



**PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING
SUMMIT COUNTY, UTAH
August 29, 2024**

The Planning Department of Park City, Utah, will hold a Public Hearing in person at the Marsac Municipal Building, Planning Department Conference Room, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually.

1. REGULAR AGENDA - 12:00PM

- 1.A. **255 Heber Avenue – Administrative Permit** – The Applicant Proposes the Replacement of the Sidewalk at 255 Heber Avenue in the Frontage Protection Zone. PL 24-06208
(A) Withdrawn
- 1.B. **9200 Marsac Avenue – Administrative Conditional Use Permit** – The Applicant Proposes a 1,106-Square-Foot Yurt with a 1,894-Square-Foot Deck on the Existing Lawn Outside the Empire Day Lodge in the Residential Development Zoning District and Sensitive Land Overlay. PL-24-06197
(A) Public Hearing; (B) Continuation to a Date Uncertain
- 1.C. **1115 Aerie Drive – Administrative Conditional Use Permit** – The Applicant Proposes a 10-Foot-Tall Fence and Retaining Walls Over 6 Feet In Height and Built Within The Side Setback in the Estate Zoning District. PL-21-05100
(A) Public Hearing; (B) Action

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking is available at no charge for meeting attendees who park in the China Bridge parking structure.**

Planning Department Staff Report



Subject: 9200 Marsac Avenue
Application: PL-24-06197
Author: Virgil Lund, Planner II
Date: August 29, 2024
Type of Item: Administrative Conditional Use Permit

Recommendation

(I) Review the proposed Temporary Improvement (Yurt) at 9200 Marsac Avenue, (II) conduct a public hearing, and (III) continue the public hearing and consideration of the proposed Administrative Conditional Use permit to a date uncertain to provide additional time for the Applicant to update the proposal and for staff review.

Description

Applicant: Hannah Tyler, Deer Valley Resort

Location: 9200 Marsac Avenue, Empire Day Lodge

Zoning District: Residential Development, Sensitive Land Overlay

Adjacent Land Uses: Ski Resort, Hotel

Reason for Review: Temporary Improvements (Yurts) require an ACUP in the Residential Development Zoning District.¹

¹ LMC [§ 15-2.13-2\(B\)](#)

Planning Department Staff Report



Subject: 1115 Aerie Drive
Application: PL-21-05100
Author: Jacob Klopfenstein, Planner I
Date: August 29, 2024
Type of Item: Administrative Conditional Use Permit

Recommendation

(I) Review the Administrative Conditional Use Permit (ACUP) for a Fence and retaining walls greater than six feet in height, (II) conduct a public hearing, and (III) consider approving the ACUP based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: 1115 Aerie LLC
Jason Boal, Applicant Representative

Location: 1115 Aerie Drive

Zoning District: Estate
Sensitive Land Overlay

Adjacent Land Uses: Single-Family Residential

Reason for Review: Fences over six feet in height from Final Grade require an ACUP in the Estate Zoning District. Retaining walls over six feet in height require an ACUP in the Estate Zoning District.¹

ACUP	Administrative Conditional Use Permit
CUP	Conditional Use Permit
LMC	Land Management Code
MCPC	Municipal Code of Park City
SLO	Sensitive Land Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§ 15-15-1](#).

Summary

1115 Aerie Drive is a Single-Family Dwelling in the Estate Zoning District. The Site includes a concrete sports court, approved by the Planning Commission through a Conditional Use Permit on May 8, 2024. The Planning Commission approval requires the existing sports court that was built without proper permitting to be reduced from

¹ LMC [§ 15-2.10](#)

4,795 square feet to 2,085 square feet. The Applicant seeks an ACUP to construct a ten-foot “Pickleglass” Fence around the perimeter of the 2,085-square-foot sports court in part to mitigate pickleball noise.

The Applicant also seeks retroactive ACUP approval for retaining walls over six feet in height from Final Grade that were constructed without proper permitting. The existing retaining walls range from under four feet to eight feet in height. A retaining wall over six feet in height, built in the Front Setback, is planned to be removed and relocated outside of the Front Setback.

