersection to the north to provide a little more space for people to turn without running into each other. He felt widening would definitely improve the intersection.

Engineer Robertson would not commit that widening the intersection would make it standard, given the topography and the challenges in that area; however, widening would be an improvement to allow cars to navigate by and around each other.

Commissioner Sigg wanted to verify that a driveway would have to be 25 feet off the interchange that would come into this newly platted Lot. He assumed there would be house plans submitted as part of this re-plat, as the driveway as it exists today would further exacerbate the condition of that interchange.

City Engineer Robertson noted they requested a Condition of Approval that the driveway would have to be located 25 feet past the intersection and provide access to the home behind, assuming they build a house on this Lot.

Commissioner Frontero referenced Condition of Approval 5 and asked where the measurement for the 25 feet would start. City Engineer Robertson explained they would measure the 25 feet back from the connection point of the two curbs.

Commissioner Frontero asked if they needed to further clarify Condition of Approval 5, and wondered if the City would have the intersection improved prior to the start of construction.

City Engineer Robertson stated the City would need to get the Right-of-Way in order to do the project, and the City could not move forward with the project until it has the Right-of-Way. He stated he already had a design for this intersection, which is why they knew how much Right-of-Way they would need. They would need to find funding through the capital projects process to get the project on the list and move forward.

Planner Zollinger also clarified that the 25-foot condition would carry through the Steep Slope and Historic District Design Review where they might not be able to measure it; however, when construction started, they would have to specifically measure it. She stressed it would be a Condition that would follow through the process and be checked.

City Engineer Robertson noted it could be a couple of years before they could get the funding and get the work done.

Director Ward indicated that the applicant joined online.

Applicant Rick Sernyak introduced himself and his wife, Corinne. He stated that City Engineer Robertson accurately described the situation. Applicant Sernyak advised that this Lot was not currently used for snow storage on the Rossie Hillside. He stated they intended to build a house on this new Lot. They were generally in agreement with the approach and recommendations of Staff. He noted that because funding for intersection improvements was not approved, and wondered if before dedicating the corner portion to the City it would be fair to state that Applicant was not granting the dedication today but would do so when the City obtained approval for the funds.

Applicant Sernyak explained that they would like that work to be done, but they would like to make sure it gets done and they would not be dedicating land and then the work would not get done for another 30 years.

Commissioner Johnson did not know they could do that but appreciated the Applicant's urgency. He suggested moving forward as proposed and urged the City Engineer to obtain the funding so that the intersection could finally be improved. He stated that by doing this Plat Amendment, they were actually giving the applicant the ability to move forward and giving the City Engineer the tools to obtain the funding to actually complete the work on this intersection.

Applicant Sernyak stressed that they do not object to improving the intersection; rather, they just wanted to ensure that if they were given keys to their land, the work would get done.

Commissioner Frontero appreciated the Applicant's request but was not comfortable moving forward with the request. Commissioner Suesser agreed with Commissioner Frontero.

Chair Hall opened the public hearing.

David Live reported that he lives at 540 Rossie Hill Drive and walks by the intersection every day. He stated that City Engineer Robertson had taken a great interest in the intersection, and he was disappointed that it was not addressed a couple of years ago during Rossie Hill reconstruction. To the point of obtaining the funding, Speaker Live stated that many people in the neighborhood were quite eager to have these improvements completed and should probably be urged to write to the City Council. He referenced his email to the Planning Commission and mentioned that there was an accident approximately a year and a half ago when a small dump truck made a right turn onto Ontario Avenue and went up the incline and tipped over. This was compounded by the multi-year construction at 341 that is just opposite that intersection.

Speaker Live also noted that when people make the turn going up Ontario Avenue to Rossie Hill Drive, many people lose traction and get stuck. He stated there was a strong case for improving

that intersection, and the willingness of the owners to dedicate that land was helpful. Speaker Live strongly supported that aspect of this application and felt this would benefit the community.

In terms of snow storage, he was unsure how it was currently done, but the City seemed to keep Ontario Avenue quite clear of snow. Some of the snow on the south side of Rossie Hill Drive gets pushed or blown, and in big storms, Rossie Hill Drive becomes somewhat narrowed.

There was no further public comment. Chair Hall closed the public hearing.

Commissioner Frontero asked if the applicant had ideas of where the driveway would be located, and whether it would be a shared driveway to access both homes.

Applicant Sernyak stated they were working with Jonathan DeGray, AIA, and have a plan for a shared driveway for 390 Ontario Avenue and 340 Rossie Hill Drive, with a garage for 340, and a parking spot outside. He added it would also comply with the 25-foot distance from the corner.

Commissioner Frontero found the applicant's willingness to dedicate the triangle and the Right-of-Way to be favorable.

Commissioner Sigg believed the dedication of the small triangular portion should be at the time of the decision and not delayed to a future event tied to the improvements to the road. He wanted that land to be available today for use when the funds become available.

