



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 14, 2024**

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

EX OFFICIO: Rebecca Ward, Planning Director; Virgil Lund, City Planner; Mark Harrington, Senior City Attorney; Anna Hamilton, Planning Intern; Jacob Klopfenstein, Planner I

1. ROLL CALL

Chair Sarah Hall called the meeting to order at 5:30 p.m.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from June 26, 2024.

MOTION: Commissioner Johnson moved to APPROVE the minutes of the June 26, 2024, Planning Commission Meeting. Commissioner Shand seconded the motion.

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

B. Consideration to Approve the Planning Commission Meeting Minutes from July 10, 2024.

MOTION: Commissioner Sigg moved to APPROVE the minutes of the July 10, 2024, Planning Commission Meeting. Commissioner Frontero seconded the motion.

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

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward called the Commission's attention to a City Council Meeting scheduled for the following day regarding the Main Street Area Plan. It will provide an update on where the stakeholder group is in the planning process. There is

also a link in the staff communication to the website that provides an overview of what they are evaluating and recommending.

Director Ward reminded those present wishing to participate in the meeting to state their full name and sign in when providing public comment. She asked that comments be limited to three minutes or less, directed to the Commission, civil, and address matters before the Commission for review.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. CONTINUATIONS

- A. 1273 and 1275 Sullivan Road Unit 5 and Unit 6 –** Condominium Plat Amendment – The Applicant Proposes to Add a Second Story Room Above Existing Single-Story Unit 6 that Will Connect Directly to Unit 5 and Adding 441 Square Feet of Private Ownership to Unit 5 within the Alpine at the Retreat Condominium in the Historic Residential Medium Density Zoning District. PL-24-06182

The matter was continued from a previous meeting. Staff recommended that the Commission open the public hearing and continue it and consideration to a date uncertain.

Chair Hall opened the public hearing. There were no public comments. The public hearing was closed.

MOTION: Commissioner Johnson moved to CONTINUE 1273 and 1275 Sullivan Road, Units 5 and 6 of the Alpine at the Retreat Condominium Plat Amendment and the public hearing to a date uncertain. Commissioner Frontero seconded the motion.

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

- B. 1351 Kearns Boulevard – Conditional Use Permit –** The Applicant is Requesting a Conditional Use Permit to Expand Parking within the Frontage Protection Zone and for Shared Parking to Serve 1251 Kearns Boulevard, The Boneyard, within the General Commercial Zoning District. PL-22-05296 (A) Continuation of Work Session to a Date Uncertain.
- C. 1251 Kearns Boulevard – Conditional Use Permit –** The Applicant is Proposing to Enclose an Outdoor Dining Area Located within the Frontage Protection Zone and General Commercial Zoning District. PL-22-05240 (A) Continuation of Work Session to a Date Uncertain.

Staff indicated that the above two agenda items could be addressed together in one motion as they are related. Staff received updated information from the applicant and requested continuation to a date uncertain to provide additional time for review. The matter was only noticed as a work session and not a public hearing.

MOTION: Commissioner Johnson moved to CONTINUE the Conditional Use Permits from 1351 and 1251 Kearns Boulevard a date uncertain. Commissioner Shand seconded the motion.

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

6. REGULAR AGENDA

- A. 49 Silver Strike Trail – Ratification of Final Action Letter** – On July 10, 2024, The Planning Commission Approved Modifications to Plat Note 3 That Allows Unit 3 2,091 Square Feet of Below Grade Basement Area, Not to be Included In The 90,000 Square Foot Density Allotment for The Belles at Empire Pass. PL-23-05925.

City Planner, Virgil Lund, presented the Staff Report and stated that the Planning Commission requested clarification of plat notes three and four. Red line edits were shown in the Staff Report as well as a table showing the square footage breakdown and a nightly rental prohibition condition of approval. An image of the square footage breakdown was provided. Staff recommended that the Commission ratify the Final Action Letter as edited.

MOTION: Commissioner Frontero moved to APPROVE the Final Action Letter approving the first amendment to the Amended Consolidated and Restated Condominium Plat at The Belles at Empire Pass subject to the following:

Findings of Fact

1. The Belles at Empire Pass is a Planned Unit Development (PUD) within the Flagstaff Development Agreement with ten constructed Single-Family Dwellings, and three Duplexes reflected in the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass, formerly the Silver Strike Subdivision. One unit remains vacant – Unit 3.
2. The Applicant proposes the First Amendment to the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass to modify a plat note regarding Unit 3 at 49 Silver Strike Trail.
3. The existing Plat note states:

- a. “The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. In addition, Unit 3 is limited to a maximum of 974 square feet of Basement Area.”
4. Land Management Code (“LMC”) Section 15-15-1 does not define Basement Area. The LMC defines Basement:
 - a. “Any floor level below the First Story in a Building. Those floor levels in Buildings having only one floor level shall be classified as a Basement, unless that floor level qualifies as a First Story as defined herein. See First Story.”
5. The LMC defines Basement Area Below Final Grade:
 - a. The Area is located under a ceiling that is below Final Grade.
6. The Applicant proposes to modify plat note 3 to construct 2,091 square feet of Basement Area Below Final Grade.
7. On October 27, 2023, the Applicant submitted a Plat Amendment application with the Planning Department.
8. On April 3, 2023, the Empire Pass Master Owners Association Design Review Board approved the proposed plans for Unit 3. On January 24, 2024, the Board of the Belles at Empire Pass Homeowners Association (HOA) reviewed and approved the plans for the Plat Amendment Application. On May 2, 2024, 12 of the 17 homeowners, 71% of the Belles at Empire Pass HOA voted in favor of the Plat Amendment Application. On May 6, 2024, staff issued a complete application notice to the Applicant.
9. On July 10, 2024, the Planning Commission reviewed the Applicant’s proposal for the First Amendment to the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass and directed Staff to draft a Final Action Letter approving an amendment to Unit 3, 49 Silver Strike Trail.
10. The Planning Commission requested the following:
 - a. Clarification on Plat Notes 3 and 4 to show a total of 90,000 square feet of density has been constructed (after the construction and re-

platting of Unit 3) and that no additional square footage will be allocated or allowed for The Belles at Empire Pass.

- i. The Plat note must show that the 2,091 square feet of Basement Area Below Final Grade for Unit 3 only is exempt from the 90,000 square feet Unit Equivalent allotment for The Belles at Empire Pass Condominiums.

- b. A table showing the square footage breakdown of Unit 3

Unit 3 Square Footage Breakdown	Square Feet
Upper Level	1332
Main Level	3447
Basement Area Above Grade	550
Basement Area Below Final Grade	2,091
Garage Space Exceeding 600 Square Feet	410
Total	7830

- i. Total square footage that will count towards the 90,000 Unit Equivalent square footage is 5,739 square feet. 2,091 square feet will be exempt.
 - ii. 84,014 square feet of unit Equivalent square footage has been constructed at the Belles at Empire Pass.
 - iii. With the re-platting of Unit 3, there will be a total of 91,844 Unit Equivalent square feet constructed for The Belles at Empire Pass. The Planning Commission determined to exempt 2,091 square feet of Basement Area Below Final Grade, for a total of 89,753 Unit Equivalent square feet for the Belles at Empire Pass.
11. On July 10, 2024, the Planning Commission found there is Good Cause for the proposed Plat pursuant to LMC § 15-7.1-3(B), Plat Amendment.
 - a. The proposed Plat Amendment will restrict Nightly Rentals for Unit 3 and a deed restriction reflecting this will be recorded with Summit County.
 - b. The proposed Plat Amendment clarifies that all density and Unit Equivalents for The Belles at Empire Pass are allocated, and no additional square footage is allowed at The Belles at Empire Pass.
 12. The Development Review Committee reviewed the proposed plat amendment on June 18, 2024, and does not require Conditions of Approval.

Conclusions of Law:

1. The proposed Plat amendment complies with LMC § 15-7.1-3(B), *Plat Amendment*.
2. The Plat Amendment is consistent with Land Management Code § 15-7.1-6, and Chapter 15-2.13 Residential Development Zoning 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 Belles at Empire Pass 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.
3. Nightly rentals are prohibited in Unit 3. The Applicant stipulated to this condition of approval and must record a deed-restriction with Summit County prohibiting Nightly Rentals in a form to be approved by the City Attorney's Office on the same date the Plat Amendment is recorded.
4. The plat shall note that 2,091 square feet of Unit 3 is exempt from the 90,000 square feet Unit Equivalent allotment for the Belles at Empire Pass. The 2,091 square feet that is exempt must be Basement Area Below Final Grade, as defined in the LMC.
5. The plat shall note that the total 45 Unit Equivalents square footage of density has been constructed (with the re-platting and construction of Unit 3) and no additional density or square footage is allowed.

6. Final construction plans and square footage for Unit 3 must reflect substantial compliance with the submitted plans reviewed by the Planning Commission on August 14, 2024.
7. Prior to issuance of a Certificate of Occupancy a Supplemental Condominium Plat for Unit 3 shall be recorded with the Summit County Recorder.

Commissioner Shand seconded the motion.

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

- B. 700 Saddle View Way – Condominium Plat Amendment** – The Applicant Proposes a 300-Square-Foot Addition to Unit 11 at the Saddle Condominiums Phase One in the Residential Development Zoning District. PL-24-06122.

