PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 10, 2024

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

EX OFFICIO: Rebecca Ward, Planning Director; Elissa Martin, Assistant Planning Director; Jaron Ehlers, City Planner; Anna Hamilton, Planning Intern; Anna Maki, Transportation Planner; Alex Roy, Assistant Transportation Planning Manager; Lillian Zollinger, City Planner; Jacob Klopfenstein, City Planner; Mark Harrington, City Attorney

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1. ROLL CALL

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

2. MINUTES APPROVAL

There were no minutes for approval.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Commissioner Christin Van Dine recused herself from Regular Agenda Item 7. A.

Chair Hall requested that Commissioner Johnson share an update regarding his appearance before the City Council in his role as liaison for the Small Area Plan. Commissioner Johnson reported that he generally summarized the process up to this point and provided a narrative as to why the Planning Commission ended up where it did, particularly with regard to the Frontage Protection Zone and the Community Benefits.

Chair Hall thanked Commissioner Johnson for providing insight to City Council as they weigh in on the Small Area Plan. She noted the City Council was scheduled to vote on the Small Area Plan on July 11, 2024, and that Commissioner Johnson would provide another summary of the Commission's unanimous recommendation to the City Council. Commissioner Johnson reported that he would be happy to reiterate the Commission's recommendation to the City Council.

Chair Hall felt it would be helpful to remind the City Council of the Commission's unanimous recommendation on the Small Area Plan and for Commissioner Johnson to be available for any Council questions in that regard.

Commissioner Suesser reported that she met with City Council Member Tana Toly, where they walked part of the site and discussed any questions she had about the Small Area Plan as well as the Planning Commission's conclusions about the Small Area Plan. She noted that Commissioner Frontero met with some Council Members as well. Commissioner Frontero stated that he participated in a bike tour of Bonanza Park with Council Members Bill Ciraco and Ed Parigian. He noted they had significant questions and they walked through an understanding of the Small Area Plan and the sequencing of how it would proceed.

Chair Hall thanked the Planning Commission Members who were available for additional engagement regarding the Small Area Plan, which would be a significant supplement to the General Plan. She noted that the Small Area Plan was on the City Council's July 11, 2024 Agenda.

Planning Director, Rebecca Ward reported that the Planning Department is now fully staffed and introduced New Assistant Planning Director, Elissa Martin. She also reported that Jaron Ehlers was promoted to a full-time Planner. He has been with the Planning Department for five years on a part-time basis and will be joining the Department full-time. Director Ward also reported that City Planner, Lillian Zollinger was promoted to Planner III. They filled the Senior City Planner position and Alec Barton was to join the team on July 29, 2024. Director Ward reported that Anna Hamilton joined the Planning Department as a Summer Intern. She has been helping scan and archive files dating back decades.

Assistant Director Martin introduced herself and stated that she was pleased to be working with the Planning team and looked forward to the exciting projects that are underway.

A. Planning Commission Chair Election – Pursuant to Land Management Code Section 15-12-6, the Planning Commission will Elect One of Its Members to Serve as Chair for a Term of One Year.

Chair Hall reported that per Code a motion is required to elect a Chair and Vice-Chair for the coming year. There was discussion regarding the terms of Chair Hall and Commissioner Johnson. Director Ward clarified that both Chair Hall and Commissioner Johnson will continue to serve on the Commission through the Snow Park Master Planned Development.

MOTION: Commissioner Suesser moved to RE-ELECT Chair Hall to serve as Chair for the coming year and Commissioner Van Dine as Vice-Chair for the coming year. Commissioner Frontero seconded the motion.

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

B. Accessory Uses in Master Planned Development Task Force Update.

Director Ward reported that the Staff Communication Report included in the Packet provided a summary of where they are in the process. The Commission recommended amendments for City Council consideration and the Council requested the formation of a Task Force to answer four questions regarding the purpose of the amendments, the financial implications, the types of development that will be incentivized or disincentivized, and the clarifications to the Resort Support Commercial footnotes for consistency throughout the zones.

Director Ward reported that the Task Force met in December, January, February, and April and reviewed the Commission's discussions and proposed amendments. They worked together to draft a summary for the Council. The summary attached as Exhibit A will be presented to the City Council on August 15.

Chair Hall reported that Commissioners Suesser and Sigg serve as Liaisons for the Accessory Uses Task Force and welcomed comments. Commissioner Suesser asked if there was a more detailed report or if the Executive Summary attached to the Staff Communication was the only report. Director Ward confirmed that the attachment was the full report.

Commissioner Suesser understood that she and Commissioner Sigg would have the opportunity to address some of the Task Force's findings before the City Council's review in August. Director Ward explained that this report would be presented to City Council as a Staff Communication on August 15 as liaisons, Commissioners Suesser and Sigg would have the opportunity to clarify anything regarding the Commission's recommendations. She noted that Staff could include those clarifications as an exhibit to that Staff Communication.

Commissioner Sigg asked if the current Ordinance would remain in effect, and Director Ward confirmed. As they no longer have the Pending Ordinance procedure, any proposed modifications or changes would require them to go through the process of Planning Commission review and recommendation to the City Council. Commissioner Sigg noted that the recommendation by the Task Force was to maintain the status quo. Director Ward stated that the City Council ultimately denied the recommendations regarding the Ordinance and did not adopt any changes.

Chair Hall stated that she would appreciate that input from the liaisons on behalf of the Commission be included in the record, or through in-person comments. In response to an inquiry, Director Ward reported that the Commission forwarded its recommendations to the City Council on April 12, 2023. It was noted that former Commission John Kenworthy was on the Commission. Commissioner Rick Shand was not on the Commission at that time.

Commissioner Johnson noted that Commissioner Shand was the liaison for the Committee and asked for his insight. Commissioner Shand explained that they started off talking about possible changes to the Ordinance, as well as the effects of those changes. Over three meetings, they eventually concluded that the current allowance for Accessory Uses seemed to be working. It was the opinion of the Task Force that the Ordinance should remain status quo. He commented that they considered many different options, but ultimately concluded that the 5% and 5% was something that they wanted to forward to the City Council as a recommendation. In response to further inquiry from Commissioner Johnson, Commissioner Shand felt that the review was objective and unbiased.

Commissioner Sigg asked who was on the Committee. Commissioner Shand stated that information was in the report. He listed Doug Clyde, Chris Conabe, Brianna Callaway, Molly Wilden, Jan Wilking, Gary Crandall, and Alexandra Horst.

Commissioner Suesser expressed surprise at the Task Force’s findings, as she was on the Commission when they went through the Treasure Hill application. That application had 450,000 square feet of approved density in a Master Planned Development (“MPD”). She commented that what was presented in terms of development was over one-million square feet, and that was where the back-of-house issue came to the forefront and created a problem for the Commission. She added that the Commission looked at comps around town to determine what accessory uses were appropriate and what could reasonably be added to development due to the blooming of the size of the development. Commissioner Suesser explained that this was the gap and the issue with the Code that they tried to address with the Commission’s recommendations.

Commissioner Shand stated that they did not discuss that development specifically by name. Commissioner Suesser felt that history was important for the Task Force to consider. Commissioner Shand offered that they stuck with the 5% and the 5%, and did not know how Treasure Hill went from 450,000 of entitled square footage to close to 800,000 square feet using the 5% and 5% rule. Another example they referred to, while not necessarily by name, was Silver Star and how well it had worked. He noted there was no specific meeting space at Silver Star, but there is a commercial component. He added that they also looked at other examples around town. He noted that Treasure Hill was prior to his time, but some of the other Committee members might have spoken to it directly. At the end of the day, using Silver Star and some other more recent developments, they felt that 5% and 5% would make a project viable for developers.

Commissioner Sigg commented that in the context of incentivizing and disincentivizing, he did not believe that there was any spirit or intent to disincentivize resort development.

He felt the Commission just wanted to ensure that resort development did not turn into additional bottom-line development for a developer who might otherwise be going through the land use authority and the Code to get their square footage. He stated that they wanted to make sure that meeting rooms did not turn into restaurants and other types of commercial spaces available for lease to outside entities, which would enhance the square footage price of a unit. Commissioner Sigg also recalled that they looked at some of the potential obligations that could come with the additional density. He felt that they came to a unanimous decision that they wanted to ensure that the process was not used incorrectly.

Commissioner Suesser agreed with Commissioner Sigg's recollection that the recommendations had nothing to do with incentivizing or disincentivizing development; rather, it had to do with creating more predictability in the Code when a project is approved, which was the gap they saw in the way the Code was crafted. On behalf of the Commission, Commissioner Suesser stated she would provide a rebuttal to the Task Force's findings for the Council's consideration of the background of the Commission's recommendations.

Chair Hall reiterated that the Council meeting would be held on August 15, 2024.

