



**PARK CITY MUNICIPAL CORPORATION  
APPEALS PANEL MEETING  
SUMMIT COUNTY, UTAH  
MARSAC MUNICIPAL BUILDING  
JUNE 3, 2024**

**MEMBERS IN ATTENDANCE:** Adam Strachan, Esteban Nunez, Matthew Day

**EX OFFICIO:** Rebecca Ward, Assistant Planning Director; John Robertson, City Engineer; Mark Harrington, Senior City Attorney; Jaron Ehlers, Planning Technician; Jacob Klopfenstein, Planner  
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**1. ROLL CALL**

Chair Adam Strachan called the meeting to order at 5:00 p.m.

**2. MINUTES APPROVAL**

**A. Consideration to Approve the Appeal Panel Meeting Minutes from April 30, 2024.**

Matthew Day moved to APPROVE the April 30, 2024, Appeal Panel Meeting Minutes as presented. Esteban Nunez seconded the motion. The motion passed with the unanimous consent of the Panel.

**B. Consideration to Approve the Appeal Panel Meeting Minutes from May 6, 2024.**

Matthew Day moved to APPROVE the May 6, 2024, Appeal Panel Meeting Minutes as presented. Esteban Nunez seconded the motion. The motion passed with the unanimous consent of the Panel.

**C. Consideration to Approve the Appeal Panel Meeting Minutes from May 20, 2024.**

Matthew Day moved to APPROVE the May 20, 2024 Appeal Panel Meeting Minutes as presented. Esteban Nunez seconded the motion. The motion passed with the unanimous consent of the Panel.

**3. PUBLIC COMMUNICATIONS**

There were no public comments.

#### 4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Chair Strachan noted that Todd Godfrey was not yet in attendance.

Chair Strachan reported that he also discussed a briefing schedule for appeals with Special Counsel, Margaret Plane. Summit County has an Ordinance that sets the briefing schedule, including timelines. Staff will draft a corresponding City Ordinance. When an appeal comes in, it will provide all parties with a schedule of important dates. For instance, when the Applicant's response to the Staff Report is due to the Appeals Panel. It was noted that it would be helpful to outline what can be included in the appeal and the different types of materials that should be provided for review by the Appeals Panel.

Justin Keys, Attorney for the Appellant, added that that would be very helpful to have that information. He has been through this process with Summit County, and they provide a cheat sheet as to what needs to be provided, when, and any limitations regarding the briefing. He suggested including page count limitations. It will help streamline the process for both the Appeals Panel and appellants.

Planning Director, Rebecca Ward, indicated that Staff had nothing to disclose or communicate at the time.

#### 5. REGULAR AGENDA

- A. **Appeal of 844 Empire Avenue Plat Amendment Final Action** – The Appeal Panel will Review an Appeal of the Final Action Taken by the Planning Commission on April 10, 2024, Denying the Proposed Plat Amendment to Remove Plat Note 3 from the 844 Empire Avenue Amended Plat. Granting the Property Owners Access to their Property from a Crescent Tram Road. PL-24-06100.

Planner I, Jacob Klopfenstein, presented an overview of the items covered in the Staff Report. He reported that the 844 Empire Avenue Plat Amendment was originally approved on June 2, 2016. As part of the approval, Plat Note 3 states: "Drive access to the site shall be from Empire Avenue or through platted, unbuilt 9th Street in a location approved by the City Engineer." Access can not be from Crescent Tram Road. In January of 2024, the applicant applied for a Plat Amendment to remove Plat Note 3. On April 10, 2024, the Planning Commission denied the requested Plat Amendment. On April 22, 2024, the Applicant appealed the denial. The 9th Street right-of-way is immediately northwest of the property. Empire Avenue is to the west, and Crescent Tram Road is on the south side of the property.

Concerning the 2016 Plat Amendment, the City Engineer at the time referred to Ordinance 2016-26 as his rationale for not supporting vehicular access to 844 Empire Avenue directly from Crescent Tram Road. He indicated that vehicular access could only be from Empire Avenue or the 9th Street right-of-way and that the existing intersection of Empire Avenue and Crescent Tram Road would need to be redesigned or improved to accommodate that vehicle access.

Private driveways in platted, unbuilt City streets or rights-of-way were previously allowed with a Conditional Use permit in the Land Management Code. However, that stipulation was repealed in 2020 and is no longer an option.

