



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

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, Vice Chair Christin Van Dine, Laura Suesser, John Frontero, Henry Sigg, Rick Shand

EX OFFICIO: Rebecca Ward, Planning Director; Spencer Cawley, City Planner; Caitlyn Tubbs, Senior Historic Preservation Planner; Lillian Zollinger, City Planner; Virgil Lund, City Planner; Jaron Ehlers, Planning Technician; Dave Gustafson, Project Manager, Engineering Department; Tim Sanderson, Transportation Director; Sara-Rush Mabry, Public Works Administrator; Mark Harrington, City Attorney

1. ROLL CALL

Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. She announced that Commissioner Johnson was absent, however had indicated he might join later. She confirmed that the remaining Commissioners were all present.

Commissioner Suesser reported that Commissioner Johnson was attending a conference with his son, and had a poor connection; therefore he would likely be unable to join this meeting.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from March 13, 2024.

MOTION: Commissioner Suesser moved to APPROVE the Planning Commission Meeting Minutes from March 13, 2024. Commissioner Christin Van Dine seconded the motion.

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

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward reminded the public that when making public comments, they should state their full name and sign in. Comments were limited to three minutes or less and should be directed to the Commission. She reminded speakers to be civil in making their comments.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. CONTINUATIONS

- A. **1115 Aerie Drive – Conditional Use Permit** -- The Appeal Panel Granted an Appeal in Part and Remanded to the Planning Commission an Appeal in Part of the Planning Commission's July 13, 2022 Denial of a Conditional Use Permit to Construct a Private Recreational Facility at 1115 Aerie Drive. PL-21-05101 (A) Public Hearing; (B) Continue to April 24, 2024

Chair Hall stated there would be no presentation on this item but invited comments from anyone online or in chambers who wished to speak. There were no public comments.

MOTION: Commissioner Suesser moved to CONTINUE 1115 Aerie Drive – Conditional Use Permit, and the public hearing thereon to April 24, 2024. Commissioner Van Dine seconded the motion.

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

6. REGULAR AGENDA

- A. **2436 Park Avenue (Park City Peaks Hotel)** – The Planning Commission will Review an Updated Parking Demand Study for the Peaks Hotel as Required by the Planning Commission's Conditional Use Permit Approval Dated July 26, 2023. PL-23-05669.

City Planner, Spencer Cawley, explained this was a one-year follow-up of the Park City Peaks Hotel Conditional Use Permit ("CUP") that was approved in July 2023. He noted the applicant's representative, Sean Rayner, was present to answer any questions. Planner Cawley advised that in 2022, the Planning Commission reviewed a CUP for a courtyard tent and Versante on the Lawn. One of the Conditions of Approval was a one-year follow-up to review the mitigation and traffic concerns around Versante. He reminded that when this came back for review in July 2023, the proposal had changed because Versante had discontinued and the review addressed only the courtyard tent.

As part of the approval, the applicant was allowed to install the tent in the summer and the winter. The summer period is the last week of May to the first week of October for private, invite-only events. The winter period runs from the last week in November to the second week of April and was for the use of hotel guests.

Planner Cawley reported that each installation of the tent required an operational or fire permit and an inspection by the City's Fire Marshall. He noted that in the Conditions of Approval from July 2023, the applicant was required to provide an updated winter parking demand study for President's Day week of 2024. Additionally, the applicant was required to come before the Planning Commission within four weeks of the end of the winter season for a review.

Planner Cawley stated that Land Management Code ("LMC") Section 15-3-7 authorized the Planning Commission to reduce the parking requirements. He reported that the required parking for the uses at the Peaks Hotel was 168 parking spaces. The site has 135 available parking spaces. The parking study from the summer of 2023 covered the period of July 17 to August 1.

Within that study, the site reached capacity only one time, on a Friday at 6:00 p.m., but then demand significantly dropped the next hour.

Planner Cawley reported that in the updated parking study that covered President's Day week of 2024, the highest number of cars parked was 91 at 7:00 p.m. on a Saturday. Parking did not reach capacity during this time. He referenced the Parking Management Plan included in the Staff Report, and advised that these items had not changed since the reviews in 2022 and 2023.

The issue before the Commission was whether the parking study during peak summer and winter seasons and the Parking Management Plan provided by the applicant adequately mitigated the request for a parking reduction of 33 spaces, in order to allow for the applicant's continued installation of the tent as conditioned in the July 26, 2023 approval.

Chair Hall invited clarifying questions from the Commission.

Commissioner Van Dine asked if there had been any complaints from neighbors. Planner Cawley advised that no complaints had been received.

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

Commissioner Frontero asked the applicant if the data received on the winter parking was self-directed or whether they hired an outside firm. Applicant-representative Sean Rayner advised that they conducted the study themselves.

In terms of the comparison of the winter data from 2024 to 2023, Applicant-representative Rayner stated that he had that data, but did not review it prior to this meeting. He expressed that the numbers were likely pretty similar as they had essentially the same occupancy during that time period.

Commissioner Frontero asked what the policy was when they reached capacity, and where they directed the other cars to go. Applicant-representative Rayner stated that he would not be present during those times, and could not speak directly to what was done; however, he stressed that it happened infrequently. He surmised that any overflow was directed to the driveway in the front of the hotel.

Commissioner Shand observed that they reached the highest capacity on Friday, Saturday, and Sunday evenings around dinner, and asked if that demand was related to Versante. Applicant-representative Rayner confirmed that was accurate. He also confirmed that during other times they averaged between 30 – 80 cars parked.

Commissioner Suesser asked if the applicant kept count of the number of cars in the garage during those times. Applicant-representative Rayner advised that he walked the lots and the garage to count the vehicles.

Commissioner Frontero commented that he would like to see some thought to creating a plan for those times when peak parking was reached. He would like the hotel to create an organized, thoughtful plan for if and when they reach capacity. He felt it was insufficient to come in and state that they did not really have a plan for when they reached peak. Applicant-representative Rayner stated they would put a plan together and provide it to Planner Cawley. Applicant-representative

Rayner added that in their confirmation information sent out to everyone who books a room, they include the parking restrictions in an effort to reduce the number of cars at the hotel.

Commissioner Frontero noted that the highest parking numbers were typically when Versante was busy, so advising the hotel guests might be directed at the wrong parties. He suggested a plan from the restaurant side to be able to move the cars when they reach capacity.

In response to a question from Commissioner Suesser, Applicant-representative Rayner advised that the hotel did not charge overnight guests for parking. He also confirmed that the hotel did not provide a shuttle from the airport.

Commissioner Van Dine sought clarification on the requested action by the Commission. Director Ward advised that the Condition of Approval required the applicant to provide a report to the Planning Commission, and if the Commission found that further mitigation was needed specific to the parking, this would be the opportunity to require that. She noted the reporting was an ongoing requirement.

Planner Cawley clarified that the Conditions of Approval from last year only required this one report to the Commission.

Director Ward stated if the Commission wanted to review it again next year, or would like further mitigation or a plan, they could address that.

Commissioner Suesser asked about the lawn restaurant service, and Applicant-representative Rayner stated that was not planned for this year. He explained with the limited parking available, they could only run the courtyard tent or the lawn but they could not do both. Therefore, last year they decided to eliminate the lawn. He noted it helped the parking situation tremendously as they did not really experience any issues at all with parking. Commissioner Suesser understood that the applicant did not have the parking capacity that would allow for the lawn service.

Chair Hall asked about the disassembly and installation of the tent for summer versus winter. Planner Cawley advised that during the winter installation, the tent remained up for the entirety of the time period.

For the summer installation, the top canopy is removed after an event, but the framing remains. He noted that the tent was required to be dismantled at the end of each period and reinstalled and inspected by the Fire Marshall.

Commissioner Sigg asked if there was any lighting draped on the frame. Applicant-representative Rayner explained that there was lighting draped on the frame, but it was only on when they had events. He confirmed the lighting was Dark Sky compliant.

Commissioner Suesser proposed that the Commission revisit this next year.

Commissioner Frontero commented that if this plan were a little tighter now, he would be willing to give the applicant two years before coming back before the Commission. He expressed concern that it was not that tight, and there was some leeway in the current Conditions of Approval.

Commissioner Suesser clarified that she was not suggesting that the applicant return annually for an indefinite period of time into the future; rather, she just suggested they return next year.

Commissioner Sigg referenced the prior discussion regarding a contingency plan, and would also like to see something more formal and definitive to address peak days. He noted that parking in front of the hotel only afforded six or so additional spaces. He stated that if the applicant had such a plan, it would weigh in favor of not requiring an annual review.

Commissioner Suesser wondered if the parking in front of the hotel was compliant with fire safety. Applicant-representative Rayner stated it was compliant on the right-hand side; the left side was the fire lane and the curb was painted red.

Commissioner Shand concurred with Commissioner Sigg and Commissioner Frontero and would also like to see a contingency plan for overflow parking. He recognized that based on the data it did not happen very often, but it would be nice to have a plan in place. He suggested reviewing the contingency plan in a year. He noted the neighbors were not complaining, and the hotel did not reach full capacity very often, but it would be nice to have a contingency plan. Applicant-representative Rayner reported that they could prepare a contingency plan. Commissioner Suesser agreed and asked how they effectuate such a requirement.

Senior City Attorney, Mark Harrington advised that the Commission could technically add an additional mitigation Condition of Approval that would require a submittal for Staff review. He reported that the application before the Commission was related neither to the hotel nor Versante operations; rather it was related to the tent CUP. He cautioned the Commission to ensure that the scope of the plan should address a remedy that pertains to the tents, as opposed to the operations that had sufficient Code parking. He stressed that the mitigation implemented should be for the tents.

Commissioner Suesser noted that the peak capacity was during dinnertime, but noted that those same days are likely when events would occur. City Attorney Harrington stated as long as the connection was real, then it would be sound. He cautioned about regulating what occurs at every other property that does not have a tent and isolating it from the tent. Commissioner Suesser asked if there was a correlation between peak demand and events with the tent. Applicant-representative Rayner could not answer that question.

City Attorney Harrington stated that the Commission could make it clear that Staff could make the correlation between peak days and events. Commissioner Suesser stated that would be helpful. City Attorney Harrington advised that the motion would be something along the lines of finding the annual report was sufficient, with the additional requirement of an overflow parking plan being submitted to Staff for review and approval consistent with the Planning Commission's discussion.

MOTION: Commissioner Suesser moved to APPROVE the Conditional Use Permit provided that the Applicant submit a Parking Management Plan within the next six months to address overflow parking consistent with this discussion. Commissioner Frontero seconded the motion.

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

- B. 844 Empire Avenue – Plat Amendment** – On March 13, 2024, the Planning Commission Conducted a Public Hearing and Directed Planning Staff to Draft a

Final Action Letter Denying the Proposed Plat Amendment to Remove Plat Note 3
from the 844 Empire Avenue Amended Plat. PL-24-06049.

Senior Historic Preservation Planner, Caitlyn Tubbs reported that the above item sought Commission ratification of the Draft Final Action Letter denying the proposed 844 Empire Avenue Plat Amendment. The Planning Commission reviewed the proposed Plat Amendment on March 13, 2024, at which time a public hearing was held. The Commission denied the requested Plat Amendment with a 4-to-2 vote.

