



**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
APRIL 22, 2026**

**COMMISSIONERS IN ATTENDANCE:** Christin Van Dine (Chair), Rick Shand (attending virtually), Adam Strachan, John Frontero, Grant Tilson, Seth Beal

**EX OFFICIO:** Rebecca Ward, Planning Director; Jaron Ehlers, Planner I; Virgil Lund, Planner II; Mark Harrington, Senior City Attorney; Elissa Martin, Planning Project Manager

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**1. ROLL CALL**

Chair Christin Van Dine called the Planning Commission Meeting to order at 5:30 p.m. All Commissioners were present with the exception of Commissioner Henry Sigg.

**2. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

Chair Van Dine shared a disclosure for 3181 American Saddler Drive. She was contacted by a neighbor about the item, but there was no substantive discussion. The neighbor was informed that it is possible to submit comments to [planning@parkcity.gov](mailto:planning@parkcity.gov). Commissioner Rick Shand also shared a disclosure for 3181 American Saddler Drive. He knows the applicant and has been to the home before, but this will not influence his decision.

**3. PUBLIC COMMUNICATIONS**

There were no public communications.

**4. WORK SESSION**

- A. 1885 Lower Iron Horse Loop – Master Planned Development, Conditional Use Permit, Zone Change** – The Applicant Proposes to Develop a Vacant Lot at 1885 Lower Iron Horse Loop with a Multi-Family Dwelling Consisting of 18 Residential Units. The Current Zoning is Estate and the Applicant Proposes a Zone Change to General Commercial. MPD, PL-26-06842; CUP, PL-26-06861; Zone, PL-25-06456.

Planner I, Jaron Ehlers, explained that the first Work Session item relates to 1885 Lower Iron Horse Loop. He noted that Planner II, Virgil Lund, is attending the meeting virtually.

In addition, the applicant team from Elliott Workgroup, Molly Guinan, Lyndsey Heck, and Dallas Davis are present at the Planning Commission Meeting. Planner Ehlers reported that the proposal is for a Zone Change, Master Planned Development (“MPD”), and Conditional Use Permit (“CUP”). Background information was provided to those present.

1885 Lower Iron Horse Loop has been zoned Estate since 1985. Planner Ehlers noted that the Land Management Code (“LMC”) requires a minimum lot size of three acres to develop a unit within the Estate Zoning District. However, the applicant property is 0.54 acres. Under the current zoning, without a variance, there is no development allowed.

The property is located near several existing developments, including the Lower Iron Horse Apartments and the Upper Iron Horse Apartments. The proposed site of Deer Valley’s Ski Rail Housing is located at the end of Lower Iron Horse Loop. The applicant property is also located near the Rail Trail parcel. Planner Ehlers reported that the applicant proposes a Zone Change to the General Commercial (“GC”) Zone. He noted that there is an MPD and CUP proposed for 13 market-rate units and four affordable units.

On July 9, 2025, the Planning Commission held a Work Session related to this property. At that time, there was a proposed Zone Change to the Light Industrial (“LI”) Zone and an Affordable Master Planned Development (“AMPD”). During that meeting, the Planning Commission provided feedback to Staff and the applicant, including the following:

- Additional justification consistent with the General Plan and applicable zoning purposes is required before a Rezone could be approved;
- An AMPD could be a public benefit;
- Additional work and many Conditions of Approval would be required before the Commission would be confident in the proposal, including a Condition of Approval limiting the Rezone to permit only an AMPD;
- Additional information on how the parking situation would work, along with access, is required;
- Information on the floodplain is needed to determine if adequate buffering was provided; and
- A smaller building footprint may be better suited to the steeply sloped site.

Planner Ehlers shared a correction to the Staff Report. In the table shown on Page 4, under the total units for the AMPD proposal, that should read 23 units instead of 13 units.

The main difference between the two proposals is that the AMPD was 23 units, half of which would need to be affordable under the AMPD. The current proposal is for 13 market-rate units and four affordable units. The total square footage was approximately 32,400 under the AMPD proposal and is 38,200 under the current MPD proposal. The open space under the AMPD was 39%, and it is 33% in the current proposal. Planner Ehlers reported that the proposed Building Height under the MPD is 54 feet 6 inches.

There is a reduction in the amount of residential unit square footage and there is an increase of four proposed parking spaces. A Zoning Map of the area was shared.

Staff finds that construction of affordable units may justify a Zone Change on the property. However, four of the 17 total units may not be sufficient to justify the request. Planner Ehlers noted that there is a proposed Building Height exception. The highest point of the proposed building is a stair tower, which would measure 54 feet 6 inches. Other exceptions include chimneys that are 51 feet and an elevator tower at 49 feet 8 inches.

Planner Ehlers reviewed parking information. There are 24 proposed parking spaces and 23 are required under the code. 18 of the parking spaces would be located in the front setback, with six spaces in an enclosed garage. The applicant will need to record an Access Agreement for the proposed parking that allows vehicles to back into private property. He explained that Lower Iron Horse Loop is a private street. Staff brought this proposal to the Development Review Committee ("DRC"), and some concerns were expressed. There is work being done to address those concerns with the applicant.