Commissioner Suesser noted that given the applicant owned the adjoining Lot to the north, she asked if there was the potential for the Lots to be subdivided and one home to be built on the combined Lots. Planner Zollinger explained that would require a plat amendment but noted it would exceed the maximum Lot size for this zone so it would not be allowed.

Commissioner Suesser understood the current home used a dirt driveway and parked off the street. She wondered what would happen to this parking during construction. She wondered if they would be putting a car back on the street during construction.

Director Ward stated that Condition of Approval 4 provides that the access easement would be platted as a plat note, and the Subdivision Plat would be required to be recorded prior to the submittal of any Building Permit. Therefore, that access would remain and would be preserved during construction. Applicant Sernyak confirmed that was correct and stated that was their plan.

Commissioner Suesser advised that she visited the site and was concerned about the steepness of the Lot and the location of the Footprint given the steepness of the slopes on either side of the Lot. She felt that significant excavation would be necessary and was concerned about visibility around the corner. She had serious reservations about approving this application.

Planner Zollinger advised that this application was strictly for a Plat Amendment, and the applicant would require a Steep Slope CUP prior to approving the building plans.

Commissioner Sigg asked if the Commission had been provided with a slope analysis.

Planner Zollinger stated that Staff has received one, but reiterated that for this Plat Amendment, they were just looking at the combination of the two substandard Lots and the parcel. A topographic map would be presented as part of the Steep Slope CUP.

In response to Commissioner Sigg's inquiry about the location of utilities, Planner Zollinger stated she did not have the information before her but stated that information would be presented as part of the Steep Slope CUP. That information would be provided to the Development Review Committee and reviewed by the various departments. She did not believe there were overhead power lines in this area.

City Engineer Robertson clarified that there were some power lines on Ontario Avenue, but they were not adjacent to this property.

Commissioner Suesser commented that this Subdivision was platted, and these Lots were platted as they currently exist, and now the Commission was being asked to combine Lots to create a new Lot of record for development. She noted they were told not to think about Steep Slopes or other conditions because those would be addressed during the next phase. She noted that the CUP phase was a lot harder to deny, so she felt that the plat amendment was the stage where they should consider the site as a whole. She felt they should look at the slope, the design and the location, and proximity to utilities at this stage instead of chopping it into tiny pieces and backing themselves into a corner in terms of the Commission's discretion. She stressed that the site is a narrow, thin, steep sloped, triangular property that maybe should not be developed. She did not state she was completely opposed to it, but she felt that not considering the other elements of the site was not appropriate here.

Applicant Sernyak proffered that they were constantly reading about having more housing in town, particularly housing that was not some of the gigantic homes they had seen in town.

Planner Zollinger clarified that this proposal sought to combine two substandard Lots and one parcel, so at this point, the applicant could not develop any of this property without a Plat Amendment.

Secondly, she stated that it was up to the Planning Commission to find Good Cause, and if the Commission did not find Good Cause for this application, they could make those findings.

Commissioner Sigg stated that this gets back to the cart leading the horse where they are not provided any definitive plan moving forward in terms of the house and Steep Slope criteria. He agreed with Commissioner Suesser that by incrementally approving these applications, the Commission backs itself into a corner. He acknowledged they could find Good Cause by virtue of the improvement of the intersection, but like almost every other application they were being asked to look at things prior to the end result and saying "yes" before they actually see the house or Steep Slope criteria. He felt this was the kind of data that would be helpful moving forward.

Commissioner Sigg stressed that it was difficult to make this kind of assessment without seeing the future plan. Commissioner Suesser stated they should at least see a footprint, for instance.

Planner Zollinger stated that the criteria for a Plat Amendment were listed in the Code, and one of those criteria is Good Cause. If the Planning Commission was interested in increasing the requirements for a Plat Amendment, that would require a Code amendment.

Commissioner Johnson agreed with the concerns regarding the Steep Slope and noted this was a very interesting property. He agreed that the Commission did not have the purview at this stage and would expect the applicant to provide a very complete Steep Slope CUP application when

the time comes. He noted that this application already had an existing off-street access point and would provide the City land that would be used for public Right-of-Way and help improve the area. He felt that gaining that Right-of-Way and improving the intersection was Good Cause for this Plat Amendment.

Commissioner Shand agreed with Commissioner Johnson and also understood the concerns expressed by Commissioner Suesser and Commissioner Sigg. He found Good Cause, and that if and when this parcel is developed, the Commission would give it their full attention and analysis. He was unsure how the small dedication would improve the intersection, but if the City was willing to take that on, it was a good step in the right direction.

Commissioner Van Dine agreed with Commissioners Shand and Johnson.

Commissioner Sigg agreed there was Good Cause by virtue of the Right-of-Way and the addition of the dedication to the improved intersection. His comments were related to how they review these applications. Commissioner Suesser agreed.