C. Planning Commission Liaisons and Potential Special Meetings.

Director Ward provided an update on the Land Management Code ("LMC") amendments. The Radon and Steep Slope Conditional Use Permit amendments were scheduled to come back before the Planning Commission in August, along with some of the amendments required to be implemented due to changes in the State Code. Staff was also moving forward with a focus group and additional research on childcare. Pending adoption of the Bonanza Park Small Area Plan, Director Ward stated that as they go through the implementation of the Plan they would look for Commissioners who might have an interest in working with Staff and the consultant team, Design Workshop. She reported that they were awarded a grant for Design Workshop's help in drafting Code amendments. She referenced the following topics listed in the Staff Communication: Multi-Modal Transportation and Parking; Neighborhood Design Guidelines; Arts & Culture; Allowed Uses including the mix of commercial uses, Nightly Rentals, Conventional Chain Business regulations; Incentives for Local Businesses; Parks and Open Space; Affordable, Attainable and Market-Rate Housing; and Sustainability.

Director Ward reported that at the last City Council meeting, there was discussion about having a general liaison or two liaisons from the Planning Commission who could assist with continued joint discussions on issues like Community Benefits. Commissioner Suesser noted that the Planning Commission would be at the forefront of these Code amendments. Chair Hall stated they should wait until the City Council made a determination regarding the Small Area Plan. Director Ward agreed and added that pending that determination, the Commissioners should think about which topics they might want to participate in on a deeper level.

Director Ward next reported that they had started the General Plan process and the consultants were currently reviewing the information and gathering data. They would begin the community engagement process in late summer or early fall. Staff was looking for Planning Commission liaisons to participate in the General Plan process on Historic Preservation; Multi-Modal Transportation and Parking; Open Space, Trails, and the City's Annexation Expansion Area; Affordable and Attainable Housing; the Quinn's Junction neighborhood; and Sustainability and Water. She welcomed input from the Commissioners interested in serving as liaisons for the General Plan. Commissioner Johnson expressed interest in Historic Preservation.

Commissioner Van Dine expressed interest in Open Space, Trails, and the City's Annexation Expansion Areas. Commissioner Shand also requested to serve as a liaison on this topic, as did Chair Hall.

Commissioner Sigg offered to serve as a liaison on Multi-Modal Transportation and Parking. In response to an inquiry, Director Ward explained that the Quinn's Junction neighborhood included the Studio Crossing area. Commissioner Van Dine volunteered to serve as a liaison for that topic. Commissioner Frontero volunteered to work on Affordable Housing and Multi-Modal Transportation. Commissioner Suesser offered to work on Historic Preservation, Sustainability, and Water. Commissioner Johnson also expressed interest in working on Sustainability and Water. Commissioner Sigg requested to work on Trails as well. Commissioner Shand volunteered to work in the Quinn's Junction neighborhood. Chair Hall stated she would be happy to work on any of the topics.

Director Ward summarized the list of liaisons as follows:

- Historic Preservation: Commissioners Johnson and Suesser;
- Multi-Modal Transportation and Parking: Commissioners Sigg and Frontero;
- Open Space, Trails, and Annexation Area: Commissioners Van Dine, Shand and Sigg;
- Affordable and Attainable Housing: Commissioner Frontero;
- Quinn's Junction neighborhood: Commissioners Van Dine and Shand; and
- Sustainability and Water: Commissioners Suesser and Johnson.

Director Ward reported that the appointed City Council liaison for the General Plan process is Council Member Bill Ciraco, and she suggested that Chair Hall could serve as the General Liaison. Chair Hall would be happy to fill in any of these topics.

Director Ward reported that Staff had the updated and revised submittal from Deer Valley on the Snow Park MPD, which was scheduled for a preliminary Work Session on September 11, 2024. At that time, the applicant would provide a high-level overview of the major changes they made to the plan. She asked if there was interest in having special meetings on the third Wednesday in October, November, or December to accommodate the larger project. She stated they could move the project forward on the Regular Agendas, but they could also consider a special meeting.

Chair Hall felt that they typically only had one meeting in November and December, which were difficult enough given the holidays. She was not in favor of adding more meetings during that time unless it was truly necessary. Commissioner Suesser supported holding a special meeting in October and on November 6. She did not support holding a special meeting in December. Commissioner Van Dine agreed. Director Ward noted that November 6 was unavailable but they could add an October meeting on either October 16 or 30, 2024. Commissioner Van Dine expressed a preference for October 30. There was agreement on that date.

Commissioner Frontero sought clarification that they would wait for the Council's determination on Bonanza Park before determining liaisons. Director Ward suggested the Commissioners start thinking about the areas of interest pending the Council's adoption of that Plan.

Commissioner Johnson asked if he would remain as the General Liaison for the Small Area Plan. Commissioner Suesser stated they would address that at the next meeting if the Plan were adopted.

Chair Hall noted there was a general consensus to add a special meeting on October 30, 2024, and not have a special meeting in December.

4. PUBLIC COMMUNICATIONS

Deb Rentfrow expressed support for Commissioners Sigg and Suesser in their assessment of the unanimous recommendation sent to the City Council, and their willingness to attend the August 15 City Council meeting.

Speaker Rentfrow stated that it is important that all of the efforts by the Planning Commission on the recommended modifications do not get run over by the Task Force.

There were no further public communications.

5. CONTINUATIONS

A. **176 Main Street – Plat Amendment–** The Applicant Proposes to Create One Lot from a Metes and Bounds Parcel in the Historic Residential - 2 Zoning District. PL-24-06085.

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

MOTION: Commissioner Van Dine moved to CONTINUE 176 Main Street – Plat Amendment, and the public hearing thereon to August 28, 2024. Commissioner Shand seconded the motion.

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

B. 218 Sandridge Avenue – Steep Slope Conditional Use Permit – The Applicant Proposes an Addition to a Significant Historic Structure on a Steep Slope in the Historic Residential – 1 Zoning District. PL-24-06059.

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

MOTION: Commissioner Suesser moved to CONTINUE 218 Sandridge Avenue – Steep Slope Conditional Use Permit, and the public hearing thereon to August 14, 2024. Commissioner Van Dine seconded the motion.

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

C. 741 Rossie Hill Drive – Conditional Use Permit – The Applicant Requests a Nightly Rental Conditional Use Permit in the Historic Residential Low-Density (HRL) Zoning District. PL-24-06044.

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

MOTION: Commissioner Suesser moved to CONTINUE 741 Rossie Hill Drive – Conditional Use Permit, and the public hearing thereon to August 14, 2024. Commissioner Shand seconded the motion.

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

6. WORK SESSION

A. The Planning Commission will Hold a Work Session to Discuss and Provide Feedback to the Park City Bike & Pedestrian Plan, Being Led by the Transportation Planning Department, to Improve Citywide Walking and Biking.

Transportation Planner, Anna Maki introduced herself and Assistant Transportation Planning Manager, Alex Roy. She acknowledged Commissioner Van Dine and Chair Hall for their work as Liaisons for the Park City Bike & Pedestrian Plan (“Bike & Ped Plan”) and expressed appreciation for their contributions. They were presenting the Plan to receive feedback and were not currently seeking approval or a recommendation for approval to take to the City Council. She noted that the Plan is approximately 90% complete.

Planner Maki reported that Park City's Bike & Ped Plan would help inform the City's on-street and paved pathways over the next ten years. She began by providing some background and stated that the Plan was started back in 2021, which she referred to as Phase 1. They created a draft network and performed a significant amount of community outreach. She noted that was paused due to Staff capacity and to prioritize Park City Forward, Park City's long-range Transportation Plan. One of the six guiding principles that emerged from Park City Forward was expanding the world-class biking and walking infrastructure. Planner Maki stated that following finalization of Park City Forward and with more Staff capacity, the Transportation Department revitalized the Bike and Ped Plan in 2023. They started with Staff leading some community engagement and conversations.

Planner Maki informed those present that they retained a consultant for planning and design in the fall of 2023. Following that, they developed a draft network and included a few project recommendations. The expected completion date for this Plan is the fall of 2024. Manager Roy reported that the Plan is different than what is typically assessed by the Planning Commission. The Transportation Planning Department, and Transportation Planning as a whole developed this Plan to identify the priorities for funding, and to work with the Engineering and Trails Departments to advance active transportation on City-owned Right-of-Way or City-owned streets. He noted that the Bonanza Park Plan where they could evaluate what would be needed to set in place conditions for redevelopment to allow for those connections.

Manager Roy reported that they coordinated this Plan with the Trails Master Plan, the Bonanza Park Small Area Plan, the Homestake re-design, the State Route ("SR") 224 Bus Rapid Transit ("BRT"), the Neighborhoods First Street Program, and LMC updates. With regard to the outreach conducted for Phases 1 and 2 of the Bike & Ped Plan, Planner Maki reported that during Phase 1 in 2021, there was a community-wide survey released throughout the community as well as an online survey. There were also a few open houses. She stressed that they built on that community engagement with Phase 2. They attended a few standalone events such as the Park Silly Market. They also created a project website, interactive map, online survey, and a stakeholder committee.

Planner Maki reported that some of the key takeaways from Phases 1 and 2 were a desire for more or improved high-comfort routes physically separated from vehicular traffic, as well as more improved on-street routes, e-bike regulations, and speed limits, more connections to trailheads and schools, and improved end-of-line facilities such as bike parking.