Planner Lund presented the Staff Report and stated that the request is for a Condominium Plat Amendment for property located at 700 Saddle View Way. The original plat was recorded with Summit County in 1981. Since then, no other plan amendments have been requested or approved. Current photos were presented. The applicant is proposing a 300-square-foot addition to Unit 11. There are no exterior structural changes proposed. It was clarified that a window will be installed as required for emergency egress and 87.5% of the Homeowners' Association ("HOA") and unit owners voted in favor of the project. The plan amendment was found to comply with the Residential Zoning District and off-street parking requirements. Unit 11 currently has a two-car garage that is approximately 20.3' x 20' and complies with the parking requirement for two parking spaces based on the size of the condominium. The addition does not increase the parking requirements.

Planner Lund explained that the plat amendment does not create an additional unit, complies with the original condominium approval, and no non-conformities are created. Staff recommended the Planning Commission conduct a public hearing, review the proposed plat amendment, and consider approving the proposal subject to the conditions set forth in the Final Action Letter. The applicant was present to answer questions.

A dumpster was observed in the driveway with no permit and there was a question as to whether work as begun on the property. The applicant, Thomas Cavill reported that the permit was refiled to exclude the loft area so that construction could begin. He noted that this is his primary residence.

Chair Hall opened the public hearing.

Helen Mader was surprised by the process and stated that she wished to speak regarding the 49 Silver Strike Trail matter. Her hand was raised virtually but she was never called upon and action was taken. Chair Hall stated that no public hearing was noticed for that

agenda item and was simply ratification of a Final Action Letter. Director Ward informed Ms. Mader that she could submit comments via email to planning@parkcity.org. Ms. Mader stated that her request was to not approve the plat amendment because they have submitted an Appeal to the Empire Pass Master Owners Association to inform them that the property design does not meet the standard of the Empire Pass Guidelines.

There were no further public comments. The public hearing was closed.

A question was raised by a Commission Member regarding the purpose of adding the extra square footage. Mr. Cavill indicated that it will serve as an office space to better utilize the space which has very high ceilings. What is proposed is stair access to an office space with a window for egress.

A question was raised as to whether the HOA allows parking in driveways. Mr. Cavill confirmed that it is allowed and stated that they can fit two cars in the driveway and two in the garage. This is the first unit to request this type of change so no precedent has been set. Mr. Cavill stated that the other five units have already been renovated in different ways.

MOTION: Commissioner Suesser moved to APPROVE the Condominium Plat Amendment for 700 Saddle View Way in accordance with the Draft Action Letter and subject to the following:

Findings of Fact

1. The Applicant submitted a plat amendment application on May 8, 2024, to amend the Saddle Condominiums Phase One Plat.
2. The Planning Department deemed the application complete on May 14, 2024.
3. The Saddle Condominiums Phase One is a 16-Unit Condominium recorded with Summit County on January 23, 1981, and is located within the Residential Development ("RD") Zoning District. Unit 11 of the Saddle Condominiums is a three-level Unit. The Applicant proposes a 300-square-foot addition to the third floor of the Unit. Changes to platted elements, including changes to Common Area/Limited Common Area, require a Plat Amendment.
4. The proposed Plat Amendment (Attachment 1) would allow an addition to be constructed within the exterior walls and roof, with no exterior expansion, creating a loft/mezzanine to the third floor of Unit 11. The square footage for Unit 11 is proposed to increase 300 square feet from 3,980 square feet to 4,280 square feet. The other 15 Units in the Saddle Condominiums range from 3,200 square feet to 4,000 square feet. The requested Plat

Amendment does not change the exterior features, windows, or exterior walls of the condominium Unit. The proposed addition will be constructed within the existing Building Footprint of the Structure

5. On April 26, 2024, 87.5% of the Saddle Condominiums Homeowner's Association voted to approve the proposed Plat Amendment.
6. The Saddle Condominiums Phase One was recorded with Summit County on January 23, 1981 (Summit County Recorder Entry No. 175675). No other plat amendments for the project have been requested or approved.
7. No other plat amendments for the project have been recorded.
8. The proposed First Amended Saddle Condominiums Phase One Amending Unit 11 Condo 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 within the existing Structure. The Structure maintains a Setback greater than 120 feet to all property lines.
 - b. Maximum Building Height: No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade.
 - i. The proposed addition will not increase the Building Height of the Structure. The existing Structure is 26.9 feet from Existing Grade.
 - c. Density.
 - i. The Lot for the Saddle Condominiums is approximately 3 acres. The Saddle Condominiums were platted in 1981 for 16 Units. The Land Management Code in effect in 1981 did not have a Density limitation. The proposed Plat Amendment complies with LMC Section 15-9-6(A) in that it does not create an additional Unit or enlargement of the non-compliance and complies with the original Condominium approval for 16 Units.
9. The proposal complies with LMC Chapter 15-3, Off-Street Parking Requirements.
 - a. Condominiums greater than 2,000 square feet require two Parking Spaces per Dwelling Unit. Unit 11 is proposed to expand from 3,980

square feet to 4,280 square feet and already requires two Parking Spaces. The Unit has two Parking Spaces in a two-car garage.

- b. Two-car garages must have a minimum interior dimension of twenty feet in width by twenty feet in depth. Unit 11 has a two-car garage that is approximately 20.3 feet wide by 20 feet deep, and therefore, Unit 11 complies with the parking and garage requirements of the LMC.
10. 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 require any exterior expansion or external changes to the existing Unit 11, the 300-square-foot expansion does not increase the parking requirements, and the proposed Plat Amendment does not create any non-conformities. The original plat, approved in 1981, does not include plat notes that impose limitations on the size of the condominium units. The Saddle Condominiums were platted in 1981 for 16 Units. The Land Management Code in effect in 1981 did not have a Density limitation. The proposed Plat Amendment does not create an additional Unit and complies with the original Condominium approval. No Public Street, Right of Way, or easement has been vacated or amended.
11. The Development Review Committee reviewed the proposal on July 16, 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 Declaration of Condominium of The Saddle Condominiums 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.

The motion was seconded by Commissioner Frontero.

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

Commissioner Suesser commented on the previous public input regarding 49 Silver Strike Trail. She thought it was important that if the Planning Commission is not going to have a public hearing that it be clear to the public. Senior City Attorney, Mark Harrington stated that it could be made clearer, but it is problematic for someone to speak on an item that is not scheduled for a public hearing that cannot be considered at a different time of the meeting. He stated that the public comment could have been heard but not considered. He explained that the approval will not impact the appeal.

Chair Hall suggested that in the future it be communicated at the start of each meeting which agenda items for which no public hearing is scheduled to prevent communication to the public.

C. 218 Sandridge Road – 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.

Planning Intern, Anna Hamilton presented the Staff Report and stated that 218 Sandridge is a historic site in the Historic Sites Inventory. It was constructed during the mature mining era and retains its essential historic form and local designation. A photo was submitted by the applicant and shows the additions to the property over the years with the most recent being in blue with retaining walls on the south side of the property. The applicant is proposing to construct a two-story 556-square-foot detached accessory building that would consist of a single-car garage and a lower-level storage area. A two-story 334 square-foot entrance foyer is also proposed and transitional elements.

On June 26, 2024, the Planning Commission approved a Plat Amendment to create a 5,612-square-foot lot for the significant historic site. The Preservation Board also approved material deconstruction on February 7, 2024. The applicant's HDDR application was pending recordation of the Plat Amendment and the Planning Commission's approval of the Steep Slope Conditional Use Permit.

Ms. Hamilton drew the attention of the Commission to the fact that the proposed accessory building will be in part constructed where the retaining walls currently reside. It will be a retaining structure on the steep slope area. A submission was presented of the existing conditions of the retaining walls on the south side of the property. The elevation of the detached accessory building was presented as a retaining structure.

Ms. Hamilton reported that the gravel area to the north of the property that was previously used for on-site parking must be revegetated and landscaped in compliance with LMC §15-5-5. Due to significant vegetation in the rear of the property, there will be minimal visibility from the right-of-way at Swede Alley. Staff recommended considering approval of the Steep Slope Conditional Use Permit based on the conditions set forth in the Draft Final Action Letter.

Architect, Molly Guinan, presented photos to clarify what is retaining and what is decorative. The existing footprint and proposed addition were shown. It was noted that the new detached garage will replace retaining walls. Ms. Guinan identified the areas that will be impacted. She explained that one retaining wall will run from the stacked stone. The rest is decorative. The home sits on large boulders and the house stepped around the boulders as it was added onto over the years. The structural engineer believes that all of the rockery walls on the right are decorative with one retaining wall in the middle.

The photos were referred to and the proposed changes were described. It was mentioned that the retaining wall will be replaced with a transitional entranceway. That will presumably be enough to replace the supporting structure of the retaining wall. In response to a question raised, Ms. Guinan stated that the existing hot tub deck will be removed. The back of the garage sits in the middle of where the hot tub is currently. A new driveway will be constructed in front to the right of the detached garage out to the street. The gravel on the opposite side will remain as-is. Director Ward explained that one of the recommended conditions of approval is that it no longer be the parking pad for the structure and be revegetated. It was clarified to the applicant that one of the conditions of approval is to revegetate the current existing gravel parking area.

In response to a question raised, Ms. Guinan explained that the wall coming off of the stacked rocks is a divider wall with public steps that wrap around the back of the property. The wall will visually divide those public steps from the property. It will not hold any grade. She clarified that any landscaping from the south of the house will be demolished. There is a single-car garage with space for one car each on the northeast and southeast sides. There is also a space on the northeast side that will be revegetated as a result of a condition of approval. The lower level of the garage will be used for storage.