Planner Ehlers posed the following questions to the Planning Commission:

- Does the Planning Commission require additional information to evaluate the applicant's request to Rezone the property?
- Does the Planning Commission require additional information to consider the Rezone in the context of the General Plan, Bonanza Park Small Area Plan, and Moderate Income Housing Plan?
- Does the Planning Commission require additional information to evaluate the applicant's requested Building Height exception?
- Does the Planning Commission require additional information to evaluate the parking?
- Does the Planning Commission require additional information to evaluate the Sensitive Lands?

Commissioner Shand wanted to understand the difference between backing out of a parking spot onto private property and accessing the parking spot over private property. Planner Lund explained that accessing the parking and backing out of the parking would both require there to be an Access Agreement from the property owner. The Access Agreement could potentially cover both backing out and accessing the parking spots.

Chair Van Dine suggested that the Planning Commission consider each of the Staff questions. The first question had to do with the evaluation of the Rezone request. Commissioner John Frontero asked the applicant to provide additional clarity about the applicant narrative. He found the second paragraph to be confusing, particularly the following statement: "The development will comply with required setbacks, heights, open space, and façade variation currently required by the General Commercial Zone." He finds the application does not comply with the height or open space code requirements.

Ms. Guinan explained that the requirement is met for an MPD in a GC Zone. There would be a height exception required, but there would be compliance with the other components. Commissioner Frontero pointed out that the narrative indicates there is compliance with all of the elements listed, but that is not the case since there is an exception needed.

Ms. Guinan reported that there was a requirement to show how the proposal would qualify for a height exception. That information is included in the Meeting Materials Packet. Commissioner Frontero reiterated that he found the narrative to be inconsistent with what has been outlined. There are certain areas where there will not be compliance with code.

Commissioner Frontero asked to further review the Zoning Map that was shared earlier. He noted that the property is bordered on three sides by Estate or open space, and the purple color represents the LI Zone. Initially, when this came forward, the request was to further increase the LI in the area. He did not believe that was an unreasonable request, but the latest proposal is for a Zone Change from Estate to the GC Zone. He finds this request inconsistent with the General Plan. As for the traffic impacts, there were concerns expressed previously by the Commission, but he sees more parking has been added.

Commissioner Frontero was surprised to hear about the additional height request. Ms. Guinan clarified that the actual height is 45 feet, but there is an elevator tower. An exception has been requested for the elevator and chimneys, but the actual height is the same as the last time this item was considered by the Commission. Commissioner Frontero pointed out that there is much less affordable housing proposed than last time. He does not find the new application has considered the previous feedback provided.

Commissioner Seth Beal asked about the rationale for the GC Zone as opposed to the LI Zone. Ms. Guinan explained that there was a lot of consideration given to the zone. Light industrial is in the area, but the items within it are mixed-used residential. The light industrial that is currently being used, which is where the Rail Trail is proposed, is also shifting to mixed-use housing. Although it is zoned LI, there will not be traditional light industrial uses there in the future. She read the language for the GC Zone and reported that it accurately describes the goals of the site. There is close access to trails, pedestrian and cycling paths, and bus routes that access local resorts and places of employment. For the LI Zone, the goal is to allow light industrial and manufacturing uses, which this is not. She acknowledged that both zones require a CUP for mixed-use residential.

There was a meeting held with Director Ward and there was a discussion about commercial uses that might be suitable for the site. Based on those conversations, a daycare or a facility that would support the residential is what would make sense there. Commissioner Beal stated that there is not as much open space that needs to be protected in the GC Zone when compared to the LI Zone. Ms. Guinan explained that it is 60% open space for the LI Zone and 30% for the GC Zone. She reported that there are steep slopes on this site as well as a stream with a floodplain. This is a complicated site,

which makes it difficult to achieve the 60% open space requirement associated with the LI Zone. Additionally, she does not believe light industrial best suits the future use.

Commissioner Beal noted that the LI Zone could make sense for the property, because this site borders LI Zoned properties. He pointed out that there will need to be a CUP for the desired use. He explained that it is difficult to answer the other questions that have been posed by Staff until the Zone Change issue has been addressed.

Commissioner Grant Tilson is unlikely to recommend a Zone Change outside of an AMPD based on the goals of the General Plan, the traffic in the area, and the site considerations. Ms. Guinan reported that the previous application was an AMPD and the current application is an MPD. She asked if there is a concern about traffic beyond the number of vehicles. Commissioner Tilson noted that the number of vehicles between the two proposals are similar, but with an AMPD, the City is gaining affordable units. With the new proposal, there are only four affordable units proposed. He does not find a compelling reason to consider a rezone of the property without those affordable units.

Ms. Guinan stated that if there is a specific affordable number in mind, it would be beneficial to have that communicated. There is an openness to finding a balance between affordable, attainable, and market-rate. Chair Van Dine pointed out that information was provided during the last Work Session, but the proposal went in a different direction. The number of units decreased, and the number of parking spaces increased. Ms. Guinan explained that the Planning Department asked them to look at parking within the building rather than it all being out front. Putting parking in the building required an increased footprint. It also meant the cost of the build would increase. This resulted in a change to the unit counts. With the AMPD calculation, there was a discrepancy in how RUEs were calculated, but the discussions reached an impasse. When the MPD was brought to the Planning Department, there were different ways to make this site developable explored.