With regard to the existing conditions at 844 Empire Avenue, in 2022 the Water Department raised concerns that the water line under that right-of-way could not support the weight of a car passing over it regularly or being parked on top of it. The City Council also reduced the speed limit on Crescent Tram Road from 25 miles per hour to 20 miles per hour. In 2024, The 9th Street stairs were completed in that right-of-way. The subject property is immediately adjacent to the right-of-way.

In 2014, a fire damaged a significant portion of the historic structure at 844 Empire Avenue. On February 7, 2024, the Historic Preservation Board conducted a site visit to evaluate the damage. They then approved material deconstruction and panelization requests to facilitate rehabilitation of the Significant Historic Structure.

On March 13, 2024, the Planning Commission denied the Plat Amendment by a vote of four in favor, and two opposed. The Final Action Letter denying the amendment was ratified on April 10, 2024.

In response to a question regarding the water lines in the 9th Street right-of-way, City Engineer, John Robertson, stated that the water lines cannot withstand the weight of a vehicle. If the driveway access was from Crescent Tram Road, it would not go over the water line. The previous City Engineer would not allow access from Crescent Tram Road, but conditions have changed. The City Engineer at the time made a decision based on the existing conditions. They did not consider the stairs now in that location. There were utilities in place at the time, and Mr. Robertson believes the intention was to have the utilities lowered for the driveway.

Mr. Robertson did not believe a driveway could be safely accessed from the 9th Street right-of-way at this time. In his opinion, it is a safer condition to place the driveway 20 to 25 feet from the Empire Avenue and Crescent Tram Road intersection. There is currently no parking on Crescent Tram Road, with the exception of two homes that have room for a car to park parallel to the driveway. Parallel parking is not an option at this property.

In response to a question from Matthew Day, Director Ward stated that the Land Management Code previously contained a Conditional Use Permit process where homes that were on platted, unbuilt rights-of-way could apply for a Conditional Use Permit for a driveway associated with the home. The criteria for a Conditional Use Permit gave discretion for that review at the time. Changes then occurred at the state level that impacted the review criteria for Conditional Use Permits and required that they must be granted if the detrimental impacts can be reasonably mitigated. In 2020, the Planning Commission recommended that the City Council remove the Conditional Use Permit process. The City Council adopted that Ordinance. Currently, for a private driveway to be in a private, unbuilt right-of-way, the Applicant can still go through a review process. It would require City Engineer review, then Planning Commission review and recommendation, but would not require a Conditional Use Permit. The final decision on the Encroachment Agreement would be at the City Council's discretion. The Applicant can still request an Encroachment Agreement, but it would no longer be through a Conditional Use Permit process.

Justin Keyes stated that the Conditional Use permit had practical application. In Old Town Park City, access was an issue. It was designed for buggy transportation. Miners built their homes close to each other and walked to the mines to work. It was not designed for vehicular access. City Code has very strict requirements for public streets, and it is sometimes impossible for the platted private streets to conform to those requirements. As a means of getting vehicular access

to some mine structures, the City created very liberal private drive statutes. Many jurisdictions allow a maximum of three homes to be accessed off a private drive, but Park City has no such restrictions. If a property owner needed access through a right-of-way that could not meet public street requirements, they used to be able to do it through the Conditional Use process and agree to put in a private drive, which has a lower standard than a public street. They would then enter into an Encroachment Agreement with the City. Because of state laws relating to Conditional Use, Park City has modified its procedure for approving the improvement of rights-of-way into private drives. The Conditional Use process has been removed from the Code so the City can retain more control over how rights-of-way are improved.

Relevant to their appeal, Mr. Keyes indicated that a lot has happened to the right-of-way since the last Plat Amendment. The stairs and more utilities are now in the right-of-way. It is highly unlikely that the City Council would approve turning 9th Street into a private drive because of the associated risks. He asserted that the appeal represents a better approach for the driveway in this home.

Mr. Keys introduced his associate, Charles Pearlman, and architect, Jonathan DeGray. He thanked the Panel for their time reviewing the materials and being present for the meeting. He also thanked Staff for their work on this project and others.

Mr. Pearlman presented the Plat Amendment Appeal. He referenced Utah Code 10-0a-707-3-C regarding the Appeal Authority requirements, specifically item (i): "A Land Use decision is arbitrary and capricious if the Land Use decision is not supported by substantial evidence in the record." And (ii): "A Land Use decision is illegal if the land use decision is based on the incorrect interpretation of a Land Use regulation." He asserted that the decision was not supported by substantial evidence and is based on an incorrect interpretation of Land Use regulations.