The below photo shows the aerial view of the Site, with the sports court on the northeast side of the dwelling and the retaining walls south of the dwelling and sports court:



Figure 1: 1115 Aerie Drive aerial view and proximity map from the Summit County Parcel Viewer.

The photo below shows the Site looking west from Mellow Mountain Road as seen in July 2024. The sports court is visible on the right side of the Single-Family Dwelling in the photo and had not been reduced in size at the time the photo was taken.



Figure 2: 1115 Aerie Drive viewed from the east along Mellow Mountain Road in July 2024.

The photo below shows the retaining wall located south of the sports court and within the Side Setback:



Figure 3: Retaining wall and astroturf playground area immediately south of the sports court and within the side Setback at 1115 Aerie Drive, pictured in July 2024.

Background

On January 21, 2021, a landscaping company applied for Grading/Landscaping Permit 21-122 to replace three retaining walls not to exceed four feet in height at the northeast corner of 1115 Aerie Drive. On September 8, 2021, Community Code Compliance issued two stop-work orders (CE-21-01142 and CE-21-01143) because work outside of the approved Grading/Landscaping Permit 21-122 scope had occurred. The landscaping company constructed, in part, a 4,795-square-foot sports court and retaining walls that encroached into front and side setbacks and crossed property lines. On October 1, 2021, and February 25, 2022, the City issued letters to the property owner outlining the code compliance issues and required permits.

On December 20, 2021, the Applicant submitted and paid fees for two applications to the Planning Department:

- PL-21-05100: An ACUP for retaining walls greater than six feet in height from Final Grade.
- PL-21-05101: A CUP for a sports court (Private Recreation Facility).

The ACUP was put on hold while the Applicant sought approval for the sports court CUP. The Planning Commission initially denied the sports court CUP in 2022 ([Meeting Packet](#), Item 5E; [Minutes](#), p. 14-29), and the Applicant appealed that denial and sought an Advisory Opinion from the Utah Property Rights Ombudsman. The Property Rights Ombudsman issued an Advisory Opinion in November 2023 and concluded that:

- (i) The Sports Court did not violate any plat note or building area restriction.
- (ii) The Planning Commission erred in denying the Application for insufficient evidence.
- (iii) The Applicant should be allowed to supplement its Application with any sufficient information.

In March 2024, the Appeal Panel heard the appeal of the Planning Commission's denial of the CUP for the sports court. The Appeal Panel granted the appeal in part and remanded the appeal in part to the Planning Commission ([Meeting Packet](#), Item 6.A; [Minutes](#) p. 4-14), finding:

- New information has been presented and should be reviewed by the Commission regarding the Steep Slope determination(s) and potential mitigation of any adverse impacts reasonably anticipated from the proposed use.
- The Planning Commission should determine whether conditions proposed by the Applicant regarding lighting, noise, and screening reasonably mitigate the detrimental impacts and proposed use.
- The remaining findings of the City's Conditional Use review must be revisited consistent with the Appeal Panel's determinations and the additional information provided by the Applicant.

On March 22, 2024, the Applicant submitted an updated project narrative (Exhibit D) with Steep Slope analysis and drainage plans, as well as the plans for the reduced-size sports court.

On April 24, 2024, the Planning Commission conducted a site visit, reviewed the Applicant's updated proposal, held a public hearing, and directed Planning staff to draft a Final Action Letter approving the CUP ([Meeting Packet](#), item 6.E; [Minutes](#) p. 54-60). On May 8, 2024, the Planning Commission voted unanimously to ratify the amended Final Action Letter approving the CUP ([Meeting Packet](#), item 5.A; [Minutes](#) p. 2-12).

The Planning Commission Final Action Letter approving the sports court CUP (Exhibit E) included the following conditions of approval:

- I. Use of the Sports Court will be prohibited from 10:00 PM to 7:00 AM and the use of pickleball is restricted from 8:00 PM to 8:00 AM.
- J. The surface of the Sports Court shall be comprised of SportGame PB Open Cell materials or similar noise-reducing materials.
- K. An "Acoustic Fence" or similar soundproofing fencing must be installed around the Sports Court.
- L. Sports court may be used for paddle games (including pickleball), but only when USA Pickleball's Quiet Category compliant paddles and soft balls are used.