Planner Tubbs reported that following that hearing, the Commission directed Staff to return with a Final Action Letter that detailed the Commission's Findings of Fact for ratification. Therefore, the scope of review for this hearing was limited to review of the Draft Final Action letter to determine if it included all of the Findings of Fact expressed by the majority in the March 13 vote. Staff recommended the Commission review the Draft Final Action Letter denying the Plat Amendment for 844 Empire Avenue and consider ratifying the Draft Final Action Letter.

Chair Hall stated that because this item just involved ratification of the Draft Final Action Letter, there would not be a public hearing.

Commissioner Suesser requested a correction to Finding of Fact 22.b. and noted the second line should read "off-street parking for the property" rather than "off-site parking on the property." She asked about the wording of Finding of Fact 22.e. and proffered that this was not determined in the prior Staff Report; rather, it was a question raised during Commission discussion. She stated that nothing further had been submitted that confirmed this Finding, therefore she could not confirm the accuracy of the wording in that Finding of Fact.

Planner Tubbs believed it was confirmed but noted she would have to check with the Engineering Department. City Attorney Harrington stated that in reviewing the Staff Report and the City Engineer's testimony, Staff felt that the City Engineer confirmed that it met the actual standard from the Code. Because the Commission found there were no clear sight lines due to the grade change and the separation, they did not want that contradiction that would provide an easy basis for an appeal if the finding was otherwise wrong factually. He explained that if there was a finding and then a conclusion that it did not meet Code, when in fact the City Engineer found it had, and Staff did not want to include that contradiction. The alternative would be removing Finding of Fact 22.e. altogether.

Commissioner Suesser commented that this was not presented at the hearing, and while the City Engineer spoke on that issue, there was no verification provided to the Commission. City Attorney Harrington stated that a third option was to continue this item and request Staff to provide the actual evidence supporting that Finding of Fact.

Commissioner Suesser next mentioned Finding of Fact 22.a. that "no relevant facts have changed since the 2016 Findings." She noted the stairs were constructed which made access from Empire Avenue more difficult than it was in the past. However, she understood from the City Engineer that even in 2016 access over the 9th Street Right-of-Way would have been problematic given the number of utilities in that Right-of-Way. She commented that it was suggested in the 2016 report that access over the 9th Street Right-of-Way to this property was plausible, but the City Engineer confirmed to her that it was not a solution because of the number of utilities.

City Attorney Harrington made it clear that this Finding of Fact was taken verbatim from Commissioner Frontero's comments that because there was no change in the condition of the road, there was no reason for the Commission to revisit eliminating the Condition of Approval. He reiterated that this Finding of Fact mirrored with Commissioner Frontero said during the last hearing on this item, and if Commissioner Frontero wanted to refine his statement, they could amend it as the majority found appropriate. Commissioner Suesser understood this explanation, and stated that with her proposed edit to Finding of Fact 22.b. she was satisfied with the Draft Final Action Letter.

MOTION: Commissioner Suesser moved to RATIFY the Draft Final Action Letter denying the Plat Amendment for 844 Empire Avenue, as amended as follows:

Findings of Fact

1. The property is located at 844 Empire Avenue in the Historic Residential – 1 (HR – 1) Zoning District.
2. 844 Empire Avenue is a Significant Historic Site on the Park City Historic Sites Inventory.
3. There is no vehicular access to the Site. Planning Department
4. Pedestrian access to the site is from Empire Avenue, the 9th Street Right-of-Way through use of the public stairs, or Crescent Tram Road.
5. On August 11, 2023, the Applicant submitted a Historic District Design Review application to construct an addition to the Significant Historic Structure and a detached garage.
6. On August 11, 2023, the Staff determined the application was complete.
7. The site is Lot 1 of the 844 Empire Avenue Plat Amendment. 8. On June 2, 2016, the City Council adopted Ordinance No. 2016-26, approving the 844 Empire Avenue Plat Amendment.
8. Ordinance No. 2016-26 Condition of Approval 5 requires driveway access to the site to be from Empire Avenue in a location approved by the City Engineer. Condition of Approval 5 was recorded as Plat Note 3 on the Amended Plat.
9. On September 20, 2022, the Development Review Committee identified concerns regarding proposed vehicular access on Empire Avenue and impact to water lines, Clear View Areas, and distances between driveways and street intersections.
10. Land Management Code Section 15-3-3(H)(2) allows for a minimum spacing of 7.5 feet between driveways in Historic Districts with 10-foot minimum spacing from intersections.

11. The Applicant revised the proposal to reflect these comments and to shift vehicle access to Crescent Tram Road 20 feet from the intersection and approximately 50 feet from the nearest driveway.
12. On September 5, 2023, the Development Review Committee noted that Plat Note 3 would need to be removed to accommodate the proposed shift of the vehicle access from Empire Avenue to Crescent Tram Road.
13. On February 14, 2024, the Applicant submitted a Plat Amendment application to the Planning Department. On February 14, 2024, the Staff determined the application was complete.
14. A Single-Family Dwelling is an allowed use in the HR-1 Zoning District.
15. Land Management Code Section 15-13-6 requires two Off-Street Parking Spaces for a Single-Family Dwelling. 844 Empire Avenue does not have Off-Street Parking. Pursuant to Land Management Code § 15-2.1-4, the Significant Historic Site is exempt from Off-Street Parking requirements.
16. The Development Review Committee reviewed the Plat Amendment and proposed access from Crescent Tram Road on February 20, 2024.
17. The Development Review Committee determined the Applicant's proposal avoided impacts to significant utility lines.
18. On February 24, 2024, the Park Record published a courtesy notice of the Planning Commission's March 13, 2024 public hearing on the Plat Amendment.
19. On February 28, 2024, staff published notice of the March 13, 2024, Planning Commission review of the Plat Amendment and public hearing on the City's website and the Utah Public Notice website and posted notice to the property.
20. On February 28, 2024, staff mailed courtesy notice to property owners within 300 feet, providing information on the March 13, 2024 Planning Commission public hearing.
21. On March 13, 2024, the Planning Commission conducted a public hearing and directed staff to make findings for denial of removing Plat Note 3 from the 844 Empire Avenue Amended Plat:
 - a. No relevant facts have changed since the 2016 Findings of Facts were adopted by the Planning Commission and no changes have been made to the Crescent Tram Road to justify different conclusions.
 - b. The proposal does not preserve the present Land Use because there is no off-street parking for the property and the historic structure is exempt from off-street parking in accordance with LMC § 15-2.2-4 and on-street parking has historically been used;

- c. The proposal does not contribute to the character or scale of the Historic District by adding a driveway where previously prohibited;
- d. The proposal is not consistent with the General Plan's policy of reducing parking and encouraging walkability;
- e. The proposal does create actual Clear View sight lines or safe turning distances between driveways and intersections, despite meeting Chapter 15-3 Off-Street Parking of the Land Management Code;
- f. The proposal does not comply with LMC Chapter 15-7 Subdivision General Provisions; and
- g. The proposal directly adversely affects the health, safety, and welfare of the citizens of Park City.

Conclusions of Law

- 1. There is not Good Cause for the Plat Amendment to remove Plat Note 3 requiring driveway access from Empire Avenue.
- 2. The Plat Amendment is not consistent with Land Management Code § 15-7.1-3(B), § 15-7.1-6, and Chapter 15-2.2 Historic Residential – 1 Zoning District.

Commissioner Frontero seconded the motion.

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

- C. 85 King Road – Conditional Use Permit** – The Applicant Proposes a Nightly Rental within an Existing Single-Family Dwelling in the Historic Residential Low-Density Zoning District. PL-24-06028.

City Planner, Virgil Lund explained that Nightly Rentals in the western sub-neighborhood of the Historic Residential – Low Density Zoning District require a CUP. This property is located in the HR-L Zoning District. He stated this would be the final available CUP for this Zoning District. The Planning Commission had approved 11 of the 12 CUPs in this neighborhood, and this would be the last Nightly Rental CUP. He reported that 85 King Road was built in 2004. It is a four-bedroom Single-Family Dwelling.

Planner Lund reported that the proposal complied with the Zoning District requirements, off-street parking requirements, and all CUP criteria. He stated that Conditions of Approval 2 through 5 were reflected in the applicant's draft Lease Agreement, as required for Nightly Rental CUPs in this zone. He explained that Nightly Rental parking for structures of less than 6 bedrooms was based on the requirement for the dwelling, which was 2 parking stalls. The garage measures 25' x 22.5' and meets the requirement for 2 parking spaces.

Planner Lund stated that 85 King Road was in a central location with access to Deer Valley and Park City Mountain Resort. He noted it was also within walking distance to Main Street and the Old Town Transit Center. He reported that Staff recommended the Commission review the

proposed CUP for Nightly Rentals at 85 King Road, open a public hearing, and consider approving the CUP based on the Final Action Letter.

Chair Hall opened the public hearing. It was noted that the applicant, Erik Tolzmann, was present on Zoom. There was no public comment. The public hearing was closed.

Commissioner Suesser sought clarification regarding parking. She understood there was a two-car garage, and asked if parking was required to be exclusively in the garage and not on the driveway.

Planner Lund stated there was enough room for two cars to park in the garage, as this garage was 22.5' x 25' and garages were required to be at least 20' x 20' for two cars. Condition of Approval 9 provided that the garage must only be used for parking and could not be used for storage.

Commissioner Suesser asked if parking would be permitted on the driveway. Planner Lund referenced Condition of Approval 2 requiring that all rental agreements for the Nightly Rentals shall include language that limits the vehicles to two, which must be parked on-site in the two-car garage.

MOTION: Commissioner Van Dine moved to APPROVE 85 King Road – Conditional Use Permit for a Nightly Rental, pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter as follows:

Findings of Fact

1. Nightly Rentals in the western sub-neighborhood of the Historic Residential Low Density (HRL) Zoning District require a Conditional Use Permit (CUP).
2. Up to 12 CUPs are allowed within the western sub-neighborhood of the HRL Zoning District.
3. The Planning Commission approved 11 of the 12 total CUPs for the western sub-neighborhood of the HRL Zoning District.
4. The Applicant proposes the last Nightly Rental CUP for the western sub-neighborhood of the HRL Zoning District.
5. On October 9, 2023, the City Council approved the 85 King Road Subdivision, creating a 4,079-square-foot Lot (Summit County Recorder Entry No. 682906).
6. On September 8, 2004, the City issued a Building Permit for a four-bedroom Single-Family Dwelling at 85 King Road (Permit Number B03-08960).
7. The proposal for a Nightly Rental at 85 King Road complies with Land Management Code (LMC) Chapter 15-2.1, HRL Zoning District Requirements.
8. The proposal, as conditioned, complies with the CUP criteria outlined in LMC § 15-1-10(E):

1. Size and Location of the Site

- 85 King Road is a 3,744-square-foot Single Family Dwelling with four bedrooms on a 4,079-square-foot Lot. Nightly Rentals require an active Business License. Nightly Rental occupancy is determined at the time of Business License issuance and is limited by the International Residential Code. The Building Department will conduct an inspection to ensure that appropriate emergency egress openings are provided at the time of Business License inspection.

