



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
March 23, 2022**

COMMISSIONERS IN ATTENDANCE: Acting Chair Laura Suesser, John Kenworthy, Sarah Hall, Doug Thimm, Bill Johnson, Christin Van Dine

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Browne Sebright, Planner II; Spencer Cawley, City Planner; Aiden Lillie, City Planner; Mark Harrington, Senior City Attorney

1. ROLL CALL

In the absence of Chair John Phillips, Laura Suesser assumed the Chair and called the meeting to order at approximately 5:30 p.m. She reported that all Commissioners were present, with the exception of Chair John Phillips who was excused.

Acting Chair Suesser reported that the meeting would be conducted in a hybrid format, with some Commissioners attending electronically and others attending in person in the Commission Chambers.

Acting Chair Suesser read the following:

Public comments will be accepted virtually or in person in chambers. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from February 9, 2022.

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from February 9, 2022. Commissioner Van Dine seconded the motion.

VOTE: Commissioner John Kenworthy-Aye; Commissioner Doug Thimm-Aye; Commissioner Sarah Hall-Aye; Acting Chair Suesser-Aye. The motion passed unanimously. Commissioner Thimm noted that he was not in attendance at the February 9 meeting.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken, informed the Commission that Staff received the Lift Upgrade Proposal from Vail/Park City Mountain Resort ("PCMR") and were processing the application. She noted that the application was not complete, but they were processing it to decide whether it would be an administrative Conditional Use Permit ("CUP") or if it would be presented to the Planning Commission. According to the 1998 Development Agreement, lift upgrades in the Mountain Upgrade Plan are to be processed through an administrative CUP. Staff was determining whether this application would fall within the Mountain Upgrade Plan. If it does, it would need to be presented to the Commission.

Commissioner Kenworthy asked if the proposal adjusted the Comfortable Carry Capacity ("CCC"). Director Milliken responded that according to the application, the CCC would be slightly adjusted, but still within the cap. She added that the CCC was one of the items Staff was reviewing.

Acting Chair Suesser asked if this application would have any bearing on the Commission's review of the PEG application and the Amendment to the Master Planned Development ("MPD"). She recalled that a section in the MPD referenced the Mountain Upgrade Plan, and while they have tried to separate mountain operations from the PEG application, it would still be an amendment to the MPD. She wondered if the Mountain Upgrade application submitted by Vail would impact the MPD review.

Senior City Attorney, Mark Harrington understood the question as whether the application would amend the MPD. He stated that this was the basis of the Staff review. If the application does not amend the MPD and is consistent with the existing Mountain Upgrade Plan, it would not require an amendment and could be processed as an administrative CUP separate from the Base Area development. He referenced the similarities with the Deer Valley MPD and added that if the on-mountain improvements are consistent with the Mountain Upgrade Plan, they could proceed. Embedded in that evaluation is the CCC update and criteria, which Staff is reviewing. Mr. Harrington commented that over the past 20 years there have been several applications that have gone each way. Some have been processed administratively and others required an amendment.

Commissioner Hall referenced public comment on the PEG application regarding the lifts that are not being operated and how that affects the CCC. She wanted to know if there was anything in the current application that requires lifts to be opened. Director Milliken stated that the application for the lift upgrades does not address any of the lifts that are not currently operating. Mr. Harrington stated that there is nothing in the Development Agreement that mandates operational requirements of lifts as those are traditionally left to the operator. The issue could be raised as part of the Commission review. He stated that arguably, if there was a permanent closure, the CCC calculation would have to be re-done, because the operation of the terrain impacts that calculation. Temporary closures would have to be tied to specific criteria.

Commissioner Kenworthy asked if the Commission could request an update on the CCC and the potential upgrades regardless of whether there would be administrative CUP or not. Mr. Harrington answered in the affirmative and Commissioner Kenworthy officially made that request. He recalled an updated number for the Old Town Lift and understood that was not being addressed at this time. Director Milliken added that as part of Staff review, a third-party consultant was hired to review the CCCs and would provide an update at the next Planning Commission meeting.

Acting Chair Suesser requested a brief overview of how a mountain upgrade could impact a CCC, and in turn impact Commission analysis of parking. Director Milliken stated that when Staff reviews the lift upgrades against the Mountain Upgrade Plan, according to the 1998 Development Agreement six criteria are considered. One is the consistency with the Mountain Upgrade Plan. The other criteria include minimizing visual impact; lift towers; and vegetation management. She highlighted the criteria that adequate parking be accounted for in the Parking Mitigation Plan to mitigate the impact of any proposed expansion of lift capacity. Acting Chair Suesser queried whether a high-speed lift, such as Eagle Lift, would increase lift capacity and therefore increase parking requirements. Director Milliken stated that this would be one of the issues they would review.

Acting Chair Suesser noted that as part of PEG's application, it was represented that no mountain upgrades were anticipated. This has obviously changed, and she requested clarification that Staff did not anticipate that these proposed mountain upgrades would impact the PEG application. Director Milliken stated that they do not know at this point if the proposed upgrade application would impact the PEG application. If this proposal is consistent with the Mountain Upgrade Plan in the 1998 Development Agreement, she did not believe it would impact the PEG development. If these upgrades were outside the Mountain Upgrade Plan, Staff would have to determine whether this application would impact the PEG application as well.

Commissioner Kenworthy clarified his understanding that if it is within the Development Agreement and the CCC numbers go over, that impact would prevent it from being subject to administrative CUP. Mr. Harrington stated that part of the process would include the consistency analysis with the Mountain Upgrade Plan. To be consistent with the Mountain Upgrade Plan, it could not exceed the existing CCC.

Commissioner Kenworthy reported that over the years he has made contributions to the National Ability Center ("NAC") and years ago he hosted fly fishing tournaments that benefitted the NAC. He stated that this would not affect his judgment on the matters scheduled for this meeting.

Commissioner Thimm reported that his employer is under contract with the NAC for its developments. He stated that he would recuse himself from any NAC matters and would rejoin the meeting upon conclusion of the NAC agenda items.

Acting Chair Suesser stated that given that the NAC matters include the first item on the agenda and at the last item on the agenda, she invited a motion to move the last item to follow the work session.

MOTION: Commissioner Kenworthy moved to have Agenda Item 6.F. moved to the first item on the Regular Agenda.

Commissioner Thimm confirmed that he would recuse himself and rejoin after the next two items.

5. WORK SESSION

- A. National Ability Center Mountain Center Operations Building Work Session – Subdivision and Conditional Use Permit – The applicant will introduce the Planning Commission to the project and identify issues and requirements prior to being scheduled for a public hearing. No Action Will Be Taken.**

National Ability Center ("NAC") representatives Meeche White, Facility Development Manager and Dan Glasser, Executive Director, joined Senior City Planner, Alexandra Ananth. Planner Ananth

reported that this project involves the ski operations building located at the base of Park City Mountain Resort ("PCMR") where the NAC currently has a trailer. The proposal would remove the trailer and replace it with a new mountain building. She explained that the applicant submitted two applications. One is for a subdivision to create a lot of record for the building. Vail would be the landowner but would lease the lot to the NAC for the construction of their building. The lot is located in the Recreation Open Space ("ROS") Zone and the CUP would be for the use as a Base Area building.

Ms. White reported that the NAC was pleased to be part of the development of a new world-class facility at the base of Park City Mountain. The current doublewide trailer building was moved into its current location in the fall of 1998 as a temporary structure that housed all of the operations of the NAC. In the fall of 2000, all operations other than the ski and snowboard operations were moved out to The Ranch at Quinn's Junction. Over the years, they made numerous repairs and modifications to the trailer, which included expanding the exterior deck and the replacement of flooring materials. The trailer houses the NAC's adaptive ski and snowboard equipment, provides locker rooms for the competitive athletes with disabilities, and houses two small offices and a reception area.

Ms. White stated that at least 50% of their adaptive equipment is stored in numerous portable storage sheds that surround the trailer. They lease lockers for instructors, which in the coming year will cost upwards of \$30,000. With the limited space, Ms. White stated that they were unable to adequately host their participants to store their day gear and change into their equipment. Most importantly, they do not have running water or restroom facilities. She offered that the trailer's useful life is over, and they cannot make any more modifications to make it serviceable.

Ms. White explained that in 2017 the NAC initially sought to build the new Mountain Center, with plans to break ground in 2018. They worked extensively with Bruce Erickson from the Planning Department to create a subdivision plan and building design to conform to the surrounding structures. She noted that there were complications regarding the easement agreement for the access road as there were multiple easements on top of each other. In addition, the plans for future base development were unknown. As a result, progress was stalled. With resolution of the easement issues, a draft Easement Agreement was now in its final stages of review and Vail has given the NAC the green light to move forward with the project. Ms. White stated that now is the ideal time to build and complete construction before any other development occurs at the Resort, thereby minimizing the effect of these projects on the community.

She explained that the basic footprint and exterior design are identical to the 2018 design, other than a small exterior vestibule added to the west side of the building. In addition, the easement agreement would support a 50-year lease on the property. The lease includes provisions for road maintenance to be handled by Vail, with the cost to be shared by users. Ms. White stated that the NAC has used resort parking for the past 36 years. The current maximum daily need is for 40 spaces at any one time, of which 20 spaces utilize disabled parking. Some staff and participants currently use the public bus system. While the current numbers are low due to COVID-19 recovery, they anticipate an increase of 5 to 10 percent starting in the 2024-2025 ski season.

She noted that in 2019, the NAC provided 4,500 lessons to a wide variety of persons with disabilities. Last year they provided 3,300 lessons. Running these lessons through the trailer has been dysfunctional. Ms. White stated that beginning in the 2023-2024 ski season, the NAC has planned a shuttle bus system for participants and staff that would utilize their ADA buses from the campus at Quinn's Junction. This plan presumes that bus lanes would be operating on State Route 248. She

explained that two shuttles would run from 8:00 a.m. to 9:00 a.m., one at 12:00 noon and two shuttles during the 4:00 p.m. hour. She expressed the belief that this would decrease their parking needs by 40 to 50 percent.

Commissioner Kenworthy asked Ms. White to clarify her reference to bus lanes. She noted that as long as the lanes currently painted on SR-248 are open, that would be sufficient as long as buses can move through the area. Commissioner Kenworthy noted that several choke points would exist for at least the foreseeable future and wanted to ensure that the applicant's plan was not contingent on having an exclusive bus lane from the NAC facility to the Resort.