Regarding Material Finding of Fact 22(a), Mr. Pearlman indicated that a number of relevant facts have changed since the 2016 ruling. Chair Strachan asked for clarification on whether evidence exists that the prior engineer did not prepare a study or if there just isn't one in the record. Mr. Pearlman confirmed that there is not one in the record. He reviewed the 2016 meeting minutes and could not find reference to a study. He believes it was just the opinion of the City Engineer at that time.

Mr. Pearlman continued his rebuttal of Finding of Fact 22(a). Regarding the second bullet point addressing utilities, the water line is the primary change. There was an existing, smaller line at the time, but it was updated to a larger line with a pressure-reducing valve. Mr. Day noted that the pressure-reducing valve is above ground, so it would be impossible to have the required ten feet of clearance for a driveway.

Chair Strachan requested clarification on the presence of overhead utilities in the area. Mr. Johnson confirmed that Rocky Mountain Power is currently moving lines underground in the area, but he is unsure if the line on the 9th Street right-of-way will be affected.

Mr. Pearlman showed Google Maps images of the area as it is currently and prior to the previous Plat Amendment.

With regard to Material Finding of Fact 22(b), which indicated that the change does not preserve the present Land Use, Mr. Pearlman asserted that "Land Use" in that context means the list of types of uses allowed by the Code. For this property, the Land Use is Single-Family Residential,

which will not change. Mr. Pearlman added that, because the Land Use is not changing, this finding is not supported by evidence in the record. The standard is improperly applied because this Code section has never been applied to individual applications. He further asserted that the Applicant's position is that many of the Findings of Fact regarding Code compliance are based on provisions that were not intended to be applied to applicants but are rather guiding principles for the other provisions. It is the Appellant's position that compliance with the substantive provisions should mean you are in compliance with this section. Mr. Day clarified that Land Use is "the purpose or purposes for which land or structures are occupied, maintained, arranged, designed or intended." Mr. Pearlman stated that the Code lists allowed uses for each zoning district.

Chair Strachan noted that LMC §15-2.2-4 mentions driveways in several areas and asked for confirmation on which point was found to be non-compliant. He asked if any plans were referenced in the finding. Mr. Pearlman responded that the Planning Commission meeting minutes for this finding do not provide such reference. He clarified that the alleged noncompliance is with LMC §15-2.2-1(a). LMC §15-2.2-4 was mentioned as it does not require parking; there is no Code requirement for a driveway. Mr. Day asked if a distinction was being drawn between not being required to have a driveway and not having a right to have a driveway. Mr. Keys responded that the Finding of Fact is that the Applicant changed the type of use. Typically when you change a type of use, it would go from, for example, single-family residential to commercial or another identified use. They assert that merely adding a driveway does not change the single-family use. While the Code does not give them the right to have a driveway, the Appellant's position is that they do have a right to one if there is good cause. The Planning Commission's finding was that there is no good cause because the use is being changed. However, the Appellant believes that the Code requirements were misinterpreted.

It was confirmed that new construction houses in Old Town would be required to meet the minimum parking requirements and would therefore need a driveway. The lot would be rendered unbuildable if those requirements could not be met.

Chair Strachan disagreed with the Appellant's attorney regarding the definition of use. It states, "the purposes for which land structures are occupied, maintained, arranged or designed." His interpretation is that if there is an existing house without a driveway, which is the case for many homes in Old Town, that is how it was arranged, designated, or designed. His opinion is that it does change the use with reference to the purpose statements in LMC §15-2.2-1, which talk about the intensity of the use on substandard streets like Crescent Tram Road.

Mr. Pearlman asserted that this Code has been interpreted differently by the City in the past. There are hundreds of historic houses in Old Town that did not originally have driveways but now do. He stated that if that is how the Code was intended to be applied, all of those driveways violated the provision. Chair Strachan countered that none of those driveways are located at the intersection of Empire Avenue and Crescent Tram Road, which he believes is one of the most unique areas in Old Town. Mr. Pearlman stated that the City Engineer has determined that it is safe. Mr. Nunez asked for examples of similar homes on Crescent Tram Road that did not have driveways but do now. Mr. Pearlman stated that there may be one historic structure on the road that does not have a driveway. All the other historic homes on Crescent Tram Road have driveways.