Ms. Guinan explained that previously, there were 12 affordable and 11 market-rate units proposed, but the Planning Department thought the MPD proposal made sense to share with the Planning Commission. Some changes were made to the proposal in an attempt to meet the Planning Department's requests. If parking is not in the building, that could result in more affordable units. Every time the unit count is changed, the parking changes.

Chair Van Dine thought it made sense to focus on a better split between affordable, attainable, and market-rate units. Additional affordable units could warrant a Zone Change. Ms. Guinan asked for a breakdown of affordable versus attainable versus market-rate for these types of projects. Director Ward explained that AMPDs can have reduced open space, increased height, reduced setbacks, and the potential for reduced parking. At least 50% of the total square footage must be affordable. That information has been outlined in the Staff Report. If there is a Zone Change, the recommended baseline is that at least be 50% of the square footage be deed-restricted affordable. Ms. Guinan asked if this recommendation would apply to the MPD as well. Director Ward

clarified that, based on Planning Commission input, to rezone and develop a site that cannot otherwise be developed, there needs to be a baseline of affordability provided. The Staff recommendation is that affordable be at least half of the total square footage.

Commissioner Shand believed this property should be considered for a Zone Change to the LI Zone rather than the GC Zone. The LI Zone would be consistent with the surrounding area. Commissioner Adam Strachan is new to this discussion, but agrees with the comments shared by other members of the Commission. He is weary of Zone Changes, especially when upzoning is requested. The purposes of the Estate Zone and GC Zone are dramatically different. The LI Zone seems to make more sense in this case.

Commissioner Frontero would only be in favor of moving from the Estate Zone to the LI Zone if there was a minimum of 50% affordable units. He would consider an upzone in that scenario, but what is now being presented is not something that is supported by the General Plan. As a result, he does not support the current proposal for a Zone Change.

Ms. Guinan asked if the GC Zone would be acceptable if the proposal was 50% affordable instead of the current unit mix. She wanted to know if the issue is the affordable mix or the requested zone. Commissioner Frontero explained that he is not in favor of rezoning the parcel to the GC Zone, as it is inconsistent with the neighborhood. The LI Zone makes more sense since there is already LI in the area. He pointed out that additional affordable units would support the General Plan and the housing goals of the City.

Ms. Guinan explained that the proposed Zone Change is due to the fact that this is a remnant Estate lot that cannot be built on. It cannot be developed as is, so the question is how to make the lot developable. Commissioner Frontero clarified that there is no requirement to allow the Zone Change, as it can remain an undevelopable Estate lot.

Discussions were had about the area and the challenges associated with the site. Planner Lund noted that the Commission has provided clear direction so the applicant can move forward with potential changes. He thanked Commissioners for their feedback.

**B. Municipal Sign Code Amendments – The Planning Commission Will Conduct a Work Session Regarding Possible Amendments to Municipal Code of Park City Title 12 *Sign Code* Regarding Construction Marketing and Real Estate Signs. PL-26-06819.**

Virgil Lund explained that the second Work Session item relates to Municipal Sign Code amendments. This was previously discussed at a Work Session held on February 25, 2026. During that Work Session, there was some concern from the Commission about the size of the potential Construction Marketing Signs. There was feedback to gather data regarding the current leasing at EngineHouse and Studio Crossing. The attorney representative for Studio Crossing is present at the current meeting to answer questions.

At the last Work Session, the Planning Commission also provided direction to formulate a definition for a Leasing Sign. Planner Lund noted that the following has been drafted:

- SIGN, LEASING. To facilitate the initial occupancy of large-scale developments, one (1) Leasing Sign is permitted per street frontage for any new development containing more than ten (10) residential units or more than twenty thousand square feet (20,000 sq. ft.) of commercial floor area.
  - SIZE. Leasing Signs shall not exceed thirty-two square feet (32 sq. ft.) in area.
  - DURATION. Leasing Signs may be installed upon the issuance of the first Certificate of Occupancy and must be removed within twelve (12) months or 90% occupancy, whichever occurs first.
  - PLACEMENT. Leasing Signs must meet the same setback standards as Construction Marketing Signs.

Planner Lund shared a table that outlines the existing regulations for Construction Marketing Signs and Real Estate Signs. It also includes information about the proposal for Leasing Signs. He next provided Leasing Data for Commissioner consideration.

Planner Lund reported that he met with the Leasing Agents for both EngineHouse and Studio Crossing. For EngineHouse, 67 of the 99 income-restricted units (67%) are leased. 11 of the 24 market-rate units have been leased. The developer believes they will reach full capacity by the end of the year, as 100 people are moving through the pre-application stage. Advertising for units is done through online rental platforms, websites, and word of mouth. Right now, there are no signs used for advertising at EngineHouse.

As of March 11, 2026, 9 of the 104 units at Studio Crossing are leased. Advertising for the units is done in a similar way as EngineHouse, with online rental platforms and websites. There is also a Construction Marketing Sign at the development site. There was feedback from the Leasing Agent that some people have a difficult time finding the leasing office when they enter the development, since the site is still under construction. Based on that feedback, Staff looked into a potential code amendment to allow for Temporary Portable Signs in the Community Transition (“CT”) Zoning District or the Regional Commercial Overlay (“RCO”) to improve wayfinding at Studio Crossing.