Commissioner Frontero agreed there was Good Cause for this Plat Amendment based on the dedication of Right-of-Way.

MOTION: Commissioner Johnson moved to APPROVE Parcels PC-491, PC-492-1, PC-491-UPL (340 Rossie Hill Drive) – Plat Amendment, pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval set forth in the Draft Final Action Letter as follows:

Findings of Fact

1. The property consists of Parcels PC-491, PC-492-1, and PC-491-492-UPL.
2. The Plat Amendment creates one Lot from one Parcel and two substandard Lots.
3. The Lot is within the Historic Residential - 1 and the Historic Residential - Low Zoning District.
4. The proposed Lot contains 5,007 square feet (sf). However, 1,499 sf is proposed to be dedicated as Rossie Hill Drive Right-of-Way (ROW) and will be excluded from the Lot, leaving 3,508 sf as the final, approved Lot, as conditioned below.
5. The portion to be dedicated as Rossie Hill Drive is within the Historic Residential Low-Density Zoning District.
6. The Lot is within the Historic Residential – 1 Zoning District.
7. The Lot fronts Rossie Hill Drive and Ontario Avenue and is an Unusual Lot.
8. The proposed Unusual Lot has a 75' northern Lot Line, 9.47' eastern Lot Line, 114.27' southern Lot Line curve, and 95.68' western Lot line.
9. Land Management Code Section 15-4-17 establishes Planning Director Authority for Setback determinations on Unusual Lots.

10. On March 7, 2022, the Planning Director determined, as measured from the proposed Property Line as conditioned, the Lot has a 10' Front Setback from Rossie Hill Drive, a 10' Front Setback from Ontario Avenue, a 10' east Rear Setback, and a 5' north Side Setback.
11. The Applicant proposes to construct a new Single-Family Dwelling on the Lot.
12. Land Management Code Section 15-2.2-3(A) establishes a Minimum Lot of 1,875 square feet and a Maximum Lot of 3,750 sf for Single-Family Dwellings in the Historic Residential – 1 Zoning District.
13. The proposed Lot is 3,508 sf and compliant with the Minimum and Maximum Lot sizes of the Historic Residential – 1 Zoning District.
14. If the Rossie Hill ROW dedication was not required, the proposed Lot would be 5,007 sf and exceed the allowed Maximum Lot Size of 3,750 sf for an SFD.
15. Land Management Code Section 15-2.2-3(B) establishes a minimum lot width of 25 feet.
16. The Proposed Lot is approximately 75' in width the west Lot Line.
17. Land Management Code Section 15-2.2-3(E) establishes a calculation (MAXIMUM FP = $(A/2) \times 0.9A/1875$) for determining the maximum building footprint for Lots in the Historic Residential – 1 Zoning District.
18. The maximum building footprint for the Lot is 1,443 sf.
19. Land Management Code Section 15-2.2-5(B) establishes a maximum building height for a Single-Family Dwelling in the Historic Residential – 1 Zoning District at 27' from existing grade, with a required 10' stepback at 23' in height in the downhill façade. The maximum interior height is 35'.
20. Land Management Code Section 15-2.2-5(B) establishes a primary roof pitch for the Historic Residential – 1 Zoning District between 7:12 and 12:12.
21. The Development Review Committee reviewed the proposed Lot on December 5, 2023, and required Conditions of Approval 5-8.
22. Staff published notice on the City's website, the Utah Public Notice website, and posted notice to the property on March 13, 2024. Staff mailed a courtesy notice to property owners within 300 feet on March 13, 2024. The Park Record published a courtesy notice on March 13, 2024.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because it creates one Lot from one Parcel and two substandard Lots and dedicates built Rossie Hill Drive as right-of-way with additional square footage to accommodate future improvements.
2. The Plat Amendment is consistent with the Land Management Code, including LMC Chapter 15-2.2 Historic Residential – 1 District and § 15-7.1-3(B) Classification Of Subdivision – Plat Amendment.
3. The Plat Amendment is consistent with the Land Management Code.
4. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
5. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer shall review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. Pursuant to Land Management Code Section 15-7.3-4(I), areas shown in green and yellow below shall be dedicated on the final plat to Park City Municipal Corporation as Rossie Hill Drive Right-of-Way.
4. A Plat note shall require the Applicant to provide an access easement for Parcel No. PC-493 from Rossie Hill Drive.
5. Driveways must have a minimum spacing from the intersection of 25' per Park City Municipal Code Section 15-3-3(H).
6. The driveway as constructed shall be graded to tie into the future widened Rossie Hill Drive.
7. The Applicant shall submit an updated Plat reflecting the above conditions and creating a 3,508 sf Lot.
8. The Applicant shall complete a Historic District Review in order to construct a Single-Family Dwelling and prior to submitting a building permit.