Chair Strachan asked Mr. DeGray if he is aware of any homes that did not previously have driveways and had one approved. Mr. DeGray stated that all homes on one side of Crescent Tram Road are newer construction with driveways. There are two new builds with access from

Empire Avenue. On the other side, there is a row of historic homes that are accessed from Woodside Avenue. One home on Crescent Tram Road had a driveway and garage approved, but the owners decided not to install the driveway and instead turned the garage into living space. Another house also did that. Those homes are accessed from Woodside Avenue.

Mr. Pearlman addressed Material Finding of Fact 22(c): "The proposal does not contribute to the character or scale of the Historic District by adding a driveway where previously prohibited." He indicated that the finding is based on LMC §15-2.2-1(C) which addresses the Historic District review process. It is their position that LMC §15-2.2-1(C) should not apply because this is a Plat Amendment to remove a Note put in place at the request of the previous City Engineer. Whether or not the plan complies with the Historic District's design requirements is not a determination to be made on this application.

With regard to Material Finding of Fact 22(d): "The proposal is not consistent with the General Plan's policy of reducing parking and encouraging walkability," Mr. Pearlman indicated that they believe the Code is also improperly applied here as this Code section does not apply to individual applications. It is their position that the General Plan is meant to guide what is in the LMC. If the Applicant is complying with the LMC but not the General Plan, he believes it is an issue with the Code, not the application.

Mr. Pearlman then addressed Material Finding of Fact 22(e): "The proposal does not create actual Clear View sight lines, despite meeting Chapter 15-3 Off-street Parking of the LMC." It is the Appellant's belief that the statement indicates that the Planning Commission didn't feel comfortable with it even though it complied with the Code.

Regarding Material Finding of Fact 22(f): "The proposal does not comply with LMC Chapter 15-7 Subdivision General Provisions," Mr. Pearlman expressed their position that nothing in this Chapter applies directly to the application. It is about the process. He asserted that this is an error based on an incorrect interpretation of a Land Use regulation.

Mr. Pearlman next addressed Material Finding of Fact 22(G): "The proposal directly adversely affects the health, safety, and welfare of the citizens of Park City." It is the Appellant's position that this finding is not supported by the record, including the Staff Report for the appeal. The finding does not reference a specific part of the Code. Everything in the record, including comments of Staff and the City Engineer, indicates that it does improve health, safety, and welfare.

The first Conclusion of Law states that there is no Good Cause for the Plat Amendment to remove Plat Note 3 requiring driveway access from Empire Avenue. Mr. Pearlman provided the definition of Good Cause as defined by LMC §15-15 and stated that the Conclusion is in error because it is not supported by substantial evidence in the record. They believe the record shows positive benefits: it will resolve existing issues with the property; it will preserve the character of the neighborhood and Park City; and it furthers the health, safety, and welfare of the community.

With regard to the Second Conclusion of Law about the requirement for finding Good Cause, Mr. Pearlman indicated that they previously discussed why he believes that finding is incorrect. Nothing in the record suggests procedural errors, and there is no evidence that the Plat Amendment is not consistent with the referenced Code provision. There are a number of requirements in LMC § 15.-2.2 for the Historic Residential ("HR-1") District, but both Staff and the record indicate that the Plat Amendment Application applies with all necessary codes.

Chair Strachan asked for the architectural drawings to be brought forward for review. Mr. Pearlman indicated that the Planning Commission stated that they relied on the plans in making their decision. However, the Final Action Letter is required by LMC § 15-7.1-6(C)2 to list the reasons for rejecting the application. The plans inform certain aspects of the letter, but he stated that they cannot be substituted as the reason if they weren't specifically cited in the Final Action Letter. Chair Strachan asked if a variance has been approved for the setbacks. Mr. Pearlman indicated that it was put on hold when the Plat Amendment was rejected.

Mr. Klopfenstein reviewed the Planning Commission's decision. Land Management Code states that to approve a Plat Amendment, the Planning Commission has to establish a finding of Good Cause, as well as a finding that no public street, right-of-way, or easement has been vacated or amended. LMC § 15-15-1 defines Good Cause as: "Providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as providing public amenities and benefits," et cetera. It is not limited to the specific things listed in the Code and is decided on a case-by-case basis. He noted that the question before the Appeals Panel is whether the Planning Commission incorrectly applied the standards to this application for a Plat Amendment in regard to the Good Cause determination.