Planner Lund posed the following questions to the Planning Commission:

- Does the Planning Commission support the proposed definition for Leasing Sign?
- Does the Planning Commission support allowing Temporary Portable Signs in the CT Zoning District?
- Does the Planning Commission recommend additional changes to the Sign Code?

It was noted that Justin Keys is present on behalf of Studio Crossing, LLC, which is the owner of the Studio Crossing development. There was a request made in December for

temporary signage that could be used to market the units. Mr. Keys pointed out that it is not beneficial to construct affordable housing if it is not marketed and leased. Unleased affordable units could disincentivize developers from investing in affordable housing. There are currently 15 units leased. Due to active construction in front of the affordable housing buildings, it can be difficult to let people know that units are ready to be leased.

Commissioner Frontero supports the proposal for the Leasing Sign definition. The size seems reasonable, and he is generally supportive of allowing Leasing Signs. As stated by Mr. Keys, there is a push to build affordable housing, but those units need to be rented in order for them to be effective. The more advertising that can be done, the better. Commissioner Frontero is also supportive of removing signs in a way that is consistent with the code. There is no desire to have signs all over the City, but for affordable housing, it makes sense to allow Leasing Signs. The duration presented by Staff is reasonable.

Commissioner Shand asked Mr. Keys for clarification about whether the leasable residences are complete. Mr. Keys confirmed that there are 104 units complete at this time. Commissioner Shand noted that EngineHouse has leased the majority of its residences. He is not sure signage is the issue with Studio Crossing when EngineHouse does not have signs and is tucked away from the road. He pointed out that the Staff Report states: "The Developer believes they will reach full capacity by the end of the year. There are an additional 100 people who are moving through the pre-application stage." Based on this, he does not know that signage is the problem. He does not have an issue with the signage that has been requested, but does oppose a change to the code.

Commissioner Beal asked to further review the proposed definition for Leasing Sign. Planner Lund shared the proposed language with those present. Commissioner Beal is generally in favor of Leasing Signs, but had a few questions. He wanted to know if there will be a period of time where it is possible to have both Construction Marketing Signs and Leasing Signs at the same project. He is in favor of Leasing Signs on each street frontage, but would not want them both at the same corner. He asked how to address that issue. Planner Lund confirmed that language can be added to the definition to state it cannot be installed at the same time as a Construction Marketing Sign.

Commissioner Tilson expressed support for the proposed changes. However, he suggested that Leasing Signs be allowed for smaller developments as well. The maximum size of the sign could be reduced for smaller developments. That way, if there is a development with eight units to lease, this would not put them at a disadvantage. Planner Lund asked if there is a minimum number of units Commissioner Tilson would suggest. Commissioner Tilson did not have a minimum number of units to recommend, but suggested that the size of the sign be scaled according to the number of units.

Commissioner Strachan asked if this is something that could be achieved through a CUP rather than a code change. Mr. Keys explained that the code would still need to be modified to allow these signs through a CUP process. Right now, the sign code is clear

that these are not allowed. It is not possible to avoid the consequences of the code through a CUP, so there would need to be some sort of amendment made to proceed.

Commissioner Strachan asked if the Leasing Signs could state that the units are affordable or attainable. Senior City Attorney, Mark Harrington, would recommend avoiding this, but offered to look into the matter further if desired by the Commission.

Mr. Keys reported that the code would need to be changed to establish a conditional use process. He asked if that addresses the concerns expressed by members of the Commission. Commissioner Shand stated that he would support this being included in a list of conditional uses. He simply does not want there to be an automatic allowance for a 32 foot Leasing Sign. It would be preferable for there to be some review process in place. Chair Van Dine asked if there is support to make this an Administrative CUP. Commissioner Shand would support what the other Commissioners wanted.

Director Ward explained that installation of a sign requires a Sign Permit as well as Planning and Building review for compliance with the code. There is already a review process in place for compliance, but it happens at a Staff level. It could be elevated to a Planning Commission review, but currently, there is a Staff review with the Sign Code.

Commissioner Shand thought it made sense for it to be administrative unless a sign warrants further review by the Planning Commission. Commissioner Beal preferred a process that did not involve the Planning Commission reviewing each proposed sign. He is comfortable with whatever the Planning Department proposes. It does not necessarily make sense for the Planning Commission to review all of the Leasing Sign proposals.

Chair Van Dine asked to further review the questions posed by Staff. It seems there is support for the definition of Leasing Sign. Commissioner Beal reiterated that there should not be overlapping Construction Marketing Signs and Leasing Signs. There should also be some spacing between frontage signs. Discussions were had about the Temporary Portable Signs question. Planner Lund asked if the Commission would prefer the CT Zoning District or RCO. Several Commissioners expressed support for the larger area. Planner Lund wanted to know if the Commission would be supportive of a proposed ordinance presented at a future Planning Commission Meeting, which was confirmed.

The Planning Commission took a short break before hearing the Regular Session items.