Planning Intern Hamilton reported that the grade of the slope below the garage is 37.5. Director Ward explained that the existing conditions survey for the slope shows that the only area that will be disturbed with the proposal is the limited corner near the accessory building. Commissioner Johnson referenced Page 192 of the Meeting Materials Packet. It does not show the topography of the additional structures but shows the west edge of

the proposed parcel. It would have been nice to have that material. As for the visual analysis, he wondered whether specific street views were requested. While there is an image from Swede Alley, there is no rendering of the proposed addition. He wanted to see renderings on a real-time photo in order to view the proposed building against the existing conditions. Commissioner Suesser asked to review the images available from the architect.

Director Ward referenced Figure 11 in the Staff Report. She wanted to understand what additional information would be helpful to Commissioners. Commissioner Sigg noted that there is some uncertainty about the screening wall, what is behind it, and how it impacts the garage and storage below. Ms. Guinan explained that those details are normally determined through a geotechnical report, which occurs after there is permission to move forward. She shared images of the boulders and vegetation in the area. The existing house is built onto giant rock formations with the house stepping out over them. An image of the landscape terracing was shared as well as the vegetation above the decorative rock wall. On the south side, the south foundation wall is acting as the grade wall to what will then be re-graded to the property to the south. There is one wall there now and that would be replaced with the entry wall. There will be a garage wall and an entry corridor wall.

Commissioner Suesser asked to view the public steps that adjoin the site. Ms. Guinan reported that the public steps wrap around from the north down west. Those steps are located on the opposite side of the site from the garage. Commissioner Frontero asked for a full description of the storage area. Ms. Guinan explained that it is the same square footage as the garage. It is designed for retention at the back and to hold the structure of the garage up above. It is accessed from the backyard and is intended to be used for lawn storage. There is a door at the back and side, and it will be used for lawn equipment.

Commissioner Shand asked about the flat roof. He noted that every other roof on the house is pitched. Ms. Guinan explained that there are two reasons for the flat roof. The first is that there is a restriction of 18 feet in that zone because it is a detached garage within the setback. There is a lower profile in that zone. Additionally, the flat roof is intended to nod to some of the other single-story detached units in the area. A pitched roof can be considered, if necessary, but the design choice was made to keep it under 18 feet. Director Ward clarified that in the Historic Residential Zones, there is a required roof pitch. However, in the Historic Residential – 1 Zoning District, accessory structures may be below the required 7:12 roof pitch. There is some flexibility in the design regulations for accessory buildings due to the existing language in the code.

Commissioner Frontero asked about Condition of Approval #16, which states:

- The Applicant shall replace the Significant Vegetation impacted by the construction of the detached Accessory Building in like and kind in a location to be approved by the Planning Department in compliance with the Wildland Urban Interface and Waterwise Landscaping regulations at the time of Building Permit review. The

Significant Vegetation replacement shall be planted and inspected prior to issuance of a Certificate of Occupancy.

Commissioner Frontero pointed out that this is a good condition in theory but will be difficult to implement. There needs to be a baseline vegetation established. If one of the Conditions of Approval is to replace significant vegetation, he wants to understand what is planned. Ms. Guinan explained that there will be a Landscape Plan in the next phase of this project. There is a lot of room for revegetation on the north side of the property. All of the mature trees in the rear yard will be maintained. Her client would love to keep the tree at the front of the property, but that is all based on whether or not the tree survives the disruption. The plan is to follow the guidelines and make replacements where necessary. This will be done either on the north side or by adding trees in the rear yard.

Commissioner Suesser asked to review an image of the north side of the home where the revegetation may occur. She believes the idea is to require this area to be revegetated, consistent with the requirement to replace significant vegetation and eliminate parking from the north side of the house as a Condition of Approval. Commissioner Frontero agrees with that. Commissioner Shand believes the accessory building, garage, and retaining wall will likely be an improvement over current conditions and will shore up that area. Based on the photos that have been shared, it appears to be in a state of disrepair currently. There was discussion about the size of the storage area. Ms. Guinan clarified that the storage area and garage are the same size but are not staggered. It is a direct copy of the footprint. She shared additional design information.

Commissioners wanted to see a Condition of Approval added to state that the flat roof will not be accessed. Ms. Guinan noted that there is a roof deck approved on the main house, so there is no intention of ever accessing the flat roof. Commissioner Shand clarified that he is not against there being a rooftop patio but was simply looking for additional clarity about whether there will be access. Ms. Guinan stated that there is no opposition to an added Condition of Approval because there is no intention to use the roof in that way. There was Commissioner support to add Condition of Approval #20 to the language. The Committee next discussed Condition of Approval #15 and the storm drainage analysis.

Commissioner Frontero asked to review the Conditions of Approval before there is discussion about a motion. Director Ward reported that Condition of Approval #20 is currently proposed to state, "Prohibiting rooftop uses of the accessory building." Commissioner Frontero believes there should be a condition to state that the gravel driveway to the north will no longer be used for parking and will be revegetated.

Director Ward read the current language proposed for Condition of Approval #16 and #19:

- Condition of Approval #16: The Applicant shall replace the Significant Vegetation impacted by the construction of the detached Accessory Building in like and kind in a location to be approved by the Planning Department in compliance with the Wildland Urban Interface and Waterwise Landscaping regulations at the time of

building permit review. The Significant Vegetation replacement shall be planted and inspected prior to issuance of a Certificate of Occupancy.

- Condition of Approval #19: The existing gravel parking area to the north of the Significant Historic Structure shall be revegetated in accordance with the requirements of LMC Section 15-15(N) *Landscaping* prior to issuance of a Certificate of Occupancy to restore landscaping in the front yard and to shift parking to the detached Accessory Building and driveway.

Commissioner Suesser shared an edit to the proposed Condition of Approval. Where it says, "...parking shall be restricted to the detached Accessory Building garage and driveway," she asked that the words, "and its adjacent driveway," be added to eliminate any confusion. Commissioner Suesser asked the architect to confirm that the accessory building will not be taller than the existing home. Ms. Guinan confirmed that the accessory garage is lower than the current home. There were no additional comments shared.

Chair Hall opened the public hearing. There were no comments. The public hearing was closed.

The Commission further reviewed the Conditions of Approval. Commissioner Frontero shared a suggested edit to Condition of Approval #1. It currently reads as follows:

- Final building plans and construction details for the detached Accessory Building shall reflect substantial compliance with the plans approved on August 14, 2024, by the Planning Commission. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.

Commissioner Frontero finds the word "substantial compliance" to be vague and unnecessary. As a result, he suggests that those words be removed from the language. Director Ward reminded Commissioners that this application still needs to go through the Historic District Design Review ("HDDR"). There may be minor changes to materials or there may be a Condition of Approval requiring that the final materials be painted opaque, for example. She asked if there is a way the Planning Commission could clarify that the Final Building Plans shall reflect substantial compliance in terms of square footage, but still leave some flexibility as far as landscaping and the materials as far as the Historic District review. Commissioner Frontero does not feel that is a solution. He reiterated that the current wording is vague. However, he noted that the condition could state there needs to be compliance with what is passed by the Planning Commission and the HDDR.

Ms. Guinan clarified that there has been work done with the Planning Department to make modifications. Those modifications do not relate to floor plans, square footage, or plans that would impact the steep slope, but modifications are being worked on concurrently with this application. Director Ward informed the Commission that certain items through the HDDR for the single-family dwelling may be updated. Nothing substantive, such as square footage, massing, or height, will be impacted by this. For instance, there may be

some modifications to small design features to the rear additions of the single-family dwelling. She suggested that “substantial” be removed and HDDR be added. There was additional discussion about the proposed language. Commissioner Johnson pointed out that the HDDR is specialized, and some flexibility may be needed.

Commissioner Suesser is comfortable with the language proposed by Director Ward for Condition of Approval #1. The proposed condition language is now as follows:

- Final building plans and construction details for the detached Accessory Building shall reflect compliance with the plans approved on August 14, 2024, by the Planning Commission with an allowance for compliance with the Historic District Design Review. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.

Commissioner Suesser noted that the proposed changes to the Steep Slope Conditional Use Permit process will require a geotechnical report in the future. Director Ward reported that those code amendments are scheduled for a public hearing with the Commission on August 28, 2024. Built into the recommendations is a trigger to determine what a substantial modification is defined as. It was determined that there is consensus from the Planning Commission to make the amendments to Condition of Approval #1, as stated.

Commissioner Johnson does not feel this application complies with the criteria based on the application information included in the Meeting Materials Packet. As a result, he will be voting against the item. Commissioner Frontero summarized the comments made by Commissioner Johnson, which is that the application does not comply with some of the requirements of the code. Commissioner Johnson stated that he is unable to determine that the criteria have been met in 1, 2, and 6, based on the lack of visual analysis submitted. Commissioner Suesser agrees that she prefers to see a lot more in an application. However, she has based her decision on what has been provided to the Commission. She believes that what has been proposed will ultimately improve the existing site.

Commissioner Sigg agrees that there should be more visual analysis submitted. That being said, some additional items will be provided in the future as this process continues to move forward. That includes the geotechnical report and accurate topography. Ms. Guinan reported that there are renderings and photographs of the site from Swede Alley and Sandridge Road. From an architectural standpoint, she does not feel that modeling all of the surrounding buildings is an appropriate path forward unless there is a requirement to do so. She explained that it would take a significant amount of time. Commissioner Johnson clarified that he is looking for a rendering of a real-time photo.

Commissioner Suesser explained that when there are additional photos available, she encourages the applicant and Staff to include those in the Meeting Materials Packet for Commissioner review. The Commission wants to fully understand what is being

proposed. This seems to be a recurring issue. Commissioner Johnson believes there is a majority that wants to move forward with this application, and he is open to a vote.

Condition of Approval #20 was discussed. Director Ward shared the proposed language:

- Rooftop Uses and/or a Rooftop Deck for the Accessory Building are prohibited.