With respect to Finding of Fact 22(g), Mr. Klopfenstein asserted that the Planning Commission had concerns about the ability of someone pulling out of that driveway to see vehicles turning left from Empire Avenue onto Crescent Tram Road, as well as other safety concerns.

Mr. Day asked for clarification on the City's position. Senior City Attorney, Mark Harrington, stated that there was a positive recommendation from the engineering staff to approve. The Planning Commission denied the application based on their findings, which are in the context of Good Cause. All the findings informed the Planning Commission's decision on whether the Applicant met their burden of Good Cause for the change from something they previously agreed to as a condition of approval.

Finding of Fact 22 (a) indicates that no relevant facts have changed since 2016. The Appellant asserts that there have been several changes, but the Finding states that no *relevant* changes have occurred. From the Planning Commission's perspective, they still have the same right to solve their access from either Empire Avenue or the right-of-way as they did in 2016. It was not a guarantee then and is not a guarantee now. Finding of Fact 22(a) also states that no changes have been made to Crescent Tram Road. They did not ignore the changes to the unbuilt right-of-way. They decided those changes were not relevant to what was agreed to before, and no changes have been made to Crescent Tram Road. He indicated that part of the Panel's mission is to decide whether they agree with those findings based on the evidence provided by the City Engineer and the Appellant.

Regarding the finding that the proposal does not preserve the present Land Use because it is exempt from off-street parking per LMC § 15.-2.2-4, Mr. Harrington stated that the Planning Commission has pointed out that the property is exempt from parking, so off-street parking is not required for the use. The proposal did not further the single-family use because the parking is not necessary. They did not state that the use changed, as has asserted by the Appellant. They stated that the proposal does not further the single-family use that already exists because it exists today without a driveway.

Regarding Finding of Fact 22(c), Good Cause includes the phrase "contributes to the character of the neighborhood." They viewed the site plans in the context of how the driveway and garage will contribute generally compared to a platform off of Empire Avenue or something at the rear of the property. Safety issues were also of paramount concern. Regarding the Clear View of Sight, it meets the standard, but they found that the grade change and the curvature have an impact on visibility. Based on personal observation, several Commissioners stated that they did not believe it was safe. The Planning Commission understood that the math works, but disagreed that the functionality and line of sight are safe.

Mr. Harrington stated that the Commission took the totality of circumstances into consideration in finding whether the Applicant met the burden of showing Good Cause to change a Plat Restriction that was already approved. That was the context, not whether a new application would meet a purpose statement individually.

Chair Strachan opened the public hearing.

*Kaitlin McHugh* reported that she has lived on Empire Avenue since 2006. She does not believe enough information has been presented for a decision to be made and requested the opportunity to view the site plan and elevation. She noted that the property in question is at a congested, dangerous intersection that is particularly harrowing in the winter. It is essentially a one-car street that has two lanes. She believes there was good reason when it was decided that the access had to be either via the 9th Street right-of-way or Empire Avenue. There is precedent for that, as many of her neighbors have driveways off of the 9th Street easement. She is concerned for public safety, especially for pedestrians, as she has seen many accidents at the intersection. She does not think there is Good Cause for the application, and she does not see how the proposal would improve the area or make it safer. The conditions on Crescent Tram Road have not changed since the early 2000s or earlier.

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

Mr. Day asked for clarification on why the Appellant believes there is just cause for the change and how it benefits the area. Mr. Keys stated that the application provides Good Cause. He asserted that this is a rare circumstance where the Planning Commission did not go with the recommendations provided by Staff. Staff made their recommendation based on Code analysis. The City Engineer performed the analysis and decided that it meets all safety requirements. He agrees that the intersection can be harrowing to navigate in the winter, but does not believe that issue can be rectified in Old Town. The City just does what it can to provide access to those locations. In this case, the Panel is considering whether or not to facilitate off-street parking. If the Plat Amendment is not granted, the property owner will have to park somewhere else and walk up the road. He believes Good Cause exists because it exists under the Code.

Mr. Day asked Mr. Keys to articulate what the Good Cause is. Is the only Good Cause that a car is being taken off the street and put in a driveway? Mr. Keys responded that that is one element of Good Cause. The Appellant reviewed the facts the Planning Commission relied on to say that there wasn't Good Cause and pointed out that those facts were either not supported by the record or were directly contrary to the Code. State law requires substantial evidence on the record as to each of the essential Findings of Fact.