To comply with the above condition K, the Applicant proposes a ten-foot "Pickleglass" fence around the perimeter of the sports court.

The Applicant's updated site plan, including the reduced-size sports court and retaining walls, is shown below:

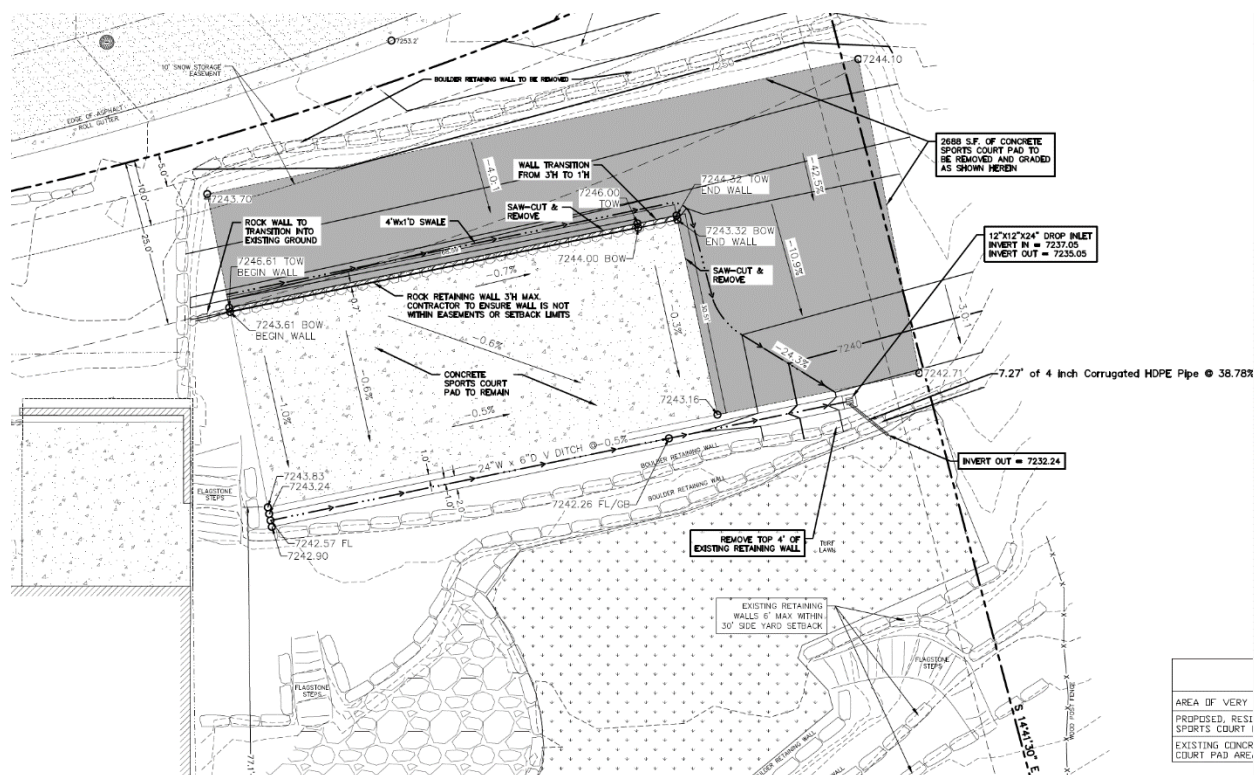


Figure 4: 1115 Aerie Drive sports court and retaining walls site plan.

Analysis

(I) The ACUP for a 10-foot-tall Fence and retaining walls, as conditioned, complies with LMC Chapter 15-2.10 Estate (E) District.

The Planning Commission's CUP Condition of Approval K requires the Applicant to install "AcousticFence" or similar soundproofing fencing around the sports court. The Applicant proposes a 10-foot-tall "Pickleglass" Fence to be installed around the perimeter of the sports court, in part to mitigate noise from pickleball. The Fence is proposed to be approximately 68 feet, 3 inches long on the north and south sides of the sports court, and approximately 30 feet, 5 inches along the east and west sides of the court. The sides of the Fence are proposed to be approximately 1 foot, 9 inches wide.