Acting Chair Suesser sought clarification that the 40 to 50 percent decrease in parking needs at the Resort would result from the shuttles being run on the current shoulder and the capacity of the roads as they currently exist. Ms. White confirmed that that was the case and added that it appears that there will be limited parking with the future development at the Resort. She noted that their design includes a drop-off area and turnaround in a loading zone. The earlier bus would support staff while the later bus would support participants.

In response to a further inquiry from Acting Chair Suesser, Ms. White stated that their plan takes into account the size of their buses, which are the smaller 16 passenger Americans with Disabilities Act ("ADA") buses. She affirmed that the buses would have no problem navigating the proposed 70-foot turnaround.

Planner Ananth commented that the site is located in a Sensitive Lands Overlay ("SLO") Zone, which was not mentioned in the Staff Report. This area is also reserved as an Open Space parcel for the Base Area Development. She presented PEG's Open Space exhibit and noted that this parcel was backed out of PEG's Open Space calculations. Planner Ananth presented an aerial view that showed the parcel at the top of the First Time parking lot, adjacent to the Mountain Condominiums. She presented a photograph of the existing conditions and noted that one of the existing Magic Carpets would have to be removed to accommodate the proposed building.

In terms of access to the site, Planner Ananth explained that the current access is via the fire access lane and the entrance under the garage below the Mountain Condominiums. The pavement ends at that point, so this proposal includes extending the pavement with a small driveway and a 70-foot cul-de-sac with four parking spaces. She noted that the Fire Department reviewed this plan and is satisfied with Fire Department access to this building.

The plan would require the removal and replacement of five parking stalls in the Base Area parking lot at the top of the First Time lot.

Commissioner Van Dine asked if there would be a separation between the parking lot and the driveway. Planner Ananth replied that the proposal included a low retaining wall at the cul-de-sac that would prevent cars from entering that area. Planner Ananth referenced the Site Plan and noted that it showed the building would be 25 feet off the property line, which meets the setback requirements for the ROC District. She explained that the zoning ordinance sets forth the purpose of the SLO Zone that mentions clustering development while still allowing for reasonable uses of property. The real intent of the SLO is to prevent development on ridgelines, steep slopes, wetlands and other environmentally sensitive land. She noted that this area has already been disturbed and is neither a ridgeline nor a steep slope.

Planner Ananth requested that the Planning Commission discuss whether the applicant should be required to submit the full Sensitive Lands Analysis as part of their application, despite it being pretty clear that this is not an environmentally sensitive land. She explained that for projects within an SLO zone, the Planning Department may require the applicant to submit a Visual Assessment of the site, a Soil Investigation Report, a Geotechnical Report, slope information, fire protection and a Hydrological Report. She reported that Staff has a Visual Assessment of the project based on the submitted Site Plan. She opined that none of the other reports would be necessary but requested confirmation of that from the Planning Commission.

The Visual Assessment requires a vantage point from nine locations from a distance with a 24-foot-tall building, she stated that it would not be visible from anywhere except the Base Area. She felt that no Visual Assessment would be required as part of this application beyond what has already been submitted. She commented that the issues that need to be addressed in this Work Session and prior to bringing this back for a public hearing were as follows:

1. Whether the SLO submittal would be necessary for this ½ acre site;
2. Access;
3. Possible additional parking demand; and
4. Whether the Development Agreement needs to be amended or could the use by the NAC stand on its own as a Conditional Use.

With regard to parking, she noted that Base Area facilities are typically required to submit a Parking, Traffic and Transportation Plan for review and approval, and the applicant could submit something for the public hearing. In terms of the issue of amending the Development Agreement, she noted that the open space parcel was noted in the Development Agreement, but NAC's use of that parcel was not. Mr. Glasser clarified that the four stalls being built outside of the NAC would be drop-off spots. They also would provide access to the mountain for emergency vehicles.

Acting Chair Suesser asked where the five replaced parking stalls would be located. Planner Ananth responded that these stalls would be located in the First Time lot, adjacent to the site.

Acting Chair Suesser noted that the current NAC temporary trailer is 1,800 square feet in size; she understood from the Staff Report that the new building would be 8,000 square feet. Planner Ananth confirmed this to be true. Acting Chair Suesser stated that given the significant increase in size of the facility, she questioned whether there would be a greater parking demand. She viewed the significant increase in square footage as a significant change in use and wanted to know the impacts of that change.

Ms. White reiterated that they currently store their adaptive equipment in numerous sheds around the temporary trailer. Much of the square footage for the new structure would include storage for adaptive equipment, lockers for the athletes and instructors. She acknowledged that there might be some expansion of the programs, but it would just house everything that they do now under one roof.

Mr. Glasser commented that the operations they run out of the trailer spill out onto the snow in areas that are not part of their physical layout. Taking into consideration the bathroom access, storage and work areas outside, the current facility is much greater than the 1,800 square foot building footprint. Ms. White felt that the current structure was 2,000 square feet.

With respect to the SLO, Acting Chair Suesser referenced access and extension of Shadow Ridge to the NAC drop-off area, and requested information on access to the mountain. She felt that based on the photographs, the proposed building might impact significant areas that are currently being used to access the mountain. She wondered whether the applicant considered public access to the mountain.

Planner Ananth recognized that currently, children get dropped off to walk through the Magic Carpet area to their programs and noted that the area would still be adjacent to the parking facility so students would continue to walk up and around the building to their programs. Ms. White added that the NAC driveway would serve as snow access to the mountain for Vail and would not be used for skier drop-off.

Commissioner Johnson asked how they would prevent the general public from using those drop-off spaces. Mr. Glasser stated that the mitigation would start off with signage, and then at some point they would station a person there to halt that flow of traffic. Their intention is to have walkways for people to continue to access the mountain, and they would welcome people to continue using those sidewalks but would discourage general public drop-offs.

In response to an inquiry, Planner Ananth explained that there is a sidewalk at the front entrance to the proposed NAC building, as well as a sidewalk between the building and the existing condominiums. If participants were to use City buses, they would walk toward the driveway to a City bus stop; she noted that the bus stop at the entrance to the Resort is not ADA accessible for those in wheelchairs. It was added that the Shadow Ridge extension would have a sidewalk to allow pedestrian access.

Planner Ananth commented that the access for the NAC could be looked at both with or without PEG's proposal. Without PEG, the bus station drop-off is located in front of the ice rink where one would walk downslope to the NAC, or via the Shadow Ridge extension in the existing fire access lane. She stressed there would be minimal access changes from the existing conditions; however, if PEG's sidewalk gets extended with a ramp for the NAC, there would be a connection on PEG's property to the snow at their Ski Beach. This condition was not shown in the proposal since the PEG application has not yet been approved.

Ms. White offered another slide that showed the sidewalk and stated that people could walk up from the bus stop onto the Shadow Ridge extension; prior to any other expansions at the Resort, there is an ADA ramp that provides access from the ADA parking that currently exists.

Commissioner Van Dine asked about the current number of ADA stalls and whether any additional ADA stalls would be added. Ms. White believed there were 15 to 20 spaces. She added that while their programs might grow, this proposal is about having the space that they need to operate, not necessarily about increasing the number of participants. Mr. Glasser added that it also involves the dignity around the bathroom problem and the outage of elevators. He stressed that having their participants have to use existing bathrooms that are not ADA compliant is unfair. This proposal solves that as well and provides NAC participants that dignity.

In response to Planner Ananth's points, Commissioner Van Dine did not feel that the application should not be required to go through the entire Sensitive Lands analysis since it has been in its existing state of use for quite some time. She asked about the impacts on this project if they view this as a stand alone that does not require an amendment to the Development Agreement.

Planner Ananth explained that not having to amend the Development Agreement would result in an easier process that would only involve the Subdivision and the CUP as a Base Facility.

Acting Chair Suesser recalled that the Development Agreement contemplated an NAC facility as part of the first floor Skier Services. Planner Ananth stated that the NAC was not mentioned in the Development Agreement, nor did she recall any plans within the Master Plan Study that included the NAC. Ms. White mentioned that the owners of the Resort in the 1998 time frame talked about an NAC facility, but it was never formalized in the Development Agreement.

Commissioner Kenworthy asked about soils issues and wondered about the excavation for this project and where the soils would be located. The Civil Engineer for the project, Michael Demkowicz, Alliance Engineering, explained that the new cul-de-sac and extension of the driveway would be up in the air from existing grade and would require fill; they plan to use any excavation from the building for the fill material requirements on the site. In addition, he explained that their current grading plan includes some additional grading onto the ski area as well, and they would anticipate that any onsite excess material from this project could be used on site.

It was further stated that the structure would be slab on grade construction, and most of the excavation for the footings would be four feet. The site would then be re-graded, and the concrete floor would be poured at grade. Any excavations for footings or cut would be balanced with the locations of the project that need fill. They do not anticipate generating material that would require transport off the site. He added that there is a decent amount of slope from north to south; the excavation on the south and the footings would be used to build up the grade of the cul-de-sac, as well as blending it to the ski resort and re-grading some of the ski run. There would be approximately 3 feet on the south end from existing grade to where the new floor would be installed.

Acting Chair Suesser asked if underground parking for this facility was explored. Ms. White stated that it was not. It was added that the footprint of the proposed building did not allow for many parking spaces plus the space required for circulation. Commissioner Suesser sought clarification of the location of the NAC parking spaces, should the PEG project move forward. Planner Ananth stated that each building in the Resort would have a handicap parking requirement, there would likely be at least the same number of stalls that currently exist in Garage B, as well as some stalls in Garage E. She felt that Garage B would have easier access to the NAC and would be the primary parking area.

Acting Chair Suesser commented that she did not have a good understanding of the access from Garage B to the proposed site. Planner Ananth explained that one would use the elevator from Garage B to the ground level and cross Lowell Avenue, and then the Shadow Ridge extension to the sidewalk; upon arrival at the cul-de-sac, they would cross to enter the NAC building.

Acting Chair Suesser noted that 20 to 30 people would be taking that route every day. She agreed that an SLO evaluation would probably not be needed for this application. She also agreed that the applicant should address the items listed in the Staff Report before a public hearing.