Commissioner Frontero seconded the motion.

VOTE: Commissioner Van Dine – Yes; Commissioner Shand – Yes; Commissioner Frontero – Yes; Commissioner Johnson – Yes; Commissioner Suesser – No; Commissioner Sigg – Yes. The motion passed 5-to-1.

Following a brief recess, Chair Hall called the meeting back to order and confirmed the presence of all Commissioners.

E. Land Management Code Amendments – The Planning Commission will Review Amendments to Create a Maximum Lot Size in the Residential-1, Residential-Medium-Density, and Recreation Commercial Zoning District. PL-23-05821

Planner Cawley reported that the amendments had come before the Commission previously, and he would provide a quick overview prior to taking any questions. He reported that in August 2023, the Planning Commission directed Planning Staff to issue a Pending Ordinance that would establish a maximum Lot size for residential uses in Old Town transition zones. He presented a graphic that showed the transition zones in red. These zones include Residential – 1 (“R-1”), Recreation Commercial (“RC”), and Residential –Medium Density (“RM”). In October 2023, the City adopted Ordinance No. 2023-50 which established a maximum Lot size in the Historic Residential Zoning Districts for compatible infill.

Planner Cawley explained that the General Plan set goals for development that would allow for preservation of character, compatibility, and scale with Historic District context-sensitive development. Within each of these zones, the purposes are different depending on the location.

For example, within the R-1 Zoning District, the intent is for a continuation of land use in scale and style. That zone was also to be used as a transition between the Historic District and Deer Valley. The purpose of the RM Zoning District is to encourage new types of development and transition in scale between the Historic District and the resort. The goal of the RC Zoning District is development that reflects the traditional patterns, character, design, and historic character of the City.

Planner Cawley presented a table that outlined the parcel square footage averaged in both square footage and acreage for each of these Zoning Districts. He noted a line under Recreation Commercial and explained that because there were some larger parcels at the Base Resort specifically, removing those reduced the average parcel size quite a bit. Therefore, this information provided some context to what exists for residential development within the RC District. He explained that within the R-1 and RM Zoning Districts, there was only one developable Lot under the current LMC. This site could be developed up to a duplex based on its size. He included some streetscape photographs to show that within the R-1 and RM Zoning Districts, the scale was quite different than what they would see in Old Town in that there are multi-unit dwellings next to Historic Structures. The development pattern and style is much different in these Zoning Districts.

Planner Cawley noted that additionally, the R-1 and RM Zoning Districts were built out. They include a variety of residential developments and a lot of condominiums. Planning Staff recommended not establishing a maximum Lot size in these Districts but instead take an approach that would examine these neighborhoods alongside the General Plan update to ensure compatible Lots for these areas.

Within the RC Zoning District, Planner Cawley reported that there were five vacant Lots remaining. One of those Lots had plat restrictions that would have to be followed at the time of development. The City owned the remaining Lots.

Commissioner Suesser asked Planner Cawley to provide a landmark so she could know where these Lots were located. Planner Cawley pointed out the Base and King's Crown on the graphic. With respect to the one Lot in the RM zone, he pointed out Deer Valley Drive and Rossie Hill Drive to orient the Commission to the location of that Lot. With respect to the one Lot in the RM zone, Commissioner Shand offered that it was located between Deer Valley Loop and Deer Valley Drive.

Planner Cawley stated the Pending Ordinance included a maximum Lot size per housing type. Staff recommended striking the maximum Lot size in the R-1 and RM Zoning Districts and consider a maximum Lot size for the RC Zoning District only. That would limit it to Single-Family and Duplex through a combination of two or four Old Town Lots, consistent with the Planning Commission's recommendation to City Council when this was done in the Historic Districts. If the Commission found value in establishing a maximum Lot size, Staff recommended limiting that to the RC Zoning District. He explained that would allow for the preservation of smaller Lots, which would allow for compatible infill, balance, transition, and development patterns.

It would also align with the General Plan goals and strategies and would support the purpose of the RC Zoning District, specifically, by fostering traditional styles, preserving character, and safeguarding the Historic and mountain town identity.

Chair Hall invited any clarifying questions from the Commission. As there were none, Chair Hall opened the public hearing. There were no public comments. Chair Hall closed the public hearing.

Commissioner Frontero asked to see the table presented earlier. He stated they have established HR-1 maximum Lot sizes, and tonight were discussing transition zones. He understood that of the three transition zones, Staff recommended establishing maximum Lot sizes in the RC zone only. He agreed with the recommendation regarding the RC zone. He asked why they would not establish maximum Lot sizes with respect to the R-1 and RM zones.

Planner Cawley referenced the Staff Report and explained that there were so few developable Lots left over in the R-1 and RM zones and given the absence of applications to demolish an existing structure, establishing a maximum Lot size in these zones would not solve a problem. On the other hand, the way the style and pattern of development progressed in the RC zone was very similar to what they see in Old Town. He mentioned that until 2021, the RC District was held to the same standards as all Historic Districts.