Manager Roy reported that when they started this process, they looked at the availability of different projects through the lens of a high-comfort network and a secondary network. He explained that a high-comfort network would include facilities that were physically separated from vehicular travel. This could be a trail or a bicycle cycle track with a median separating the bikeway from vehicular traffic. He stated that they also wanted to identify a secondary network, noting that a high-comfort trail network could not be used to get everywhere around town. He noted that when they talked about trails, they were referring to paved urban trails. Anything unpaved, including single-track, would be included in the Trails Master Plan.

Manager Roy explained that they wanted to make sure they understood how to utilize the secondary network more than previously. He mentioned sharrows, wayfinding, or bike lanes. They have seen over the years that trails were extensively utilized, often by people using e-bikes. If they could develop a secondary network, they hoped to alleviate some of the pressures they had seen on the actual trail network by directing higher-speed bikes to the secondary network. They also recognized that intersections were a key facet of improving biking and walking in Park City, so they were recognized and called out in order of importance in the network.

Manager Roy next presented the draft network to the Commission. He explained that each of the lines represented a project that would be evaluated for its importance or priority, as well as what it looks like in terms of the overall network. Once they develop a priority list for the projects, they could individually look at the design and construction of each project. He noted that the draft network was prepared to ensure that they were connecting to critical locations such as Bonanza Park, schools, trailheads, Old Town, and other developing facilities. The plan also covers each individual neighborhood. Manager Roy explained that the graphic represented the draft network for Bonanza Park. The goal was to look through the framework and work with the community on each one of these projects; this Plan prioritized the top projects.

Commissioner Frontero understood that the goal was to create a priority list. Manager Roy clarified that the goal was to develop the network and then prioritize the projects within the network.

Commissioner Suesser requested clarification on the slide that identified “high comfort existing to remain” and “high comfort existing future improvement.” Manager Roy explained that one was a black line with a purple line going through it, and the other was pure black.

Commissioner Suesser directed attention to the intersection of Kearns Boulevard and Park Avenue. Manager Roy stated these were just linear projects, and if they wanted to get into the network, the intersections were highlighted in the bubbles.

Commissioner Shand asked if the numbers on the graphics were the designations for the trails. Manager Roy explained that the numbers designated the project numbers. He added that they currently have a list of approximately 70 projects. The naming of the trails would be based on either the Rail Trail or the adjacent street.

Commissioner Sigg asked if crossing improvements were prioritized. Manager Roy stated that currently, they were working to establish the project prioritization for both the linear facilities and the intersection crossings. He added that with the next Steering

Committee group they would go through the list and make sure that aligned with the Steering Committee's understanding of project prioritization.

Commissioner Suesser referenced page 2 of the Staff Report under the heading "Program Recommendation Examples" where it mentioned "Business coordination and support." She asked if that referred to improving sidewalk connections on non-public property.

Manager Roy explained that was more in the Program Recommendations, and it likely meant working with businesses to establish bike parking or working with businesses that are bicycle-oriented to establish programs to ensure that the businesses are getting information out to their customers. He stated the LMC addressed the actual connections.

Commissioner Suesser asked if there were recommendations regarding specific connections, or the need for public property to create the connections desired by the community. Manager Roy responded that there were a few that came out of the Bonanza Park Small Area Plan that were primarily not on City-owned right-of-way. He also noted to the east a trail that connects into Wasatch County where the property was not yet identified. He stated these two examples were outside of the existing right-of-way patterns. Manager Roy added that during a number of open houses, community members suggested connections, and those were represented either in this Plan or on the Trails Plan. He mentioned a couple of connections from Upper Park Meadows to Quinn's, and those would be represented on the Trails Master Plan.

In response to a further inquiry from Commissioner Suesser regarding the tunnel connection across Kearns Boulevard, Manager Roy explained that this Plan established the network and the locations of the critical connections. The Snow Creek tunnel was represented in this Plan (56), but it was also not prescriptive of what the facility type would be, therefore they would continue to work with the Engineering Department to determine the correct type of treatment for each intersection. In other words, it was represented in the Plan, but it was not specifically represented as a tunnel.

Manager Roy invited the Commission to work with the liaisons on any further questions, and they could schedule meetings with them at any time. In response to an inquiry, Manager Roy stated they had not yet determined when they would return before the Commission. He explained they needed to return before the stakeholder group, after which they could provide a time. He estimated it would likely be before October, but it was yet to be determined.

Commissioner Frontero asked about the stakeholder group. In response, Manager Roy identified the Commissioners and explained that they invited City Council Member Ciraco and City Council Member Jeremy Rubell, both of whom serve as the Transportation liaisons from the City Council. In addition, there are a number of business owners and people active in the biking community. He could provide the names of those persons.

Commissioner Van Dine added that the stakeholder group was quite eclectic, but a good group because there were quite a few people who were on the original Bike & Ped Plan from 2011. She mentioned Bo Pitkin, Peter Tomai, and others who were helpful in providing information on what was in that plan and what had been accomplished since that time.

Chair Hall suggested that when they return to the Commission, a list of the stakeholders be provided for the Commission.

Planner Maki recognized that there were measures the City could take to promote walking and biking that go beyond infrastructure. Therefore, this Plan also included some policy and program recommendations. She noted that the program recommendations focused on partnership throughout the community as well as education, and included coordination with local businesses as discussed by Manager Roy, bike safety programs, and adopt-a-trail programs. She added that the City had already undertaken some of the programs recommended by the Plan, and mentioned those around back to school, which happens bi-yearly. In those instances, the recommendation was to enhance or update the existing programs.

Manager Roy explained that in addition to programs, they also included policy recommendations in the Plan. Potential policy recommendations that could come out of this Plan would not be part of the final Plan, but they could identify priorities and policies such as:

- City-owned bike storage solutions, and whether the City should own something more long-term and secure;
- Safe crossing standards;
- New facilities versus maintenance;
- Winter maintenance; and
- Bikeway design guidelines.

There are also policies through the LMC and the Planning process, as well as e-bike policies, but those would be through those specifications.

Manager Roy requested input from the Commission on the following:

- Whether there was a program or policy that the City should work hard to advance; and
- The high-comfort or secondary networks and whether the City should look at prioritizing creating a quality on-street network or continue heavily investing in trails.

Commissioner Shand stated that in general, high-comfort trails would likely lend themselves more to a speed limit, whereas secondary networks provided the opportunity for those using e-bikes to travel at a higher rate of speed. He saw a big need for both types of networks, and stated he loved the high-comfort lanes because riders could use them in relative safety; however, he felt the biggest concern would be the rate of speed of e-bikes.

Commissioner Frontero agreed with Commissioner Shand's comments. He felt they would continue to be challenged by where they fit in e-bikes and whether they should be on the roads or the trails. He did not believe this would be an easy solution. In terms of prioritizing, he understood that the Plan included 70 potential trails. Manager Roy clarified that it included 70 individual projects, many of which were broken up into different segments.

Commissioner Frontero offered that the dirt single-track bike trails were sufficient. He felt the community would be better served by building out commuting trails that would allow bicyclists to get where they need to go without a car. He stated the bike lanes along the City's travel corridors should be prioritized and wanted to see the top priorities include ways for the community to move around town to handle daily needs. If they could get 10% of the community to use their bikes for their daily needs, and then increase it every year, that would be an important piece of the overall transportation strategy.

Commissioner Johnson agreed with Commissioner Frontero and felt it was time to focus on the more viable street paths along the Right-of-Way to allow people to circulate town, particularly during the summer. If they were going to prioritize any projects, they need to figure out Dan's to Jans, which should be a high priority including the intersection of Deer Valley Drive and Park Avenue and the Kearns Boulevard and Park Avenue intersection. He stressed that for too long, they let this be continually delayed and stated this was an unsafe connection despite being a major connection area for most of the neighborhoods.

Commissioner Johnson mentioned the Solamere route that was shown to be a nice loop in the Plan, which he appreciated. He wondered why they were not going deeper into that neighborhood so they could alleviate traffic a little more. He reiterated that Dan's to Jans should be a priority.

Commissioner Suesser agreed with prioritizing Dan's to Jans. She noted that it had been desired for so long it has become sort of a joke at this point that it still has not happened. She commented that they were looking at a lot of redevelopment in the Bonanza Park Area Plan, and it would be helpful to hear what is really desired. For a long time, paths on one side of the street were considered sufficient, and she would like to see more on both sides of the street around town.

Commissioner Suesser liked the idea of standardization, although did not know how practical that would be in a lot of instances. Connecting the networks and input on what this redevelopment would look like with the bike and pedestrian paths would be helpful. She agreed with Commissioner Frontero and Commissioner Johnson that they have an amazing mountain biking network, and it would be great to have a similar network for urban cyclists. They still have a long way to go, and while they have some great trails across town they do not have great connections across neighborhoods.