The Applicant proposes reducing stacked boulder retaining walls built within the Side Setback from 8 feet in height to a maximum height of 6 feet. The retaining walls are located immediately south of the sports court and the astroturf playground area.

1115 Aerie Drive is within the Masonic Hill Neighborhood of the General Plan. Section 7.1 of the [General Plan Neighborhoods Plan](#) discusses this neighborhood and notes that the future of the Masonic Hill neighborhood includes "being further camouflaged into the existing landscape." Section 7.4 also states that "the neighborhood should continue to build out with controlled pads protecting the natural vegetation."

LMC [§ 15-2.10-2\(B\)\(24\)](#) states that Fences built over six feet in height from Final Grade in the Estate Zoning District require an ACUP and the purposes of the Estate Zoning District reflect the recommendations of the General Plan about further camouflaging development into the existing landscape and limiting development to controlled pads protecting the natural vegetation.

The purposes of the Estate Zoning District are outlined in LMC [§ 15-2.10-1](#) as follows:

- A. allow very low density, environmentally sensitive residential Development which:
 - 1. preserves ridge tops, meadows, and visible hillsides,
 - 2. preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 - 3. preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 - 4. mitigates geologic and flood hazards,
 - 5. protects views along the City's entry corridors, and
 - 6. decreases fire risk by keeping Development out of sensitive wild land interface Areas.
- B. incorporate pedestrian trail linkages between and through neighborhoods; and
- C. encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

Fence

No other properties in the surrounding area have comparable site disturbances or 10-foot-tall Fences. The Fence is not compatible with the surrounding neighborhood and therefore does not contribute to neighborhood cohesiveness as outlined in item “C” listed above.

The Fence also is not consistent with environmentally sensitive residential Development as required by item “A” listed above. The Fence interrupts Areas of undeveloped land outside the platted Building Pad and is visible from Vantage Points in Old Town Park City, discussed in more detail below.

Staff recommends Conditions of Approval to mitigate the Fence’s incompatibility with the Estate Zoning District.

Retaining Walls

LMC [§ 15-4-2 Fences and Retaining Walls](#) states that retaining walls in the Side Setback may exceed 6 feet in height from Final Grade subject to approval of an ACUP. LMC [§ 15-2.10-3\(F\)](#) states that retaining walls may have multiple steps, but each exposed face shall not exceed six feet in height and the horizontal distance between the walls, from the front face to rear face, must be at least three feet and planted with approved vegetation. Pursuant to this provision, the Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

Per the Applicant, after reducing the size of the sports court, the area north and east of the sports court will be regraded (see Exhibit B, 1115 Aerie Drive Updated Grading and Drainage Plan). As part of the regrading work, the top four feet of the existing retaining wall will be removed, and the retaining walls will not exceed 6 feet.

Staff recommends Conditions of Approval to address the Fence and retaining walls.

(II) The proposal to build a 10-foot-tall Fence and retaining walls, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

The retaining walls are built to the south of the sports court and within the Side Setback. Per the Applicant, the retaining walls range from under four feet to eight feet in height and provide level areas for landscaping and outdoor amenities, including a playground, at the Site. The below photos show the retaining walls immediately south of the sports court and the astroturf playground area:



Figure 5: Retaining wall below the sports court and within the Side Setback at 1115 Aerie Drive.