Ms. Guinan offered to share a rendering of the rear as well as an image of the existing conditions. The information was reviewed, and there was discussion about a motion.

MOTION: Commissioner Shand moved to APPROVE the Steep Slope Conditional Use Permit for 218 Sandridge Road based on the Findings of Fact, Conclusions of Law, and Conditions of Approval, as outlined in the Draft Final Action Letter, as amended:

Findings of Fact

1. 218 Sandridge Road, also known as the Ingrid Parsons House, is a Significant Historic Site on Park City's Historic Sites Inventory in the Historic Residential – 1 Zoning District.
2. On June 26, 2024, the Planning Commission approved a Plat Amendment to create a 5,612-square-foot Lot for the Significant Historic Site.
3. According to the Historic Site Form, the Significant Historic Structure was constructed circa 1889 during the Mature Mining Era (1894 – 1930). Modifications have been made to the Significant Historic Structure over the years and it is not considered eligible for listing on the National Register of Historic Places, but it retains its essential historic form and local designation.
4. The Applicant proposes:
 - a. A two-story 556-square-foot detached Accessory Building with a single-car garage and lower-level storage area.
 - b. A two-story 334-square-foot entrance foyer and transitional element for the Significant Historic Structure to provide vertical circulation for the Single-Family Dwelling.
 - c. New living space at the lower and upper levels (no changes proposed to the main entry level).
5. The scope of the Planning Commission's review regards the SSCUP for the two-story 556-square-foot detached Accessory Building with a single-car garage and lower-level storage area. The entrance foyer and transitional

element, and new living spaces at the lower and upper levels do not impact Steep Slope areas.

6. On February 7, 2024, the Historic Preservation Board approved Material Deconstruction for the removal of 48 square feet of the 1940s roof on the rear façade to restore the 1907 roofline and the removal of 64 square feet of the rear 1889 roof form to accommodate the proposed rehabilitation and additions.
7. The Historic Design District Review application is pending recordation of the Plat Amendment and Planning Commission approval of the SSCUP.
8. **Historic Residential – 1 Zoning District Requirements:**
 - a. **Use:** Single-Family Dwellings are an allowed use in the Historic Residential – 1 (HR-1) Zoning District.
 - b. **Maximum Building Footprint:** The Maximum Building Footprint is established by Lot size according to the following formula: $\text{MAXIMUM FP} = (A/2) \times 0.9A/1875$ (where FP = maximum Building Footprint and A= Lot Area).
 - c. The Lot is 5,612 square feet. The Maximum Building Footprint allowed for a Lot of this size is 2,048 Square Feet.
 - d. The existing Building Footprint is 1,406 square feet. The proposed Building Footprint, including the detached Accessory Building, is 2,045 Square Feet, an increase of 639 square feet.
 - e. **Lot Width:** The minimum Lot Width is 25 feet. The Lot is 103 feet wide.
 - f. **Maximum Lot Size: The maximum Lot Area for a Single-Family Dwelling** is 3,750 square feet. LMC § 15-2.2-4 exempts Historic Sites from the maximum Lot Area. The 5,612-square-foot Lot for the Significant Historic Site was created through a plat amendment, approved by the Planning Commission on June 26, 2024.
 - g. **Front and Rear Setbacks:** For Lots less than 75 feet in depth, the Front and Rear Setbacks are 10 feet each. The Lot depth is less than 75 feet, and 10-foot Front and Rear Setbacks are required. The detached Accessory Building is set back 31 feet from the rear property line. The proposed detached Accessory Building is set back over 19 feet from Sandridge Road and exceeds the 10-foot Front Setback requirement.

- h. **Building Height:** LMC § 15-2.2-5 establishes a maximum Building Height of 27 feet from Existing Grade. According to the Applicant's roof-over-topography exhibit, while much of the Significant Historic Structure is below the Zoning District Building Height, the highest point of the existing Significant Historic Structure at the rear of the property is 27 feet from Existing Grade. The proposed rear addition, entry foyer, and transitional element are below the 27-foot Zoning District Height. Detached Accessory Buildings may not exceed 18 feet in Building Height from Existing Grade. The proposed detached Accessory Building does not exceed 16 feet in Building Height from Existing Grade.
 - i. **Interior Building Height:** LMC § 15-2.2-5(A) establishes a maximum interior height of 35 feet. The existing structure has a maximum interior height of 25 feet and the addition has a maximum interior height of 25 feet.
 - j. **Parking:** LMC § 15-3-6(A) requires two parking spaces for a Single-Family Dwelling. Currently, vehicles park on a gravel area north of the Significant Historic Structure. While LMC § 15-2.2-4 exempts Historic Sites from parking requirements, the proposed detached Accessory Building includes a single-car garage and provides parking on the driveway for a second vehicle.
9. **Steep Slope Conditional Use Permit Criteria**
- a. **Location of Development:** Development is located and designed to reduce visual and environmental impacts of the Structure. The Accessory Building will serve as a retaining structure for this Steep Slope area within the site and the existing retaining walls are proposed to be removed.
 - b. **Visual Analysis:** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points: to determine potential impacts of the proposed Access and Building mass and design; and to identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities. The Visual Analysis provided by the Applicant shows that from Sandridge Road, the detached Accessory Building is smaller in massing and scale compared to the Significant Historic Structure. The detached Accessory Building steps down the slope and will be minimally visible due to Significant Vegetation at the rear of the site and the visibility of the site from cross-canyon views.

- c. **Access:** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Shared Driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. The Detached Accessory Building is proposed to be in part in an area already disturbed with retaining walls on-site to create a single-car garage to provide on-site parking. A gravel area to the north of the Significant Historic Structure currently used for parking for the site must be revegetated and landscaped in compliance with LMC Section 15-5-5(N).
- d. **Terracing:** The detached Accessory Building is proposed to retain the Steep Slope and existing retaining walls will be removed. Natural Grade is required to be restored alongside the detached Accessory Building. Final Grade shall be within four feet of Existing Grade.
- e. **Building Location:** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, minimize driveway and Parking Areas, and provide variation of the Front Yard. The location of the detached Accessory Building is partially disturbed with substantial retaining walls. The detached Accessory Building will retain the Steep Slope and reduce the retaining walls. The existing gravel parking area to the north of the Significant Historic Structure shall be revegetated in accordance with the requirements of LMC Section 15-15(N) *Landscaping* prior to issuance of a Certificate of Occupancy to restore landscaping in the front yard and to shift parking to the detached Accessory Building and driveway.
- f. **Building Form and Scale:** where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main structure or no garage. LMC Section 15-13-2(B)(9) *New Accessory Buildings – Regulations for Historic Residential Sites*, requires:
 - i. New detached garages to have a maximum interior dimension of twelve feet in width. The proposal complies.

- ii. Single-car wide tandem garages are recommended. The Applicant proposes a single-car garage with tandem parking in the driveway.
- iii. Garage doors shall not exceed nine feet in width by nine feet in height. The proposed garage door is less than the maximum allowed dimensions.
- iv. Accessory Buildings may not exceed 50% of the footprint of the Historic Structure. The footprint of the Historic Structure is 1,406 square feet. The footprint of the detached Accessory Building is 278 square feet and therefore complies. The detached Accessory Building is subordinate to the existing structure.
- v. Accessory Buildings must be compatible with the character area. Sandridge Road is a distinct character area with historic Accessory Buildings along Sandridge Road.
- g. **Setbacks:** The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. The proposed façade along Sandridge Road is varied. The detached Accessory Building provides architectural variation to the Significant Historic Structure and is set back behind the Historic Structure, preventing a Wall Effect.
- h. **Dwelling Volume:** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.
- i. **Building Height:** The Zone Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and the Historic character of the neighborhood's existing residential Structures. While detached Accessory Buildings may be 18 feet in Building Height from Existing Grade, the detached Accessory Building is 10 feet in height when

viewed from Sandridge Road and is sixteen feet in height from Existing Grade at its highest point, when viewed from the rear of the property.

10. **Development Review Committee:** The Committee reviewed the proposal on October 3, 2023, and May 7, 2024, and recommends Conditions of Approval 5-15.
11. **Public Notice:** Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on July 23, 2024. Staff mailed courtesy notice to property owners within 300 feet on July 23, 2024. The *Park Record* published courtesy notice on July 31, 2024.

Conclusions of Law

1. The detached Accessory Building, as conditioned below, complies with LMC Chapter 15-2.2 *Historic Residential -1 Zoning District* and Section 15-2.2-6 *Development on Steep Slopes*.

Conditions of Approval

1. Final building plans and construction details for the detached Accessory Building shall reflect compliance with the plans approved on August 14, 2024, by the Planning Commission with an allowance for compliance with the Historic District Design Review. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
3. The Applicant shall receive approval of a Historic District Design Review Permit prior to Building Permit submittal.
4. If the Applicant does not obtain a complete building permit within one year of the date of this approval, this Steep Slope Conditional Use Permit approval will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Director approves an extension.