## 5. REGULAR SESSION

- A. 384 Woodside Avenue – Modification of a Steep Slope Conditional Use Permit** – The Applicant Requests a Modification to the Condition of Approval in the November 12, 2025, Planning Commission Final Action Letter Which Requires the Single-Family Dwelling Plans be Updated to Reduce the Depth of the Garage from 20 Feet to 18 Feet to Comply with the Dimensional Requirements for a Garage, Pursuant to LMC § 15-2.2-5(D)(4) *Building Height Exceptions, Garage on Downhill Lot*. PL-26-06858.

Planning Project Manager, Elissa Martin, presented the Staff Report and explained that this is a Modification of a Steep Slope Conditional Use Permit (“SSCUP”) request at 384 Woodside Avenue. This is a Non-Historic Site on a Very Steep Slope with an existing structure in the Historic Residential – 1 (“HR-1”) Zone. The existing structure is proposed to be demolished and a new single-family dwelling is proposed to be constructed.

On November 21, 2025, the Planning Commission approved the SSCUP with a Building Height exception for the single-family dwelling to allow the garage on the downhill slope to exceed the HR-1 Zone height of 27 feet in order to accommodate the second required off-street parking space. The plans included in the SSCUP application showed the depth of the garage at 20 feet, which exceeds the dimensional requirement for a garage with a Building Height exception, according to the HR-1 Building Height regulations.

The SSCUP Final Action Letter included Condition of Approval #8 (A), which required the applicant to modify the plans to reduce the depth of the garage to 18 feet in order to comply with LMC Section 15-2.2-5(D)(4) – Building Height Exceptions, Garage on Downhill Lot. This section states: “The depth of the garage may not exceed the minimum depth for internal Parking Spaces as dimensioned within this code, Chapter 15-3.” Manager Martin shared renderings of the proposed single-family dwelling on the site.

When reading the specific language in the Building Height exception section of the code, it specifically uses the term Parking Space, which is a defined term in the LMC. The only place in Chapter 15-3 where Parking Space dimensions are called out is in Section 15-3-3(F), which states: “Parking Spaces must be at least nine feet (9’) wide by eighteen feet (18’) long. The City Engineer may approve minor variations in Parking Space dimensions.” While Section 15-3-4(A)(1) provides minimum dimensions for Single Garages, a defined term in the LMC, the HR-1 Building Height exception regulations explicitly call for the garage not to exceed the minimum depth for internal Parking Spaces.

Since the LMC does not provide specific language for an internal Parking Space, Staff understands this requirement as being for a Parking Space, as dimensioned in Section 15-3-4. While the LMC may be somewhat unclear regarding the required depth for a garage with a Building Height exception, Staff understands the requirement for a more compact garage is intended to mitigate the impact of the building that exceeds the height.

Manager Martin reported that the SSCUP approval with a Building Height exception for a garage on a downhill lot was conditioned on the plans being updated to reduce the depth of the garage from 20 feet to 18 feet. The applicant is requesting that the Condition of Approval be modified to allow the garage to be 20 feet, which increases the height of the garage by 1 foot beyond the 4 feet 2 inches that would already exceed the zone height.

Staff recommends the Planning Commission review the SSCUP Modification to amend the November 12, 2025, Planning Commission Final Action Letter, Condition of Approval #8 (A), requiring the single-family dwelling garage be reduced to 18 feet in depth. It is also recommended that the Commission conduct a public hearing and consider denying the modification based on the Findings of Fact and Conclusions of Law outlined in the Draft Final Action Letter. The Planning Commission may deny the modification request, approve the Modification to an SSCUP and direct Staff to making findings for the approval, or request additional information and continue the discussion to a date certain.

The applicant representatives, Jonathan DeGray and Justin Keys, are present at the Planning Commission Meeting, as well as the applicants, Rob and Laura Beasley. Mr. Keys explained that the discussion has to do with 384 Woodside Avenue. The relevant provision is 15-2.2-5(D)(4). There is a reference made to Chapter 15-3. He noted that 15-3-3(F) has Parking Space dimension information. 15-15-1 deals with Parking Areas, which are unenclosed areas or lots other than streets used or designed for parking.

It makes sense that the minimum Parking Space in a parking lot would be 9x18. Mr. Keys noted that 15-3-4(A)(1) deals with single-family residences and duplexes. It states that in single-family dwellings, single-car garages must have a minimum interior dimension of 11 feet wide by 20 feet deep. With an 11x20 garage, there is a 9x18-foot parking space for the actual vehicle. The additional area is the functional space around the vehicle.

Mr. Keys reported that this provision has been interpreted and applied by the Planning Commission in the same way that it is currently being requested. Mr. DeGray provided a letter with examples, which is included as Exhibit C in the Meeting Materials Packet. Mr. Keys reviewed an example from June 18, 2018, when there was a similar request made.

Mr. Keys pointed out that the Condition of Approval allows for an 11-foot-wide garage, but limits it to 18 feet in depth. It does not state that the garage must be 9x18. What the Staff Report is proposing is a hybrid of the language, rather than a strict application. Mr. Keys noted that there is no definition for an internal Parking Space anywhere in the code. In this case, since there is ambiguity, it should be considered in favor of the applicant. He believes a correct interpretation of the code is one that makes the garage practical to use.