Commissioner Shand asked how the Park Avenue bike lane was received from Jans to Main Street. Manager Roy responded that initially there was some safety concern; however, over the past year, they have heard minimal issues with how it had been working. He and the City Engineer were committed to evaluating how that striping pattern was working, and whether there needed to be tweaks for the next phase of road repaving next season.

Commissioner Sigg agreed with the prior comments and stressed the connectivity aspect. In terms of high-comfort trails, he relayed his experiences in Sun Valley and Jackson where they have trails along the road towards Yellowstone where he typically saw people traveling at high rates of speed. He suggested that the different trails have different speed zones depending on the area. He expressed that it made sense to have urban connectivity where they have things like the Small Area Business Plan, Bonanza, and Prospector where the site constraints prohibit something like a Rail Trail. He proffered that people would prefer a Rail Trail to a roadway, but sometimes locations could not accommodate a Rail Trail condition. As long as they have maintenance for the single-track, Commissioner Sigg felt the network was wonderful, but it presented a double-edged sword. When they have the high school kids from the Wasatch Front riding the single tracks, it becomes a traffic condition. He would like to see trailhead parking for single tracks which was inadequate in some locations.

Commissioner Sigg expressed shock when they looked at the Mid-Mountain Parking Lot expansion at the 8,000 trail, noting that this trail was highly used. Rather than putting money into cutting new trails, he suggested looking at more parking for these soft-surface trails.

Chair Hall felt there was a pretty clear consensus from the Commission to prioritize safe bike and pedestrian pathways throughout town. She agreed with the comments of the other Commissioners.

Manager Roy thanked the Commission for its feedback and noted that all of the Commissioners were passionate about active biking and walking in the community.

7. REGULAR AGENDA

A. 1529 Lakeside Circle – Condominium Plat Amendment – The Applicant Proposes a 612-Square-Foot Addition to Unit B of Building 9 at the Lakeside at Deer Valley Condominiums. PL-24-06110.

Chair Hall reminded that Commissioner Van Dine recused herself from this Agenda Item.

City Planner, Jaron Ehlers reported that this application was for a 612-square-foot addition to Unit B of Building 9. He presented a graphic showing the location of this unit. He stated that this unit is owner-occupied and was not being used as a Nightly Rental. The proposed addition would be constructed over the garage and within the existing Building Footprint. Planner Ehlers presented the existing Plat and the proposed Plat. He reported that in 2003, Unit E of Building 3 was amended to slightly alter the roofline, and in 2007 two units were combined to create one unit. He explained that the proposed addition would be constructed within the Building Footprint, and therefore within Residential Development ("RD") zone Setbacks. The Building Height was approximately 29.5 feet above Existing Grade, and there would be no increase in the roof peak of the house.

Planner Ehlers reported that Staff found Good Cause for this Plat Amendment in that it would not change the parking requirements, the Plat would remain in compliance with the Deer Valley Large Scale MPD, and it would not create any non-conformity. In addition, no public street, right-of-way, or easement would be vacated or amended. Planner Ehlers also noted that the site met the existing parking requirement as there is a double-car garage, and the increase in square footage would not lead to any increase in the parking requirement. If this property were to become a Nightly Rental in the future, he stated it would still fall below the level of bedrooms that would require additional parking. Staff recommended the Commission review the proposed Plat Amendment, open a public hearing, and approve the Plat Amendment based on the Draft Final Action Letter.

Commissioner Suesser referenced the history reported by Planner Ehlers and asked if any of the prior changes in this development were similar to the proposed Plat Amendment. Planner Ehlers responded that the 2003 change reported earlier was not as substantial as this proposed change. In response to a further inquiry from Commissioner Suesser, Planner Ehlers stated that the current unit would be increased from 2,197 square feet to 2,809 square feet, an increase of 612 square feet.

Commissioner Shand asked about the Homeowners' Association's ("HOA") stance on this Plat Amendment. Chair Hall noted that pursuant to Finding of Fact 1, the HOA approved this proposal by 68.84%.

Chair Hall opened the public hearing.

The applicant, Richard Bryce Rowley introduced himself and offered additional photographs. He explained that the building complex was created with three different units—a 4/5-bedroom design, a 3-bedroom design, and a 2-bedroom design. The current structure is a two-bedroom, which they proposed to replicate to the eight existing larger units. He stressed that from an aesthetic perspective, this would look very similar to the eight units that already exist. Applicant Rowley added that the addition would mirror the roofline of the building next to it, with no increase in height.

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

Commissioner Frontero asked about the threshold HOA vote to secure approval. Applicant Rowley reported it was two-thirds. At the time of the application, they secured 68% approval, and since that time two additional owners expressed support for the project. He estimated that the HOA approval was around 72%. In response to further inquiry, Applicant Rowley reported this unit was originally designed as a two-bedroom structure. This application would convert what is currently a three-bedroom structure into a five-bedroom unit by adding two small bedrooms in the addition. He explained that they converted a storage area to a third bedroom, which many other residents had done as well. Applicant Rowley reiterated that the proposal was to add two small bedrooms above the third bedroom while sacrificing what is currently a loft space on the third floor.

Commissioner Frontero referenced Figure 2 in the Staff Report and asked about the trucks. Applicant Rowley explained that the truck fits fully in the garage and fully off the street on the existing driveway. Commissioner Frontero stated that the required Good Cause was not obvious. He noted the application indicated that this proposal was needed to accommodate the Applicant's expanding family. Commissioner Frontero expressed concern over the possibility of this becoming a Nightly Rental and commented that there was not enough parking for five bedrooms. He suggested a Condition of Approval prohibiting Nightly Rentals.

Applicant Rowley explained that the current property supported four vehicles between the garage and the driveway. The complex itself also has an additional 20 parking stalls for Nightly Rentals and visitor parking. He felt there was ample parking on the property to accommodate a Nightly Rental. He added that his family's long-term plan was to remain in this unit. He noted there were eight other buildings with the exact same configuration.

Commissioner Johnson asked about the overflow parking. Applicant Rowley stated there were five designated visitor parking areas located on either side of the pool, on the other side of the complex, and then close to the ponds on the Deer Valley side.

Commissioner Suesser echoed Commissioner Frontero's concern regarding parking should this become a Nightly Rental. She noted that while the parking would be adequate now if they set the precedent of allowing this type of expansion without any Nightly Rental restriction, the parking might become inadequate down the road.

Commissioner Sigg asked if this addition would have a bathroom. Applicant Rowley responded in the affirmative. Commissioner Sigg commented that they were seeing more of these applications and mentioned the impact of added square footage on the City's water-wise goals, sewer capacities, and utility capacities. He stressed that his comments were not directed at this specific project, but he felt that it was something moving forward that they would like to address to ensure that they have the utility capacity for these additions. He concurred with the other concerns about parking. He believed that parking was initially established for this development with a certain amount of density, and this proposal would increase density and the need for more people to potentially park within the development.

Commissioner Johnson agreed with the expressed concerns and sought clarification that the original MPD did not include any square footage or bedroom limitations on the units. Planner Ehlers stated the original MPD called for 60 units. Commissioner Johnson explained that as he read the original MPD there was no limitation on square footage, but wanted to understand the parking requirements in the MPD approval. Planner Ehlers could not answer how the parking was determined as part of the MPD. Based on the LMC, there was not an additional tier of required parking above 2,000 square feet.

Commissioner Sigg noted this was part of the original Deer Valley Planned Unit Development ("PUD").

Commissioner Johnson concurred with the request for a Condition of Approval on Nightly Rentals. He noted that the Commission spends a lot of time fixing Plat Amendments down the line due to changed conditions. He also noted the proposal was consistent with the MPD.

Commissioner Shand noted the offsite parking areas within the development and asked if there was any street parking. Applicant Rowley explained that the Covenants, Conditions & Restrictions ("CC&Rs") did not limit where vehicles can park within the development. He added that theoretically, someone could park on the street or other areas. He observed that this complex, as compared with other complexes around town, has a substantial amount of parking. He expressed surprise at the concern about parking in the future in that the requirement was for two vehicles, yet the actual provided parking was four stalls.

On behalf of the applicant, Megan Blosser, Alliance Engineering pointed out that the applicant complied with the parking requirements related to units with six or fewer bedrooms.

Planner Ehlers explained that under the Code, the parking requirement for Nightly Rentals is calculated by using the base land use of up to six units, and at eight bedrooms, an additional parking space is required. Another space is required for every two bedrooms thereafter.

Engineer Blosser reasoned that since this proposal was for five bedrooms, the applicant would be in compliance with the parking requirement if this unit were to become a Nightly Rental. She also mentioned the additional parking throughout the complex.

Commissioner Shand commented that the Commission was often led down the path that the intended use of the property would be one use, only to find out that a few years later it becomes another use. He understood the applicant was a full-time resident with a growing family. He imagined the applicant would purchase a larger home in Park

Meadows if able, but a less expensive alternative was to expand the existing townhome. Commissioner Shand added that parking should not be an issue with the applicant living in it full time. From that standpoint, he did not have an issue with this proposal. In terms of water usage, he felt that despite the number of bedrooms, the number of people in the family was the same. He stated that if this unit became a Nightly Rental, they would still be compliant with the parking, and he could not speak to the potential water usage.