In response to whether the applicant should seek to amend the Development Agreement to show their footprint in the open space parcel, Acting Chair Suesser stated that she had often looked at the potential NAC drop-off area as a potential additional drop-off area that PEG could incorporate into their Circulation Plan. She wondered if using that drop-off area for the NAC and locating the building in that location was the best use of that area.

Planner Ananth agreed that teams might start poaching the NAC drop-off area. The NAC would have to install signage and staff that drop-off area. In terms of the location of the facility, this is the site that Vail agreed to lease to NAC for their facility. PEG was not involved in those discussions.

Commissioner Hall agreed with the soils analysis. Commissioner Johnson agreed that a Sensitive Lands study would be unnecessary. He reiterated his feeling that a lot of people would use the NAC drop-off, so he urged the applicant to come up with a plan. He had no issue regarding parking and did not feel that this project needed to amend the Development Agreement, as long as it is included in any future amendments to the parking lots.

Acting Chair Suesser was not ready to sign off on the issue of the Development Agreement, and felt it needed to be further discussed and analyzed.

Commissioner Van Dine stressed that the NAC drop-off needed to be strictly enforced. Mr. Glasser remarked that this would be a massive improvement for the NAC's participants. Commissioner Kenworthy noted that the existing driveway would not be widened; rather, it was just being extended. Mr. Glasser stressed that the NAC would do what it takes to make it work for their population; he mentioned running their shuttles earlier or moving up their program times. He stated that this building would provide the opportunity for the NAC to have all of their equipment in one location and have housing for the competitive teams. He described it as a transformative moment for the NAC to alleviate the pressure in the system.

Commissioner Kenworthy clarified that the sidewalk would be the only additional width to the existing street. Planner Ananth noted that under PEG's plan, the fire access lane would be widened with a 12-foot-wide sidewalk along the Shadow Ridge extension. Commissioner Kenworthy agreed that the garage currently had capacity for additional cars but felt that the shuttles would be backed up just by the ingress and egress of the garage. He was concerned how that would be mitigated.

Mr. Glasser stated that this occurs today, and the NAC has adjusted and moved up start times to alleviate its portion of the stress to the system.

Commissioner Van Dine agreed that the NAC needs the space and would love to see them have the appropriate space and facilities for its athletes. While the location might not be ideal, she noted that the NAC was working with limited funds and limited abilities to decide where they could operate. Overall, she hoped that they could approve this space for the NAC.

Acting Chair Suesser agreed with Commissioner Van Dine's statements and understood how transformative this new space would be for its programs and participants. She questioned, however, whether from a planning perspective this was the best location and use given the circulation issues and the PEG plans. She wants to see this facility put somewhere but was not convinced that this would be the right location with the right access.

Commissioner Johnson asked if Acting Chair Suesser did not agree with the PEG Circulation Plan. She expressed that the PEG Circulation Plan was flawed and approving the proposed access to the NAC building in this proposed location would eliminate an option for better circulation under the PEG plan. Commissioner Johnson agreed with Acting Chair's Suesser's comments.

Commissioner Kenworthy commended Vail for working with the NAC and added that everyone agrees that this represents a core value to the community, and many visit and live in Park City because of the NAC. He expressed heartbreak at seeing the traffic and the participants with special

needs that cannot get to the facility. That is a key consideration for how he views this proposal. He urged everyone to do the best they can and get the needed access and parking.

REGULAR AGENDA

Agenda Item 6.F. was the first matter considered by the Commission. After its conclusion, a short recess was taken, and Commissioner Thimm rejoined the meeting.

A. 7700 Marsac Avenue - Conditional Use Permit - The Applicant Requests to Use Two (2) Trailers for Temporary Sleeping Quarters for the Park City Fire District During Reconstruction of the Silver Lake Fire Station No. 34 PL-22- 05163.

City Planner, Spencer Cawley, presented a graphic showing the Mine Bench location where the temporary trailers and storage of fire trucks and apparatus would be located. He explained that the area in blue is owned by Park City, and the area in red is owned by the Jordanelle Special Service District ("JSSD"). The Fire District has proposed use of the Mine Bench for storage and living quarters within the red area as shown on the graphic. He added that the Fire District would have to access the site from Marsac Avenue and travel through the City-owned portion of the property. Planner Cawley noted that on February 3, 2022, the City Council received a Staff communication regarding this request, and no concerns were expressed.

Planner Cawley shared another graphic and pointed to the approximate location of the proposed trailers. These structures would be connected to existing water, sewer and electrical utilities. No additional utilities would need to be brought in to accommodate this request. He explained that the fire trucks would be parked in front of the trailers to allow for quick access and daily maintenance. JSSD expressed no issue with this plan, and they have a storage agreement that is attached to the Staff Report.

Planner Cawley noted that the trailers would be 64' x 13' and equipped with a kitchen, bathroom and sleeping quarters. They propose to use these trailers for approximately 9 months. He highlighted one of the Conditions of Approval that this CUP would expire on January 1, 2023. He explained that the proposal complies with the Recreation and Open Space Zoning District requirement calling for 25-foot front, side and rear setbacks. The temporary trailers would be placed on site such that they meet that setback requirement. He added that the property owned by Park City measures nearly 30 acres and the JSSD portion is two acres.

Planner Cawley stated that the proposal also complies with LMC Section 15-1-10(E), which states that essential municipal public utility uses, facilities, services and structures greater than 600 square feet are considered a Conditional Use in the ROS Zoning District. He went through each of the CUP criteria and noted that there would be no unmitigated impacts of the proposal's Size and Location, and again noted that the total parcel size was 29.07 acres. In terms of Traffic Capacity, there would be no significant increase to traffic, as there would only be four Fire District personnel onsite at any one time.

With respect to Utility Capacity, he reminded that utilities would all be temporary connections to sewer, water and power. The Fire District has worked with the Engineering Department to coordinate those temporary connections. Planner Cawley explained that for Emergency Vehicle Access, parking on site is limited, and all of the equipment will have the required distance to enter and exit the site, as well as the ability to turn around for emergency uses.

The first Condition of Approval pertains to Off-Street Parking. Three off-street parking spaces will be required to accommodate Fire District Staff. He explained that Condition of Approval #2 would address the Internal Vehicular and Pedestrian Circulation criterion by stating that these uses shall not impede vehicular or pedestrian circulation. He noted that there were no unmitigated impacts to Fencing, Screening and Landscaping, or Building Mass, Bulk and Orientation.

Planner Cawley noted that they included Condition of Approval #3 related to Useable Open Space that states that the Park City Fire District shall limit the use to the Mine Bench site as it is approved in the Site Plan. Any deviations from the Site Plan would require additional Planning Commission review. Condition of Approval #4 states that there shall be no signs or outdoor lights either proposed or approved with this application. The Physical Design criterion was not applicable to this application.

With respect to Noise, Vibration, Odors and Steam, they included a typical Condition of Approval that the use shall comply with the Municipal Code. For Delivery and Service Vehicles and Loading/Unloading Zones, the Fire District has stated that they do not anticipate any deliveries after April 1st; Staff has conditioned this criterion by stating that the applicant shall manage the collection of recycling and trash associated with the use of the site. Planner Cawley noted that all involved parties agreed to the use of the temporary structures. He added that a Sensitive Lands analysis was unnecessary. He referenced Goal 14 of the General Plan, and highlighted Objective 14A, which states that it would provide reliable public resources to ensure the health, welfare and safety of residents and visitors.

Planner Cawley mentioned an additional Condition of Approval that states that this use would expire on January 1, 2023; if the Fire District needs to use the site beyond that date, they would return to the Planning Commission for consideration of an extension. He reported that no additional concerns about this application were raised by the Development Review Committee or the Planning, Engineering or Legal departments.

Public notice was issued on March 9, 2022, to the City's website and to the Utah Public Notice website. Notice was also posted to the Mine Bench property directly and legal notices were published in the *Park Record* and mailed to property owners. Planner Cawley noted that no public input was received prior to this meeting.

Acting Chair Suesser asked if the location for this site was chosen so that the level of service could be maintained in the Silver Lake area during construction of the new facility. She also inquired whether there were any other available locations to accommodate the temporary facility. Planner Cawley responded that the existing site for the fire station was so small that there was no other alternative location. One of the main reasons that the Mine Bench was selected was that it has the space. This location also gives the District the flexibility to proceed with the full demolition and reconstruction of the fire station in a timely manner. He added that two fire trucks would be housed at Mine Bench.

Park City Fire District's Logistics Officer, Brett Colgan, offered to answer any questions on this application. In response to an inquiry regarding maintaining the level of service, Logistics Officer Colgan confirmed that the level of service would be maintained from this temporary location. Acting Chair Suesser asked if anything was being displaced on the Mine Bench by the temporary relocation of the Fire Department. Logistics Officer Colgan stated this area was open, and that nothing would be displaced.

Commissioner Thimm referenced Condition of Approval #3, and the requirement that any deviation from the plan would require further Planning Commission review. He wondered if they could modify that to state that minor deviations could be reviewed and approved at the Staff level, and minor deviations to the Site Plan would be at the discretion of the Planning Director. Commissioners Van Dine, Kenworthy and Johnson agreed with this suggestion. Additionally, Commissioner Kenworthy thanked JSSD for their cooperation on this issue.

Acting Chair Suesser reiterated her request for confirmation that this location was necessary because they could not use other sites, such as Public Works, because the equipment would be too far from Silver Lake to adequately service that area in the event of a fire. Logistics Officer Colgan confirmed this to be accurate. Commissioner Kenworthy included Empire Pass in this discussion, which Logistics Officer Colgan also confirmed.

Acting Chair Suesser opened the public hearing. There being no public comment, Acting Chair Suesser closed the public hearing.