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

Director Ward provided some clarification about the Staff interpretation of the code. She reported that the Planning Commission was reviewing this under the lens of the SSCUP as well as the Building Height exception. In the Building Height exception language for the HR-1 Zone, it specifies that the Commission can consider additional Building Height on the downhill lot to accommodate a single-car wide garage. That is a reference to the garage dimensions. However, the depth is specific to the Parking Space dimension. Director Ward clarified that there has not been a hybrid interpretation of the code, but there are specific references within that subsection that were taken into consideration.

Commissioner Frontero asked about language on the Staff presentation slides that stated Building Height exception regulations call for a compact garage in order to mitigate impacts. He asked where that language came from. Manager Martin explained that this was included to explain the Staff interpretation of the requirement where the garage must not exceed the minimum depth for an internal Parking Space. Commissioner Frontero believed the Staff interpretation is that the code states a Parking Space is 18 feet. Manager Martin confirmed this. When areas of the code are somewhat ambiguous, Staff looks to the specific terminology. For instance, Parking Space is a defined term.

Commissioner Beal mentioned 15-3-3(F). Reading through that section of code, it felt clear that the language was not referring to internal residential parking garages. There are references to landscaping, and there are a number of diagrams that are all outside parking, with the exception of some tandem parking, which has inside and outside components. Looking through that section, the entirety does not appear to apply to single-family residential garages. As for 15-3-4, it starts out mentioning single-family residences and sets out the minimum size that can be for a single-family residential garage. Under that section of the code, the minimum must be 11x20. There is ambiguity in the code. He would resolve this matter in favor of the applicant due to the code language.

Commissioner Shand believed the reason the length of the garage is 18 feet is because of the height exception that was granted. Director Ward reported that there could be instances where a 20-foot depth was allowed, but it depends on the portion of the garage that is exceeding the height allowance. She understands the comments made by Commissioner Beal, but noted that 15-3-3 also specifically references single-family dwellings as far as driveway widths, spaces, and tandem parking. There is a section in code that is specific to internal garages for residential. The Staff interpretation is that the more restrictive language would apply in this case because of the height exception.

Commissioner Shand asked Mr. DeGray to provide feedback on the Building Height exception presentation slide. Mr. DeGray referenced the image shown. As noted in the Condition of Approval, he was asked to take the drawing that shows a 20-foot-deep

garage and reduce it to 18 feet. The height exception that was granted is based on this drawing.

Commissioner Shand believed the way this was approved was that there was an 18-foot deep garage with a four-foot overage on the height. What is currently in front of the Planning Commission is a request to make the garage 20 feet deep with an additional foot of height. Mr. DeGray did not believe there was a discussion about how the depth affected the height. Manager Martin clarified that the analysis at that time did not look at what the difference in height would be for a reduction in the depth of the garage. Commissioner Shand stated that the Commission approved the application with an 18-foot depth. Mr. DeGray clarified that it was approved with a condition for 18 feet, but the drawing was approved, as presented. Discussions were had about height and the roof pitch.

Manager Martin shared information about the grade of the driveway. She recalled that the applicant team was asked to reduce the grade down to a maximum of a 14% slope for the driveway, which is shown in the plans. Chair Van Dine clarified that the current application is not asking for any additional height, because the height on the drawing was approved. Manager Martin explained that the height in the drawing is what was included in the Findings of Fact for the SSCUP. There were no conditions that specified the Building Height exception. The Finding of Fact explained that the plans, as proposed, exceeded the height by 5 feet 2 inches with a 20-foot deep garage. The Final Action Letter did not analyze or call out the difference in height as a result of a reduced depth.

Commissioner Tilson agreed with Commissioner Beal that the code has clear language about the length of the garage for a single-family home. He would lean toward following that language and interpretation. Commissioner Strachan agreed. When there are two sections that appear to be competing, the more specific section is chosen. In this case, 15-3-4 appears to be more specific. Commissioner Frontero expressed frustrations about the inconsistent piece of code. He is in favor of approving the Modification request.

Chair Van Dine believed there is consensus for Staff to draft findings for the approval. Director Ward noted that the height was not analyzed in the Condition of Approval. There would need to be a modification to strike Condition of Approval #8 (A). The Planning Commission can direct Staff to draft that Modification for signature from the Chair. Discussions were had about the Conditions of Approval and appropriate language.

**MOTION:** Commissioner Strachan moved to APPROVE the Modification of a Steep Slope Conditional Use Permit at 384 Woodside Avenue, directing Staff to draft a Final Action Letter approving the Modification and removing Condition of Approval #8 (A). The motion was seconded by Commissioner Frontero. The motion passed with the unanimous consent of the Commission.

- B. 3181 American Saddler Drive – Plat Amendment –** The Applicant Proposes the Risner Ridge Subdivision Lot 21 Amended Plat to Increase the Allowable Square Footage for Lot 21 from 5,500 to 5,600 Square Feet. PL-26-06824.

Planner Lund presented the Staff Report and explained that this is a Plat Amendment for 3181 American Saddler Drive. This is Lot 21 of the Risner Ridge Subdivision. The Subdivision was originally recorded in 1988, and the applicant proposes to amend the Plat Note to allow 5,600 square feet for the single-family dwelling. Some background information was shared with the Commission. Planner Lund reported that the City Council approved an Ordinance in 1990 that limited the square footage for all homes in the Risner Ridge Subdivision to 5,500 square feet. That was not reflected on the recorded plat.