2. Traffic

- All rental agreements for the Nightly Rental shall include language that limits the vehicles to two.

3. Utility Capacity

- The Development Review Committee reviewed this proposal on March 5, 2024, and confirmed the proposal conforms with their requirements.

d. Emergency Vehicle Access

- The Park City Fire District reviewed the proposal on March 5, 2024, and confirmed the proposal conforms with their requirements.

e. Parking

- Parking for Nightly Rentals with less than six bedrooms is based on the parking requirement for the dwelling, which is two parking stalls. Two-car garages for Single-Family Dwellings must be at least 20 feet wide and 20 feet deep. The garage at 85 King Road measures 25 feet wide by 22.5 feet deep and complies with this requirement.

f. Internal Vehicular and Pedestrian Circulation System

- No change to the internal vehicular or pedestrian circulation system is proposed.

g. Fencing, Screening, and Landscaping

- No change to the fencing, screening, or landscaping is proposed.

h. Building Mass, Bulk, and Orientation

- No addition is proposed; no modifications to the existing Single-Family Dwelling are proposed.

i. Useable Open Space

- No changes to the Lot or Site are proposed.

- j. Signs and Lighting
 - No signs or changes to the exterior lighting are proposed. Compliance with the City's dark sky ordinance is required prior to issuance of the Nightly Rental Business License.
- k. Physical Design and Compatibility with Surrounding Structures
 - No changes to the Structure are proposed.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors
 - The property owner is responsible for regulating the occupancy and noise created by occupants of the Nightly Rental. Violations of Municipal Code of Park City Chapter 6-3, Noise, illegal conduct, or any other abuse which violates Nightly Rental regulations or Conditions of Approval are grounds for business license revocation.
- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas
 - Trash and recycling receptacles shall be stored on-site and placed for trash and recycling pickup in compliance with Municipal Code of Park City § 6-1-11
- n. Expected Ownership and Management
 - 85 King Road is owned by Erik Tolzmann. The Nightly Rental shall be managed in conformance with Municipal Code of Park City § 4-5-3 Regulation of Nightly Rentals.
- o. Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site.
 - No changes to the existing Structure are proposed.
- p. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan.
 - Objective 7C of the General Plan recommends locating nightly rental units to resort neighborhoods. 85 King Road is in a central location with access to Park City Mountain Resort. 85 King Road is located within walking distance to Main Street and the Old Town Transit Center.
- 9. Staff mailed courtesy notices to property owners within 300 feet on March 26, 2024.
- 10. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on March 27, 2024.

11. *The Park Record* published notice on March 27, 2024.

Conclusions of Law

1. The Application, as conditioned, complies with LMC § 15-1-10(E) Conditional Use Permit Criteria, LMC Chapter 15-2.1, Historic Residential Low-Density Zoning District, and LMC Chapter 15-3, Off-Street Parking Requirements.
2. The proposed Use, as conditioned, is compatible with the surrounding structures in Use, scale, mass, and circulation.
3. The proposed Use is consistent with the Park City General Plan.
4. The effect of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. The Applicant shall obtain a valid Business License for the Nightly Rental and the property shall be inspected by the Building Department prior to being offered for Nightly Rental.
2. All rental agreements for the Nightly Rental shall include language that limits the vehicles allowed to two, which must be parked on-site in the two-car garage.
3. All rental agreements shall include language indicating that all-wheel drive vehicles are required during the winter season.
4. All rental agreements shall provide Nightly Renters with information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit service.
5. Property management contact information shall be displayed in a prominent location inside the Nightly Rental.
6. Signs advertising the Nightly Rental are prohibited.
7. The property owner is responsible for regulating the occupancy and noise created by occupants of the Nightly Rental. Violations of Municipal Code of Park City Chapter 6-3, Noise, illegal conduct, or any other abuse which violates Nightly Rental regulations or Conditions of Approval are grounds for business license revocation.
8. Trash receptacles shall be stored on-site and placed for trash pickup according to the Municipal Code of Park City § 6-1-11.
9. The two-car garage must be maintained and used for parking only.

10. The Applicant must bring the outdoor lighting fixtures into compliance with the Dark Sky Code prior to submitting a Business License application. All outdoor lighting shall be Fully Shielded, down-directed, with bulbs 3,000 degrees or less. Outdoor lighting shall be on a timer system and shall only be used when needed.
11. The Applicant shall comply with Municipal Code of Park City § 4-5-3(B) Management Standards, including requirements for property management services.

Commissioner Suesser seconded the motion.

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

- D. 2250 Deer Valley Drive South – Conditional Use Permit** – The Applicant Proposes a New Passenger Tramway (Ski Lift), Approximately 4.62 Miles of New Beginner Ski Runs, an 8,483 Square-Foot Terminal and Lift Building, and a 375-Square Foot Operator House in the Recreation and Open Space Zoning District and Sensitive Land Overlay. PL-23-05938.

Planner Lund reported that Staff would address the zoning requirements and the Sensitive Lands Analysis for this application. He noted that the Planning Commission would visit the site on April 15, 2024, at 2:00 p.m., therefore Staff recommended the item be continued until April 24, 2024. He stated that at the April 24 meeting, they would address all other items, including the Flagstaff Open Space Management Plan and wildlife.

Planner Lund presented a map that showed the general location of the proposed ski lift in relation to Two Peaks Bald Mountain, Flagstaff Mountain, Silver Lake Village, and the Snow Park Base. He explained that the proposal for Deer Valley Lift 7 included a six-passenger 0.56-mile long ski lift on Park Peak. It would also include 4.62 miles of new ski runs, an 8,483-square-foot terminal and lift storage building, and a 375-square-foot operator house.

Planner Lund reported that the proposal complied with the Recreation and Open Space (“ROS”) Zoning District requirements. He presented images showing how the proposed lift terminal and storage building would maintain a 90-foot Setback from the nearest property line. He also noted that the top terminal would maintain an approximate 61-Setback. In addition, all ski runs would maintain and exceed a 25-foot Setback from all adjacent property lines.

With respect to removal of Significant Vegetation, Planner Lund advised that the Forestry Board reviewed this application and recommended a Condition of Approval that the applicant remove all dead and dying Significant Vegetation in an area equal in square footage to the proposed Areas of Disturbance. He presented a graphic and noted that the areas highlighted in blue would be those areas for removal of dead and dying Significant Vegetation.

Planner Lund explained that part of the Sensitive Land Overlay (“SLO”) requirements included looking at ridgelines from Vantage Points within Park City. He noted that there were ski runs visible within ridgeline areas, and the proposed ski lift would be minimally visible from the Park Meadows Golf Course Clubhouse Vantage Point; however, the Planning Commission may require a Condition of Approval establishing a minimum required distance from the ridgeline area. Staff concluded that the lower placement to the left of the peak would blend with the natural contour of

these landforms. Additionally, Staff recommended that the development be sited so as not to create a silhouette, thereby maximizing mitigation.

Planner Lund stated that the proposal complied with the criteria for Passenger Tramways and Ski Base Facilities outlined in the LMC. He noted that Staff recommended a Condition of Approval requiring an annual report that would provide an overview of the overflow on street parking no later than May 31st. The annual report and Planning Commission review would continue until the Transportation Demand Management and Parking Management Plan are updated, reviewed, and approved by the Planning Commission through the Snow Park Master Planned Development amendment, or other Planning Commission approval.

Staff recommended the Planning Commission review the proposal, open a public hearing, and continue this item until April 24, 2024.

Todd Bennett, Deer Valley President and Chief Operating Officer explained that they wanted to address just one piece of Deer Valley's Expanded Excellence Program, specifically the terrain expansion. He stated that Lift 7 was one of several lifts they had planned for this expansion, but it was an instrumental component to the plan as it is an area that would service a number of beginners. It would also serve the ski school. He added that they liked the plan of having skiers higher up on the mountain. Those who have skied Deer Valley know that many of the beginner areas were lower on the mountain, and this would benefit those beginners by being able to get higher up into the alpine environment.

Applicant-representative Bennett stressed that they were committed to working with the Planning Commission and the community to ensure that Deer Valley's future continues to be steeped in what they are known for.

Hannah Tyler, Deer Valley Vice-President of Resort Planning, stated that the proposed improvements included within this CUP fell within the ROS and the SLO. Similar to the process they underwent with the Burns Express Lift, she explained that Deer Valley was requesting Planning Commission review of this proposal, as this lift was not in Deer Valley's Master Plan boundary for their ski lifts. Therefore, this process would memorialize the addition of this lift as part of the Master Plan. She introduced Steve Graff, Deer Valley Vice President of Mountain Operations, to address the site orientation and overall proposal.

Applicant-representative Graff presented a photograph that showed Park Peak, which he noted was not visible from many places in Park City other than the golf course and in some locations along Bonanza and Deer Valley Drive. He stated that Park Peak was most visible from Upper Deer Valley off of Royal Street. He also presented a current ski map and pointed out the location of the proposed Lift 7 in relation to Deer Valley's current ski map.

Applicant-representative Graff explained that the proposal would change the typical orientation. He explained that the beginner runs come off Bald Mountain via Homeward Bound, and come off Flagstaff Mountain via Ontario and Trump. The bottom of Lift 7 will be located at the juncture of Ontario and Trump. He noted that the Lift 7 area and Park Peak were naturally conducive to beginner and low-intermediate terrain. He noted that most of Deer Valley's beginner terrain, especially on the upper mountain, was relegated to connecting runs. Therefore, the beginner runs today were the same runs that people take from east to west to access Empire or Silver Lake.

Applicant-representative Graff stressed that Lift 7 would allow them to use Ontario as more of a connecting run and the circulation of the resort's beginning and low-intermediate skiers could use Lift 7. This would not only improve the high alpine experience for beginners, but it would improve everyone's experience by getting the ski schools off Ontario.

Applicant-representative Tyler presented a graphic to orient the Commission in relation to Deer Valley's overall Forestry Management Plan. As a part of this application, some trees would be removed, and they worked with Planning Staff and the Forestry Board to obtain approval of that removal. They worked with Staff and the Forestry Board to accept Conditions of Approval that would allow Applicant to continue its Forest Management Plan in an area outside of what would be impacted. She noted that Applicant was appreciative of the Condition of Approval that calls for removal of all of the dead and dying vegetation in the 15 acres that surround the impacted area.

Applicant-representative Graff stated that Deer Valley currently did much more than 15 acres of forest health work every year, and would add this 15 acres to the work it already does in this regard. He stated they would implement forest health, wildfire mitigation, and an aggressive invasive species and noxious weed program in this area. He explained they would mitigate the 15-acre area on site, and anything left over would be done within the surrounding area within the City limits.

Applicant-representative Tyler presented a slide that showed the overall management of the terrain and also provided information on the re-seeding efforts and different grading mitigation. She highlighted Deer Valley's stewardship on the existing runs and how special speed mixes specific to Deer Valley would be implemented in this case.