MOTION: Commissioner Kenworthy moved to approve the Conditional Use Permit to Use Two (2) Trailers for Temporary Sleeping Quarters for the Park City Fire District During Reconstruction of the Silver Lake Fire Station No. 34 at 7700 Marsac Avenue, as amended by Commissioner Thimm:

Findings of Fact

1. The subject property is located at 7700 Marsac Avenue in the Recreation and Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999, Flagstaff Mountain area annexation.
3. In 2002, a portion of the Silver Mine Bench property was conveyed to Jordanelle Special Service District (JSSD) and conveyed by deed.
4. The Applicant proposes using the site to store firefighting apparatus and two trailers for temporary living quarters from April 2022 – December 2022.
5. Essential Municipal Public Utility Uses, Facilities, Services, and Structures greater than 600 square feet in the ROS Zoning District are considered a Conditional Use.
6. Each trailer is 64' x 13', approximately 1,664 square feet total.
7. JSSD and PCFD have entered into a storage agreement for the Use of the property.
8. All Structures in the ROS Zoning District must be no less than 25 feet from the boundary line of the Lot, district, or public Right-of-Way.
9. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code § 15-1-10(E).
 - a. Size and Location of Site—No unmitigated impacts. Storage of the apparatus is proposed to be near the temporary trailers for quick access and daily

maintenance. The temporary trailers are proposed to be on the JSSD portion of the property and are situated in a way that allows for connection to electricity, sewer, and water.

- b. Traffic Capacity—No unmitigated impacts. Apart from answering emergency calls, there is no significant increase in traffic.
- c. Utility Capacity—No unmitigated impacts. PCFD has worked with the Engineering Department to coordinate temporary connections to the sanitary sewer and water lines. There is an existing permit for connecting the power.
- d. Emergency Vehicle Access—No unmitigated impacts. Parking on-site is limited to existing parking stalls. Emergency vehicles will have the required distance to enter and exit the site.
- e. Off-Street Parking—Condition of Approval 1. Public Utility Uses require one (1) space per five (5) seats, or two (2) spaces per three (3) employees, or one (1) space for 1,000 square feet of floor Area, whichever is greater.
- f. Internal Vehicular and Pedestrian Circulation—Condition of Approval 2. The Use shall not impede vehicular or pedestrian circulation.
- g. Fencing, Screening, and Landscaping—Not applicable.
- h. Building mass, bulk, and orientation—No unmitigated impacts. The temporary trailers are 64' x 13' each and are appropriate in scale and location for the Mine Bench Site.
- i. Useable Open Space—Condition of Approval 3. PCFD will limit the Use to the Mine Bench Site as approved in the site plan. Any deviation from this plan will require additional review.
- j. Signs and Lighting—Condition of Approval 4. No signs or lighting are proposed or approved under this CUP.
- k. Physical Design and Compatibility with Surrounding Structures—Note applicable.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors—Condition of Approval 5. The Use shall comply with Municipal Code 6-3, Noise.
- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and screening of Trash and Recycling Pickup Areas—Condition of Approval 6. PCFD shall manage the storage and collection of all trash and recycling associate with the temporary Use of the Site.

- n. Expected Ownership and Management of the Project— The Mine Bench property is owned by Park City Municipal and JSSD. On February 3, 2022, the City Council received a Staff Communication regarding the temporary location of the trailers for PCFD use. JSSD and PCFD entered into a storage agreement for use of the Mine Bench Property. PCFD will manage the project.
- o. Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes— No unmitigated impacts. The temporary trailers are proposed to be located on a level portion of the site that is paved. The temporary trailers will not permanently alter or further disturb the paved area.
- p. General Plan Consistency—Complies. In the General Plan, Goal 14 states “The future of the City includes limits to foster innovative sustainable development, protect for community vision, and prevent negative impacts to the region.” To meet this goal, Objective 14A states the City will provide reliable public resources to ensure the health welfare, and safety of residents and visitors.

Conclusions of Law

- 1. The Application complies with all requirements of the LMC.
- 2. The Use is compatible with surrounding Structures in Use, scale, mass, and circulation.
- 3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

- 1. PCFD shall ensure three (3) off-street parking spaces are available for the firefighters staying at the Mine Bench site.
- 2. The Use shall not impede vehicular or pedestrian circulation.
- 3. PCFD shall limit the Use to the Mine Bench Site as approved in the site plan. Minor deviations will be reviewed and approved at the Staff level, and minor deviations to the Site Plan will be at the discretion of the Planning Director. Any other deviation from this plan will require additional Planning Commission review.
- 4. No signs or outdoor lighting are proposed or approved with this Application.
- 5. The Use shall comply with Municipal Code Chapter 6-3, Noise.
- 6. PCFD shall manage the storage and collection of all trash and recycling associated with the temporary Use of the Site.

7. If construction of Fire Station 34 is delayed beyond the expiration of this CUP, which is January 1, 2023, then PCFD shall request the Planning Commission consider extending the CUP approval to accommodate the updated construction timeline.

Commissioner Thimm seconded the motion.

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

B. 1281 Rothwell Road - Plat Amendment - The Applicant Proposes Combining Lots 23 and 24 of the Kings Crown Re-Subdivision to Create a Single Lot of Record in the Recreation Commercial Zoning District. PL-22-05137 (A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on April 28, 2022.

Planner Cawley presented the staff report and stated that the application was for a Lot Combination Plat for 1281 Rothwell Road. The location is part of the Kings Crown Re-Subdivision. He presented a graphic showing the two lots sought to be combined. The two lots are part of the Recreation Commercial Zone ("RC"), which abuts the Recreation Open Space and the Historic Residential-1 Zones. The existing Lot 23 contains a single-family dwelling that was constructed within the last few years. Planner Cawley stated that Lot 24 is vacant and unimproved. He stated that if this Lot Combination is approved, the applicant proposes an 800 square foot addition to the existing home, while leaving a 13-foot landscaped area along the lot line along Lot 25.

Planner Cawley listed the prior approvals for this property. In January 2018, the Planning Commission approved the Kings Crown MPD, and the next month the City Council adopted the ordinance that approved the Kings Crown Re-Subdivision Plat and established 27 single-family lots, of which Lots 23 and 24 are a part. He added that in June 2018, the Planning Commission ratified the Development Agreement. In May 2019, the Planning Commission reviewed and approved an MPD amendment, and in January 2021 the City Council adopted an ordinance that combined Lots 27, 28 and 29 into two single-family lots.

Planner Cawley stated that the proposed Plat Amendment complied with the Recreational-Commercial Zoning District requirements. This Lot Combination would not change lot depth, front or rear setbacks, or building height requirements. The combined Minimum Lot Area would be 6,369 square feet. The combined Lot Width would be 70 feet, and the combined Maximum Building Footprint would be 2,226 square feet. He added that Condition of Approval #8 states that the applicant shall include a Plat Note stating the Maximum Building Footprint for the combined lots. Planner Cawley also noted that the side setback would increase to five feet.

Planner Cawley reported that Staff found good cause for the Plat Amendment because it preserves current land uses and the character of the zoning district. Additionally, no public street or right-of-way would be vacated or amended and there are no easements that would be vacated or amended. He offered that some of the purposes of this Zoning District are to provide opportunities for variation in architectural design and housing types, encourage the cluster of development to preserve open space, and minimize site disturbances and impacts of development. He commented that this Plat Amendment would respect the existing Plat Easements and would not request a vacation of any right-of-way.

Planner Cawley stated that Staff recommended that the Commission forward a positive recommendation to the City Council on March 31, 2022, for the Kings Crown Re-Subdivision Third

Amended Plat Amendment because it complies with the standards of the Final Subdivision Plat as found in the LMC. He referenced the analysis in the Staff Report that demonstrates that the proposal impact would reduce the density of the Subdivision and would mitigate additional construction disturbances. He reported that on February 1, 2022, the Development Review Committee, Planning, Engineering and Legal Departments reviewed this application and requested two additional Conditions of Approval. Condition of Approval #9 from the Engineering Department states that the applicant shall abandon the sewer and water laterals at the mainline, and the sealing of the laterals must be supervised by the service provider.

He continued by stating that Condition of Approval #10 from the Development Review Committee states that the applicant understands that unit density would be forfeited by the Lot Combination and may not be used or transferred to a different part of the Subdivision. Planner Cawley confirmed that public notice requirements were met, and that Staff did not receive any public input prior to this meeting. He reiterated that Staff recommends that the Planning Commission review the Kings Crown Re-Subdivision Third Amended Lot Combination that combines Lots 23 and 24, hold a public hearing and consider forwarding a positive recommendation for City Council's consideration on April 28, 2022. He corrected his prior reference to City Council consideration on March 31, 2022.

Acting Chair Suesser asked if the 800 square foot addition triggered an additional parking requirement. Planner Cawley explained that would be part of the plan review for the building permit but noted that the proposal includes additional off-street parking. Chimso Onwuegbu, AIA, the project's architect, explained that the plans call for an additional garage spot on Lot 24 as part of the addition.

Acting Chair Suesser asked if the applicant would be held to the 800 square foot addition if they approve the Lot Combination. Mr. Onwuegbu responded that once the lots were combined, the Maximum Footprint would determine what they would be allowed to add, so pursuant to the LMC, the applicant could not add more than the 800 square feet. Commissioner Thimm felt that this Plat Amendment would result in a less intensity of use, less strain on public facilities and less traffic; he did not oppose this Plat Amendment. Commissioner Kenworthy expressed agreement. Commissioner Hall echoed the comments of Commissioner Thimm.

Acting Chair Suesser expressed her understanding that an approval of this application would restrict the addition on Lot 24 to 800 square feet. Planner Cawley confirmed that this understanding was correct. He referenced Condition of Approval #8, which states: "The applicant will include on the Plat a note which states that the maximum Building Footprint for the combination of these two lots is limited at 2,226 square feet." Therefore, the 800 square feet would be in addition to the existing structure, which puts them at 2,226 square feet.

Commissioner Johnson referenced the snow storage easement and asked if the garage on Lot 24 would impact that easement. Mr. Harrington responded that snow storage easements are typically in the front area setbacks so that it does not conflict with building location. The City Engineer would approve the easement location on the Final Plat. Commissioner Johnson agreed with Commissioner Thimm's comments and was agreeable to moving forward with this application.