In 2014, a Plat Amendment was approved that memorialized the 5,500 square foot limitation that was shown on the 1990 Ordinance. The home at 3181 American Saddler Drive complies with the 5,500 square foot limitation, as constructed. Planner Lund shared images that highlight the existing conditions and the proposal. He explained that the applicant is proposing to enclose approximately 81 square feet. This would enclose an existing deck underneath the existing roof structure within the building footprint.

Staff finds there is no Good Cause for the Plat Amendment, as the request does not comply with the definition for Good Cause in the LMC. The square footage of single-family dwellings within the Risner Ridge Subdivision has been limited to 5,500 square feet since the original Subdivision approval, and this was also reiterated over the years. If the Commission finds Good Cause for the Plat Amendment, Staff recommends a Condition of Approval limiting the exception to a deck enclosure that does not exceed 100 square feet to avoid precedent within the Subdivision overall. The Commission may deny the Plat Amendment, approve the Plat Amendment and direct Staff to make Findings for the approval, or request additional information and continue the discussion.

The applicants, Robert and Anne Farina, introduced themselves to the Planning Commission. It was noted that Megan Blosser from Alliance Engineering planned to attend the meeting in person, but she was unable to due to illness. Mr. Farina believed there is Good Cause for the Plat Amendment, as this would provide a public benefit by elevating the aesthetic of Park Meadows. This also promotes excellent and sustainable design and utilizes the best planning and design practices. There was an award-winning architect and builder used. As for preserving the character of the neighborhood, the original build further elevates Park Meadows. He noted that there was feedback requested from the abutting neighbors, and there was support from all of them.

Mr. Farina discussed the scope and duration of this project. It will likely take a few weeks and the existing footprint of the house will not be expanded. When it comes to concerns about precedent, he does not believe this will result in additional requests for Plat Amendments, because this is narrowly focused and overwhelmingly restrictive. This

would be singularly applied rather than universally applied to the rest of the houses in the Risner Ridge Subdivision. He reiterated that this would not establish further precedent.

The conditions that Alliance Engineering has proposed are restrictive. There is an existing deck, and it is already under a roof structure. Mr. Farina reiterated that there is no increase to the existing footprint of the structure proposed. In addition, the proposal does not further encroach upon lot lines. The applicants care a lot about Park City. It was noted that the 81 square foot expansion is proposed to install a small sauna, which will alleviate some of the chronic conditions that Mr. Farnia has developed from his status as a disabled veteran. The applicants thanked the Planning Commission for their time.

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

Ms. Blosser was attending the meeting virtually and asked to share comments. She explained that this proposal is similar to ones where porches in condominiums are enclosed. The scope of work is smaller than a lot of the Condominium Plat Amendments that have been approved previously. Commissioner Beal felt that the work was different. While he agrees that the scope of work is small, there is a restriction outlined in an Ordinance. If that 5,500 square foot restriction was not in place, he would not have an issue with the proposal. He is not sure there is Good Cause for the request in this case.

Ms. Blosser reported that the Homeowners Association (“HOA”) that used to govern this neighborhood has since been disbanded. Commissioner Beal pointed out that there is still an Ordinance in place. The Commission is bound to the Ordinance unless there is Good Cause found, but he does not believe there is Good Cause. While he would like to grant the request, he does not see how the Planning Commission would be able to do so. Ms. Blosser pointed out that this became a Plat Note because of the HOA. If it had not been for the HOA, there may not have been a restriction. Chair Van Dine explained that the Planning Commission has to look at this request through the lens of the code.

Mr. Farina reported that three of the four neighbors that abut this property are well beyond the 5,500 square foot limit. Commissioner Shand referenced the image shown on Page 5 of the Staff Report and pointed out that the deck is already under the roof.

Commissioner Strachan noted that the Risner Ridge Subdivision is not a new Subdivision and this issue has been raised many times. The previously mentioned Ordinance has a long history. Some have challenged that square footage count in the past. As small as the request from the applicant is, he would not feel comfortable voting for approval. There needs to be Good Cause shown, but he does not believe the Good Cause standard can be met. This is a small request and it is a reasonable request, but there is an Ordinance in place that needs to be considered by the Commission. Commissioner Tilson is closer to Good Cause than some of the other Commissioners based on their comments. He

mentioned promoting excellent and sustainable design and utilizing the best design practices. It is good design practice to take an existing deck and enclose the space.

Commissioner Frontero acknowledged that this is a difficult application. It is less than 100 square feet being discussed, but there are issues because of the existing Ordinance. The Condominium Plat Amendments that have been considered by the Planning Commission in the past did not have Ordinances in place with specific square footage maximums. In this case, the maximum is 5,500 square feet. This is a unique situation, because of the maximum square footage that has been determined in the Subdivision.

Commissioner Frontero finds that one or two of the required standards for Good Cause might be met, but this does not meet Good Cause for the majority of items. As a result, he does not believe Good Cause has been met for this application. He is leaning toward a denial of the proposal. Commissioner Shand is leaning toward supporting the Good Cause argument. However, he understands what the plat says and that is a hurdle.