Commissioner Frontero understood that part of the recommendation was based on the fact that there were not many open Lots, and restricting the sizes might not be meaningful. He noted that someone could buy up three to four Lots and build a very large home that might be out of character. In that case, the Code would not have the provisions to rein that in.

Planner Cawley added that another reason for limiting it to the RC Zone was that this area has a lot of multi-unit development already.

Director Ward asked Planner Cawley to clarify whether there were similar regulations for Single-Family homes aligned with the Historic Districts in terms of a maximum Building Footprint based on Lot size as distinguished from R-1 and RM. Planner Cawley confirmed.

Commissioner Suesser asked about the remaining Lots in the R-1 zone. Planner Cawley advised there was one remaining Lot in R-1 that was vacant, and because it would not meet Code requirements for development they removed it from the analysis.

Planner Cawley referenced his graphic and explained that the Lot below the Lot outlined in red was established as Open Space pursuant to agreements within that development. The larger triangular Lot shown on the graphic was located in the Historic Residential – Low Density (“HRL”) zone and outside of this analysis. Commissioner Suesser asked to see the slide showing the empty Lots in the RC zone.

Commissioner Van Dine stated the City owned the four Lots around the Senior Center, and the Lot on the north side had restrictions.

Commissioner Sigg inquired about the RC zone and the parking lots around the Resort. He requested some context for that portion of the RC zone and the impact of these amendments. Planner Cawley could not provide the best answer because Staff did not look at the parking lots, as they were not something that would be developed. Director Ward added that the proposed amendments would only apply to Single-Family and Duplexes within the RC zone. She added that within the RC zone, there was a section of Code at 15-2.16-5, entitled “Special Requirements for Single-Family and Duplex Dwellings.” Currently, the Code includes the minimum Lot area of one Old Town Lot for a Single-Family Dwelling and two Old Town Lots for a Duplex. This amendment would add a maximum Lot size but only for those two uses. For the other uses allowed in the RC zone, which include multi-use dwellings and resort development, those projects would go through the MPD process and maximum Lot size would not apply.

Planner Cawley noted that tonight they were not looking for a recommendation; rather, they would bring back a new ordinance on April 24, 2024, if that was the Commission’s direction.

Commissioner Suesser asked if they considering maximum Lot sizes for other zones. Planner Cawley understood that the direction was to look at only the transition zones. He noted Staff could look at other zones if directed by the Commission. Commissioner Suesser was not in favor of looking at other zones. Commissioner Shand was in favor of the maximum Lot size in the RC zone. Commissioner Frontero also supported Staff’s recommendation. There was consensus support for Staff’s recommendation.

MOTION: Commissioner Van Dine moved to CONTINUE Land Management Code Amendments – Maximum Lot Size in the Residential – 1, Residential – Medium Density, and Recreation Commercial Zoning Districts, to April 24, 2024. Commissioner Johnson seconded the motion.