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

MOTION: Commissioner Van Dine moved that the Commission forward a positive recommendation for City Council's consideration for 1281 Rothwell Road Lot Combination for Lots 23 and 24 of the

King's Crown Re-Subdivision, Third Amended, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Draft Ordinance as follows:

Findings of Fact

Background:

1. The properties are located at 1275 & 1281 Rothwell Road.
2. The properties are listed with Summit County as: a. 1275 Rothwell Road – Lot 24, Kings Crown Re-Subdivision; Parcel number KCRS-24; and b. 1281 Rothwell Road – Lot 23, Kings Crown Re-Subdivision; Parcel number KCRS-23.
3. The properties are in the Recreation Commercial (RC) Zoning District.
4. The properties are part of the Kings Crown Master Planned Development.
5. On January 12, 2022, the Planning Department received a complete Plat Amendment application.
6. The proposed Plat Amendment combines Lots 23 and 24 to create one Lot-of Record.
7. No easement is vacated or amended as a result of the Plat Amendment.
8. Lot and Site Requirements for Single-Family Dwellings in the RC Zoning District are regulated per LMC §15-2.16-5.
9. A Single-Family Dwelling is an allowed Use in the RC Zoning District and requires a minimum lot size of 1,875 square feet. The proposed combined Lot size is 6,369 square feet.
10. The minimum Lot width in the RC Zoning District is 25 feet. The proposed combined Lot is 70 feet.
11. The combined Lot depth is 94 feet.
12. The required Front Setback for the combined Lots is 12 feet.
13. The required Rear Setback for the combined Lots is 12 feet.
14. The required Side Setback for the combined Lots is 5 feet each side.
15. The Maximum Building Footprint in the RC Zoning District = $(\text{Lot Area}/2) \times 0.9$ Lot Area/1875. The maximum Building Footprint for the combined Lots is 2,226 square feet.

Conclusions of Law

1. There is Good Cause for this Plat Amendment.

2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.16 Recreation Commercial (RC) Zoning District and LMC § 15-7.1-6 Final Subdivision Plat.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year, the approval for this Plat Amendment 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 City Council.
3. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. A non-exclusive ten-foot (10') public snow storage easement on Rothwell Road shall be dedicated on the plat.
5. Any new construction shall comply with the Land Management Code at the time of Application submittal.
6. 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.
7. The Applicant shall complete the Historic District Design Review process and gain approval before applying for a building permit, pursuant to the King's Crown Master Planned Development.
8. The Applicant shall include a Plat note stating the maximum building footprint is 2,226 square feet.
9. The Applicant shall abandon the sewer and water laterals at the main line. The sealing of the laterals must be supervised by the service provider.
10. The Applicant understands that the unit density is forfeited by the Lot combination and may not be used or transferred to a different part of the Subdivision.

Commissioner Thimm seconded the motion.

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

C. 1304 Park Avenue – Plat Amendment – The Applicant Proposes Removing the Internal Block Line to Create a Single-Lot of Record, Amending the Plat to Create One Lot in the Historic Residential-Medium Density Zoning District. PL22-05156.

City Planner, Aiden Lillie, stated that the application proposes to remove an Internal Block line in order create a single lot of record. This proposed Plat Amendment would convert this metes-and-bounds parcel into one legal lot of record totaling 4,125 square feet. Planner Lillie explained that this parcel was originally created as part of Snyder's Addition to Park City. The records show that the Block line was never created; the home on the lot was constructed in approximately 1885 on top of the Block line in the 13th row or right-of-way. She added that the home is a Landmark Historic Site on Park City's Historic Sites Inventory and also listed on the National Register of Historic Places. It is located in the City's Historic Residential-Medium ("HRM") Density Zoning District.

Planner Lillie recalled that on July 12, 2018, the City Council reviewed the Plat Amendment and approved an Ordinance creating what would have been a recordable Plat; however, the Plat was not recorded. An extension was approved for the prior owner; however, when the property was sold the previously approved Plat still had never been recorded. On February 7, 2022, the Planning Department received a complete Plat Amendment application from the new owner. There have been no changes to Code or circumstances, so the proposed Conditions of Approval remain unchanged.

She explained that the proposed Plat Amendment complies with the HRM Zoning District requirements and referenced the chart in the Staff Report. She also referenced the Code that would allow this structure as a valid Non-Complying Structure since it was constructed with a zero front setback and three-foot side setback.

Planner Lillie stated that Staff found good cause for this proposal because the removal of the Internal Block line would resolve existing issues and preserve the character of the neighborhood, which is one of the HRM's purposes. She noted in addition that part of the HRM Zone's purposes were also to allow a continuation of permanent residential and transient housing in original residential areas of Park City, as well as to encourage the rehabilitation of existing Historic Buildings and/or Structures. She added that the removal of the Internal Block line would allow for the lot lines to be cleaned up and resolve existing encroachments into the City's right-of-way.

Planner Lillie reported that the Development Review Committee reviewed this application. The Engineering Department was the only department that provided comments, which she listed as follows:

- a. Show the right-of-way lines and their dimensions;
- b. Add a road centerline and bearing;
- c. Add a centerline to the right-of-way line dimension; and
- d. Add a 10-foot-wide snow storage easement and a five-foot wide public utility easement around the parcel.

She confirmed that the applicant has agreed to make these changes to the proposed Plat, and Staff included Condition of Approval #8 and #9 regarding the notation of the easements on the Plat.

Planner Lillie noted that Staff did not receive any public input to this application. Staff recommended that the Planning Commission review this application, hold a public hearing and consider forwarding a positive recommendation for City Council's consideration on April 28, 2022, based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Acting Chair Suesser asked about the difference between a Block line and a Lot line. Planner Lillie explained that this would be considered a Block line because it was platted without Lot lines and ultimately given the title of "Block."

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

Acting Chair Suesser referenced the notations on the Plat showing the right-of-way and the centerline of the road but noted that these were not included in the Conditions of Approval. She asked if those changes had been made to the Plat. Planner Lillie represented that the applicant agreed to those changes, although she had not yet received the redlined Plat. She stated that those could be added to the Conditions of Approval.

Mr. Harrington commented that they do not add those comments as Conditions of Approval; he explained that both he and the Engineering Department have separate signatory responsibility for the Plat, so these would be part of that review and would be part of technical corrections under the City Engineer's authority. He did not recommend including these in the Conditions of Approval.

MOTION: Commissioner Kenworthy moved that the Commission forward a positive recommendation for City Council's consideration on April 28, 2022, for 1304 Park Avenue Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as follows:

Findings of Fact

Background:

1. The property is located at 1304 Park Avenue.
2. The Applicant is proposing to remove an internal block line between Block 24 of Snyder's Addition to Park City Survey and 13th Street.
3. The Northern portion of 1304 Park Avenue is Block 24 of Snyder's Addition to Park City, this Block has no Lots. The Southern portion of 1304 Park Avenue is the 13th Street Right-of-Way.
4. The proposed Plat Amendment converts a metes and bounds parcel into one legal lot of record, which will include 4,125 square feet.
5. The Single-Family home was built in circa 1885 and is designated as Landmark on the Park City Historic Sites Inventory and listed on the National Register of Historic Places.

6. On February 7, 2022, the Planning Department received a complete Plat Amendment application.
7. All Findings in the Background Section are incorporated herein as findings of fact.

Zoning District:

8. The property is located in the Historic Residential Medium (HRM) Zoning District.

Public Notice Requirements:

9. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on March 9, 2022.
10. Staff mailed courtesy notice to property owners within 300 feet on March 9, 2022.
11. *The Park Record* published notice on March 9, 2022. LMC § 15-1-21.

Lot and Site Requirements:

12. The *proposed* Lot complies with the HRM Zoning District Requirements outlined in LMC § 15-2.4.
13. A Single-Family Dwelling is an allowed Use in the HRM Zoning District and requires a minimum lot size of 1,875 square feet. The proposed Lot sizes comply with this requirement, containing 4,125 square feet.
14. The minimum Lot width in the HRM Zoning District is 37.50 feet. The proposed Lot complies with this requirement, containing 55 feet.
15. The required Front Setback for Single-Family is 15 ft. Per LMC § 15-2.4-4, 1304 Park Avenue is a valid Non-Complying Structure with a front setback of 0 ft.
16. The required Rear Setback is 10 Ft. 1304 Park Avenue complies with a 15 ft. Rear Setback.
17. The required Side Setback is 5 ft. Per LMC § 15-2.4-4, 1304 Park Avenue is a valid Non-Complying Structure with Side Setbacks of 3 ft. and 5 ft.

Conclusions of Law

1. There is Good Cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.4 HRM and LMC § 15-7.1-6 Final Subdivision Plat.

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, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The fence encroaches at multiple points over the property line into the neighboring Cottages on the Park Subdivision. The applicant shall either remove the existing fence or enter into an encroachment agreement with the neighbor if the fence is to remain in its existing location.
4. The existing concrete retaining wall encroaches approximately seven feet into the right-of-way. The applicant shall remove the encroachment of the existing retaining wall prior to recordation of this plat amendment.
5. The existing main building and front porch encroach approximately 1 foot into the right-of-way. The applicant will work with the City Engineer to enter into an encroachment agreement for this structure, given the historic designation.
6. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
7. Any changes to the existing Historic Structure and new construction must maintain all requirements of the HRM Zoning District, as well as the Design Guidelines for Historic Districts and Historic Sites found in LMC Chapter 15-13.
8. A 10-foot public snow storage easement on Park Avenue shall be noted on the Plat.
9. A five-foot wide public utility easement around Lot A on the 1304 Park Avenue Plat Amendment shall be noted on the Plat.

Commissioner Van Dine seconded the motion.

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

- D. 45 Hillside Avenue - Steep Slope Conditional Use Permit - The applicant is proposing a subterranean, detached single-car garage that is located within the front setback on a non-historic Single-Family Dwelling. PL-21-05085**

City Planner, Browne Sebright, explained that this was an application for a Steep Slope CUP. He noted that Caitlyn Barhorst, the applicant's representative, was also in attendance. He reported that the applicant proposed a below-grade detached single-car garage located in the front setback of a non-Historic single-family home. This property is located in the Historic Residential-1 ("HR-1") Zoning District. The home currently has no off-street parking and under the LMC, the Planning Commission has the authority to review Steep Slope CUPs for lots over 3,750 square feet and this lot meets that requirement.

Planner Sebright noted that this property was first described in a lot line adjustment in 1994, which combined it with some remnant parcels on which the home was built. He added that this proposal was initially submitted as a Historic District Design Review (“HDDR”) pre-application, and Staff identified that it would require a Variance based on its location. He added that the applicant submitted a Variance application, and the Board of Adjustment granted the Variance for the front setback at approximately one foot and the location of an Accessory Building in front of the main building.