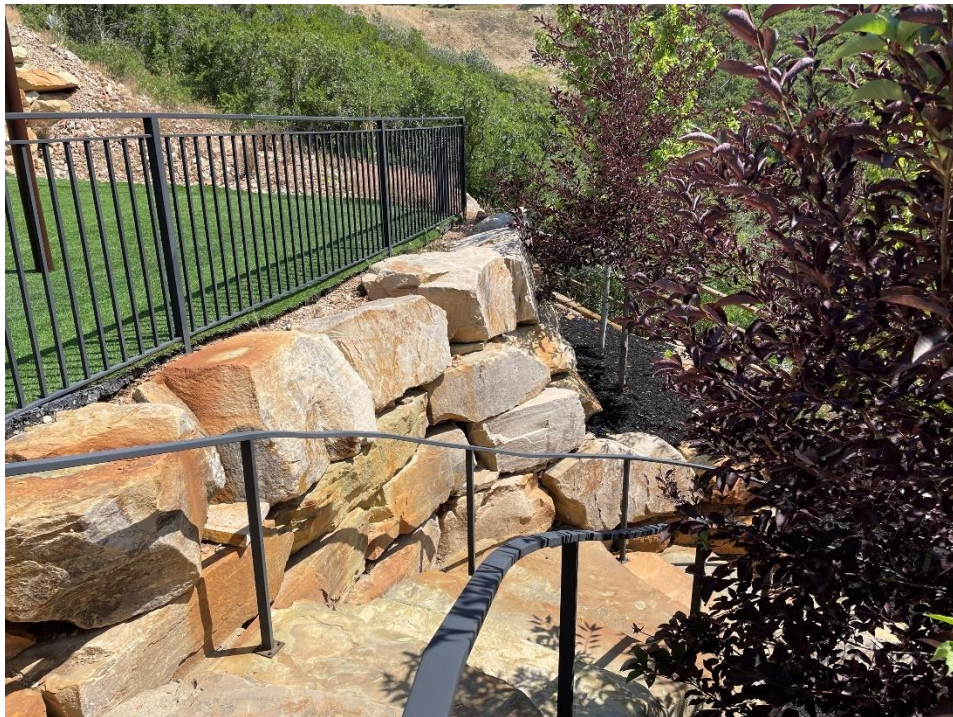


Figure 6: Retaining wall below astroturf playground area and within the Side Setback at 1115 Aerie Drive.



Figure 7: Retaining wall below the sports court and built within the Side Setback at 1115 Aerie Drive.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Director shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Director may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

1. Size and location of the Site: *Conditions of Approval recommended*

The sports court, after it is reduced in size to 2,085 square feet, will allow the Fence to be located outside of the Front and Side Setbacks. The original grading of the sports court exceeded 40% but the site has been retained through retaining walls and is now level. Staff does not recommend Conditions of Approval to address the Size and location of the Fence.

As noted above, the retaining walls over six feet in height are located immediately south of the sports court and the astroturf playground area and within the Side Setback. The purpose of the retaining walls is to stabilize the sports court and astroturf playground areas, which were constructed without proper permitting on a Very Steep Slope.

Per the applicant, after reducing the size of the sports court, the area north and east of

the sports court will be regraded (see Exhibit B). As part of the regrading work, the top four feet of the existing retaining wall will be removed, and the retaining walls will not exceed 6 feet.

Staff recommends the following Conditions of Approval to address the size and specifications of the retaining walls:

Condition of Approval 1 –Retaining walls within the Side Setbacks may have multiple steps, however, each exposed face shall not exceed six feet in height and the horizontal distance between the walls, front face to rear face, must be at least three feet and planted with approved vegetation.

Condition of Approval 2 – The Applicant shall submit engineered plans certified and stamped by a professional engineer for the retaining walls prior to building permit issuance.

2. Traffic considerations including capacity of the existing Streets in the Area:
No unmitigated impacts

No changes are proposed. No additional traffic will be generated beyond the limits of the use of the property as a Single-Family Dwelling.

3. Utility capacity, including Storm Water run-off: *Condition of Approval recommended*

The Applicant provided an updated drainage plan in March 2024 showing mitigation plans for Storm Water run-off (Exhibit D, Applicant's Project Narrative dated March 22, 2024). The Engineering Department finds that the Applicant's proposed 12"x12"x24" drop inlet detailed on the drainage plan for the Site is insufficiently sized to manage the drainage from the newly created impervious area of the sports court. Staff recommends the following Condition of Approval to address this item:

Condition of Approval 3 – The Applicant shall obtain Engineering Department approval for drainage and storm water management plans prior to building permit issuance. Drainage and storm water management shall comply with Municipal Code of Park City Chapter 13-5 *Regulation and Enforcement of Storm Water Discharges Associated with Post-Construction Activities*.

No other changes are proposed regarding utility capacity.

4. Emergency vehicle Access: *No unmitigated impacts*

No changes are proposed.

5. Location and amount of off-Street parking: *No unmitigated impacts*

No changes are proposed.