Applicant-representative Graff noted that the slide before the Commission showed how the terrain naturally supported what Deer Valley wants to do with the beginner and lower-intermediate runs. There would not be a lot of heavy grading, and the areas that require grading would be done as they traditionally have done. He explained they have a mix from three local seed companies called Deer Valley Mountain Meadow Mix. This mix is made up of wildfire grasses. He mentioned that whenever the earth is disturbed, invasive species generally populate the disturbed areas; Deer Valley is very committed to ensuring that does not happen. Each year they evaluate how the native grasses are taking hold and eliminate anything that is not native.

In response to an inquiry from Commissioner Suesser, Applicant-representative Tyler advised that in the red-shaded area, the ski run would match existing grading, and no grading would take place. Minimal grading and disturbance would occur in this area. The blue-shaded area would be an area where trees and existing vegetation would be removed, and Deer Valley would re-vegetate disturbed areas with stockpile topsoil and resort-approved seed mix. The area shaded in green would also involve ski run grading, and Deer Valley would re-vegetate disturbed areas with stockpile topsoil and resort-approved seed mix.

In response to Commissioner Suesser's further inquiry about the "resort-approved seed mix," Applicant-representative Graff stated while he was unaware of the specific seed types, it would be the Deer Valley blend. He stated that Deer Valley had this blend evaluated based on what naturally occurs in the area, and had the seed blend made for those conditions. He added that they use this blend annually, and place tons of it on the mountain every year.

Applicant-representative Tyler next presented slides to help orient the Commission to the Base Terminal and the storage building. Because it would be greater than 600 square feet it triggered the need for a portion of this CUP. She stated that the architectural design and overall Site Plan for this would come back to the Commission as part of a second phase in the next 6 – 8 months. They included the maximum building pad in this application because they felt it was important for the Commission to understand the overall site context. She stated Deer Valley was looking for the maximum Building Footprints as part of this CUP, and explained that the proposed building would encompass the Lower Terminal and a connected building that would serve as chair storage when they take the chairs offline. She noted this was an area of high wind.

Applicant-representative Tyler reiterated that the Commission would have the opportunity to review this building specifically when the Applicant returns in another phase.

Commissioner Suesser asked if there was another comparable facility at Deer Valley. Applicant-representative Graff responded that the Jordanelle Gondola has cabin storage. He added that they would operate Lift 7 in a manner similar to the operations at the Jordanelle Gondola wherein the vast majority, if not all, of the chairs, would come offline every night. He mentioned that they did not contemplate storage of every chair in this building and the storage building would store those chairs that they could not store in the terminal itself. He explained they would stack chairs inside the Lower Terminal, and any remaining would be stored in the storage building. He confirmed that the line would be clear at night and throughout the summer. He also confirmed they would be bubble chairs.

Applicant-representative Tyler next addressed construction access and mentioned that they were looking at accessing this from Deer Valley's existing maintenance facility. Therefore, they would not have to create any new access roads.

Applicant-representative Graff explained that Ontario was one of the larger access ways that allowed them to get up the mountain for maintenance. He pointed out the location of the maintenance facility on the graphic before the Commission. The red line depicted access up Ontario and out into the meadow behind Bald Mountain and then up to the top of Park Peak. He noted that quite a bit of access was on existing roads, and there would be existing roads off into the meadow that would be improved and used during lift construction.

Applicant-representative Tyler proffered that this application complied with LMC Section 15-1-10D, and also believed that this project was compatible with the other uses in the ROS zone. She reiterated that they worked with Staff and were willing to accept all of the proposed Conditions of Approval. She specifically mentioned the grading issues and concerns with erosion and the parking review by the Commission in advance of the adoption of the Snow Park Development Agreement.

Chair Hall invited clarifying questions from the Commission.

Commissioner Van Dine asked Applicant if they planned to increase their base skier numbers with the installation of Lift 7. Applicant-representative Tyler responded that there was no proposal to increase Deer Valley's overall capacity.

Commissioner Suesser asked if the type of lift being installed required the large storage area. She observed that this storage capacity would not be needed if they were to install a high-speed quad. Applicant-representative Graff agreed they would not need this storage capacity for a high-

speed quad, but for the longevity and expense of the bubble chairs they want to protect them and keep them stored. He added that as a result, that line would be clear when it is not being used.

Commissioner Suesser requested further information on whether this lift would be a real connector lift from the Deer Valley Resort to the Mayflower Resort, or whether it would just provide access to the beginner ski area.

Applicant-representative Graff stated this would be a great connector lift to the rest of the area. It would also be one of many ways for people to come off the mountain and get back to the Mayflower area and down to 40. He added that more advanced skiers would likely not stay in the area, so the circulating traffic on Lift 7 would be largely beginner skiers, with the exception of people wanting to get to other areas.

Commissioner Sigg appreciated the expanded beginner terrain, especially in that area. He noted that once you turn the corner past Trump on Ontario there are a lot of ski schools and it can be an over-trafficked and dangerous area. He asked if the Applicant had a plan for getting ski school traffic up to this area. He understood that most ski schools originated at Snow Park, and wondered if there was a plan to help mitigate ski school drop-off at Snow Park, assuming increased ski school capacity.

Applicant-representative Graff advised that they originated ski school at Snow Park, which is Deer Valley's current Base facility. East Village would also have a ski school component when it comes online. He noted that Silver Lake has a small ski school meeting area component. He added that private lessons generally originate at hotels. Skiers could access Lift 7 from Bald Mountain, which currently could not be done. The hope was expressed that Ontario would become more of a transport and not a circulating ski school area.

Commissioner Van Dine asked what would happen with mountain biking. Applicant-representative Graff responded that the intent was to replace all the existing mountain biking trails in the area. He added that while it looked like a lot of ski runs in the area, there would be little impact on the mountain biking trails. There would be impacts during construction, but they would be replaced upon completion of construction.

Commissioner Suesser asked if one of the reasons why they proposed storing the bubble chairs was that this was a high-wind area. Applicant-representative Graff responded that this area was susceptible to wind out of the south. He noted the bubbles were for comfort, but he did not feel this area was any windier than the other peaks.

Commissioner Sigg stated that in the past they had seen the notion of a connecting gondola from Mayflower to Silver Lake that would go over Park Peak. He asked Applicant to address how Lift 7 would impact the ability to do that.

Applicant-representative Graff stated that was in the Master Plan, and the first gondola coming out of East Village was a two-stage gondola. The first line ends at Big Dutch and then goes from Big Dutch to the south of Park Peak and lands in the valley south of Park Peak. He stated the design was contemplated to be able to have another one from the Park Peak gondola to the Silver Lake Village. He also noted the proposed replacement of the Silver Lake Express Chairlift by the fourth leg of the gondola into Snow Park Village.

Commissioner Sigg asked if that gondola alignment would cross over Lift 7. Applicant-representative Graff confirmed that the gondola would cross over the top of Lift 7.

Commissioner Suesser recalled a discussion about the need for a redundancy lift from the Empire area. She sought clarification that Lift 7 would not address that because it was just connecting this area to Mayflower.

Applicant-representative Graff confirmed that Lift 7 would not address any redundancy need in the Empire area.

Chair Hall opened the public hearing. She reported that this Agenda Item was originally scheduled for action; however, because it was now scheduled to be continued there would be another opportunity for public comment at a later date.

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

Commissioner Suesser asked if the site visit was open to the public and requested an extensive site visit to get a good overview of future CUPs in the area. Applicant-representative Tyler confirmed that the site visit was open to the public and that they would meet on the west side of the Sterling lift. She noted the Flagstaff mountain area was actually closed, so they would open it up specifically for this site visit. She stressed the importance of arriving by 2:00 p.m. on the west side of Sterling lift. She added that the tour would take people to Cushing's Cabin for an overall look down at the terrain. They would then ski down Ontario to the junction of Ontario and Trump. She mentioned it was groomed a bit so they would be able to walk up to the Base Terminal.

In response to a further inquiry, Applicant-representative Tyler stated they could discuss the feasibility of staking out the Terminal Building and storage structure, and could make it happen if possible.

MOTION: Commissioner Suesser moved to CONTINUE 2250 Deer Valley Drive South – Conditional Use Permit, and the public hearing thereon, to April 24, 2024. Commissioner Van Dine seconded the motion.

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

Following a short recess, Chair Hall called the meeting back to order and confirmed the presence of all Commissioners.

E. 7008 Silver Lake Drive – Plat Amendment – The Applicant Proposes to Amend the Area of Disturbance and Ski Easement at Lot 2 of the Evergreen Subdivision in the Residential Development Zoning District. PL-23-05964.

City Planner, Lillian Zollinger explained the property was located at 7008 Silver Lake Drive. The applicant proposed to modify the Area of Disturbance to reflect as-built conditions and to relocate the ski easement. She stated that this site was located in the Residential Development Zoning District, and presented an image of the existing Single-Family Dwelling, as well as a graphic that illustrated the configuration of the Lot.

In 1995, the City Council passed an Ordinance for the Evergreen Subdivision, which authorized the creation of the Evergreen Architectural Committee to review and approve amendments to the Area of Disturbance for the Subdivision. She noted that several projects had received approvals from that Committee, as well as from the City Council in the form of Plat Amendments.

Planner Zollinger reported that the Evergreen Architectural Committee approved an addition for this site in 2003, which largely expanded the structure to where it is today. Regarding the ski easement, the applicant's neighbor agreed to the proposed modification. However, when this applicant was unable to obtain a review from the Evergreen Architectural Committee for the proposed ski easement modification and Area of Disturbance modification, they requested this review with the Planning Commission. She explained that the proposed Area of Disturbance and existing structures complied with the Residential Development Zoning District and SLO requirements. She referenced the Staff Report for Staff's analysis in that regard.

Planner Zollinger presented a graphic that showed the original Evergreen Subdivision Amended Plat. The red-dashed line depicted the original Area of Disturbance. The area highlighted in yellow represented the ski easement. She also presented a graphic that showed the proposed modifications to both the Area of Disturbance and the ski easement.

Staff found Good Cause to amend the Area of Disturbance to reflect the as-built conditions pursuant to the 2003 approval by the Evergreen Architectural Committee. Staff also found Good Cause to relocate the ski easement. She reported that the neighbor had agreed to a written amendment for the proposed relocation in 2019.

Planner Zollinger stated that the applicant requested the Planning Commission find Good Cause for further expansion of the Area of Disturbance to accommodate a 585-square-foot addition. She highlighted Condition of Approval 2 that this Plat Amendment approval would expire within one year unless there was an extension request. Condition of Approval 3 requires that future construction must comply with the platted Area of Disturbance.

Chair Hall invited clarifying questions from the Commission.

Commissioner Van Dine understood from the Packet that the addition would go into an area that was already disturbed as a patio. Planner Zollinger confirmed.

Commissioner Suesser expressed concerns about the original Area of Disturbance versus the current proposal, and how significantly different it was in terms of where the home was built. She wondered how they would address the applicant's failure to abide by what was originally approved.

Planner Zollinger explained that the original plat was approved in 1992, and the Single-Family Dwelling received a Building Permit in 1994. Based on the Building Permit, the Limit of Disturbance ("LOD") was not acknowledged, and the first part of the Single-Family Dwelling was constructed without consideration of the Limit of Disturbance. She confirmed that a LOD was set, but the LOD was not included in the plans that were submitted and approved by the City.