Planner Sebright explained that following that approval, the applicant proceeded with an HDDR that was reviewed by the Planning Department, which found it to be compliant with the Historic District Design Guidelines. Concurrently, the applicant worked on the Steep Slope CUP application presently before the Commission. He stated that the property is located in a unique location at the base of Hillside Avenue where it fans out as it approaches Main Street and Daly Avenue. Planner Sebright showed the Commission the existing street view and the location of an existing parking spot. The proposal seeks to place the detached garage in the same location. He added that in this location, Hillside Avenue is a two-way street; however, vehicles cannot pass at the same time and over the years this has caused a number of traffic accidents. This has led the applicant to seek a parking space that would be more protected than what currently exists in the public right-of-way.

Planner Sebright presented a rendering of the proposed garage. The existing wall and staircase would be retained. He noted that once the garage is installed, the applicant has proposed to backfill and re-vegetate to approximate the natural grade. He noted that at the time of the Lot Line Adjustment in 1994, the City was the beneficiary of an Open Space Parcel of approximately 200 square feet on which no structure could be built. He stated that this proposal would remain outside of that Open Space parcel.

Planner Sebright reported that Staff reviewed the application against the HR-1 requirements and found that it complies with the Variance granted by the Board of Adjustment. Lot size, lot width, rear and side setbacks, and building heights remain unaffected. The addition would be within the allowed Maximum Building Footprint. With regard to the front setback, a Variance was granted, and the Accessory Building was proposed to have a one-foot setback from the front lot line.

Planner Sebright next addressed the proposal in terms of the Steep Slope requirements. Staff found it complied with those requirements, and referenced the various criteria listed in the Staff Report. He highlighted that Access would change slightly due to the new driveway, and through the HDDR process, they have ensured that the driveway would remain at 10-feet wide. In addition, pedestrian access would still be accommodated and comply with the Design Guidelines. He referenced photographs showing other examples of garages and parking areas along Hillside Avenue. He noted that the proposal complied with the setbacks given the Variance that was granted.

He noted that the Design Review Team, Planning Department and the Development Review Committee reviewed this application and the comments from this review were incorporated in the Findings of Fact and Conditions of Approval. He confirmed that this application was publicly noticed, and one comment was received from a neighbor who expressed support for the project. Planner Sebright stated that Staff recommended the Planning Commission review the proposal, conduct a public hearing, provide feedback and consider approval of the Steep Slope CUP.

Acting Chair Suesser referenced the photographs attached to the Staff report and asked if there was a historic mining shack near the telephone pole in front of the applicant's property. Planner Sebright confirmed that the shack was not a Historic Structure. In response to further inquiry regarding a

concrete driveway shown on the photographs, Planner Sebright responded that the driveway was for the use by the neighboring property. Ms. Barhorst confirmed that there was one single-family dwelling on the applicant's property.

Planner Sebright confirmed that the proposed garage would be a single-car garage. Because the parking spot in front of the home is within the right-of-way, the applicant was not seeking to include that spot in the approval of the CUP. The applicant currently parks in that right-of-way. Planner Sebright explained that residents in this District are allowed to get permits for on-street parking and that is what this applicant has been doing for years. They have found, however, that parking on street was unsafe for them and their vehicles.

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

MOTION: Commissioner Van Dine moved to approve the Steep Slope Conditional Use Permit for 45 Hillside Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as follows:

Findings of Fact

1. On June 20, 1996, City Council adopted Ordinance No. 2021-45, approving The Bluejay Parcel Lot Line Adjustment combining portions of Lots 10 and 11 of Block 19 of the Park City Survey. The property is described as parcel BJAY-ALL.
2. The lot contains a 200 square foot parcel of land (Parcel B) that is described in Note #3 of the Plat as being subject to the restrictions of Quit Claim entry No. 450706, Book 925, Pages 722-724. Parcel B on the plat is denoted "Open Planning Department Space," and under the terms of the Quit Claim deed is subject to an open space easement that states: "Grantee shall not construct any structure or building on the parcel". Park City Municipal Corporation is the beneficiary of the easement.
3. The owner currently parks in an asphalt parking pad parallel to Hillside Avenue and accesses the house via stairs and paths. This space is not approved private parking for 45 Hillside Avenue, but, rather, it is located in the City ROW and is considered public parking. There is no other parking on site.
4. The property is located at 45 Hillside Avenue.
5. The property is located within the Historic Residential – 1 (HR-1) Zoning district.
6. The applicant proposes a detached garage to be constructed within a slope greater than 30% and requires a Steep Slope Conditional Use Permit.
7. Planning Commission approval is required for Steep Slope Conditional Use Permits on Lots greater than 3,750 square feet. 45 Hillside Avenue is a 6,534- square-foot Lot.
8. The purposes of the Historic Residential – 1 (HR-1) Zoning District are in part to encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and to maintain existing residential

neighborhoods and to establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

9. The Minimum Lot Size for a Single-Family Dwelling in the HR-1 Zoning District is 1,875 square feet. The Lot is 6,534 square feet.
10. The Minimum Lot width in the HR-1 Zoning District is 25 feet. The Lot width is 87 feet.
11. There is an existing 1,408 square foot Single Family Dwelling on the property. It is a non-historic site.
12. The proposed detached garage is an Accessory Building.
13. The Lot is 6,534 square feet, and the Quit Claim deed states that, the "Grantee shall not construct any structure or building on the [open space] parcel" and that, "Subject to the restriction that no floor area shall be drawn from the parcel in conjunction with development on Grantee's adjoining property". The Lot area minus the area of the Open Space Parcel is 6,334 SF.
14. The Maximum Building Footprint for a 6,334 square-foot Lot in the HR-1 Zoning District is 2,218 square feet. The combined Building Footprint for the existing main building and the proposed accessory building is 1,768 square feet. Planning Department.
15. Front and Rear Setbacks for Lots up to 75 feet in depth are 10 feet, for a total of 20 feet. The Front Setback to the main building is 16 feet. The Rear Setback for the main building is 18 feet. The accessory building will have a Front Setback of one foot.
16. Side Setbacks for Lots with widths up to 100 feet are 10 feet, for a total of 24 feet. The main building has Side Setbacks of 6.5 feet (north), and 22 feet (south), for a total of 28.5 feet. The accessory building will have side setbacks of 30 feet (north) and 26 feet (south).
17. The lot has an unusual configuration, and per LMC 15-4-17, the setbacks have been determined by the Planning Director, as noted in a determination letter issued on January 13, 2022.
18. On August 24, 2022, the Board of Adjustments granted the property a Variance to LMC Sections 15-2.2-3(F) to reduce the required ten-foot (10') front yard setback to zero feet (0') and to Section 15-2.2-3(G)(6) to locate a Detached Accessory Building in front of the front façade of the Main Building, to allow for a single car garage to be constructed behind the property line and within the Front Yard Setback.
19. Maximum Building Height for the HR-1 Zoning District is 27 feet above Existing Grade, and 18 feet for Accessory Structures. There is no change in height for the main building, and the detached garage will be 2 feet from existing grade, and 13 feet from final grade. The maximum height measured from the lowest finish floor plane to the point of the highest wall top plate is 13 ft.

20. The Planning Commission reviews Steep Slope Conditional Use Permits pursuant to the criteria outlined in LMC Section 15-2.2-6.
21. LOCATION OF DEVELOPMENT – The proposed location of the garage within the Front Setback is to reduce the required excavation of the site. The building will act as the primary retaining structure, minimizing the required retaining walls around the accessory garage.
22. VISUAL ANALYSIS – The development will not be viewable from Vantage Points, which are defined in LMC § 15-15-1. The structure will be built into the hillside and will be covered with a green roof to reduce the visual impact.
23. ACCESS – The proposed driveway is ten feet (10') wide, and the visual impact of on-site parking is minimized by incorporating landscape treatments for driveways, walkways, paths, and structures in an integrated design. Landscape separations are utilized, and plant materials are used for screening. Paver stones are used to differentiate pedestrian areas from vehicular driveways. The existing Planning Department landscape stairway will remain close to the current location and serve as the same entry point to the residence.
24. TERRACING – There is a proposed green roof for the top of the garage in order to reduce the visual impacts of the structure; there will also be landscaping where possible between the proposed driveway and the required reanneals.
25. BUILDING LOCATION – The proposal respects existing topography, character defining site features. The intent of constructing the garage within the Front Setback is to reduce the required excavation of the site. The existing landscape stairway will remain close to the current location and serve as the same entry point to the residence.
26. BUILDING FORM AND SCALE – The proposal reflects historic character and scale of Park City Historic Sites with small-scale, infill development. The proposal complements the scale and design of buildings unique to Hillside Avenue and Upper Main Street.
27. SETBACKS – The lot has an unusual configuration, and per LMC 15-4-17, the setbacks have been determined by the Planning Director, as noted in a determination letter issued on January 13, 2022. The proposed development complies with setbacks, and the Variances granted for the property.
28. DWELLING VOLUME – The volume of the main dwelling will remain unchanged. The proposed garage will have a volume of approximately 3,600 cubic feet. The form and volume of the garage are simple, and the garage is embedded into the hillside to reduce its perceived volume.
29. BUILDING HEIGHT | STEEP SLOPE – The proposed Structure is compatible with surrounding Structures and abides by height restrictions in the HR-1 Zoning District. The front Façade is a similar scale to the surrounding development as viewed from the Hillside Avenue Public Right-of-Way.

30. Staff reviewed 45 Hillside Avenue's HDDR application for compliance with LMC Chapter 15-13-8, Design Guidelines for New Residential Infill Construction in Historic Districts. The Planning Director approved the Historic District Design Review application on January 20, 2022.
31. Staff published notice on the City's website and posted notice to the property on March 9, 2022.
32. Staff mailed notice to property owners within 300 feet on March 9, 2022. 33. The Analysis Section of the Staff Report is incorporated herein.