Commissioner Shand offered that this proposal was consistent with what had been done elsewhere in the development, and the property satisfied the parking requirement. He was okay with the proposal but understood the concerns expressed by the other Commissioners. He stated he could only address what was before him, and even considering a Nightly Rental in the future, the property would still satisfy the Code requirements.

Commissioner Sigg proffered that all of the traffic and transportation initiatives were looking to reduce parking, and because there is a bus stop on Deer Valley Drive that would provide access to transit, this would be consistent with those initiatives. He stated that they could easily address these issues by including a Condition of Approval prohibiting Nightly Rentals.

Commissioner Suesser agreed with Commissioner Shand's analysis and did not suggest that Nightly Rentals be restricted.

Commissioner Frontero commented that this development was originally constructed with two-bedrooms, three-bedrooms, and four-bedrooms. He speculated that the parking provided in the development was predicated on a certain number of unit types. If the Commission allowed a two-bedroom to become a five-bedroom and repeat that six or seven more times in the development, then the parking would become inadequate. He stressed that they have to consider unintended consequences in the future. He reiterated that the Good Cause was not obvious, and there was no indication that this proposal would benefit anyone other than the applicant.

Commissioner Frontero also understood that the intent behind the proposal was to accommodate the applicant's expanding family, and he was willing to grant that but felt the precedent concerned him. He requested whether there was a consensus to include a Condition of Approval prohibiting Nightly Rentals.

Commissioner Johnson asked if the applicant was willing to accept such a Condition of Approval. Applicant Rowley stressed that he has a 9-month-old and a 3-year-old, and his family is fully committed to Park City. He expressed confusion over the concern about parking given that the property has double the required parking capacity. Applicant Rowley offered that it was unrealistic to assume there would be more than four vehicles for the property should they decide to rent the property 10 years down the line.

In response to Commissioner Johnson's question, Applicant Rowley stated he was willing to consider a deed restriction for a period of time, but a deed restriction in perpetuity would place a substantial financial burden and penalty on his family. He argued that imposing a condition on his family staying and living comfortably within Park City, in exchange for foregoing the ability to have the value that comes with the ability to offer this as a Nightly Rental in the future, was a big request. He felt it was not appropriate to request him to decide that question on the spot.

Commissioner Johnson understood the applicant's position. He reiterated that the Commission could not restrict the square footage. He also noted that the current General Plan for this area promoted Nightly Rentals, so asking the applicant to restrict Nightly Rentals seemed to conflict with the General Plan. He felt the valid concern over the parking was based on changing the use from a three-bedroom to a five-bedroom, but he acknowledged the Code that requires four parking stalls which are available on this property.

Commissioner Johnson also pointed out that the proposed roof would not exceed the existing height and would maintain the existing 6:2 pitch. Additionally, 68% of the HOA approved this proposal, so he found Good Cause.

MOTION: Commissioner Johnson moved to APPROVE 1529 Lakeside Circle – Condominium Plat Amendment, 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. The Applicant proposes a 612-square-foot addition to Unit B of Building 9 at the Lakeside at Deer Valley Condominiums. The proposed addition will add three bedrooms and increase the private area square footage of the unit from 2,197 square feet to 2,809 square feet. The proposed addition will extend the existing roof form over the garage but will not alter the building height. The structure will maintain compliance with the Building Height restrictions for the RD Zoning District. On April 19, 2024, 68.84% of the members of the Lakeside at Deer Valley Condominiums Homeowners Association voted in favor of the plat amendment.

2. The proposed addition will be constructed over the garage within the existing Building Footprint.

3. The Deer Valley Master Planned Development approved the construction of 60 units for the Lakeside at Deer Valley Condominiums, and 60 units have been constructed.

4. The 60-unit Lakeside at Deer Valley Condominiums was recorded on March 1, 1982, as Entry No. 189016.

5. Two previous Plat Amendments are recorded at the Lakeside at Deer Valley Condominiums. In 2003, Unit E of Building 3 was amended to slightly alter the roofline but maintained a total square footage of 2,196.88 square feet of private area (Summit County Recorder Entry Number 651728). In 2007, two Units were combined to create one Unit (Summit County Recorded Entry Number 858760).

6. The proposed Lakeside at Deer Valley Condominiums Unit B Building 9 Amended Plat complies with LMC Chapter 15-2.13, the Residential Development Zoning District Requirements.

   a. Front, Rear, and Side Setbacks

      i. The proposed addition will be constructed on the north side of the existing structure, over the garage. The Structure maintains an approximately 120-foot Setback to the rear property line. The Structure maintains an approximately 80-foot Setback to the front property line. The Structure maintains an approximately 150-foot Setback to the side property lines.

   b. Building Height

      i. The existing structure is approximately 29.5 feet above the Existing Grade, with a roof pitch of 6:12.

      ii. The proposed addition will extend the existing roof form over the garage but will not alter the building height. The Structure will maintain compliance with the Building Height restrictions for the RD Zoning District.

7. The proposal complies with LMC Chapter 15-3, Off-Street Parking Requirements.

   a. 1529 Lakeside Circle is owner-occupied and is not currently used as a Nightly Rental. Condominiums greater than 2,000 square feet require two Parking Spaces per Dwelling Unit.

   b. Double-car garages must have a minimum interior dimension of twenty feet wide by twenty feet deep.

   c. Unit B of Building 9 has a two-car garage that is approximately 21.5 feet wide by 21.5 feet deep.

8. The proposal complies with the Deer Valley Resort 12th Amended and Restated Large Scale Master Plan.

   a. The Deer Valley MPD allows 60 Units for the Lakeside at Deer Valley Condominium Project, and 60 Units have been constructed. No additional Units are proposed as part of this Plat Amendment. There are no square footage limitations for the Lakeside at Deer Valley Condominiums

9. The proposal complies with LMC § 15-7.1-3(B), Plat Amendment.

   a Staff finds Good Cause for this plat amendment because this amendment does not change the parking requirements, will remain compliant with the Deer Valley Large Scale MPD, and does not create any non-conformities. No Public Street, Right of Way, or easement has been vacated or amended.

10. The Development Review Committee reviewed this proposal on May 7, 2024, and does not require Conditions of Approval.

Conclusions of Law

1. There is Good Cause for this plat amendment.

2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1-6, Chapter 15-3 Off-Street Parking, and Chapter 15-2.13 Residential Development District.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

4. Approval of the Plat Amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, the Conditions of Approval, and the amended Lakeside Covenants, Conditions, and Restrictions 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 is not complete within one year, this approval will be void, unless a request for an extension is

made in writing prior to the expiration date and an extension is granted by the Planning Director.

Commissioner Shand seconded the motion.

VOTE: Commissioner Suesser-Yes; Commissioner Shand-Yes; Commissioner Johnson-Yes; Commissioner Frontero-No; Commissioner Sigg-No. The motion passed 3-to-2.

Following a brief recess, Chair Hall called the meeting back to order. Commissioner Van Dine rejoined the meeting.

B. **445 Park Avenue – Plat Amendment** – The Applicant Proposes to Create One Lot from Two Lots in the Historic Residential - 1 Zoning District. PL-24-06104.

City Planner, Lillian Zollinger reported that this site was located within the Historic Residential – 1 (“HR-1”) Zoning District and is a Historic Landmark Site that straddles two Old Town Lots. The applicant proposed to create one Lot, remove the non-compliant and non-Historic garage, and construct an addition. Planner Zollinger presented an image showing the current condition, as well as an image showing the proposed changes. The garage would be removed, an addition constructed, and the structure raised. The garage would be located underneath the structure. She reported that the structure was compliant with the Lot size requirements, Building Footprint, Setbacks, Building Height, and parking as outlined in the Staff Report.

On May 2, 2023, the Historic Preservation Board (“HPB”) approved the material deconstruction for the proposed addition, and on August 10, 2023, the Planning Director approved the Historic District Design Review (“HDDR”) for this addition. Planner Zollinger commented the applicant would be removing the non-compliant garage.

Staff found Good Cause for this Plat Amendment because it would create one Lot for an existing Historic Structure, making the Lot buildable. In addition, the non-compliant garage would be removed and the property owner may construct an addition. She highlighted Condition of Approval 3 that any development on the Site must comply with LMC Chapters 15-2.2 regarding HR - 1 and Off-Street Parking.

Condition of Approval 4 provided that the Applicant shall include a ten-foot snow storage easement along Park Avenue on the Final Plat. She also noted Condition of Approval 5 that all Conditions of Approval from the Historic Preservation Board and the Historic District Design Review would continue to apply. Planner Zollinger noted that the applicant submitted an updated Plat that included the 10-foot snow storage easement, but it was not published with the Packet. It was included as part of the presentation.

Commissioner Johnson thanked Planner Zollinger for including the snow storage on the Plat.

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

MOTION: Commissioner Johnson moved to APPROVE 445 Main Street – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter as follows:

Findings of Fact

1. 445 Park Avenue is a Landmark Historic Site with a Single-Family Dwelling constructed circa 1880.