Planner Zollinger advised that a further addition to the structure was approved in 1997. In 2003, the Architectural Committee approved another addition to bring the structure to what it looks like today. Up to this point, the owners had not been required to record a Plat Amendment. She noted the likelihood that this home had been owned by a couple of different owners since the

original approvals. This applicant proposed a 500-square-foot addition, which requires a Plat Amendment.

Commissioner Frontero asked when the current homeowner purchased the home, and if they had done any prior expansion of the home. Planner Zollinger deferred to the applicant. On behalf of the applicant, a representative from Magleby Construction advised that the applicant purchased the home in approximately 2008, and had not expanded the structure since obtaining ownership. She added that this was the applicant's first proposed expansion to the home.

Commissioner Frontero asked if the fact that the LOD was not followed was discovered as part of the work for this proposed addition. The Applicant-representative advised that Magleby Construction applied for the original Building Permit approximately one year ago and discovered the issue and then the owners proceeded with the plat process to remedy the situation.

Commissioner Shand understood that the ski easement went across the back of the property and was for the neighbor's access to the ski run. Planner Zollinger confirmed.

Planner Zollinger also pointed out the approximate location of the addition. It was mentioned that the patio would be remodeled and the gray square shown on the graphic represented the addition.

Commissioner Sigg requested clarification on the Architectural Committee Review. Planner Zollinger explained that as part of Staff's research, they found that an Architectural Review Committee review was required; however, the applicant was unable to locate anyone on the Committee to review and approve their request. She also confirmed that Staff was unable to locate any contact information related to previous approvals.

The applicant set forth their efforts to contact the Committee in a statement included in the Packet. Planner Zollinger confirmed that there was not a Homeowners' Association for this Subdivision.

Commissioner Suesser understood that the Architectural Review Committee was disbanded. Planner Zollinger clarified that they were not able to determine what happened with this Committee, but confirmed that the applicant was unable to obtain review by the Committee.

Commissioner Sigg asked if there was a Site Plan or Building Footprint for the neighboring home that uses the ski easement. Planner Zollinger stated that based on her information there was no structure built on the neighboring property.

Planner Zollinger presented an aerial view and there was discussion about its location. Commissioner Suesser asked Planner Zollinger to highlight the property in the image.

Commissioner Frontero asked for more information on the neighbor who agreed to the relocation of the ski easement. Planner Zollinger stated the applicant provided a modified Encroachment Agreement that was recorded with the County and showed the modified ski easement from the 7008 property to 6974 Silver Lake.

Planner Zollinger confirmed that the relocation of the easement would not require the clearing of any vegetation. She also noted that the stairs were for use of the applicant's property only, and were within the Area of Disturbance.

Commissioner Sigg asked for information on the dimensions of the ski easement. He felt this easement was a lot wider than a trail. As he looked at the contour lines, it seemed as though a much-reduced easement could be accommodated. He noted that the aerial photograph showed quite a bit of vegetation in that area and wondered if someone could remove Significant Vegetation from the ski easement area.

In his mind, a ski easement only needed to be 10 to 20 feet wide to accommodate access from the adjacent vacant land, whereas this easement appeared to be close to 100 feet wide.

Commissioner Suesser stated it would be helpful to have an overlay with the original ski easement and the proposed ski easement. Planner Zollinger did not have an overlay but presented the side-by-side comparison shown earlier in her presentation. She mentioned that the recorded plat was not required to include the contour lines.

City Attorney Harrington noted that the City had been involved in extensive litigation over ski easements, and one of the issues was whether the City could even be involved in the relocation of a ski easement because the grantors and grantees are private Lot owners and the City is not a party. He advised that the City argued that because it involved a Plat Amendment, they were required to assess it for approval. He noted that one of these cases went as far as the Utah Supreme Court. He stated they were ecstatic that the property owners were in agreement and there was already a recorded Relocation Agreement so he felt it was kind of a non-issue. Vegetation removal would be an appropriate question, but this area was wide because most of the owners come in and out informally and at different angles. The width would provide maximum flexibility for people to go in both directions. He stated that he was not aware of any vegetation removal, but if the Commission wanted to add that as a Condition of Approval it might be appropriate, although he did not feel it was necessary.

City Attorney Harrington encouraged the Commission to not overthink the easement, as the property owners had reached a private agreement and recorded that agreement with the County. This Plat Amendment was simply to memorialize the new location.

Commissioner Suesser was not as concerned about the easement, but noted that a stone wall was constructed, and stressed that the development of the site was far beyond what was ever approved.

City Attorney Harrington stated the history was due to the way some of the early approvals were delegated to the Architectural Review Committee. He did not believe there was any home in this Subdivision built within the original LOD. He recalled that the Commission recently disallowed the further expansion of one home in this Subdivision, but the as-builts are what they are, and he felt it was fairly predominant.

Commissioner Suesser asked if retaining walls were included as part of the new addition. Planner Zollinger answered in the negative.

Commissioner Shand sought confirmation that the Commission was being asked to approve the as-built LOD, and were not reviewing the area for the addition. City Attorney Harrington explained that the addition would be within the as-built LOD. He confirmed that the design of the addition was not within the Commission's purview at this time.

Commissioner Suesser added they were also considering the relocation of the ski easement. She requested a Condition of Approval that no vegetation would be cleared to accommodate the ski easement.

Commissioner Van Dine stated that could be difficult because some of these areas were somewhat dense and they might need to move small amounts of vegetation to make the easement useful. Commissioner Suesser suggested language that no Significant Vegetation could be removed to accommodate the ski easement.

City Attorney Harrington suggested, "The ski easement relocation does not authorize clear-cutting of the area and any removal of Significant Vegetation shall be minimized."

Commissioner Suesser would prefer that the Condition state "no Significant Vegetation removal."

Commissioner Sigg noted that this was called Evergreen Subdivision for a reason. In consideration of the density, he suggested that any proposal to remove trees would have to be presented as a specific plan. He opined the easement was way more than needed and there are Significant large evergreen trees on that property.

Commissioner Van Dine expressed that based on her experience, the ski easements in this area are mostly small paths and no trees are cut for most of these paths.

City Attorney Harrington suggested that the wide easement was actually better because it would facilitate the informal paths being dispersed throughout the whole area. The trees in these yards were really the only privacy for the homes, so there was no incentive to remove them. He suggested that a Condition about not clear-cutting or removal of Significant Vegetation was likely appropriate unless a different Landscape Plan was approved.

Commissioner Suesser expressed concern that someone might want to remove trees for a view. City Attorney Harrington noted that rear yards were not restricted so the owners could remove the trees today. He acknowledged this was a valid concern, but it was one the Commission did not want to draw too much attention to because it had worked so well. Commissioner Suesser suggested, "shall not be removed." Planner Zollinger stated that this ski easement only served the neighboring property. There was consensus on the language for Condition of Approval 4.

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

MOTION: Commissioner Van Dine moved to APPROVE 7008 Silver Lake Drive – Plat Amendment, pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval set forth in the Draft Final Action Letter, as amended:

Findings of Fact

1. 7008 Silver Lake Drive is within the Residential Development Zoning District and Sensitive Land Overlay.
2. On March 19, 1987, the City Council approved the Evergreen Subdivision Plat.

3. On May 17, 1988, the City Council approved an Amended Evergreen Subdivision Plat. The Amended Subdivision Plat establishes an area of disturbance for each Lot.
4. The Amended Evergreen Subdivision is part of the Deer Valley Master Planned Development.
5. On March 22, 1995, the City Council enacted Ordinance No. 95-17 that authorized the Evergreen Architectural Committee to review and approve changes to the area of disturbance for the Evergreen Subdivision Lots.
6. 7008 Silver Lake Drive is Lot 2 of the Amended Evergreen Subdivision Plat.
7. 7008 Silver Lake Drive is accessed from Silver Lake Drive, a public Right-of-Way.
8. There is an existing Single-Family Dwelling on Lot 2 of the Amended Evergreen Subdivision, constructed in 1994, with additions constructed in 1997 and 2003. The Single-Family Dwelling and subsequent additions were not built within the area of disturbance platted on Lot 2 of the Amended Evergreen Subdivision Plat.
9. On September 15, 2003, the Evergreen Architectural Review Committee approved the existing Single-Family Dwelling at 7008 Silver Lake Drive outside of the platted area of disturbance.
10. On October 13, 1994, the City Council passed Ordinance No. 94-42, which amended the area of disturbance for Lot 15 of the Amended Evergreen Subdivision Plat at 6715 Silver Lake Drive.
11. On March 22, 1995, the City Council passed Ordinance No. 95-17, which authorized the Evergreen Architectural Committee to review and approve amendments to the area of disturbance for the Evergreen Subdivision Lots.
12. On May 23, 2002, the City Council passed Ordinance No. 02-06, which amended the building pad and ski easement for Lot 23 of the Amended Evergreen Subdivision Plat at 6538 Silver Lake Drive.
13. On February 3, 2005, the City Council passed Ordinance No. 05-04, which amended the ski easement for Lot 10 of the Amended Evergreen Subdivision Plat at 7013 Silver Lake Drive.
14. On October 25, 2007, the City Council passed Ordinance No. 07-73, which adjusted a ski easement for Lot 6 of the Amended Evergreen Subdivision Plat at 14 Perseverance Court.
15. On January 16, 2020, the City Council passed Ordinance No. 2020-07, which amended the area of disturbance for Lot 1 of the Amended Evergreen Subdivision Plat at 7058 Silver Lake Drive.

16. The Applicant proposes to amend the area of disturbance for Lot 2 of the Amended Evergreen Subdivision at 7008 Silver Lake Drive, increasing the area of disturbance from 3,756 square feet to 10,566 square feet, a total increase of 6,810 square feet to reflect the built and disturbed conditions.
17. The existing Single-Family Dwelling is constructed over the platted ski and trail easement.
18. The Applicant proposes to shift the Last Change Ski/Hiking Trail easement to the south end of the property. The existing ski easement is approximately 7,800 square feet and the proposed easement is approximately 9,050 square feet, an increase of 1,250 square feet.
19. The Plat Amendment and changes to the area of disturbance and ski easement does not increase unit count density or impact Significant Vegetation.
20. The Development Review Committee reviewed the proposed Plat Amendment on April 2, 2024, and did not require Conditions of Approval.
21. Staff published notice of the Planning Commission's public hearing on the City website, the Utah Public Notice website, and posted notice to the property on March 27, 2024. Staff mailed courtesy notice to property owners within 300 feet on March 27, 2024. *The Park Record* published courtesy notice on March 27, 2024.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because it amends the area of disturbance to reflect built conditions that were approved by the Evergreen Architectural Review Committee in 2003 and shifts the platted ski easement which is not currently accessible due to the encroachment of the existing Single-Family Dwelling over the ski easement, and increasing the ski easement from approximately 7,800 square feet to 9,050 square feet, an increase of 1,250 square feet.
2. The Plat Amendment is consistent with the Land Management Code, including LMC Chapter 15-2.13 Residential Development (RD) District, Chapter 15-2.13 Sensitive Land Overlay Zone (SLO) Regulations as it pertains to properties within the Deer Valley Master Planned Development, and § 15-7.1-3(B) Classification Of Subdivision-Plat Amendment.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer shall review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and these Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record this Plat Amendment at the County within one year from the date of Planning Commission approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. Future construction must comply with the platted area of disturbance.
4. The ski easement relocation does not authorize the clear-cut of the area and no Significant Vegetation shall be removed.