5. Residential fire sprinklers are required for all new or renovation construction on this lot, pursuant to the requirements of the Chief Building Official.
6. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste-impacted soils, they must handle the material in accordance with State and Federal law.
7. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
8. All exterior lighting shall be down-directed and fully shielded with bulbs 3,000 degrees Kelvin or less and shall comply with the City's Dark Sky Code in LMC Section 15-5-5(J). Final lighting details must be reviewed and approved by the Planning Staff prior to installation.
9. Landscaping shall be water-efficient with drought-tolerant plants and water-wise landscaping compliant with LMC Section 15-5-5(N) *Landscaping*.
10. The driveway may not exceed 10 feet in width.
11. Prior to submitting a Building Permit, the Application shall submit a plan demonstrating how they will provide the temporary shoring needed during construction, subject to City Engineer approval.
12. The Applicant shall submit a geotechnical report and design of the temporary shoring and final slope stability prior to the time of Building Permit submittal, subject to City Engineer approval.
13. The Applicant shall provide soil stabilization details documenting how the disturbed area will be restored and stabilized, to be approved by the City Engineer with the submittal of a Building Permit.
14. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
15. The Engineering Department requires the submittal of a storm drainage analysis. The storm drainage study must include the calculations showing the required storm drainage volume storage to match the pre and post-development conditions for a 100-year 24-hour event.
16. The Applicant shall replace the Significant Vegetation impacted by the construction of the detached Accessory Building in like and kind in a location

to be approved by the Planning Department in compliance with the Wildland Urban Interface and Waterwise Landscaping regulations at the time of building permit review. The Significant Vegetation replacement shall be planted and inspected prior to issuance of a Certificate of Occupancy.

17. Significant Vegetation at the rear of the site shall be protected and shall screen the detached Accessory Building when viewed from Swede Alley.
18. Natural Grade shall be restored alongside the detached Accessory Building. Final Grade shall be within four feet of Existing Grade.
19. The existing gravel parking area to the north of the Significant Historic Structure shall be revegetated in accordance with the requirements of LMC Section 15-15(N) *Landscaping* prior to issuance of a Certificate of Occupancy and parking shall be restricted to the detached Accessory Building garage and its adjacent driveway.
20. Rooftop Uses and/or a Rooftop Deck for the Accessory Building are prohibited.

The motion was seconded by Commissioner Frontero.

VOTE: Commissioner Johnson-Nay; Commissioner Shand-Aye; Commissioner Frontero-Aye; Commissioner Sigg-Aye; Commissioner Suesser-Aye. The motion passed with a vote of 4-to-1.

Following the vote, the Planning Commission took a brief recess before the next item.

- D. 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.

Planner I, Jacob Klopfenstein, presented the Staff Report and explained that the application is for a Nightly Rental Conditional Use Permit at 741 Rossie Hill Drive. This is a Landmark Historic Site and single-family dwelling within the Lower Rossie Hill subzone of the HRL Zoning District. The applicant is completing the rehabilitation of the historic structure and an addition. Nightly rentals within the HRL Zone require a Conditional Use Permit. In July 2023, two other lots in the subdivision received Nightly Rental Conditional Use Permit approval: 729 Rossie Hill Drive and 755 Rossie Hill Drive.

Planner Klopfenstein shared an image of 741 Rossie Hill Drive in its current condition. He pointed out the historic structure and the addition in the rear. A photo of the structure from 2013 was shared, which was the structure prior to the rehabilitation and addition.

Planner Klopfenstein reported that the LMC § 15-2.1-2(B)(1) Footnote 2 establishes additional requirements for nightly rentals in the Lower Rossie Hill subzone:

- Nightly rental agreements shall include language that limits the vehicles allowed to the number of on-site parking spaces.
- Property management contact information shall be displayed in a prominent location inside the nightly rental.

Parking for the project was discussed. Currently, 741 Rossie Hill Drive has a private garage with one parking space. LMC § 15-2.1-4 states that historic structures are exempt from parking requirements, but it does require all Conditional Uses to comply with the parking requirements of Chapter 15-3. Planner Klopfenstein reported that Chapter 15-3 requires two parking spaces for single-family dwellings. Nightly rental parking requirements are based on requirements for the use of the first six bedrooms. 741 Rossie Hill Drive contains four bedrooms. Based on this, two parking spaces are required.

LMC § 15-3-7 states that in reviews of Conditional Use Permits, the Planning Commission has the option to reduce parking requirements to prevent excessive parking and paving if there are other factors that suggest the project might generate less parking than the code would otherwise require. The Nightly Rental Lease Agreement for 741 Rossie Hill Drive may be amended to restrict parking to one vehicle. If the Planning Commission determines a second parking space is required, the applicant proposes recording an easement against Lot 4 of Rossie Hill Subdivision (751 Rossie Hill Drive) for a paved parking pad. Planner Klopfenstein shared the Site Plan with the parking pad on Lot 4.

Planner Klopfenstein reviewed some of the proposed Conditions of Approval. He explained that there are two different options for Condition of Approval #1 depending on the decision made by the Planning Commission about the number of parking spaces:

- If parking is limited to one vehicle:
 - Condition of Approval #1:
 - Prior to submitting a Nightly Rental Business License application, the Applicant shall amend the Nightly Rental Agreement for 741 Rossie Hill Drive to limit guests to one vehicle, which must be parked within the one-car garage on the property. Parking on the private driveway accessing 741 Rossie Hill Drive, along Rossie Hill Drive, and within the surrounding neighborhood is prohibited. The Applicant shall submit a form of the updated Nightly Rental Agreement to the Planning Department to be kept on file.
- If the Commission requires two parking spaces:
 - Condition of Approval #1:
 - Prior to submitting a Nightly Rental Business License application, the Applicant shall amend the Nightly Rental Agreement for 741 Rossie Hill Drive to limit guests to two vehicles, one of which must be parked within the one-car garage on the property, and the second of which

must be parked on the parking pad on Lot 4 of the Lilac Hill East Subdivision. The Nightly Rental Agreement shall provide a site map outlining the two parking space limitations for 741 Rossie Hill Drive. The Applicant shall install a sign for the second parking space for 741 Rossie Hill Drive on Lot 4 in a form and location approved by the Planning Department limiting parking to 741 Rossie Hill Drive. Parking on the private driveway accessing 741 Rossie Hill Drive, along Rossie Hill Drive, and within the surrounding neighborhood is prohibited. The Applicant shall submit a form of the updated Nightly Rental Agreement to the Planning Department to be kept on file.

Planner Klopfenstein reported that another Condition of Approval requires the installation of No Parking signs on the shared private drive. The applicant has complied with this condition and No Parking signs are already installed on the shared private drive. However, it is still recommended that the Condition of Approval be included to maintain consistency. Planner Klopfenstein pointed out that there is a numbering issue in the Draft Final Action Letter. He indicated where Condition of Approval #2 should start.

Planner Klopfenstein shared an image of the private drive and the installation of the No Parking signs along that private drive. Staff recommends a Condition of Approval to require the Lilac Hill East Homeowners Association ("HOA") to keep the shared driveway clear of snow. Other conditions relate to preventing outdoor sign installations, making sure that outdoor lighting is Dark Sky Compliant, and requiring compliance with the Noise Ordinance. There are also conditions related to trash, ownership, and management.

Staff recommends that the Planning Commission review the Nightly Rental Conditional Use Permit for 741 Rossie Hill Drive, hold a public hearing, and consider approving the Conditional Use Permit, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter.

Commissioner Shand asked if there is room for a second car in the driveway of the residence. Planner Klopfenstein confirmed that there is some space in the driveway. However, it does not meet the code-based requirements for a second parking spot, as there is not adequate space. Director Ward noted that on the plat there are fire access clearance requirements in that area as well. It was noted that there is a hammer-head turnaround in that location, which is clearly marked that there is No Parking there.

Commissioner Frontero believed one vehicle can approach the home and park in the garage. If a second vehicle was parked in the cement area in front of the garage, that would not be in compliance. This was confirmed. Commissioner Frontero pointed out that Staff has suggested two alternatives, one of which is to provide a second parking spot on a different lot. He wondered how that will be accomplished. Planner Klopfenstein explained that the applicant proposed an easement that would allow them to have a parking pad on Lot 4. The parking pad would be to the west of the private driveway.

Commissioner Shand asked to see the location of the other residences that have been approved for nightly rentals. Planner Klopfenstein reported that they are the two northern lots. He pointed to 729 Rossie Hill Drive and 755 Rossie Hill Drive on a map of the area. The applicant representative, Justin Keys, explained that the Planning Commission has been given the option for the parking spaces because this matter was discussed during the 729 Rossie Hill Drive process. Both alternatives have been prepared for this meeting.

Commissioner Shand asked whether the other two homes were rented over the winter. Mr. Keys believed there is an owner in the 729 Rossie Hill Drive home that uses it part-time and rents part-time. He understands that 755 Rossie Hill Drive has not closed, so it is still owned by the developer. The developer is not actively renting it in favor of having it on the market for sale. Commissioner Sigg asked about the parking pad. On the rendering shown, it appears there is a disconnect between the hammerhead turn and the pad itself. It was clarified that it is a driveway-accessible pad. Commissioner Shand pointed out that the only reason the pad would need to exist is to provide a second parking location for this particular residence. If there is only one vehicle required, then the pad will not need to be there. Commissioner Johnson noted that that decision could result in additional open space remaining intact. There was discussion about the private drive. Mr. Keys did not believe there were parking issues in the area during the past winter.

Chair Hall made a disclosure and informed those present that Mr. Keys works for a firm that she also uses. However, she does not have any relationship with Mr. Keys, and it will not impact her involvement in acting in the Chair position during this agenda item.

Chair Hall opened the public hearing.

Frank Watanabe stated that he is a Park City resident and the developer of Rossie Hill. He shared some clarifying information. 755 Rossie Hill Drive has been sold and closed. It is a primary residence for another Park City resident, and they are not renting the house. As for the second parking location that was discussed, the separation shown on the drawing is simply because the gutters are indicated in a different color. That is the only reason there is separation shown between the pad and the hammerhead. Mr. Watanabe clarified that there is not a permit to park on Rossie Hill. Chair Hall asked that Mr. Watanabe remain available to answer Commission questions about the application.