2. 445 Park Avenue is within the Historic Residential - 1 Zoning District.

3. The Applicant proposes to create one 3,750-square-foot Lot from two 1,875-square-foot Old Town Lots.

4. The 3,750-square-foot Lot has a maximum building footprint of 1,519 square feet pursuant to LMC § 15-2.2-3(E), wherein Maximum FP = (A/2) x 0.9A/1875.

5. On May 3, 2023, the Historic Preservation Board approved the Material Deconstruction of a portion of the Historic Landmark Structure to construct a rear and basement addition.

6. On August 10, 2023, the Planning Director approved a Historic District Design Review for the project.

7. There is an existing non-historic, Non-Complying detached garage on the site that encroaches into the Front Setback by approximately nine feet and encroaches into the Side Setback by approximately three feet. The Applicant proposes to demolish the garage, which will bring the Site into compliance with Setbacks.

8. The Development Review Committee reviewed the proposed Plat Amendment on June 18, 2024, and required Condition of Approval 4 for a 10-foot snow storage easement along Park Avenue.

9. Staff published notice of the Planning Commission's public hearing on the City website, and the Utah Public Notice website, and posted notice to the property on June 26, 2024. Staff mailed a courtesy notice to property

owners within 300 feet on June 26, 2024. The Park Record published a courtesy notice on June 26, 2024.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because it creates one Lot for the Landmark Historic Site so that the Historic Structure may be rehabilitated and the non-complying garage removed.

2. The Plat Amendment is consistent with the Land Management Code, including LMC Chapter 15-2.2 Historic Residential - 1 (HR-1) Zoning District and § 15-7.1-3(B) Classification Of Subdivision – Plat Amendment.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer shall review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and these Conditions of Approval, prior to the recordation of the plat.

2. The Applicant shall record this Plat Amendment 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. Any development on the Site must comply with LMC Chapters 15-2.2 Historic Residential – 1 and 15-3 Off-Street Parking.

4. The Applicant shall include a 10-foot snow storage easement along Park Avenue on the Final Plat.

5. All Conditions of Approval from the May 3, 2023, Historic Preservation Board Final Action Letter and August 10, 2023, Historic District Design Review Final Action Letter continue to apply.

Commissioner Van Dine seconded the motion.

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

C. 1328 Park Avenue – Subdivision – The Applicant Proposes to Create One Lot of Record from One Metes-and-Bounds Parcel Located within the Historic Residential-Medium Density Zoning District. PL-24-06157.

Planner Ehlers introduced the applicant, Jodi Ware, and applicant's representative, Chad Bollman.

Planner Ehlers presented an image showing the current parcel highlighted in light blue and the neighboring parcel highlighted in yellow. City Park and Miner's Hospital were highlighted in salmon. He also presented a graphic that illustrated the existing metes-and-bounds parcel as recorded by the Summit County Recorder. He explained that the subject property was currently a metes-and-bounds parcel. The applicant proposed going through the HDDR process to make changes to the addition, and to do that the applicant was required to create a recorded Lot. Planner Ehlers reported that the house was constructed sometime between 1929 and 1940. In 1984, it was nominated to the National Registry. In 1997, a two-story addition was approved, and in 2010 an HDDR was approved for the addition of a fence in the front yard.

In 2015, another HDDR was approved that allowed for the demolition of non-Historic siding on the addition. On June 5, 2024, the applicant submitted this Subdivision application. That access to the structure was from the rear driveway off Sullivan Road. As this is a Historic Structure, it is exempt from the Maximum Lot Area requirements for the Historic Residential – Medium Density ("HRM") zone. The parcel complied with the Minimum Lot Width for the HRM Zone.

Staff recommended Condition of Approval 3 which would require the applicant to record a 10-foot snow storage easement, and noted that unfortunately there was not time to include the 10-foot snow storage easement in the submitted document. The existing Historic Structure was located less than 10 feet from the property line, so they included additional language that existing historic structures and their repair and maintenance were permitted to encroach within the 10-foot snow storage easement.

Planner Ehlers reported that Staff found Good Cause for this Subdivision, as it would preserve the current land use of the Historic Structure. Without a recorded Subdivision, the ability of the current owner to enjoy and improve their property would be hindered, and with the ability to improve the property, the applicant would be able to achieve their stated goal of turning this property into a permanent residence. This aligns with the stated goals of the HRM zone. Planner Ehlers requested the Commission review the proposed Subdivision, hold a public hearing, and consider approving this Subdivision based on the Draft Final Action Letter.

Commissioner Suesser asked if there were any renderings of this application. Planner Ehlers responded that the HDDR process was in the very early stages.

Commissioner Johnson noted this is a great property and commented that there was an existing encroachment permit for both the front and rear of the property. He understood the front encroachment permit was for the fence, and sought clarification of where the snow would be stored in the front along Park Avenue. Applicant Ware explained that when the road is plowed, the snow goes up against the fence and in the park. She confirmed that the current snow removal did not inhibit the sidewalk.

Commissioner Johnson asked if there would be an additional snow storage easement at the rear of the property, and queried whether the encroachment permit was just for the owner's access to the property and whether the City already had the right to store on either side of the driveway. Planner Ehlers confirmed the latter and added that the private property did not go up to the street, and there was a portion of property between Sullivan Road and the property that was still owned by the City.

Commissioner Johnson stated he would prefer to add "prior to recordation" to Condition of Approval 3.

Commissioner Suesser mentioned compliance with the Lot size for a Single-Family Dwelling. She noted that one of the parcels was a Significant Historic Site, but the other was not. Planner Ehlers explained that the application sought to convert a single metes-and-bounds parcel into a single Lot.

Commissioner Suesser noted the Maximum Lot Area for a Single-Family Dwelling was 3,750 square feet, but this combination would create a Lot that would be larger than that. Planner Ehlers explained this was not a combination of Lots; rather, it was a conversion from a metes-and-bounds parcel to a Subdivision. This had never been legally platted as a Lot. This would create the parcel's own Subdivision.

Commissioner Frontero asked why this was being created as a Subdivision and not a Lot. Planner Ehlers explained that Lots make up a Subdivision, and because this is one parcel, it would be a single Lot Subdivision.

Planner Ehlers clarified that the yellow highlighted area was the neighboring Lot.

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

Senior City Attorney, Mark Harrington, referenced Commissioner Johnson's request for an addition to Condition of Approval 3 to include "prior to plat recordation." He also suggested the addition of Condition of Approval 4 that the existing rear driveway note in the Plat shall be changed to reference the existing encroachment permit from the City.

Chair Hall read Condition of Approval 3, and City Attorney Harrington stated that would address Commissioner Johnson's request. Commissioner Johnson stated he was looking for consistency, but agreed with the language if others were agreeable. He deferred to Chair Hall, Commissioner Suesser, and City Attorney Harrington for the agreeable language, and wanted to ensure that the easement was included in the Final Plat when recorded. Chair Hall felt the language was sufficient. Chair Hall mentioned the proposed amendment to Condition of Approval 4 suggested by City Attorney Harrington.

MOTION: Commissioner Suesser moved to APPROVE 1328 Park Avenue – Subdivision, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter, as amended, as follows:

Findings of Fact

1. 1328 Park Avenue was built sometime between 1929 and 1940 based on the Sanborn Maps.

2. Parcel SA-284 is currently a Metes-and-Bounds Parcel.

3. In 1984, 1328 Park Avenue was nominated to the National Registry of Historic Places.

4. In 1997 a two-story addition was created.

5. In 2010 the Planning Department approved an HDDR-Pre that allowed the construction of a fence in front of the Property along Park Ave. The Fence is located on City-owned Parcel SA-265-A-X and the Applicant has an Encroachment Permit regarding it.

6. In 2015 the Historic Preservation Board approved the demolition of non-historic horizontal wood siding to allow the replacement of windows on the addition.

7. On June 5, 2024, the Applicant submitted an application for the creation of the Ware Subdivision.

8. The Application was deemed complete on June 17, 2024.

9. Single-Family Dwellings are an Allowed Use in the HRM Zone.

10. LMC § 15-2.4-3 requires that "Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan or on a private easement connecting the Lot to a Street shown on the Streets Master Plan."

11. Access to 1328 Park Ave is off Sullivan Road. There is a Driveway that crosses over Parcel SA-265-A-X.

12. There is an existing Driveway and Snowmelt Encroachment Permit between the City and the Applicant.

13. The HRM Zoning District Lot Requirements outlined in LMC § 15-2.4-3 are as follows:

HRM Requirement	Proposal
The maximum Lot Area for a Single-Family Dwelling is 3,750 square feet.	**Complies** – The Applicant requests the creation of a 3,955-square-foot Lot for the Significant Historic Site. LMC § 15-2.4-4 exempts Historic Sites from the maximum Lot Area.
The minimum Lot width is 37.50 feet.	**Complies** – The Lot is 59 feet wide.

14. LMC § 15-7.1-3(A)(1) establishes the Ware Subdivision as a Minor Subdivision as it is only a single Lot, which requires only a Final Subdivision Plat and does not require a Preliminary Plat.