Commissioner Shand seconded the motion.

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

- F. 1850 Sidewinder Drive – Plat Amendment –** The Applicant Proposes to Amend the Park City Surgical and Medical Plaza Plat Notes to Allow for the Combination of Two or More Units to Use as One Functional Unit in the General Commercial Zoning District. PL-24-06072.

Planner Cawley reported that the purpose of this Plat Amendment was to combine the office spaces of one of the buildings on the site, specifically Units 320 and 420. He stated there was a 15-3/4' common platted wall separating these units. He added that the Condominium Declarations allow the unit owners to create smaller interior offices within the platted units as long as they meet minimum square footage and are approved by the Board of Trustees.

Planner Cawley stated that the LMC regulates the requirements to amend the Condominium Record of Survey to accommodate this proposal. He presented an image that illustrated the wall that would be removed, highlighted in green.

Planner Cawley stated that this proposal complied with the General Commercial Zoning District as well as the Frontage Protection Zone requirements. No exterior or structural changes were proposed. He added that the Plat Amendment also complied with off-site parking requirements in that since there would be no change of use, the requirements would remain the same.

Planner Cawley expressed that there was Good Cause in that this Plat Amendment would allow for flexibility of office space uses without modifying the exterior of the building, increasing the square footage, or increasing the parking requirements. Staff recommended the Commission review the proposed Plat Amendment, conduct a public hearing, and consider approving the Plat Amendment.

Chair Hall invited clarifying questions.

Commissioner Shand sought clarification that the Condominium Association required no spaces could be smaller than 1,000 square feet. He noted the applicant was looking at making two smaller spaces into a single larger space.

Jon-Eric Greene, President of Park City Surgical and Medical Plaza Association, Inc., clarified that the Condominium Declaration also included a provision that allows two adjacent units to be combined for functional use. These two units were therefore allowed to be used as one functional unit without amending the plat; however, because that was inconsistent with Code regulations, they submitted this proposal. He surmised that the Code was written primarily for residential units. He noted that they had a tenant who occupied 100% of one of these units and wanted to expand into a portion of the adjacent unit. He confirmed that the same owner owned both of these units.

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

MOTION: Commissioner Suesser moved to APPROVE 1850 Sidewinder Drive – Plat Amendment, pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval set forth in the Draft Final Action Letter, as follows:

Findings of Fact

1. Park City Surgical and Medical Plaza Condominium includes two buildings constructed in 1998 within the Prospector Square neighborhood, 1820 and 1850 Sidewinder Drive.
2. 1820 Sidewinder Drive is a three-story ambulatory surgical center (Units 100, 110, and 120).
3. 1850 Sidewinder Drive is a two-story office building (Units 310, 320, 410, and 420) with underground parking.
4. A large surface-level parking lot is between the two buildings.
5. The Park City Surgical and Medical Plaza Condominium is in the General Commercial (GC) Zoning District and the Frontage Protection Zone (FPZ).
6. The Park City Surgical and Medical Plaza Condominium is in the Prospector Square Subdivision but operates independently of the Prospector Square Property Owner Association.
7. On October 9, 1997, the City Council approved Ordinance No. 97-47 to create the Park City Surgical and Medical Plaza Condominium Plat.
8. Subsequently, the Condominium Plat was recorded with Summit County on March 10, 1998.

9. The Park City Surgical and Medical Plaza Condominium Plat includes a Plat Note that enables flexibility of interior office space configurations. For 1850 Sidewinder Drive, the Plat Note states all units are designated convertible space pursuant to Sections 6.03 of the Condominium Declaration. The Condominium Declaration Section 6.03 allows unit owners to create interior office units within platted units so long as they are no less than 1,000 square feet and approved by the Board of Trustees. While the underlying ownership of the units does not change with interior office unit configurations within the platted units, the leased square footage within the building may be reconfigured to meet different tenant office needs.
10. The reason an amendment is now requested for the reconfiguration of interior office space between Units 320 and 420 is because there is a platted 15.75-foot common wall that is proposed to be removed to combine the Units.
11. LMC § 15-7.1-6(G) states that subject to a condominium declaration, a unit owner after acquiring an adjoining unit that shares a common wall with the unit owner's unit and after recording an amended condominium record of survey plat in accordance with the LMC, a unit owner may remove or alter a partition between the unit owner's unit and the acquired unit, even if the partition is entirely or partly common areas and facilities, or create an aperture to the adjoining unit or portion of a unit.
12. On March 18, 2024, the Planning Department received a complete Condominium Plat Amendment Application.
13. LMC § 15-2.18-2(A) establishes office uses as allowed uses within the GC Zoning District. A Plat Note limits uses within 1850 Sidewinder Drive to office only and no changes to use or the Plat Note are proposed.
14. Changes to office use require a future Plat Amendment.
15. The proposed Plat Amendment is consistent with the GC Zoning District Lot and Site requirements and the FPZ Setback requirements. It does not physically alter the existing Structures or common area parking lot.
16. LMC § 15-3-6(B) requires three parking spaces per 1,000 square feet of leasable floor area. No changes to office square footage are proposed in the removal of the 15.75-foot interior common wall to combine Units 320 and 420 at 1850 Sidewinder Drive. When the City Council approved the Park City Surgical and Medical Plaza Condominium, the Council required Condition of Approval 4: *A parking agreement, in a form approved by the City Attorney, shall address future parking calculation and requirements. This parking agreement shall be recorded with the Plat and CC&Rs.*
17. The required Parking Agreement and Restrictive Covenant is Exhibit D to the recorded CC&Rs. Unless there are changes to net usable office space or changes to the office use, no additional parking is required.

18. Because the Plat Note restricts uses for 1850 Sidewinder Drive to office uses, the Applicant is unable to shift to any other use without further amending the plat. As a result, no increase to office square footage is proposed and no additional parking requirements result from the combination of Units 320 and 420. Any shift in the future office to other uses that may trigger additional parking evaluations will require the Applicant to pursue another amendment to the plat.
19. LMC § 15-7.1-6(G)(2) requires that the combination of units be evaluated to ensure it does not impair the structural integrity or mechanical systems of the building or either unit or reduce the support of any portion of the common areas and facilities of another unit, or violate state code or the IBC. The Building Department confirmed the combination of Unit 320 and 420 complies with the requirements of LMC § 15-7.1-6(G)(2).
20. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on March 27, 2024.
21. Staff mailed courtesy notice to property owners within 300 feet on March 27, 2024.
22. *The Park Record* published courtesy notice on March 27, 2024.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because it allows for flexibility of office space uses without modifying the exterior of the Structure and does not increase square footage or parking requirements.
2. The Plat Amendment is consistent with LMC § 15-7.1-3(B), § 15-7.1-6, and Chapters 12.18 General Commercial District and 15-2.20 Frontage Protection Overlay.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the condominium plat for compliance with state law, the Land Management Code, and the Conditions of Approval prior to the recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of the Planning Commission's approval. If recordation is not complete within one year, this approval will be void unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.

3. All plat notes established on the Park City Surgical and Medical Plaza Condominium Plat remain in full force and effect and shall be noted on the final plat.

Commissioner Sigg seconded the motion.

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

- G. Land Management Code Amendments** – The Planning Commission will Review Amendments to Define Public Transit Amenity Area, Add Public Transit Amenities as an Allowed Use in Certain Zoning Districts, and Establish Requirements to Construct and Maintain a Public Transit Amenity Area. PL-24-06036.

Planner Cawley mentioned that Dave Gustafson, Project Manager with the Engineering Department, and Tim Sanderson, Transportation Director, were present in chambers. Sara- Rush Mabry, Park City Transit was present on Zoom. Planner Cawley stated that the recommendations before the Commission related specifically to public transit amenities. They are also involved in the establishment of Public Transit Amenity Areas. He explained that the Code already included provisions that allowed for the installation of public transit amenities. This can be done through a Master Planned Development or Affordable Master Planned Developments. As a standalone, and depending on the zoning, there are also Essential Municipal Public Utility Use Facilities Service Structures that could be permitted on public or private property. With the exception of the Frontage Protection Zone, Planner Cawley stated there was no provision for a standalone amenity that straddles the City Right-of-Way and private or City-owned property. These amendments address those situations.

Planner Cawley reported that Park City Transit received approximately \$43 million in various grants, and was using the funds to expand the electric bus fleet and install electrical bus chargers. These support the City's net-zero goals. He stated that the first charger would be installed on the western boundary of the Public Works campus on Shortline Road, in the General Commercial Zoning District. The charger would be located in the property Setbacks and would extend into the Right-of-Way. He stated that under the current Code, this installation would not be possible because of its location.

Planner Cawley presented a map depicting the Frontage Protection Zone, highlighted in green. The Frontage Protection Zone touches Park Avenue, Kearns Boulevard, Marsac Avenue, and Deer Valley Drive. Within these areas, bus shelters or bus lanes may be installed with an administrative permit. He referenced General Plan, Goal 3, which encourages alternative modes of transportation on a regional and local scale to maintain Park City's small-town character. The General Plan also speaks to prioritizing efficient public transportation and improving access to, and efficiency and experience of public transit.

Planner Cawley highlighted the four goals of these amendments:

- To define Public Transit Amenity Area;
- Establish the requirements that allow for the construction and maintenance of a Public Transit Amenity Area;
- Add these as allowed uses, subject to an administrative permit in certain Zoning Districts;
- and

- Exempting these from Zoning District Setback restrictions.

He presented the definition of Public Transit Amenity Area and stated that this definition was designed to provide some flexibility and align with the Federal Transportation Administration's definition. They wanted a definition that would encompass the changes over time. He explained that the Public Transit Amenity Areas would require an administrative permit based on Staff level review and approval. Both the Planning Director and the City Engineer would need to review and approve these Public Transit Amenity Areas. He noted that this would allow for an exception to the Front Setback regulations. These amenities would include, but not be limited to, bus shelters, bus pullouts, and electric bus charging equipment.

Planner Cawley stated that these amendments would enact Section 15-4-24, which outlines the requirements for installation of the Public Transit Amenity Area, as well as the requirements for review of the proposed Amenity Area. The amendments would also allow these Amenity Areas as an allowed use in Historic Residential – Medium, Historic Recreation Commercial, Historic Commercial Business, General Commercial, Light Industrial, Frontage Protection, and Entry Corridor Protection Overlay. This would accommodate the expansion and improvements of key areas of the transit system.

Planner Cawley read the proposed language that "Public Transit Amenities, including bus pullouts, patron waiting shelters, electric bus charging equipment, and similar amenity infrastructure, would be allowed" in zones where these would be an allowed use.

In the Frontage Protection Zone, the language would provide a clarification to the existing requirements that the Public Transit Amenity Area "would be included as an Essential Public Facility." They also changed the language to "*shall* require an administrative permit."