Deb Rentfrow thought it was a good idea to limit the parking to one space. If two of the three existing properties are limited to one space, perhaps the developer will follow suit with the other two lots. She stressed the importance of parking sites accordingly.

There were no further comments. The public hearing was closed.

Commissioner Shand asked to review Condition of Approval #10. It references a two-car garage. It was clarified that 741 Rossie Hill Drive has a single-car garage. As a result, it was determined that Condition of Approval #10 will need to be amended. The Final Action Letter for 729 Rossie Hill Drive was shared for comparison. Commissioner Frontero

shared comments about parking. He wanted to see it restricted to one parking space. Other Commissioners agreed with that statement. Commissioner Suesser explained that she does not want to see the parking pad paved to create additional parking for the site. There was consensus and the Commission supports one parking space. Planner Klopfenstein reported that the Commission can use the first option for Condition of Approval #1. The Draft Final Action Letter was amended to reflect the language chosen.

There was discussion about the reason the driveway cannot be used as a second parking space. Commissioner Suesser believed it is because the driveway is not long enough for a second vehicle to be parked outside of the garage in accordance with the HOA. That seems to be more of an HOA issue than a City issue. She is not sure that this should be enforced through the Conditions of Approval. Director Ward clarified that on the City end, it has to do with the plat and fire access. The hammer-head driveway has a platted requirement that it be cleared. There is no desire to allow a vehicle to park in a driveway that does not have the required length, as it would then block that required fire access.

Commissioner Johnson believed Condition of Approval #1 and Condition of Approval #10 need to be amended. This was confirmed. It was noted that the parking in the driveway applies to visitors as well as occupants. This is stated in the Covenants, Conditions, and Restrictions ("CC&Rs") and the Rental Agreement. No visitors can park in the driveway, since there is only one parking space. There was discussion about Finding of Fact #10. Amendments were made to the language for additional clarity. There were also discussions about the other Conditions of Approval that have been proposed. With the corrected numbering, the amendments previously made to Condition of Approval #10 actually relate to Condition of Approval #11. Additional corrections were made. Commissioner Frontero stated that he is comfortable with all of the changes.

Commissioner Johnson asked to make a comment about the General Plan. There was some public comment previously that was against nightly rentals. As he looks at the Lower Deer Valley language, it is a resort neighborhood catering to second homes and nightly rentals. That is what is important about the work ahead with the General Plan. It is possible that Lower Deer Valley is different now than it was in 2014 and there might be more permanent residents there. He is looking forward to future discussions. However, this application complies with the General Plan, and it is appropriate to move forward.

MOTION: Commissioner Frontero moved to APPROVE the Nightly Rental Conditional Use Permit for 741 Rossie Hill Drive based on the Findings of Fact, Conclusions of Law, and Conditions of Approval, as outlined and amended in the Draft Final Action Letter:

Findings of Fact:

1. 741 Rossie Hill Drive is in the Lower Rossie Hill subzone of the Historic Residential – Low Density (HRL) Zoning District.

2. The Lower Rossie Hill subzone of the HRL Zoning District includes five Single-Family Dwellings that are part of the Lilac Hills East Subdivision.
3. 741 Rossie Hill Drive is Lot 1 of the Lilac Hills East Subdivision.
4. 741 Rossie Hill Drive is located on a 0.12-acre parcel.
5. 741 Rossie Hill Drive is accessed by a 20-foot-wide shared private driveway from Rossie Hill Drive. The private driveway accesses all five Single-Family Dwellings within the Lilac Hills East Subdivision.
6. **Size and location of the site** – The Single-Family Dwelling complies with the HRL Zoning District Lot and Site Requirements outlined in LMC § 15-2.1-3.
7. **Traffic** – 741 Rossie Hill Drive is accessed by a private driveway from Rossie Hill Drive. There will not be a significant change in traffic generated for the property as a nightly rental compared to a Single-Family Dwelling.
8. **Utility capacity, including Storm Water run-off** – Utilities for the Single-Family Dwelling are available on-site. No change to utility capacity or storm water run-off is proposed.
9. **Emergency vehicle access** – The private drive that accesses the five Single-Family Dwellings within the Lilac Hill East Subdivision is designed with a hammer-head configuration. The Lilac Hill East Subdivision plat notes include the following: “[d]rives... shall provide twenty feet (20’) wide of clear space to meet Fire Code. If parking impacts this twenty foot (20’) wide clear space, it will not be allowed and shall be signed ‘No Parking.’” The Conditional Use Permit is conditioned on no parking along the private driveway.
10. **Location and amount of off-Street parking** – LMC § 15-3-6(A) requires two parking spaces for Single-Family Dwellings. The Single-Family Dwelling includes a one-car garage. 741 Rossie Hill Drive is a Landmark Historic Site on the Park City Historic Sites Inventory (LMC § 15-11-10(D)(1)(fe)). LMC § 15-2.1-4 states Historic Structures are exempt from parking requirements. However, LMC § 15-2.1-4 also states that “(a)ll Conditional Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with parking requirements of Chapter 15-3.” The Planning Commission limited the required parking to one vehicle, pursuant to LMC

Chapter 15-3. 741 Rossie Hill Drive has one on-site parking space within the parking garage. Pursuant to LMC § 15-2.1-2(B)(1) footnote 2, nightly rental agreements for properties within the Lower Rossie Hill subzone must limit the number of vehicles for the nightly rental to the number of on-site parking spaces.

11. **Internal vehicular and pedestrian circulation system** – No changes to internal vehicular or pedestrian circulation are proposed.
12. **Fencing, Screening, and landscaping to separate the Use from adjoining Uses** – No changes to fencing, screening, or landscaping are proposed with this CUP. The five Single-Family Dwellings in the Lower Rossie Hill subzone within the HRL Zoning District are surrounded by residential properties within the Residential Medium Zoning District. Nightly Rentals are an allowed use in the Residential Medium Zoning District.
13. **Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots** – No changes are proposed.
14. **Usable Open Space** – No changes are proposed.
15. **Signs and Lighting** – Signs are prohibited, and any outdoor lighting must comply with the Dark Sky Code.
16. **Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing** – No changes are proposed.
17. **Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site** – The property owner is responsible for regulating the occupancy and noise created by occupants of the nightly rental.
18. **Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas** – Trash receptacles shall be stored on-site and screened.
19. **Expected ownership and management of the nightly rental** – The property will be part of the Lilac Hill East Homeowner Association.

20. **Environmentally sensitive lands** – The property is not within the Sensitive Land Overlay, Soils Ordinance, or on steep slopes.
21. **Consistent with the Park City General Plan** – Objective 7C of the General Plan is to focus future Nightly Rental units near resort neighborhoods – Park City Mountain Resort and Deer Valley.
22. 741 Rossie Hill Drive is roughly 0.3 miles to the nearest Deer Valley Resort Facility (Deer Valley Café); and 0.75 Miles to Snow Park Lodge and ticket office at Deer Valley.
23. The Development Review Committee reviewed the Application and recommended Conditions of Approval on July 2, 2024.
24. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on July 26, 2024. Staff mailed courtesy notice to property owners within 300 feet on July 29, 2024. The Park Record published notice on July 31, 2024.
25. On August 14, 2024, the Planning Commission opened and closed a public hearing for the application.

Conclusions of Law:

1. The proposed application, as conditioned, complies with the requirements of the Land Management Code.
2. The proposed nightly rental is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed nightly rental use is consistent with the Park City General Plan.
4. The effects of the difference in use or scale of the nightly rental have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval:

1. Prior to submitting a Nightly Rental Business License application, the Applicant shall amend the Nightly Rental Agreement for 741 Rossie Hill Drive to limit guests to one vehicle, which must be parked within the one-car garage on the property. Parking on the private driveway accessing 741 Rossie Hill Drive, along Rossie Hill Drive, and within the surrounding neighborhood is prohibited. The Applicant shall submit a form of the updated Nightly Rental Agreement to the Planning Department to be kept on file.
2. The Applicant shall install "No Parking" signs along the shared private drive within the Lilac Hill East Subdivision in a form and location approved by the Engineering Department and Park City Fire District prior to submitting a Nightly Rental Business License application.
3. Outdoor sign installations advertising the nightly rental are prohibited.
4. All outdoor lighting must be down-directed, fully shielded, with bulbs 3,000 degrees Kelvin or less. A fully shielded light is installed in such a manner that all light emitted either directly from the bulb, or indirectly by reflection or refraction, is below the horizontal plane through the fixture's lowest light emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture. Final lighting details shall show compliance with this condition and shall be reviewed by the Planning Staff prior to installation.
5. The property owner is responsible for regulating the occupancy and noise created by occupants of the nightly rental. Violation of Municipal Code of Park City Chapter 6-3 Noise, illegal conduct, or any other abuse which violates nightly rental regulations, or these Conditions of Approval is grounds for business license revocation.
6. Trash receptacles shall be stored on-site and screened and placed for trash pickup according to the Municipal Code of Park City § 6-1-11, which prohibits trash receptacles from being set out for collection prior to 6:00 PM of the day before collection. All trash receptacles must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:59 PM the day they are emptied.