15. LMC § 15-7.1-6 requires a finding of Good Cause by the Planning Commission prior to approval of a Final Subdivision Plat.

16. Good Cause for the Ware Subdivision exists as it preserves the current land use of the Historic Structure. Without a recorded Subdivision, the ability of the current owners to enjoy and improve the property would be hindered. With the ability to improve the property, the Applicant will be able to achieve their stated goal of turning this property into a permanent residence, which aligns with the stated goals of the HRM Zone.

17. The Development Review Committee reviewed the proposal on June 18, 2024, and requires Conditions of Approval.

18. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on June 26, 2024. Staff mailed courtesy notice to property owners within 300 feet on June 26, 2024. The Park Record published courtesy notice on June 26, 2024.

Conclusions of Law

1. The proposal to create the Ware Subdivision complies with the requirements of Land Management Code Chapter 15-2.4 Historic

Residential Development Medium Density (HRM) Zoning District and Land Management Code Chapter 15- 7.1 Subdivision Procedures.

2. Good Cause for the Ware Subdivision exists as it preserves the current land use of the Historic Structure. Without a recorded Subdivision, the ability of the current owners to enjoy and improve the property would be hindered. With the ability to improve the property, the Applicant will be able to achieve their stated goal of turning this property into a permanent residence, which aligns with the stated goals of the HRM Zone.

3. Neither the public nor any person will be materially injured by the proposed Subdivision.

4. Approval of the Subdivision, 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 Amendment for compliance with State law, the Land Management Code, and these Conditions of Approval prior to recordation of the plat.

2. The Applicant shall record this Plat Amendment 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. The Applicant shall record a 10-foot snow storage easement off of Park Avenue Right-of-Way on the Final Plat. Existing historic structures and their repair and maintenance are permitted to encroach within the 10-foot snow storage easement.

4. The existing rear driveway note in the Plat shall be changed to reference the existing encroachment permit from the City.

Commissioner Frontero seconded the motion.

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

D. **49 Silver Strike Trail** – Condominium Plat Amendment – The Applicant Proposes to Modify Plat Note Number Three of the Belles At Empire Pass Condominium Plat. PL-23-05925.

Planner Ehlers introduced Applicant, Doug Berman, and Applicant's representative, John Shirley. He presented an image that showed the existing plat highlighted in yellow. The proposal was to change Plat Note 3 that limited Unit 3 to a maximum of 974 square feet of Basement area. The applicant proposed to amend Plat Note 3 to add: "Unit 3 is limited to a maximum of 974 square feet of above-grade basement area in addition to the 5,000 square feet of Gross Floor Area on the Main and Upper Floor." Planner Ehlers reported that the Lot was currently vacant, so this would create a final unit within this Subdivision. The applicant proposed a PUD-style unit that would be 7,830 square feet with 2,091 square feet of Basement area below Final Grade and 550 square feet of Basement Above Grade.

Planner Ehlers reported that Plat Note 4 on the existing Plat provided that "Unit Equivalent ("UE") Floor Area includes all Basement Area," and, "A total of 45 UE, which is 9,000 square feet, was permitted for the units designated by the Plat." He reiterated that all units with the exception of Unit 3 had been constructed. There is a total of 9,000 square feet allowed, and 84,014 square feet have been built out in this development. This leaves a remaining density of 5,986 square feet. The proposed unit would be 1,845 square feet larger than allowed by Plat Note 4.

Planner Ehlers provided the definition of Good Cause set forth in the LMC. He reported that Staff recommended the Commission determine if there is Good Cause for the proposed Plat Amendment and direct Staff to draft a Final Action Letter within ten (10) business days. The Final Action Letter would then be reviewed at the August 14, 2024 Planning Commission meeting.

Applicant's representative Shirley introduced himself, as did Applicant Berman. Applicant's representative Shirley presented a rendering of the home within the community. He explained that this unit was originally purchased by the owner behind it to keep the open space view. That house and the Unit 3 Lot were recently sold to the Applicant.

Applicant's representative Shirley stated they carefully designed the home to stay within the scale and size of the homes in the community. The Plat Note specifically exempted Below Grade square footage, which is common in the LMC. The design of the home came from their understanding of what square footage would be above and below Grade. He presented aerial images that showed how the home fit with the size and scale of neighboring homes. He explained that the Applicant went through the permitting process, where it was determined that the Plat prevented them from using the exempt square footage below grade. He presented an image showing what square footage was below the ceiling height or Existing Grade. The purple and green area represented the 974 square feet, which was actually 960 square feet. Finally, the yellow area on the image represented the area allowed for a garage, which was 600 square feet.

The applicant's representative represented that the goal was not to increase the allowable area that would exceed the 90,000 square feet for the community; rather, the goal was to allow this home the same privilege that the other homes enjoyed with a below-grade exemption. By changing the Plat Note, they were requesting that the space below Grade would be exempt from the square footage.

Applicant Berman stated he had been a part-time resident of Park City for approximately 15 years. This would be their fourth home in the area, all within 200 yards of this property. He reported they purchased this Lot 3 – 3 ½ years ago, and were building this home for his family to live in. He stressed this was not a spec home or a rental home, and he would be happy to agree to a deed restriction that the home would not be rented.

Applicant Berman stated he lived in the house directly across the street from this Lot for six years. They sold that home in 2019 and he currently resides in the Tower Club. The plans for this home were developed approximately one year ago, and when they were submitted they understood there was a Plat Note that would treat the underground or below-grade square footage differently. They worked with the City and the Planning Commission to get that amended. He stated the most difficult step was in getting the HOA approval. He made two different presentations to the HOA. In December, they presented to the HOA Board who voted unanimously to approve the proposal. Of the 17 homes in the neighborhood, 12 of the homeowners approved this proposal, and the other five homeowners simply did not vote once Applicant received the required 2/3 vote. He stressed that there were zero votes against this proposal.

Applicant Berman explained that this proposal seeks to allow them to finish the basement instead of filling it with dirt. If the proposal is not approved, they would build exactly the same home, dig the same hole, and install the same landscaping and hardscaping as proposed. He noted they made some modifications following his presentations to the HOA based on the feedback received, even though the design of the home had already been approved. The changes involved the color scheme.

In his mind, this was a positive for the community. He noted that he would pay more real estate taxes, and he would probably pay a bigger share of the HOA fees as the fees are based on square footage. He stressed that they were trying to be good neighbors, and other neighbors had done things post-construction to increase their square footage. He stated they wanted to do this the right way and have it properly permitted and compliant with the Code. Chair Hall invited clarifying questions.

In response to an inquiry from Commissioner Shand, Applicant Berman stated the street has two separate HOAs. He noted there is one vacant Lot at the end of Bannerwood in addition to his undeveloped Lot. He confirmed that Unit 3 was the last house relative to the 90,000 allowable square feet.

Commissioner Shand asked if the issue was that the other homes used up more than their fair share of square footage, or that the Commission needed to change the Plat to accommodate the home. Applicant's representative Shirley believed the Plat Amendment was necessary because the space below Grade for the other homes was exempt. These other homes were actually larger than their platted square footage because of the basement space. He stressed that the Applicant was not asking for more visible square footage above Grade; rather, they were asking for the same exemption below Grade.

Director Ward clarified that this is a Condominium Plat, and even though they have detached Single-Family Dwellings and Duplexes, it is a Condominium. She stated they were just looking at this Plat, not Bannerwood, which is subject to different regulations. Within this Plat, the three-dimensional space is the ownership; therefore, the Basement areas were included in the platted Condominiums for the other units up to this point.

Commissioner Sigg sought clarification that the other units were inclusive in the 90,000 square feet. Director Ward confirmed. Applicant Berman clarified that the spaces built after the fact were not included in the 90,000 square feet, because he owned one of those homes and the plat showed 5,800 square feet whereas the house was 6,300 square feet. Commissioner Sigg commented other houses had additional spaces built that were limited to the overall 90,000 square feet.

Director Ward queried whether they counted the garage, and noted there were some exceptions for the garage square footage. Applicant's representative Shirley stated that of the 17 homes, there were only three that recorded a Condominium Plat that they could review, and all three showed a line delineating Below Grade and Above Grade and referred to "exempt Basement Areas below Final Grade." He commented that they were just asking for the same exemption as these other homes.

Commissioner Van Dine understood Director Ward stated that all of the homes have all of their square footage included in the 90,000 square feet. Director Ward explained that the way the condominiums were platted, included Above and Below Grade square footage. Commissioner Van Dine recognized the fundamental disagreement in how the Applicant read the other plats.

Commissioner Suesser made comments off the microphone. Planner Ehlers stated that basements were included in the total pursuant to Plat Note 4. Commissioner Suesser pointed out that Plat Note 4 did not exempt below-grade square footage. She noted there appeared to be some contradiction in the Plat Notes. Commissioner Frontero felt it was a potential conflict as it was not clear.