Within the Entry Corridor Protection Overlay, Planner Cawley highlighted the addition that "Essential Public Facilities, such as bus lanes and Public Transit Amenity Areas, shall require an administrative permit with approval by the Planning, Engineering and Building Departments." He noted that within this zone there is quite a large Setback, so it was important to add this as an exception to the Setback. He explained that the reasoning behind this change was that the Entry Corridor Protection Overlay extends beyond where the Frontage Protection Zone would allow for these to be installed.

Planner Cawley stated that the recommendation was for the Planning Commission to review the proposed LMC Amendments, conduct a public hearing, and consider forwarding a positive recommendation for the City Council's consideration on May 16, 2024.

Chair Hall invited clarifying questions from the Commission.

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

Commissioner Suesser asked to see the definition of a Public Transit Amenity Area and asked if a sidewalk would fall within this definition. Director Ward noted that while sidewalks were already a Setback exception, it could be part of this definition. She added that in the current zoning regulations, anything that is at grade, such as a sidewalk, trail, or pathway, was already allowed in Setbacks.

While a sidewalk could be a part of a Public Transit Amenity Area, they did not include it in the definition because they were already allowed within the Setbacks. She further explained that this definition was intended to address transit facilities that are split between private property and the Right-of-Way. She noted that some of the City's bus shelters were in the Right-of-Way so they do not go through the Planning permitting process; however, the ones that are partially on private property and need to be adjacent to the Right-of-Way, are currently addressed in the Code in the Frontage Protection Zone only. The amendments were intended to open that up to allow for those transit improvements when they would straddle between the private property and right-of-way. Commissioner Suesser asked if that would be a condemnation of the private property.

Director Ward stated that for a bus facility proposed to be installed on City-owned property in the General Commercial zone, the structure could not be installed in the Setback. Therefore, it would still be adjacent to the Right-of-Way, but now transit would need to go through a land use permit for what would be located on private property. She noted there were some transit stops that abut private property that either have an easement or the City purchased the property.

Commissioner Frontero felt the definition was fine, but was concerned with the inclusion of "bus electric charging equipment." He felt that buses pulled over in the Frontage Protection Zone to charge would be inconsistent with the Frontage Protection Zone Code. He felt strongly that they could not have that in town. He did not believe that installing a charging station in those areas highlighted in green and yellow was consistent with the goals of the Code.

Director Ward sought clarification that Commissioner Frontero was referring to both the Frontage Protection Zone and the Entry Corridor Protection Overlay. Commissioner Frontero believed it would be inconsistent to have buses pulled over and charging along the areas highlighted in green and yellow. He suggested amending the definition so they have a special place for the charging stations. He would like to put them behind buildings or in other inconspicuous places.

Director Ward asked Project Manager Gustafson to clarify the proposal for the installation on Shortline Road. Project Manager Gustafson stated that the charging station would be located in the bus pullout, so the bus would not be sitting in the road, per se. He stated that the proposal for Shortline Road was essentially the same as what was installed at the Old Town Transit Center and Kimball Junction Transit Center. He stated the only difference was it would involve a different provider of the charging equipment for the new Gillig buses. He stated the buses would come up Shortline Road to the north, and pull over to the right to charge for 8 – 10 minutes.

Commissioner Suesser pointed out that Shortline Road was not in the Frontage Protection Zone. She asked if there was a large bus depot near that bus pullout. Project Manager Gustafson confirmed and stated that the intent was to charge the buses with an overhead charger, which charges much faster than the plug-in charger.

Commissioner Van Dine asked if there were plans to install any of these chargers along Kearns Boulevard, SR-224, or SR-248. Project Manager Gustafson stated there were no current plans.

Commissioner Frontero stated that was good to hear, but he would like that memorialized somehow. Commissioner Suesser concurred and stated the charging stations would not be appropriate on those corridors.

Commissioner Frontero felt that a bus charging for 10 minutes in a pullout was fine, but he would be more comfortable adding language that would limit or preclude the charging station.

Project Manager Gustafson explained that the reason they have the charger on Shortline Road and the Transit Center is that it would also take into account changing out the bus driver. He noted it was not a bus stop. He confirmed that Shortline Road was a great location based on the Commission's discussions. He could foresee that the future development of facilities at Deer Valley or Park City Mountain Resort might have a charging station. As it stood now, there was also a charging station at the Kimball Junction Transit Center.

Commissioner Shand proffered that the Commission was fine with the charging station at Shortline Road and installing a charger at the Resort Center; however, those chargers were baked into this amendment to the LMC that includes the Entry Corridors and Frontage Protection Zones. He suggested amending the language so that charging stations do not show up on SR-248 or SR-224.

Director Ward stated they could amend the Pending Ordinance to prohibit charging stations in these areas since right now it was allowed. Staff could refine the language for those two overlays so that it was clear that Entry Corridors and Frontage Protection Zones were protected specifically for the charging equipment, and leave the Draft Ordinance as is with the other allowances. She mentioned that the new Transportation Planning Director, Tim Sanderson, was present. Director Sanderson stated that from an operational perspective, the intention was not to install this equipment in these corridors, nor was it part of the Standard Operating Procedure for the location of the chargers, as they were made for the end of the line and not the middle of the street. He added that they were not necessarily going to install many more chargers, and as long as they were at these key locations they could serve multiple buses. He also noted these chargers were an interim technology, and as new products come online they likely would not require chargers as the technology evolves.

Commissioner Frontero appreciated these comments and felt there was consensus to alter the language to address these comments.

Director Ward suggested they would need to add language to the Frontage Protection Zone and the Entry Corridor Protection Overlay because Essential Public Facilities was a pretty broad definition. They would want to amend the language to clarify that it excludes the charging infrastructure, and they could work with the City Attorney's office to clarify the specific language. She referenced Lines 598 - 602 of the Draft Ordinance relating to the Frontage Protection Zone. As the language for the Entry Corridor mirrors the language in the Frontage Protection Zone, they would need to amend Lines 643 – 645 to reflect that Essential Public Facilities were allowed with the exception of electric bus charging infrastructure. Commissioner Frontero stated those changes would address his concerns.

Commissioner Suesser was not comfortable with this amendment and tried to understand exactly what it would capture beyond the language currently in the Code, other than the electric charging stations. She requested input on what prompted these changes.

Planner Cawley explained the key point was the straddling between public Right-of-Way and private property and being able to establish these facilities in those locations, which would in turn allow them in more locations. Currently, these were only allowed in the Frontage Protection Zone, whereas these amendments would allow them to occur in other areas. He mentioned that in the

General Commercial zone, a charger could not be installed, as it would be required to be outside the Setbacks. These amendments would allow the facility to be in the Setback and the public Right-of-Way.

Commissioner Van Dine added that these amendments would establish these as accepted uses in other zones when they are already allowed in the Frontage Protection Zone.

MOTION: Commissioner Van Dine moved to forward a positive recommendation for Land Management Code Amendments to Define Public Transit Amenity Area as an Allowed Use Within Setbacks that Require an Administrative Permit in the Listed Zoning Areas and Overlays, as amended pursuant to the discussions herein, for City Council's consideration on May 16, 2024. Commissioner Frontero seconded the motion.

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

Commissioner Frontero confirmed that the Commissioners in chambers would not get together after this meeting.

7. ADJOURNMENT

MOTION: Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 8:10 PM

PUBLIC TRANSIT AMENITIES

LAND MANAGEMENT CODE



PUBLIC TRANSIT AMENITIES

Master Planned Development

Affordable Master Planned Development

Installation in City Right-of-Way

Standalone Essential Municipal Public Utility Use, Facility, Service,
Structure on public or private property

No provision for standalone Amenities that straddle City ROW and private
or City-owned Property/setbacks outside FPZ



PUBLIC TRANSIT AMENITIES

Park City Transit received \$43 million in grants

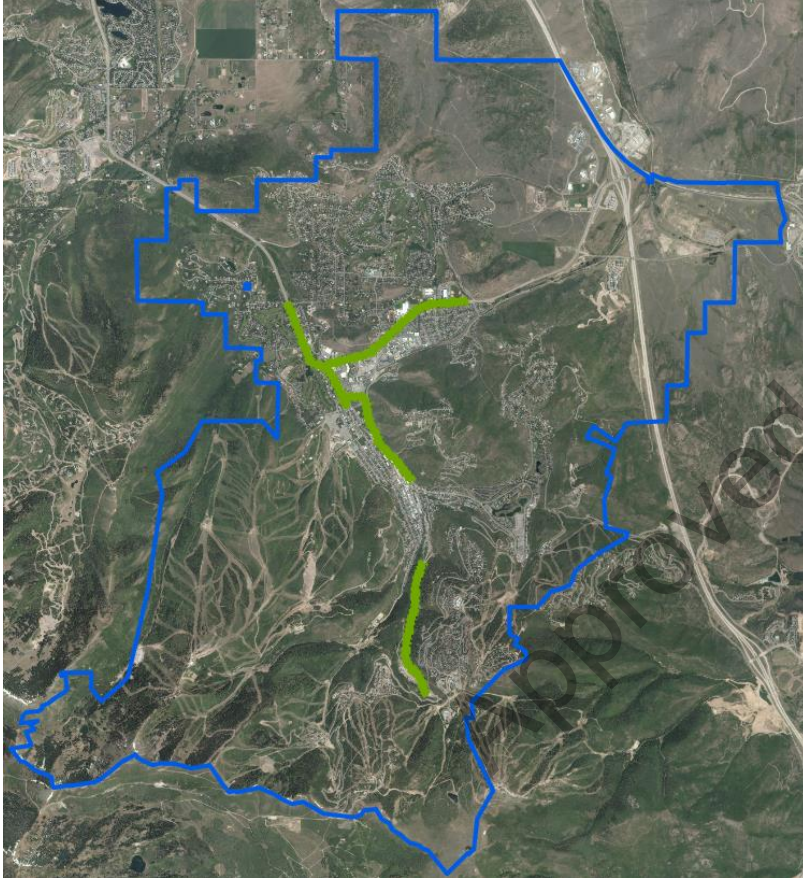
Expand electric bus fleet – support net-zero goal

Add overhead electric bus charger at the western boundary of Public Works Campus (Shortline Road)

Charger will be in the property setbacks and extend into the Right-of-Way (General Commercial Zoning District)



PUBLIC TRANSIT AMENITIES



Frontage Protection Zone

Park Ave, Kearns Blvd, Marsac Ave,
& Deer Valley Dr.

Bus shelters

Bus lanes

Administrative Permit



PUBLIC TRANSIT AMENITIES

General Plan Goal 3 – “Encourage alternative modes of transportation on a regional and local scale to maintain our small-town character”

Objective 3B – Prioritize efficient public transportation

Community Strategy 3.11 – Improve access to, efficiency, and experience of public transit.

PUBLIC TRANSIT AMENITIES

1. Define Public Transit Amenity Area
2. Establish requirements to construct and maintain a Public Transit Amenity Area
3. Add Public Transit Amenities as an Allowed Use subject to Administrative Permit approval in certain Zoning Districts
4. Exempt Public Transit Amenities from Zoning District setback restrictions.