7. Trash cans shall not be left at the curb for any period in excess of 24 hours and the property must be kept free from accumulated garbage and refuse.
8. The Lilac Hill East Subdivision Homeowner Association shall keep the shared driveway clear of snow.
9. The licensee for nightly rentals shall be the property owner. The local representative shall be deemed the responsible party.
10. Updated property management contact information shall be displayed in a prominent location inside the nightly rental.
11. The nightly rental shall be properly managed through property management services with the minimum services and management required: snow removal during winter months to a level that allows safe access to the home over the normal pedestrian access; snow removal services to the one on-site parking space within the one-car garage; summer yard maintenance including landscaping maintenance; structural maintenance to preserve substantial code compliance; routine upkeep, including painting and repair; and housekeeping service.
12. The property owner must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or other individual who resides within a one-hour drive of the property. The responsible party is personally liable for the failure to properly manage the nightly rental. The responsible party must be available by phone or otherwise 24 hours per day and must be able to respond to inquiries within 20 minutes. The responsible party is also designated as the agent for receiving all official communications from the City.
13. The nightly rental shall not be used for commercial uses and may not be used for a corporate sponsor or to distribute retail products or personal services to invitees for marketing or similar purposes.

The motion was seconded by Commissioner Shand.

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

- E. Land Management Code Amendments** – The Park City Planning Department Formally Initiated Proceedings to Amend the Municipality's Accessory Uses in Master Planned Development Land Use Regulations Outlined in Land Management Code Section 15-6-8 Unit Equivalents and

Section 15-15-1 Definitions Regarding Support Commercial and Residential and Resort Accessory Uses for Master Planned Developments, and Sections 15-2.7-2 Uses for the Recreation and Open Space Zoning District, 15-2.18-2 Uses for the General Commercial Zoning District, and 15-2.19-2 Uses for the Light Industrial Uses to Clarify Resort Support Commercial is Allowed when approved as part of a Master Planned Development. PL-24-06193.

Director Ward presented the Staff Report and explained that the item relates to accessory uses in Master Planned Developments. The Planning Commission prioritized this for code amendments in 2023. Three work sessions and public hearings were held. The City Council held four public hearings on the recommended code amendments. In the end, the City Council denied the amendments and requested the formation of a Task Force that was appointed by the Mayor. The Task Force reviewed the amendments and made recommendations. Director Ward reported that three Task Force Members are participating remotely, including Chris Conabee, Brianna Callaway, and Alexandra Horst. She explained that there will be a Staff presentation and then a Task Force presentation.

When the City Council created the Task Force, the following information was requested:

- What is the purpose of the amendments?
- What are the financial implications?
- What type of development do the amendments incentivize/disincentivize?
- What is the purpose of the footnote connecting the Resort Support Commercial to an approved Master Planned Development?

The eight-member Task Force met four times. As part of that review, the Task Force was provided all of the documents the Planning Commission reviewed, including Meeting Minutes, and the City Council record. The Task Force wrote an Executive Summary outlining their recommendations, which has been provided to the Planning Commission as an exhibit.

On July 11, the City Council requested that Staff issue a pending ordinance to establish a six-month period for further review and discussion. On July 12, Staff issued a pending ordinance. This is the ordinance that was recommended unanimously by the Planning Commission. However, during the six-month period, that pending ordinance can be modified and adjusted by the Planning Commission if that is the recommendation.

In 2023, the Planning Commission's recommendation was for Support Commercial Uses. Those uses are designed to provide commercial support for people who are already on the site. The Commission recommended limiting signage and marketing to the site, shifting meeting spaces to use rather than a bonus, limiting these to hotels, and making sure that even though Support Commercial Uses are exempt from density or unit equivalents, the employees required to operate these Support Commercial Uses be captured in that affordable housing requirement. There was also a maximum square

footage established and a prohibition of conventional chain businesses. Director Ward shared the pending ordinance and original recommendation made by the Commission.

In the current code, there is an allowance for Support Commercial, up to 5% of the total floor area of the unit equivalents within the project. There was also that 5% allowance for meeting space and then flexibility within the square footage for the meeting space allocation within a project. The recommended amendments established a cap of 5,000 square feet for the Support Commercial Use. Director Ward reported that the Affordable Housing Resolution would apply to the employees generated from the use.

For Residential Accessory Uses, the Commission's recommendation was to limit the functional spaces and define what those functional spaces are, but also to allow childcare facilities and extra bicycle storage to be an exception from square footage limitations. Director Ward shared the existing code and the pending ordinance for comparison. The Commission recommended refining the list and limiting Residential Accessory Uses to mechanical rooms and shafts that are limited to electrical, heating, ventilation, plumbing, and air conditioning equipment and ductwork necessary for the operation of the building.

Director Ward shared information about Resort Accessory Uses. The Commission clarified that the uses require employees, and those employees need to be captured in the affordable housing obligations. Both employees and users who may be coming from off-site must be accounted for and evaluated as part of the traffic and parking. The list was refined to remove uses for business operations, such as administration. Additionally, Resort Support Commercial was tied to Master Planned Developments that have been approved. That is a footnote in many of the Zoning Districts, except for the Recreation Open Space. The pending ordinance and recommended amendments tie any Resort Support Commercial to an approved Master Planned Development.

Staff recommends that the Planning Commission hear from the Task Force, conduct a public hearing, and direct Staff on whether the Commission recommends modifications to the pending ordinance. It is also recommended that the public hearing be continued until September 11, 2024. If the Commission feels they are ready for a vote on September 11, 2024, it is possible to forward the item with a recommendation to the City Council for review on October 10, 2024. She asked that the Task Force representatives speak next.

Mr. Conabee explained that he will share information about the Task Force meetings and discussions. The Task Force was interested in looking at the history of the code and how it evolved over time. Mr. Conabee noted that there are examples of how the code has worked historically. He shared presentation slides that addressed the questions posed.

- What is the purpose of the amendments?
 - The Task Force Members believe that the amendments were a way to reduce and define Master Planned Development usage of commercial, meeting space, and resort support space.
- What are the financial implications?

- The Task Force Members believe:
 - The current code is beneficial as written;
 - MPD allocation of 5% commercial and 5% meeting space has served the community well in reducing traffic and creating needed ancillary space for businesses to service Master Planned Developments;
 - Past Planning Commission and City Council discretion for increasing commercial from meeting space (and vice versa) up to 10% is critical for neighborhood-specific outcomes.
- What type of developments do the amendments incentivize/disincentivize?
 - The Task Force Members believe:
 - The amendments incentivize those who wish to minimize growth of commercial within Master Planned Developments;
 - The amendments disincentivize resort operations;
 - The code was written to support resort development, not control future resort growth;
 - Resort growth should be supported so local resorts can remain competitive nationally and internationally.
- What is the purpose of the footnote connecting Resort Support Commercial to an approved Master Planned Development?
 - The Task Force Members believe:
 - The purpose of the footnote was to attempt to apply consistent standards across all different zoning districts;
 - The inclusion of the footnote effectively undermines the distinctive nature of each district.

Mr. Conabee shared some case studies with the Planning Commission, including Silver Star Park City, Goldener Hirsch, and Empire Pass. He pointed out the following:

- Silver Star Park City:
 - Flexibility and discretion in commercial entitlement percentages allowed for Silver Star to anchor the Sundance HQ for a decade.
- Goldener Hirsch:
 - Flexibility and discretion in commercial entitlement percentages allowed for the Goldener Hirsch to increase meeting space that was lacking in the area rather than additional commercial space that would compete with surrounding commercial spaces.
- Empire Pass:
 - Flexibility within a Master Planned Development allowed Empire Pass and the City to help reduce the impacts on traffic within the City.

Mr. Conabee reviewed the Task Force findings, which included the following:

- Leave most of the current code as is prior to the recommendations originally proposed by the Planning Department;

- Remove Footnote 6 from Section 15.2.7-2 of Draft Ordinance No. 2023-17;
- Clarify the definition of Resort Support Commercial;
- Major changes to the existing code would result in increased traffic and potential devaluation of the resort guest experience;
- Add the following uses to Resort Accessory Use: childcare, affordable housing, dining, ski school, and bike storage;
- Latitude for increases above 5% but limited to 10% for commercial usage and meeting space should be at the discretion of the Planning Commission and City Council.

Chair Hall opened the public hearing. There were no comments. The public hearing remained open.

Commissioner Johnson clarified that the intention was to incentivize certain uses where there is the greatest need in the community. The Commission believed it was a logical way to look at the uses by removing some, limiting some, and promoting others. He asked how the Task Force looked at the uses and wondered whether there is any flexibility. Commissioner Suesser appreciates that Commissioner Johnson asked the Task Force whether they are willing to be flexible but noted that their conclusions and findings have been submitted. There is no negotiation process. The Task Force recommendation will be considered moving forward and decisions will be made. Commissioner Johnson clarified that he is not trying to negotiate and is simply asking for additional clarification about where the Task Force is coming from on these items.

Mr. Conabee agrees with the Commission that this relates to bonus density, that bonus density came at the time of entitlement, and that resorts should be able to use that and expand that. He shared an example scenario with the Commission related to ski lockers. Commissioner Johnson noted that there are Development Agreements in place already that have the allocated density, so this would not necessarily apply to certain Development Agreements. Mr. Conabee confirmed that it would only apply to Master Planned Developments. There was additional discussion about the example scenarios.

Commissioner Sigg stressed the need to have clear definitions. For instance, defining what a hotel really is. A lot of the ballooning of some of the accessory uses becomes a direct benefit to the price per square foot that a unit might sell for. He pointed out that it is easy to hide behind a front desk and claim that something is a hotel. Commissioner Sigg explained that there is not a desire to restrict the ability of resorts to offer world-class services or enough restrooms and ski lockers. He shared an example from Shadow Ridge. As for traffic, when a space is open for public use, the consumer who likes to frequent that establishment is more inclined to use their vehicle to access it than a guest in a hotel facility. The definition becomes a significant part of this process. He reiterated the issue with condominium projects hiding behind a front desk to have expanded amenities.