Planner Ehlers stated that if there were enough space to fall within the 90,000 square feet, there would be no conflict in these Plat Notes. Plat Note 3 specifically places a limit on the basement for Unit 3; however, the proposed basement area would put the square footage over the limits stated in general Plat Note 4.

Applicant's representative Shirley asked why there would be a Plat Note 3 if nothing were exempt. He stated that when they reviewed the Plat for Units 1, 2, and 12, they all showed the Below Grade space.

Commissioner Suesser stated it specifically limited the Basement Area space to 974 square feet. She asked if the Plat Note was included after the construction of the other units, implying that this was what was left of the 90,000-square-foot limit. Applicant's representative Shirley confirmed, and stated that this proposal did not seek more Grade space; rather, they just do not want an empty basement. Commissioner Suesser noted that the Applicant proposed a home of over 7,000 square feet, which would be larger than any other home in the development. Applicant's representative Shirley explained that the chart being referenced represented Above Grade space. He mentioned the Grand Lodge, which was allotted 84,000 square feet of unit space, but the building is actually 120,000 square feet of area.

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

Chair Hall requested that Planner Ehlers share the Plat on the screen for review. Commissioner Suesser noted that Unit 3 looked substantially larger than the other units. Applicant's representative Shirley added that on this Plat, Unit 3 represented the entire Lot boundary and was not necessarily larger. The other units outlined the unit structures.

Commissioner Shand noted that the Staff Report included the square footage of the other residences. Commissioner Johnson added that was Above-Grade square footage.

In response to Commissioner Suesser's request, a rendering of the proposed home was shared.

Commissioner Sigg clarified that the square footage was not to the outside foundation walls; it was the Above-Grade square footage. Applicant's representative Shirley offered that the home would be built into the site really well. A ski trail runs behind the home that is used by the community.

Chair Hall observed that the Staff Report noted that the Applicant was seeking to modify one sentence in Plat Note 3, which would resolve the limitation in Plat Note 3 and the 90,000 square foot UE. She noted that the UE was stated to include all Basement Areas.

Applicant's representative Shirley explained that Plat Note 3 exempted Below Grade square footage. If it did not exempt Below Grade from the UE count, he queried what else it would exempt it from, as there were no other calculations that would matter.

Planner Ehlers commented that there was a Maximum Gross House Size Area and the Basement was exempt from that calculation, except for Unit 3. Chair Hall noted the overall 90,000 square feet limitation.

Commissioner Frontero referenced Exhibit C and interpreted that Basements were included in the 90,000 square foot limit as set forth in Plat Note 4. In order to not exceed the 45 UEs, or exceed the 90,000 square feet, the square footage could not exceed 9,474 square feet, including basements.

Chair Hall expressed that as she looked at the application, even if they were to assume the Commission supported the amendment, she felt they would also have to modify Plat Note 4. Commissioner Frontero agreed.

Applicant's representative Shirley stated that modified Plat Note 4 could define the Above-Grade Basement. Chair Hall explained that Plat Note 4 was written to include all Basement Areas in the UEs. Therefore, if Plat Note 3 were to be modified, they would also need to modify Plat Note 4 to increase the 90,000 square feet.

Director Ward added that Plat Note 3 was specific to the Maximum House Size, and Plat Note 4 was related to the UEs. Therefore, they were distinct, but the conflict in how Plat Note 3 referenced what is defined in the Code exempting the Basement could be clarified for this unit.

Commissioner Frontero offered that if Applicant built this home as proposed, they would have to include 7,830 square feet in Exhibit C, which is the Gross Square Footage, which would put them over 90,000 square feet and the 45 UEs.

Director Ward agreed with Commissioner Frontero's analysis unless the Commission was to exclude the Basement Area under the LMC definition for this particular unit.

Chair Hall asked if they would also need to amend Plat Note 4 to provide that the Above-Grade Basement Area for Unit 3 was also excluded from the 90,000 square feet. She felt that if they amended Plat Note 3, they would also need to amend Plat Note 4.

Commissioner Sigg observed that only three other homes had taken the maximum to the outside wall and into the exempted area. Applicant's representative Shirley stated there were only three homes that completed their Condominium Plat.

Commissioner Frontero found Plat Note 4 important for this application, as well as Exhibit C. He stated he would have difficulty approving this application because the proposal would take the Gross Square Footage over 90,0000 square feet and the UEs over 45.

Commissioner Sigg focused on how this would affect the other houses that would want the same square footage. Commissioner Suesser stated that would be why they would tailor the Plat Notes to Unit 3, and exempt Unit 3 without creating more square footage for the other units. She also recognized that they could find no Good Cause. Commissioner Suesser commented that the Applicant stated they would be agreeable to placing a deed restriction on the home for Nightly Rentals, which she felt could support Good Cause for this exemption.

Applicant Berman confirmed the statement about the deed restriction and reiterated that he and his family had lived in this neighborhood for 15 years, and this would be his home for his family. He would have no issue with a deed restriction prohibiting renting the property.

Commissioner Shand understood Commissioner Suesser's comments and noted the prior comments that if the Commission did not support this amendment, the design of the home would remain the same, and the basement would just remain unfinished. Applicant Berman confirmed and stated that their design for the finished basement included a theatre, mechanical room, and a gym. He confirmed the only issue was finishing out the basement and stressed that all of his neighbors approved of this design.

Commissioner Sigg stated the unlikely possibility of the other homes going back to create more space given that the homes were already built. The fact that the neighbors signed off on this proposal, he understood it was really just an issue of finishing the space. His concern was ingress and egress from the Basement Area, but he recognized that was the province of the Building Department.

Commissioner Johnson struggled with this proposal but agreed with Commissioner Sigg's comments. He would like to see how they would craft the Final Action Letter and the amended Plat Notes. He did not particularly like the proposed language for Plat Note 3. He appreciated Commissioner Frontero's statements that there was a cap on square footage via the Flagstaff Agreement, and he was hesitant to make any sort of concession.

Generally, Commissioner Johnson agreed that the likelihood of this setting a precedent was low. Commissioner Sigg observed that the precedent it would set would be going through the land use authority to obtain Plat Amendments. Commissioner Johnson felt that if the Applicant had a Condition of Approval as proposed by Commissioner Suesser that would help. He was unable to make a final decision without seeing the Draft Final Action Letter. He agreed with Chair Hall's suggestion that they should add language to Plat Note 4 to make it consistent across the board.

Commissioner Suesser asked if the final Plat could reflect that this Subdivision was now completely built out and that no additional square footage would be permitted. Chair Hall felt they could suggest that be included in the Final Action Letter. Commissioner Johnson and Commissioner Van Dine stated that would help them with this application. Commissioner Suesser observed that Unit 3 has the leftover square footage, so it made sense that once their approval was in place, there was no more building or density left in the Subdivision.

Applicant's representative Shirley stated that the final step before they obtain their Certificate of Occupancy would be to do a final Condominium Plat Amendment, and it would be the final step for the community and states that the community is fully built out.

Commissioner Frontero asked what the Good Cause was for this Plat Amendment. Chair Hall noted Commissioner Suesser's mention of No Nightly Rentals. Commissioner Suesser stated she suggested that because she was having difficulty finding Good Cause, and the Applicant mentioned that would be acceptable. She added they were constantly looking to take homes out of the Nightly Rental pool, so she saw some Good Cause there. She added that given that this is the last Lot in the Subdivision and there had likely been some variation on what has been built and been represented versus this proposal, she could see approving this application.

Chair Hall summarized that the Draft Final Action Letter would confirm that the development would now be fully built out with the UEs, and there would be no Nightly Rentals for this unit. When they look at Plat Note 3, she struggled with the proposed language. Commissioner Johnson agreed.

City Attorney Harrington stated the Commission could give Staff consensus direction to modify that language to reflect the discussions as it clarifies Exhibit C as it relates to both the 90,000 square feet and the 45 UEs.

Commissioner Suesser asked if the chart would have the reduced square footage that exempted the Basement. Commissioner Frontero felt they could not do that because they would be over 90,000 square feet. Director Ward stated if the Basement were exempt for this unit only, then they would be under 90,000 square feet. Commissioner Suesser stated that was why they were exempting it for this unit only.

Commissioner Johnson also requested a statement of Good Cause. He agreed that no Nightly Rental has a great positive impact, but agreed with including some further justification before Final Action. He wondered if fixing the inconsistency in the Plat Notes was Good Cause. Commissioner Suesser suggested language that this was the last home to be constructed and the anecdotal understanding of the variance in the amount of square footage and basements in the other homes as represented in the chart. It was confirmed that there would be a deed restriction regarding no Nightly Rentals.

MOTION: Commissioner Suesser moved to CONTINUE 49 Silver Stake Trail – Condominium Plat Amendment to August 14, 2024, and directed Staff to prepare a Draft Final Action Letter consistent with the Commission's direction. Commissioner Shand seconded the motion.

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

Chair Hall reported that a majority of Commissioners would be gathering after the meeting.

8. ADJOURNMENT

MOTION: Commissioner Frontero moved to adjourn.

The meeting adjourned at approximately 8:40 P.M.