Conclusions of Law

1. The Application complies with Land Management Code Chapter 15-2.2 Historic Residential – 1 Zoning District, and LMC Section 15-2.2-6, Development on Steep Slopes.
2. The Use will be Compatible with surrounding Structures in scale and mass.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Condition(s) of Approval

1. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
2. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit and shall be reviewed and approved by the City Engineer and utility providers prior to the issuance of a building permit.
3. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards in a condition precedent to building permit issuance.
4. This approval will expire on March 23, 2023, if a building permit has not been issued by the Building Department before the expiration date, unless the Applicant submits an extension request in writing to the Planning Department prior to the expiration date and the Planning Director approves an extension of this approval.
5. Final building plans and construction details shall reflect substantial compliance with the plans approved March 23, 2022, 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.
6. 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.

7. The Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction prior to submitting a building permit, subject to City Engineer approval.
8. The Applicant shall submit a geotechnical report and design of the temporary shoring and final slope stability prior to submitting a building permit, subject to City Engineer approval. Planning Department.
9. The Applicant shall provide soil stabilization details documenting how the disturbed area will be restored and stabilized prior to submitting a building permit, subject to City Engineer approval.
10. The Applicant shall submit a landscape bond to ensure the stabilization and vegetation rehabilitation is complete prior to submission of a building permit.
11. Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.
12. The property is located just 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 to State and Federal law.
13. The Hillside Avenue Public Right-of-Way is a non-compliant parcel within the Soil Ordinance boundary. Construction activity in this area, in addition to a Right-of-Way permit, requires a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.
14. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
15. If at some point in the future the ROW is re-aligned, the applicant shall be responsible for the removal of the retaining walls and any parking in the ROW at their own expense.
16. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be down directed and fully shielded to prevent glare onto adjacent property and public rights-of-way and shall comply with the City's outdoor lighting code in LMC Section 15-5-5(J). Final lighting details will be reviewed by the Planning Staff prior to installation.
17. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.

Commissioner Thimm seconded the motion.

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

- E. Land Management Code Amendments - Amendments to Land Management Staff Report Exhibit A: Draft Final Action Exhibit B: JSSD Mine Bench Storage Agreement Exhibit C: Site Plan Exhibit D: Applicant Statement Exhibit E: Letter from Park City Manager Authorizing Use of Mine Bench Site Staff Report Exhibit A: Ordinance 2022-XX and Proposed Plat Exhibit B: Aerial View Exhibit C: Topographic Survey of Existing Conditions Exhibit D: Applicant's Statement Staff Report Exhibit A: Draft Ordinance Exhibit B: HSI Form Exhibit C: Ordinance No. 2018-40 Attachment 1: Proposed Plat Staff Report Attachment 1: Draft Final Action Letter Exhibit A: Applicant Narrative Exhibit B: Bluejay Parcel Plat Exhibit C: Quit Claim Deed Exhibit D: Site Survey Exhibit E: Drawing Set Exhibit F: Site Photos Exhibit G: Variance Final Action Letter Exhibit H: Historic District Design Review Final Action Letter Exhibit I: Setback Determination Letter 2 Code § 15-2.1-2, § 15-2.2-2, § 15-2.3-2, § 15-2.4-2, § 15-2.5-2, § 15-2.6-2, § 15-2.7-2, § 15-2.9-2, § 15-2.10-2, § 15-2.11-2, § 15-2.12-2, § 15-2.13-2, § 15- 2.14-2, § 15-2.15-2, § 15-2.16-2, § 15-2.17-2, § 15-2.18-2, § 15-2.19-2, § 15- 2.23-2, For Zoning District Use Tables, § 15-15-1 Definitions, and Enacting a New §15-4-22, Outdoor Pickleball Courts in Residential Areas, Are Proposed for Pickleball Court Land Use Regulation in Residential Zoning Districts To Mitigate Pickleball Court Impacts. PL-21-05062.**

Planner Sebright reminded the Commission that the request was initially heard in February and the Commission provided direction to Staff on updates to the Ordinance and requested additional clarification for defined terms. Under the current LMC, a pickleball court is considered a Private Recreation Facility, which is allowed in residential areas. Because demand for pickleball courts has grown significantly, Staff has received more inquiries from residents who are interested in installing these facilities on their lots. These amendments seek to clarify where these facilities should be allowed in residential areas and the standard of review to be applied. He noted that the type of noise was one of the primary concerns with outdoor pickleball courts. Under the Municipal Code, there are maximum allowed noise levels for residential and commercial areas. He reported that Staff's research revealed that pickleball play is unique in that it can produce noise that could exceed the maximum noise levels in Residential Zoning Districts without additional consideration.

Planner Sebright explained that Private Recreation Facilities are allowed in seven zoning districts, and in the remaining Residential Zoning Districts they are a Conditional Use. One of the issues Staff looked at was ensuring that there would be a consistent standard of review for outdoor pickleball courts in all residential areas. He referenced the website and survey published by Staff, as well as two virtual open houses and an in person open house on March 9th. He stated that public input has been substantial, and he thanked those who participated.

He reported that Staff was recommending nine (9) requirements for new outdoor pickleball courts in residential areas as follows:

1. Standardize the level of review across zoning districts by requiring a CUP, Planning Commission review and notice to neighbors within 300 feet;
2. Require a minimum lot size of one acre;

3. Require a 600-foot setback from adjacent residential lot lines;
4. Allow the Planning Commission discretion to reduce the setback to no less than 150 feet, when the applicant can demonstrate compliance with the Noise Ordinance;
5. Require applicant to notify active and registered Homeowners Associations (“HOA”) prior to submitting a CUP;
6. Limit hours of operation from 8:00 a.m. to 8:00 p.m. He noted that Staff added additional language that would allow the Planning Commission to establish different hours of operation when findings support the appropriateness of different times of use;
7. Prohibit outdoor lighting of courts;
8. Require all required parking for residents accommodated on site, and the number of guests shall be capped at no more than four at a time; and
9. Allow the Planning Commission the discretion to add landscaping requirements that could be used both for noise mitigation and to mitigate the visual impact of noise reducing tools such as barriers.

With regard to the requirement of applicants submitting a site-specific Noise Study, he noted that they updated the draft Ordinance to require the property owner to fund a third-party evaluation of the Noise Study by an acoustical engineer selected by the City Engineering Department. In terms of the minimum lot size of one acre, Planner Sebright clarified that the number of lots that measure one acre or more represent 10% of lots and approximately 70% of the total residential land within the City. Therefore, outdoor pickleball courts would be allowed on the vast majority of residential land within the City.

Planner Sebright addressed the Commission’s request for clarification on the definitions and referenced Staff Analysis III in the Staff Report. He noted that Staff found that under the current LMC, there is overlap between items specified in the definition of a Private Recreation Facility, with the definitions for Accessory Buildings and Ancillary Structures. He reported that Staff recommended removing those items from the definition of Private Recreation Facilities and allow the minor uses to be reviewed as either Accessory Buildings if they 250 square feet or larger, or Ancillary Structures if they are 250 square feet or less.

Planner Sebright next addressed the hours of operation and highlighted that Staff added additional language that allows Planning Commission discretion to establish different hours of operation when findings substantiate alternative times of use. He stated that the intent of the LMC Amendments was to establish a cautious approach to permitting new outdoor pickleball courts in residential areas. As a result, they added language that would allow them to revisit the amendments in the future after they have had the chance to process new applications under the amended LMC.

Planner Sebright reported that this item was properly noticed through the City website, Engage Park City, mailing of postcards, the open houses, the Utah Public Notice website and *The Park Record*. He stated that Staff recommended that the Commission review the proposed LMC Amendments, conduct a public hearing and consider forwarding a positive recommendation for Council’s consideration on April 7, 2022.

Acting Chair Suesser addressed the notice requirement to the HOA and sought clarification that the new Ordinance would still be subject to HOA approval or restrictions. Mr. Harrington responded that the current LMC allows that stricter HOA regulations would apply, and the HOA would have their separate enforcement authority through the CC&Rs.

Acting Chair Suesser questioned whether it would make sense for an applicant to obtain approval from their HOA prior to submitting an application for a CUP. Mr. Harrington stated that they would discourage that because HOA approvals are often fraught with their own issues and having the validity of those called into question and could arguably become an unlawful delegation of authority where the HOA could have veto authority without the same due process requirements. With the notice requirement, the HOA could register its support or objection to the CUP, and still take its own enforcement action. Acting Chair Suesser referenced LMC Section 15-4-22 and the mandate to revisit these amendments in one year and questioned the necessity of the requiring that review.

Commissioner Hall felt that this Ordinance might be overcomplicating things and wondered if the better course would be to amend the LMC to provide that sports courts, including pickleball courts, would go through the CUP process that would be handled by the Commission on a case-by-case basis. She referenced the process with tennis courts and other sports courts. She noted that the Code as it pertains to tennis courts or basketball courts was not highly detailed, and the Code only requires that it come before the Commission. Commissioner Hall referenced the significant public input that could be taken into consideration as with every CUP application. She felt it odd that they were focusing specifically on this one use.

Commissioner Thimm stated that the reason for the specificity regarding pickleball courts was the excessive noise that has proven to be beyond what the normal Noise Ordinance allows. Deriving specific requirements for pickleball courts seemed to him to be in line. He added that if it were felt that tennis courts were too noisy, they would look at that as well. He stressed that at this point, pickleball courts was the issue before the Commission. He felt the specifics were appropriate.

Acting Chair Suesser opened the public hearing.

Frode Jensen stated that he has lived in Park Meadows full time since 2012. He became concerned with backyard pickleball last July when he became aware that his next-door neighbor had removed trees and excavated an 1,800 square foot surface in order to pour a concrete pickleball court located less than five feet from his property line and less than 10 yards from his bedroom window. He asked his realtor if a pickleball court could be a noise nuisance, and if so, whether it would impact the value of his home. Mr. Jensen represented that the realtor answered in the affirmative and stated that it could impact the value of the home by as much as 20%.

Based on these concerns, he and some of his neighbors embarked on an 8-month journey to persuade the City to enforce the LMC in connection with several applications for pickleball courts, which require a CUP. He also urged the City to adopt a sensible ordinance to regulate a land use that has generated frequent complaints and litigation across the country. Mr. Jensen stated that he has reviewed the City's proposals carefully and applauded the Planning Department for taking this issue seriously. He disagreed with Commissioner Hall's comments and felt that pickleball courts present a different situation than tennis courts. He stated he was not opposed to pickleball and was in favor of all racquet sports, including pickleball. Mr. Jensen did not feel that the proposed amendments were anti-pickleball. Rather, they seek to impose a fair balance between property

owners' rights to enjoy their homes and yards, free from annoying noise that violates the local Noise Ordinance, and which meets the mitigating requirements of a Conditional Use under the LMC.