Mr. Keys spoke to the Planning Commission finding that there was not a clear line of sight. He asserted that the finding is in direct contravention of the City's expert, the City Engineer, who said

that there is a clear line of sight and it is safe. It is also in direct contravention of what the Code describes as being a clear line of sight. He pointed out that staff outlined why there was Good Cause for the approval. Typically in a Plat Amendment context, Good Cause exists when you meet the requirements of the Code. It is a broad standard, but also a low bar to achieve.

Chair Strachan stated that he reviewed the minutes from 2016. He was also on the Planning Commission at that time and remembers the property. The situation on Crescent Tram Road has degenerated since then, not improved. He does not believe the Planning Commission had substantial evidence to make determinations about the clear line of sight, but they did have substantial evidence to determine that no relevant changes had been made to the 9th Street area and no changes at all had been made to Crescent Tram Road. He noted that it was always understood that whoever develops this property would have to redo the intersection of Crescent Tram Road and Empire Avenue. That was part of the discussion during the 2016 Planning Commission meeting. The fact that 9th Street is gone doesn't leave the property optionless. It leaves it with the same option they had before, which is to redesign the Empire Avenue and Crescent Tram Road intersection. Given the understanding that the land owner has had since 2016 and the worsening situation on Crescent Tram Road at present, he does not believe the Planning Commission erred in that finding. Based on the City Engineer's study, he does not believe the line of sight finding was inaccurate, but he believes the other findings they made were correct and are supported by the record.

Mr. Day stated that he believes relevant facts have changed. The speed limit has dropped. He does not believe the Panel is in the position to decide if Crescent Tram Road is more or less dangerous than any other street. If the City Engineer says that it is safe, he defers to that opinion. He does not believe that adding a driveway changes the Land Use. Regarding Sections 22 C, D, and E, he agrees that those sections refer to how to interpret Code and go to the point of Good Cause. He finds that there are changes in the relevant facts, there will be no major change to the Land Use, and he believes the Planning Commission erred because there is just cause for the amendment.

Mr. Nunez noted that the Panel has had the benefit of discussing things thoroughly. He has lived on Empire Avenue for six years and regularly travels on Crescent Tram Road, so he is very familiar with the intersection and its inherent dangers, especially in winter. However, the City Engineer and Staff reviewed the amendment and recommended approval, and it is his opinion that the Panel should defer to their expertise and determination. He agrees with Chair Strachan that the property owner understood the current use and agreed to the specific Plat Amendment that they now seek to remove. Many other approvals will be required before the house can be built, but he believes the Panel should grant the appeal on this issue.

Chair Strachan thanked the other Panel Members for their input and asked for their final opinions on the matter.

Mr. Day stated that the Good Cause for removing the Plat Amendment is, first, that it allows the applicant to have off-street parking in an already congested area; and second, that it remedies the issue caused by the water line and stairs in 9th Street right-of-way. The property owner was previously granted the right to access from two different locations. Improvements to the 9th Street right-of-way removed that location from availability. Removal of the Note remedies that issue and provides a secondary access location.

Mr. Nunez commented that he finds Good Cause in that it provides the ability for the property owner to park off-street safely and prevents them from having to cross traffic or find parking elsewhere. He also finds that there is Good Cause for the public in that there is another place for a property owner to park their car and therefore they won't have to worry about traffic in that intersection. He feels that there is Good Cause for both the public and the property owner.

**MOTION:** Esteban Nunez moved to GRANT the Appeal of the Final Action Taken by the Planning Commission on April 10, 2024, Denying the Proposed Plat Amendment to Remove Plat Note 3 from the 844 Empire Avenue Amended Plat, Granting the Property Owners Access to their Property from a Crescent Tram Road. Matthew Day seconded the motion. Vote on motion: Matthew Day-Yes; Esteban Nunez-Yes; Adam Strachan-No. The motion passed 2-to-1.

Chair Strachan directed Staff to prepare the Final Action Letter reflecting the findings of the Appeal Panel, which will be circulated to the Panel for final review and approval.

## 6. ADJOURNMENT

**Motion:** Adam Strachan moved to adjourn.

The meeting adjourned at approximately 6:28 p.m.

Approved 06.17.2024