**MOTION:** Commissioner Strachan moved to DENY the Plat Amendment for 3181 American Saddler Drive, based on the following:

**Findings of Fact:**

1. The Risner Ridge Subdivision includes 50 Single-Family Lots in the Park Meadows neighborhood.
2. On June 1, 1988, the Risner Ridge Subdivision was recorded with Summit County.
3. The Risner Ridge Subdivision has been amended several times over the years. However, one requirement has remained consistent – a maximum floor area for the Single-Family Dwellings of 5,500 square feet:
  - a. October 11, 1990: The City Council adopted Ordinance No. 90-28 *An Ordinance Adding Previously Approved Language to the Risner Ridge Subdivision Plat Limiting Square Footage of Houses.*
  - b. On February 7, 1991, the City Council approved Ordinance No. 91-3 vacating a portion of a ten-foot-wide non-exclusive utilities easement located within Lots 38 and 39 of the Risner Ridge Subdivision.
  - c. On July 12, 2001, the City Council approved Ordinance No. 01-29 to add metes and bounds parcels to Lot 3 and Lot 4 and to amend the Risner Ridge Subdivision. The square footage limitation remained in effect.
  - d. On July 11, 2002, the City Council approved Ordinance No. 02-25 approving a six-month extension of the 2001 plat amendment.

- e. On September 11, 2008, the City Council approved the Risner Ridge Subdivision Amendment. This plat amendment established Setbacks for all Structures in the Subdivision stricter than the Zoning District at the request of the Homeowners Association (HOA) to ensure consistency with the Covenants, Conditions, and Restrictions (CC&Rs):
    - i. 15-foot Side, 20-foot Rear, and 30-foot Front Setbacks.
    - ii. This amended plat was not recorded and expired.
  - f. On August 26, 2010, the City Council again approved the First Amended Risner Ridge Subdivision to establish the more restrictive Setbacks, adopting Ordinance No. 10-32. On February 7, 2011, the First Amended Risner Ridge Subdivision was recorded with Summit County (Recorder Entry No. 916684).
  - g. On April 17, 2014, the City Council adopted Ordinance No. 14-14, approving the Second Amended Risner Ridge Subdivision. This plat amendment added a plat note to reflect the 1988 approval and Ordinance No. 90-28 requirement restricting the maximum floor area for all Lots to 5,500 square feet. On June 19, 2014, the Second Amended Risner Ridge Subdivision plat was recorded with Summit County (Recorder Entry No. 997400).
4. Changes to platted elements including plat notes require a Plat Amendment and finding of Good Cause.
  5. The Applicant proposes amending Lot 21 of the Risner Ridge Subdivision for a newly constructed home at 3181 American Saddler to increase the allowable square footage by 100.

**Conclusions of Law:**

1. There is no Good Cause for the Plat Amendment:
  - a. Ordinance No. 90-28 *An Ordinance Adding Previously Approved Language to the Risner Ridge Subdivision Plat Limiting Square Footage of Houses* states:
    - i. The Planning Commission and City Council approved the Risner Ridge Subdivision Plat recorded in 1988 (Entry No. 290977).
    - ii. In granting the Subdivision approval, certain conditions were imposed by the Planning Commission and City Council.
    - iii. The condition limiting maximum floor area was reiterated again through Ordinance 90-28:
    - iv. The maximum floor area of any structure shall be 5500 square feet and shall be calculated as follows: The floor area is the area of a building that is enclosed by surrounding exterior

walls, excluding a 600 square foot allowance for garages. Basements will be considered floor area whether finished or unfinished. Porches, balconies, patios and decks will not be considered floor area.

- b. Ordinance No. 14-14 *An Ordinance Approving the Second Amended Risner Ridge Subdivision* required a plat note that incorporates the maximum floor area. Ordinance No. 14-14 Condition of Approval 3 states:
    - i. *The plat note language shall match verbatim the language in the recorded Ordinances.*
    - ii. Amending the plat to accommodate a 100-square-foot enclosure of an upper-level deck is contrary to the 1988 Risner Ridge Subdivision approval conditioned on the maximum floor area, the 1990 reiteration of the maximum floor area, and the 2014 plat amendment that included this maximum floor area on the plat.
  - c. Staff finds the proposed plat amendment to increase the restriction for one Lot does not comply with the definition for "Good Cause":
    - i. No public amenity or benefit is proposed.
    - ii. There is not an existing non-conformity with the LMC that is corrected.
    - iii. The plat amendment does not preserve the character of the Risner Ridge Subdivision or Park Meadows neighborhood.
2. The Plat Amendment does not comply with Land Management Code § 15-7.1-3 *Classification of Subdivision* or § 15-7.1-6 *Final Subdivision Plat*.

The motion was seconded by Commissioner Frontero. The motion passed 3-to-2. Commissioner Tilson and Commissioner Shand voted "No."

## 6. ADJOURNMENT

**MOTION:** Commissioner Frontero moved to ADJOURN the Planning Commission Meeting. The motion was seconded by Commissioner Strachan. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at approximately 7:38 p.m.