Mr. Jensen felt the current draft Ordinance came close to doing the job but did not quite reach the finish line. His principal concern was that the Ordinance would not impose a standard for Impulsive Noise. Impulsive Noise is the form of pickleball noise that generates the most complaints around the country. It is the sharp noise created when a hard paddle strikes a hard plastic pickleball. He noted that the Noise Ordinance addresses Impulsive Noise, but the pickleball Code Amendments are silent as to how the Commission should determine measurement of sufficient mitigation for Impulsive Noise.

Mr. Jensen felt this to be a problem because it would make consideration of applications for backyard pickleball courts in close proximity to neighbors very difficult if not impossible. He engaged one of the leading experts on pickleball noise, Dr. Lance Willis, who agreed with Mr. Jensen's concerns. He added that the Planning Department included three of Dr. Willis' reports in the Staff Report. He emailed Dr. Willis' correspondence to each member of the Commission. Mr. Jensen quoted from that letter as follows: "A Code provision for allowing reduced setbacks, where a noise abatement plan has been prepared by a qualified acoustical engineer, is appropriate. However, in order for this to work in practice, a modern noise assessment methodology such as NCS-12.9(4) will be needed." To do this, Staff should retain a noise expert of Dr. Willis' caliber and craft an Impulsive Noise standard for inclusion in the Ordinance.

Mr. Jensen referenced the balance of his concerns as set forth in his letter dated March 21, 2022, that has been provided to the Commission. Two of his concerns involve practicality and enforcement related to hours of operation and play by guests. He felt that as a practical matter, it would be too hot to play pickleball in the middle of the summer in Park City; instead, people would play in the later afternoon and evenings at times when the neighbors are trying to enjoy their yards. He felt that the proposed hours of operation were an invitation for conflict, especially in situations of noise leakage. He questioned how different hours would address this problem. Allowing backyard pickleball in densely populated neighborhoods in the late afternoon/evening will present a problem, and he felt this Code Amendment did not fully address that.

His other concern related to guests. He referenced a situation in another town where someone built a sports court and then invited all of his friends to come over and play whenever they wanted. Mr. Jensen described this court as a quasi-private club. The requirement that the owner be present and allow no more than four guests was often not observed. Mr. Jensen felt that one way to address this was to ensure that no one was paying a fee to play on a private pickleball court. He was concerned that his neighbor would invite a lot of his friends to use his court. He agreed with Commissioner Suesser that the provision for re-visiting this Code Amendment was unnecessary. The LMC already contains a provision regarding amendments, and any time an appropriate party wants to begin the amendment process, they could do that. He felt the provision as written would only create uncertainty for applicants.

Acting Chair Suesser closed the public hearing.

She asked Planner Sebright to respond to the suggestion of including an Impulsive Noise Standard in the draft Ordinance. Planner Sebright explained that as drafted, they are not saying that the applicant must show that the proposal complies with the maximum noise level; rather, it is written such that the applicant has to demonstrate compliance with the entirety of the Noise Ordinance in the Municipal Code, which includes Impulsive Noise.

Acting Chair Suesser asked if any consideration was given on the issue of controlling guests and whether their research showed that the owner's presence was necessary when guests were using the court. Planner Sebright explained that they found that this is a highly social sport, and they crafted the Ordinance in an effort to mitigate that. He noted that charging a fee to use the court would render it a commercial use, which would not be allowed in most Residential Zoning Districts. He felt that the provision regarding guests, as drafted, was realistic for the Code Enforcement team and City employees to be able to enforce on a regular basis. He clarified that the draft Ordinance did not require owner presence during play.

Mr. Harrington confirmed that charging a fee for a court on a private residence was covered by other ordinances; however, he would have no objection to adding that redundant language in this draft Ordinance. He referenced the addition in the Nightly Rentals Ordinance with Sundance.

Planner Sebright read the current draft language as follows: "The outdoor pickleball court is for the use of residents and up to no more than four guests."

Acting Chair Suesser stated that she wanted to remove the provision requiring the Planning Department to revisit the regulations in one year, since they could do that at any time. She requested the addition of language regarding no fee being charged on a private court. She expressed that she was comfortable with not including the Impulsive Noise standard in the pickleball court regulation, given that it is addressed in the Noise Ordinance.

Commissioner Thimm commented that the draft Ordinance was well crafted and appreciated the hard work that went into it. He felt that all of the issues pointed out by the Commission were addressed. He was not opposed to the modifications suggested by Acting Chair Suesser, but would like to move ahead with the Ordinance, as written with the changes suggested.

Commissioners Kenworthy, Van Dine, and Johnson agreed with Commissioner Thimm's comments.

Commissioner Hall reiterated her prior comments and felt that 600 feet would actually make it difficult to get to a CUP. Commissioner Thimm referenced the provision that allowed the setback at 150 feet if certain conditions were established.

Acting Chair Suesser felt that the draft Ordinance would help provide the public with parameters based on a nationwide analysis of the history of these courts. She expressed it would help provide some guidelines and would be appropriate given the potential nuisance that a pickleball court could cause a neighborhood. She added that just reviewing these on a case-by-case basis would create too much uncertainty. She felt that Staff did a great job addressing this issue. It was clarified that the amendments discussed at this meeting would remove the requirement to revisit these amendments in one year and the inclusion of a provision prohibiting any commercial fees.

A question was raised by Commissioner Hall about the definition of Private Recreation Facilities and whether it included things such as hot tubs. Planner Sebright stated that the amendment addressed that so that those minor uses would be reviewed as Ancillary Structures or Accessory Buildings, depending on the size and zoning district. It was clarified that the fee language should not say "no commercial fee," but rather "no fee charged for use of the private court." Mr. Harrington assured that the Commission would see that language when it goes to Council and could provide input.

Commissioner Hall previously wanted to remove hot tubs and pools from the definition of Private Recreation Facility, and suggested it only include tennis courts, sports courts and outdoor pickleball courts. Acting Chair Suesser asked if pools should remain in the definition.

Commissioner Thimm asked if the draft Ordinance contemplated a change to hot tubs or pools. Commissioner Hall referenced the language that previously included hot tubs, picnic areas and playgrounds as requiring a CUP. She suggested the removal of pools from this definition and that the definition only include tennis courts, sports courts and outdoor pickleball courts.

Acting Chair Suesser felt a pool was different from a hot tub or spa and should be more closely regulated. She suggested adding the word "swimming" to pools to distinguish it from a hot tub or spa. Commissioner Hall reiterated her suggestion of eliminating pools from this definition.

Commissioner Thimm agreed with the addition of "swimming" in the definition. Commissioner Hall questioned whether a CUP should be or has been required for pools. Mr. Harrington stated that this has not been an issue and they have regulated the ones where there were complaints. He did not feel this should be changed but adding "swimming" might narrow it somewhat.

Commissioner Thimm reiterated that the focus should be on pickleball courts rather than other changes in the Ordinance.

Acting Chair Suesser thanked Mr. Jensen for the work he has put in on the comments and submission to the Commission.

MOTION: Commissioner Thimm moved that the Planning Commission forward a positive recommendation to the City Council for their consideration on April 7, 2022 concerning the Outdoor Pickleball Courts in Residential Areas Ordinance, to amend the Zoning District Use Tables to require a Conditional Use Permit for these outdoor courts, and to clarify definitions, as outlined in the draft Ordinance and as amended by the comments in tonight's record. Commissioner Kenworthy seconded the motion.

VOTE: Commissioner Johnson-Aye; Commissioner Van Dine-Aye; Acting Chair Suesser-Aye; Commissioner Hall-Nay. The motion passed 5-to-1.

F. 1000 Ability Way - Minor or Substantive Modification Determination -- The National Ability Center Requests Modifying the Master Planned Development to Increase Square Footage for the Cycling Storage Center Addition. PL-22-05181

Assistant Planning Director, Rebecca Ward, explained that this item involved the modification to the NAC Master Planned Development. The NAC MPD outlines several approvals for the site over the years. It was first approved as a specially planned area in unincorporated Summit County, and then annexed into Park City in 2004. She added that there is a 2017 CUP and 2019 MPD Approval that outlines all of the density for the site. In 2019, the Planning Commission ratified the NAC Development Agreement. The Development Agreement requires all building permits to comply with specified square footages.

Assistant Planning Director Ward stated that NAC anticipates significant modifications to the MPD for this site in the future. These significant modifications are planned to their Camps and Community Building, and possible relocation of the next Lodge Building scheduled to be constructed. At this time, however, NAC is only asking for a minor modification to increase square footages so they can

install a prefabricated storage facility for the Cycling Center. She explained that the NAC proposed to increase the square footage to 805 square feet, which is an increase of 22 square feet.

Assistant Planning Director Ward stated that the Planning Commission is the body that determines whether modifications to MPDs are minor or substantive. A minor modification is one that complies with the Land Management Code and the MPD approval, does not trigger additional parking, does not reduce open space and does not increase traffic. She explained that this request would not trigger additional parking, nor increase traffic. She added that it would reduce open space. The MPD Finding of Fact No. 24 states that the project does exceed the open space requirement for the site, which is currently at 78%, which is in excess of the required 60%.

She reported that if the Planning Commission determines this request to be minor, the applicant would proceed with an administrative permit with Planning Director action. Through this process, they would ensure that their information regarding square footages was up to date. More significant modifications would come before the Planning Commission at a later date.

Assistant Planning Director Ward reported that Staff recommended the Planning Commission determine whether this request to increase the square footage for the Cycling Storage Center was a minor or substantive modification.

Acting Chair Suesser expressed her opinion that this was a minor modification to the NAC MPD, and that it should go through the administrative permit process. She added that Staff should do a comprehensive evaluation of the adjustments to the square footage. The remaining Commissioners all agreed that this was a minor modification.

MOTION: Commissioner Van Dine moved that the Planning Commission determine that the National Ability Center request for increased square footage for Cycling Center Storage is a minor modification that can proceed through administrative planning. Commissioner Kenworthy seconded the motion.

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

6. ADJOURN

MOTION: Commissioner Thimm moved to adjourn.

The meeting adjourned at approximately 8:50 p.m.