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

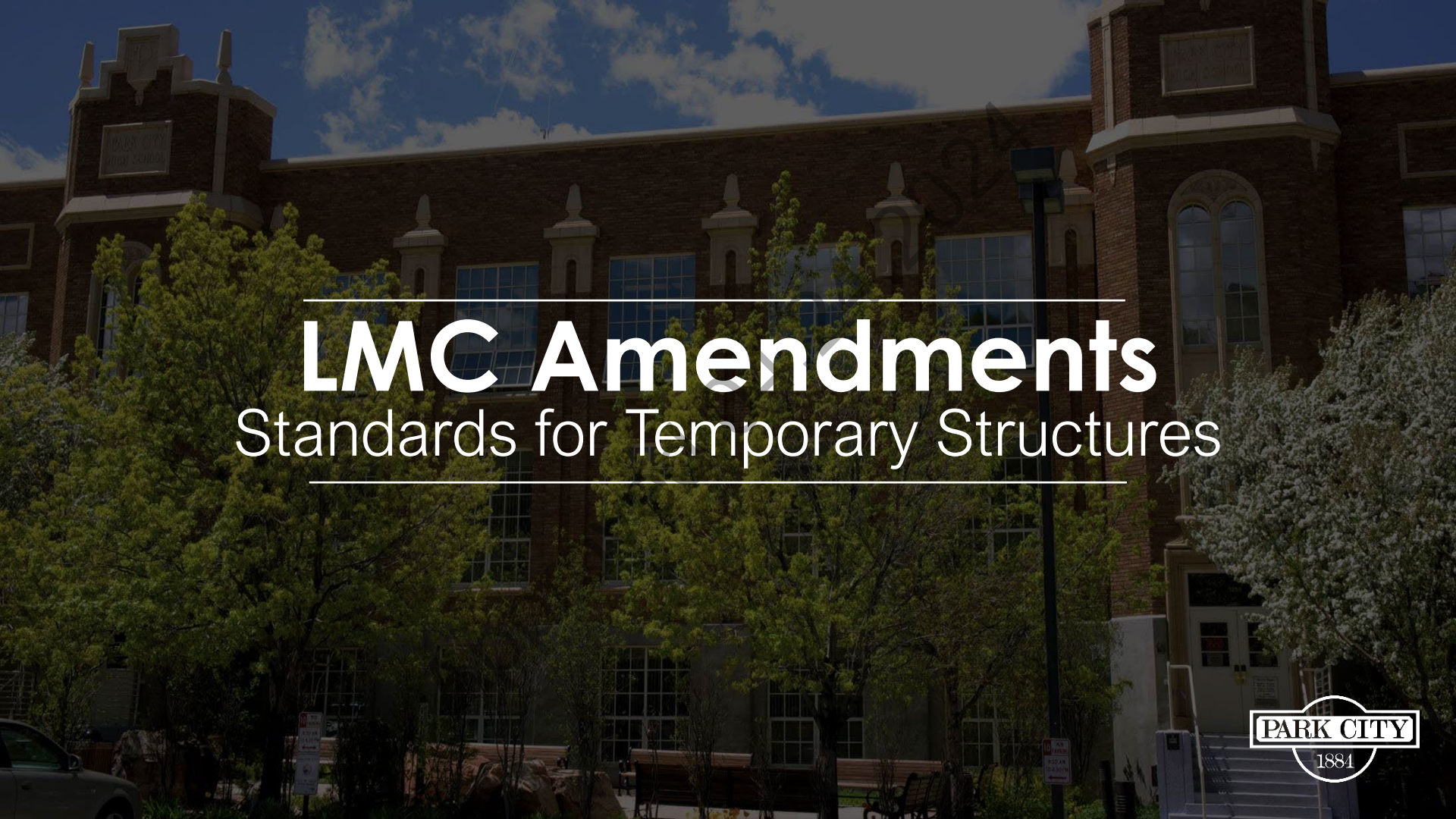
It was noted for the record that no Commissioners would be getting together after the meeting.

7. ADJOURNMENT

MOTION: Commissioner Sigg moved to adjourn.

The meeting adjourned at approximately 9:00 PM

Approved 04.24.2024



LMC Amendments

Standards for Temporary Structures

PARK CITY

1881

— Temporary Structures —

October 4, 2023 – Joint Work Session with Historic Preservation Board

Drafted new section: *Standards for Temporary Structures in Historic Districts*

Based standards off requirements for Primary Structures

December 6, 2023 – Work Session with Historic Preservation Board

December 13, 2023 – Work Session with Planning Commission

February 20, 2024 – Staff met with Historic Park City Alliance (HPCA)

March 1, 2024 – HPCA responded with no comments/concerns

March 6, 2024 – Historic Preservation Board forwarded a positive recommendation to the Planning Commission



Requirements

Materials

Connection to Historic Materials

Glazing (windows/glass)

Sustainability

Lighting

Consistency

Ornamentation and Signage

Roofs



Recommendation

The Planning Commission:

- (I) Review the proposed LMC Amendments to enact Standards for Temporary Structures in Historic Districts;
- (II) Conduct a public hearing; and
- (III) Consider forwarding a positive recommendation of the amendments to the City Council for possible Final Action on April 25, 2024.

HOPA DEVELOPMENT AGREEMENT

Approved 04.24.2024



HOPA

Development Agreement

On June 28, 2023, the Planning Commission approved the HOPA Affordable Master Planned Development.

On November 6, 2023, the Applicant submitted the draft DA.



HOPA

Development Agreement

LMC § 15-6.1-5 – Planning Commission approval of an AMPD shall be put in the form of a Development Agreement approved by the City Attorney and has 12 criteria (pages 2-4 of Staff Report).



HOPA

Development Agreement

Additional Project Approval Consideration

- Condition of Approval 1 requires the Developer to include a project phasing plan.
- Consider adding a provision in the DA that requires the Applicant to return to the Planning Commission for review of the project if all phases are not completed within ten years from the date of the first issued building permit.

HOPA

Development Agreement

Recommendation:

Review the HOPA DA, open a public hearing, and consider ratifying the DA.