PUBLIC TRANSIT AMENITIES

Public Transit Amenity Area: Structures, infrastructure, and equipment necessary to operate public transit and public multi-modal transportation, including but not limited to items of comfort, convenience, and safety that are available to the general riding public, and bus pull-outs, bus shelters, bus electric charging equipment, benches, signage, and bike racks.

PUBLIC TRANSIT AMENITIES

Public Transit Amenity Areas

Administrative Permit (staff level)

Planning Director and City Engineer review and approval

Front Setback

Include but not limited to:

- Bus shelters
- Bus pull-outs
- Electric bus charging equipment



PUBLIC TRANSIT AMENITIES

Enact § 15-4-24

- A general description and overview of the proposed scope of work, including construction timeline, materials, lighting, signs, landscaping, and Structures.
- A Site Plan that identifies:
 - The location of the Public Transit Amenity Area and distances from all Property Lines and existing Structures.
 - Elevation contours using United States Geological Survey measurements.
 - Detail of Right-of-Way (ROW) encroachments.
 - Significant Vegetation within 20 feet of the proposed Public Transit Amenity Area.
 - Dedicated snow storage areas.

The review of a proposed Public Transit Amenity Area includes:

- Courtesy notice pursuant to LMC § 15-1-12 and § 15-1-21.
- Written notice of the Property Owner's permission.
- Use shall not impede pedestrian circulation, emergency access, or any other public safety measure.
- Screening of trash and recycling from neighboring properties and the ROW.
- Compliance with the City's Sign Code and outdoor lighting requirements.
- A maximum height of 20 feet measured from Existing Grade.
- Compliance with Site Distance Triangle requirements with review and approval by the Engineering Department.
- Established Limits of Disturbance to mitigate loss of Significant Vegetation.



PUBLIC TRANSIT AMENITIES

Allowed Use in:

Historic Residential – Medium Density

Historic Recreation Commercial

Historic Commercial Business

General Commercial

Light Industrial

Frontage Protection

Entry Corridor Protection

Accommodate expansion and improvements in key areas of the transit system.



PUBLIC TRANSIT AMENITIES

Proposed language for Zoning Districts:

Public Transit Amenities, including bus pull-outs, patron waiting shelters, electric bus charging equipment, and similar amenity infrastructure.

FPZ proposed clarifications:

(D) Essential public facilities such as bus shelters, bus lanes, **Public Transit Amenity Areas**, highways, directional signs, and utility installations within the FPZ ~~may~~ **shall** require an ~~administrative~~ **Administrative Permit** or Administrative Conditional Use permit with approval by the Planning, Engineering, and Building Departments.

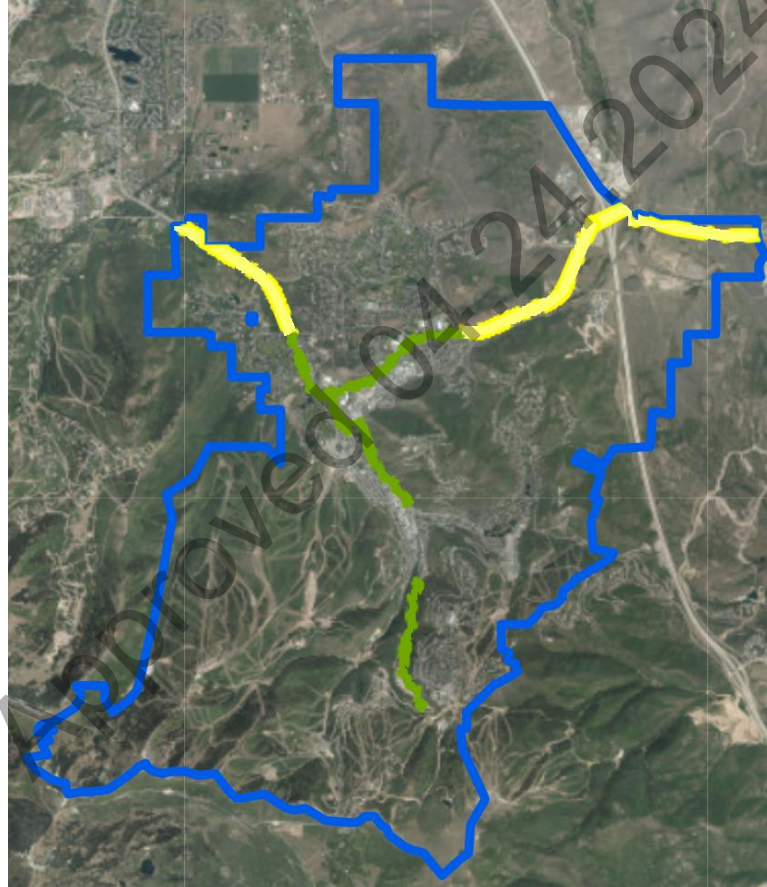
PUBLIC TRANSIT AMENITIES

Proposed language for ECPO:

Essential public facilities such as bus lanes, and Public Transit Amenity Areas shall require an Administrative Permit with approval by the Planning, Engineering, and Building Departments.



PUBLIC TRANSIT AMENITIES



PUBLIC TRANSIT AMENITIES

Recommendation

Review the proposed LMC amendments, conduct a public hearing, and consider forwarding a positive recommendation to the City Council for consideration on May 16, 2024.





844 Empire Avenue

Plat Amendment

PARK CITY

1881

Background

On March 13, 2024, the Planning Commission held a public hearing and denied (4-2) the 844 Empire Avenue Plat Amendment request. The Commission directed staff to return April 10, 2024, with a Final Action Letter detailing the Commission's Findings for ratification.

This evening's scope of review is to determine if the Final Action Letter is complete with the Findings of Fact listed by the majority of the Commission.



Recommendation

The Planning Commission (I) review the Final Action Letter denying the Plat Amendment for 844 Empire Avenue removing a plat note, and (II) consider ratifying the Final Action Letter.

Approved 04.22.2024



PARK CITY SURGICAL & MEDICAL PLAZA CONDOMINIUM PLAT AMENDMENT

NO PUBLIC PARKING
NO HANDICAPPED PARKING
TOWING ENFORCED
PARK CITY TOWING
(435) 646-2770

PARK CITY
MEDICAL OFFICE
PLAZA

1850 SIDEWINDER

Combine the office space of Units 320 and 420.

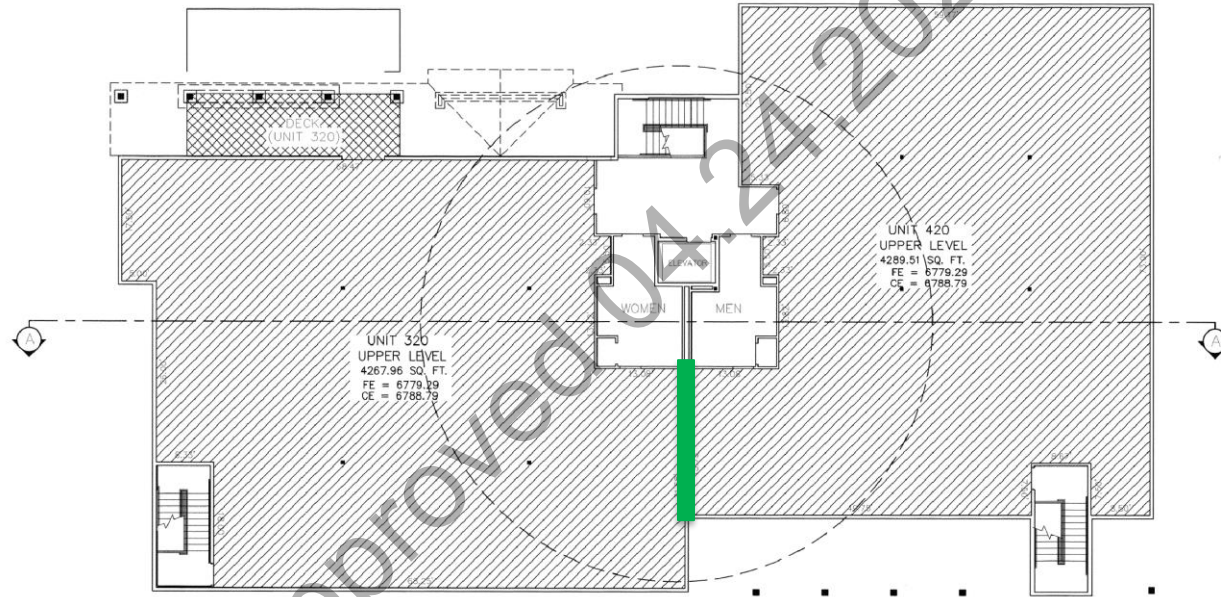
A 15.75-foot common platted wall separates the units.

The Condominium Declaration allows for unit owners to create smaller interior office units within platted units, no less than 1,000 square feet, and approved by the Board of Trustees.

LMC § 15-7.1-6(G) regulates the requirements to amend the condominium record of survey to accommodate this proposal.



1850 SIDEWINDER



1850 SIDEWINDER

The proposal complies with the GC Zoning District and Frontage Protection Zone requirements.

The plat amendment complies with Off-Site Parking requirements.

There is Good Cause because it allows for flexibility of office space uses without modifying the exterior of the office building and does not increase square footage or increase parking requirements.



1850 SIDEWINDER

Review the proposed plat amendment, hold a public hearing, and consider approving the Plat Amendment.



PARK CITY PEAKS HOTEL

ONE YEAR FOLLOW-UP



PEAKS HOTEL

July 2023 Approval

- Summer – Last week of May to first week of October.
- Private event only.
- Winter – Last week of November to second week of April.
- Use of hotel guests.
- Operational (Fire)
Permit required each install.



PEAKS HOTEL

Conditions of Approval required by Planning Commission from July 2023
Final Action Letter.

15. The Applicant shall provide an updated winter parking demand study for President's Day week 2024 for review by the Planning Commission at the end of the Winter season.
16. The Applicant shall return for review with the Planning Commission within four weeks of the end of the Winter season.



PEAKS HOTEL

LMC § 15-3-7 authorizes the Planning Commission to reduce parking requirements.

Required Parking: 168.2 spaces

Available Parking: 135 spaces

Parking Study Summer 2023 – July 17 to August 1

Reached capacity one Friday (7/8, 6:00 PM) and dropped the next hour.



PEAKS HOTEL

Parking Study 2024 President's Day weekend – Highest number of cars parked, 91 at 7:00 PM on Saturday (2/17).

Parking did not reach capacity.



PEAKS HOTEL

Parking Management Plan

- Two on-site bike racks (36 total).
- Garage remains open to the public for use during hotel invite-only events.
- Maintains a towing contract.
- “No Parking” signs and a painted red curb along the hotel’s side of Jupiter View Drive.
- Security to manage traffic during events.
- Directional signs to the garage entrance.
- Parking requirements outlined on guest contracts.



PEAKS HOTEL

Does the Planning Commission find the parking studies during peak summer and winter seasons and the parking management plan provided by the Applicant adequately mitigate the request for a parking reduction (33 spaces) for the Applicant's continued installation of the Tent as conditioned in the July 26, 2023, approval?