Commissioner Suesser explained that she has been on the Planning Commission for a long time and has struggled with applying the current code to a number of projects. She has watched the difficulty in how the code functions. For example, she was involved with the Treasure Hill project when a 440,000-square-foot proposal ballooned to over 1 million square feet. A lot of that was the back of house or accessory uses. The Commission attempted to look at comparable resort lodging to determine whether or not it was appropriate in that instance. More recently, there was a substantial condominium development that was approved at 160,000 square feet of density that ballooned to 313,000 square feet in density. The density that was added to that included spas, bars, corporate meeting rooms, children's play centers, arcades, bowling alleys, and restaurants. Those types of profit centers are what inspired the code changes. It has to do with residential properties with a lot of added commercial uses. It is those commercial uses that were removed from the code previously proposed. She stands behind the proposal.

Commissioner Suesser explained that there is nothing wrong with adding amenity space, but it should be included in the project density because that triggers the appropriate amount of affordable housing in the project. That also creates some predictability. That is the problem with the ballooning of these kinds of projects: there is no predictability, and the affordable housing component is impacted. That was her main interest in the code amendments. Mr. Conabee does not believe anyone on the Task Force would disagree with the comments about affordable housing. As far as the project that was referenced, he believed they were trying to add large-scale amenities, because back then, there were a lot of people concerned about Marsac Avenue and the traffic there. Commissioner Suesser noted that they requested additional density in the form of the Support Accessory Uses. Mr. Conabee clarified that in that scenario, square feet was not granted, but unit equivalents were. There was a calculation where there could be additional items, which is what the Planning Commission is looking at changing. He understands the concerns expressed, as there are impacts related to traffic, employment, and affordable housing.

As for the earlier comments from Commissioner Sigg, there is the Silver Star development to consider. Mr. Conabee referenced the Silver Star Development Agreement. There are supposed to be certain things happening that have not. Some of the breakdown has to do with enforcement of Development Agreements. Mr. Conabee acknowledged that the Task Force has presented ideas and suggestions to the Planning Commission. Ultimately, the Planning Commission will take that into consideration and make their own decision. He is simply communicating what the Task Force discussed in their meetings.

Commissioner Shand mentioned some of the amenities on the list, such as ski lockers, dining, arcades, and lobbies. These are in no way comparable to selling a condominium or renting a hotel room. The realistic balance that developers are faced with is how many amenities need to be put in to make the property attractive so people will stay there or purchase condominiums there. Developers have to find a balance between the square footage used for amenities and the square footage used to sell or rent. Even though the amenities may not count towards their square footage, it still costs money to build. Mr.

Conabee agreed that achieving that balance can be difficult. He pointed out that a certain amount of square footage is needed for back-of-house and operation needs. The Task Force is in favor of healthy resorts with five-star amenities. In certain situations, those amenities require uses such as food options, shops, and other expected guest services.

Commissioner Sigg believes it comes down to the definition of what a hotel is. Everyone understands the need for amenities to create an experience. Commissioner Suesser clarified that no one is suggesting that the amenities aren't appealing or attractive or that they should not be included. The question is how to designate them in the code. She felt they should be part of project density, especially if it is a revenue-producing amenity. Commissioner Shand stated that the intention is to make sure affordable housing is covered and the project does not balloon to a massive size. Additional conversations were had about the previously referenced project that ballooned to a much larger size.

Mr. Conabee shared additional comments with the Commission. He noted that world-class operators are looking at more amenities rather than less. He appreciates that the Planning Commission is looking in all of the right places and is trying to make the best decisions. The hope is that the work the Task Force has done will be of assistance.

Commissioner Johnson asked what the Task Force thought about the conventional chain businesses. Ms. Callaway reported that it was not the main topic the Task Force discussed. Enforcement was discussed far more by the Task Force. She explained that there were many conversations about how to actually enforce the current codes.

Commissioner Johnson confirmed that enforcement with every Master Planned Development can be problematic. The idea is to look at how to regulate that. The amendments are a tool that can be used. Mr. Conabee agrees that there are difficulties but noted that the Planning Commission is proactive. He reiterated that projects will likely need more amenities moving forward rather than less. It is understood by the members of the Task Force that the Planning Commission is in a difficult position. Commissioner Frontero acknowledged that the Task Force had a challenging role. He has looked at the Executive Summary and appreciates the comments. He clarified that the intention of the Planning Commission was not to disincentivize anyone. He does not believe it is as restrictive as it is being painted. Mr. Conabee shared additional information about the Task Force process. The goal was to share good information with the Commission.

There was discussion about the Executive Summary submitted by the Task Force. Commissioner Frontero expressed his appreciation for everyone on the Task Force. The comments are appreciated, and the Task Force perspective will be further considered by the Planning Commission. All of the recommendations will be given serious consideration. Chair Hall appreciates the time that was dedicated to this work. It is expected that there will be some disagreements about the best approach. Mr. Conabee thanked the Planning Commission for allowing him to present. The Task Force understands where they fall in service to the Planning Commission. He informed Commissioners that the Task Force members are available to assist in the future.

Chair Hall asked whether there is a general consensus on what the Planning Commission is looking to accomplish at the meeting on September 11, 2024. She also wanted to reach a consensus about what direction can be given to Staff ahead of that meeting.

Commissioner Johnson respects the Task Force and their findings but believes the work the Planning Commission did was with the best intentions. Throughout the General Plan, there are statements that support a lot of the recommendations originally made. He found a quote in the General Plan that said: "Looking forward, the Planning Department should conduct analysis and research related to density within the City, examining more appropriate methods to understand the density and impacts necessary to ultimately resolve future land use scenarios." Commissioner Johnson thought that was a perfect way of summarizing the process. The Planning Commission uses their experience as Commissioners to try to improve the Land Management Code and find the best way to improve the land use regulations. He believes that has been done through this exercise. He supports the work that was done by the Planning Commission previously, as it was intentional, well thought out, discussed at length, and a consensus was reached.

Commissioner Sigg believes there is a common spirit between the work done by the Task Force and the Planning Commission. No one wants to disincentivize world-class amenities. The way some of the incentives are granted simply needs to be tightened up more. The intention is to promote world-class developments that draw a customer base, but it is important that the system cannot be gamed so a developer can receive bonus space that does support the community at large. There is commonality in the spirit of what both groups are trying to achieve, which is important to keep in mind during these discussions.

Commissioner Shand clarified that he was not present during the work the Commission did initially. He sat on the Task Force and learned a lot from what was happening there. In general, he agrees with the Task Force and likes the percentages suggested, but also agrees with Commissioner Sigg that things need to be tightened up. Accessory uses that impact the workforce should be looked at. The findings of the Task Force will help the Commission refocus. Narrowing down the scope is important. Commissioner Suesser believes he supports the change to the Code, so it is 5% or 5,000 square feet, whichever is less. Commissioner Shand denied this. He was referring to the 5% and 5%. However, he is willing to look at the 5% or 5,000 square feet, whichever is less. To the point made by Mr. Conabee, there may be a large project that needs to have meeting space that is larger than 5,000 square feet. The 5% rule might be more appropriate in that instance.

Commissioner Shand clarified that while he is in favor of the 5% and 5%, he would like to look at what accessory uses impact employment and affordable housing. Additionally, he would like to look at what accessory uses can abuse the system and balloon to become much larger. Commissioner Suesser appreciated the clarification from Commissioner Shand. She expressed appreciation to the Task Force for their work. She agrees with some of the prior comments about tightening a few of the definitions. It would be ideal to

look into the definition and application of the gross floor area. Commissioner Suesser stressed the importance of the definitions being further clarified and addressed.

Chair Hall asked Staff what additional information is needed from the Commission at this point. Director Ward believes there is consensus about the need to refine and tighten up the section of code. There is also interest in revisiting definitions, such as Resort Support Commercial, Gross Floor Area, Hotel, Condominium, and so on. There is consensus that the employees generated through these accessory uses should be taken into consideration. As far as the pending ordinance, she asked if there are other sections or additions the Planning Commission has a consensus to revisit at the next meeting.

Commissioner Frontero believed the Commission should consider the maximum square footage item that was put in previously. It seems that is a topic that should be discussed more thoroughly at the next meeting. Commissioner Suesser shared additional information about the example scenario mentioned earlier. Even the 5% hasn't been restrictive enough at times. That is something that can be further discussed next time.

Director Ward made note of the footnote that connects the Resort Support Commercial to an approved Master Planned Development. She wondered whether that is something the Commission needs more information on or would like to discuss at the next meeting. Commissioner Sigg stated that it comes back to definitions. For example, whether Resort Support Commercial means what is happening on the ski runs and lifts or if it means what the resort owns at the base of the ski lifts. That footnote needs to be further clarified.

Director Ward asked how the September 11, 2024, Planning Commission Meeting should be publicly noticed. She noted that there still needs to be a public hearing held at the current meeting. The recommendation is to continue the public hearing to September 11, 2024. As for the next meeting, she wondered whether the item should be noticed for potential recommendation to the City Council or if the Commission believes there will be continued discussion. Commissioner Suesser believes the item should be noticed for action at the next meeting because it is always possible to continue the item, if necessary. Other Commissioners agreed with that approach. Commissioner Johnson pointed out that the public hearing was opened earlier in the meeting. Chair Hall confirmed this.

MOTION: Commissioner Johnson moved to CONTINUE the Land Management Code Amendments for Accessory Uses in Master Planned Developments and the Public Hearing to September 11, 2024. The motion was seconded by Commissioner Frontero.

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

7. ADJOURNMENT

MOTION: Commissioner Frontero moved to ADJOURN.

The meeting adjourned at approximately 9:15 p.m.