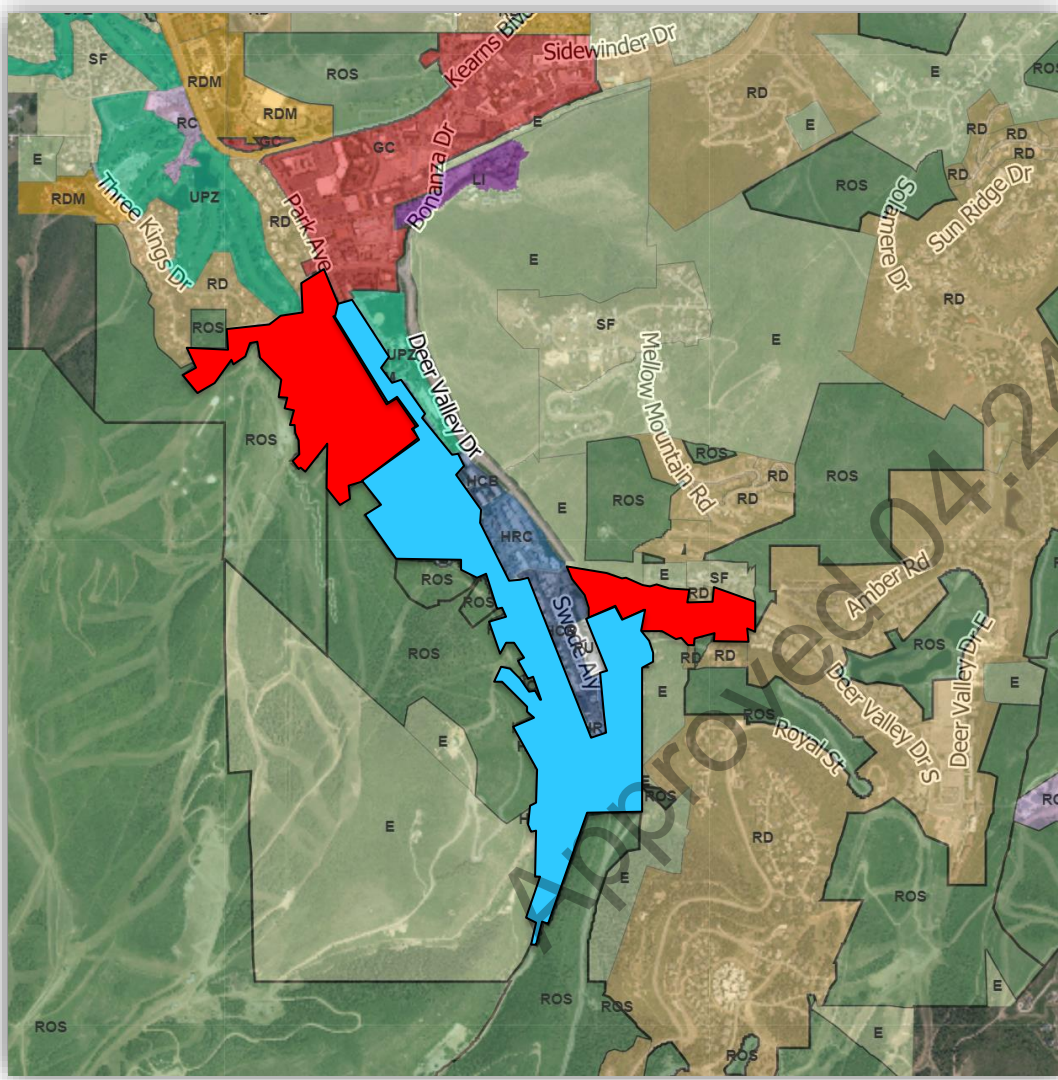


LAND MANAGEMENT CODE

MAXIMUM RESIDENTIAL LOT SIZE

PARK CITY

1884



August 29 – Pending ordinance establishing maximum lot size for residential uses in Old Town transition zones

October 26 – Ordinance 2023-50 adopted, established maximum lot size in the Historic Residential Zoning District for compatible infill.

Transition zones: R – 1, RC, & RM

MAXIMUM LOT SIZE

General Plan Goals:

- Preservation of Character
- Compatibility and Scale
- Context-Sensitive Development

R – 1 Zoning District Purposes:

- Continuation of land uses, scale, style
- Transition in use and scale between Historic Districts and Deer Valley

RM Zoning District Purposes:

- Encourage new development compatible with Historic Districts
- Transition in scale between historic and resort

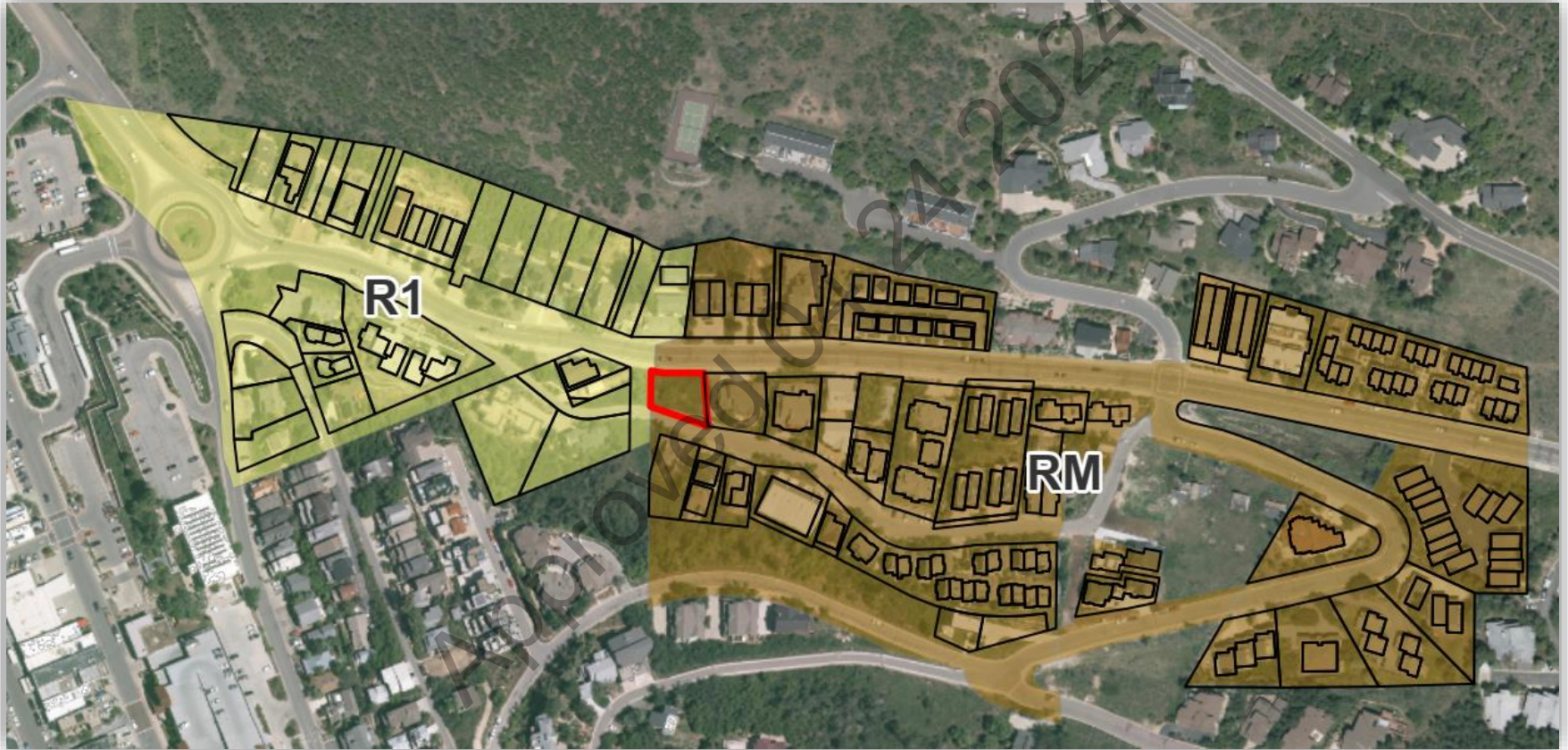
RC Zoning District Purposes:

- Development that reflects traditional patterns, character, designs, & historic character

MAXIMUM LOT SIZE

Zoning District	Parcel Square Footage	Parcel Acreage
Residential – 1	4,741	0.11
Recreation Commercial	9,083	0.21
(without large parcels)	(3,485)	(0.08)
Residential Medium	3,096	0.07
Overall Average	5,640	0.13

MAXIMUM LOT SIZE



MAXIMUM LOT SIZE



MAXIMUM LOT SIZE



R – 1 and RM: Built out; includes a variety of residential developments; take a comprehensive approach and examine these neighborhoods alongside the General Plan Update

MAXIMUM LOT SIZE



MAXIMUM LOT SIZE

Pending Ordinance

MAXIMUM LOT SIZE PER HOUSING TYPE*

	SINGLE FAMILY	DUPLEX	TRIPLEX	FOURPLEX
R-1	3,750 SF 2 Old Town Lots	7,750 SF 4 Old Town Lots	11,250 SF 6 Old Town Lots ⁺	N/A
RM	3,750 SF 2 Old Town Lots	7,750 SF 4 Old Town Lots	11,250 SF 6 Old Town Lots	15,000 SF 8 Old Town Lots ⁺
RC	3,750 SF 2 Old Town Lots	7,750 SF 4 Old Town Lots		+

*Exempt Historic Sites that exceed the maximum lot size.

⁺Conditional Use

MAXIMUM LOT SIZE



Recommendation:

- If the Commission finds value in establishing a maximum lot size, limit to RC Zoning District.
- Preservation of smaller lots = compatible infill, balanced transition in development patterns.
- Aligns with the General Plan goals and strategies
- Supports the purpose of the RC Zoning District (fosters traditional styles, preserves character, safeguards historic and mountain town identity)