6. Internal vehicular and pedestrian circulation system: *No unmitigated impacts*

No changes are proposed.

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses: *Conditions of Approval recommended*

The Applicant's landscaping plan (Exhibit F, Landscaping Plan for 1115 Aerie) proposes screening the sports court with trees planted on the Applicant's property and the adjacent property, including 42 Evergreen Spruce, 35 Autumn Blaze Maple and 20 Quaking Aspen, on the north and east sides of the reduced-size sports court, as well as 65 Karl Foerster shrubs and 50 Russian sage shrubs on the south side of the sports court. Pursuant to Municipal Code of Park City Section [14-1-5](#), Evergreen Spruce and Karl Foerster are not approved for planting. Autumn Blaze Maple, Quaking Aspen, and Russian sage are allowed species.

Evergreen Spruce trees typically reach 60-200 feet in height, Autumn Blaze Maple typically reach 40-60 feet in height, and Quaking Aspen typically reach 40-50 feet in height. The Karl Foerster plants typically reach heights of up to six feet and Russian sage reaches heights of up to three feet.

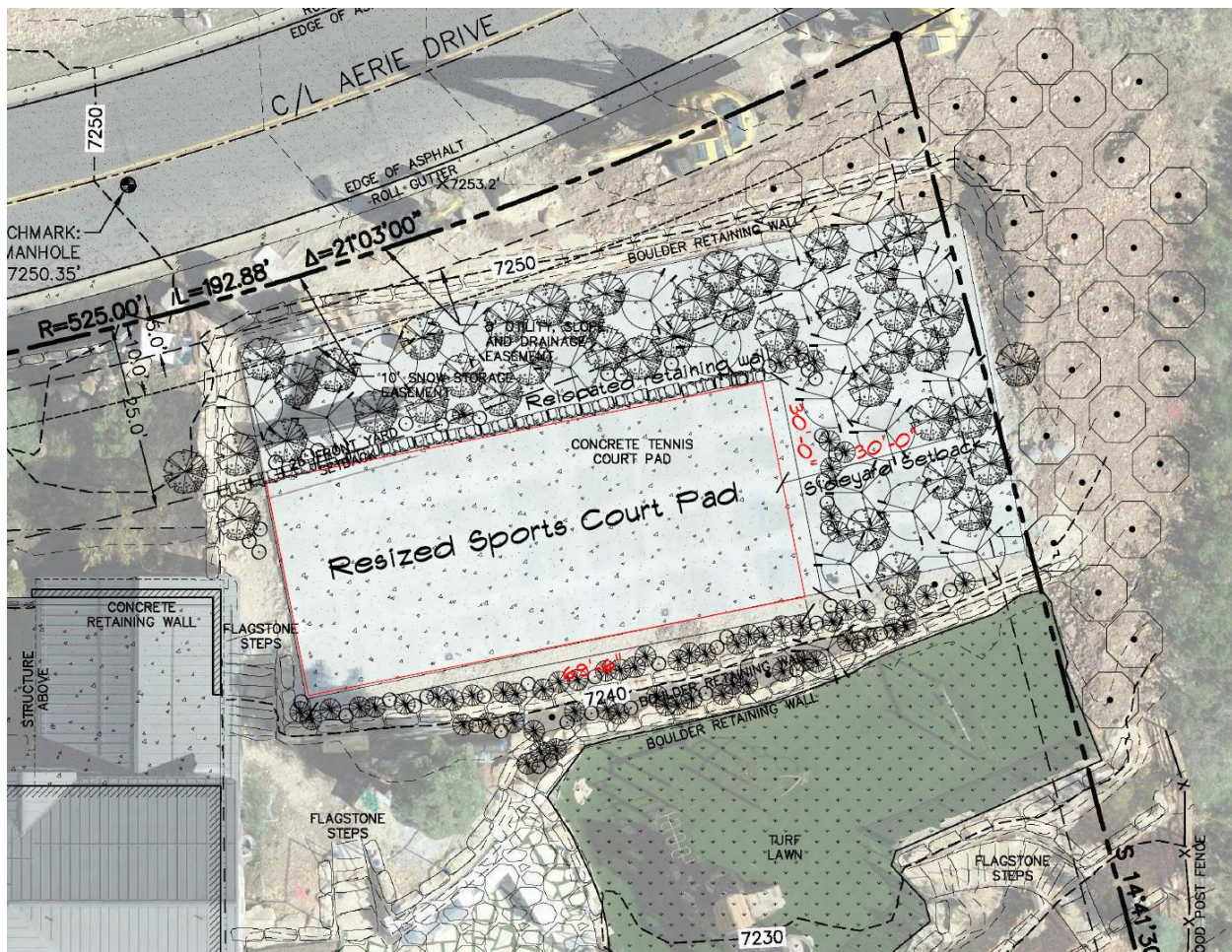


Figure 8: Landscaping plan for 1115 Aerie Drive showing trees proposed for the north and east sides of the reduced-size sports court and shrubs on the south side of the sports court.

With the proposed shrubs, the 10-foot-tall Fence would be only partially screened on the south side from adjoining Uses. The Fence would be visible from other nearby Single-Family Dwellings to the north and south along Aerie Drive and to the east along Mellow Mountain Road, which is higher in elevation than 1115 Aerie Drive. Surrounding neighboring Single-Family Dwellings are situated above 1115 Aerie Drive, which is located on the side of a hill overlooking a small canyon. The Site is visible from other properties along Aerie Drive and Mellow Mountain Road, as well as other properties in Old Town Park City and across the canyon in the Treasure Hill area.

Staff recommends the below condition of approval to fully screen the 10-foot-tall Fence from adjoining uses.

The retaining walls are not screened on the south side and are not visually separated from adjoining Uses. LMC § [15-5-5\(N\)](#) requires at least 50 percent of the Landscaped Area be Water Wise Landscaping containing approved non-invasive drought tolerant plants, and/or minimal irrigation. Staff recommends the following:

Condition of Approval 4 – The Applicant shall implement additional landscaping or vegetation that shall fully screen the 10-foot-tall Fence from adjoining Uses. At least 50 percent of the Landscaped Area shall be Water Wise Landscaping containing approved non-invasive drought tolerant plants, and/or minimal irrigation, pursuant to LMC § 15-5-5(N).

Condition of Approval 5 – The Applicant shall implement additional landscaping or vegetation that shall fully screen the retaining walls south of the sports court from adjoining Uses. At least 50 percent of the Landscaped Area shall be Water Wise Landscaping containing approved non-invasive drought tolerant plants, and/or minimal irrigation, pursuant to LMC § 15-5-5(N).

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots: *Condition of Approval recommended*

The 10-foot-tall glass Fence would extend 69 feet, 6 inches along the length of the sports court and 30 feet along the depth of the court, enclosing an area 2,085 square feet in size. The Fence, as proposed, is partially screened on the south side (see Exhibit F, Landscaping Plan for 1115 Aerie) and would be visible from neighboring Single-Family Dwellings to the north and south along Aerie Drive and to the east along Mellow Mountain Road.

Staff recommends Condition of Approval 4, discussed above, to address landscaping and screening at the site. Staff recommends Condition of Approval 6, discussed below, to address the building mass, bulk, and orientation of the Fence.

Staff further recommends conditions of approval regarding the mass, bulk, or orientation of the retaining walls.

Condition of Approval 6 – Retaining walls on the site shall not exceed 6 feet in height. The applicant shall remove excess height from retaining walls exceeding 6 feet in height.

9. Usable Open Space: *No unmitigated impacts*

The property includes landscaped astroturf and playground equipment.

10. Signs and lighting: *Condition of Approval recommended*

No signs or lighting are proposed. The sports court CUP Condition of Approval H prohibits overhead lighting associated with the sports court. Staff recommends the following Condition of Approval to address exterior lighting on the property:

Condition of Approval 7 – All exterior lighting shall be down-directed, fully

shielded, with bulbs 3,000 degrees Kelvin or less and shall comply with the City's outdoor lighting code, LMC 15-5-5(J). Final lighting details must be reviewed by the City's planning staff prior to installation and final inspection.

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing: *Condition of Approval recommended*

The proposed glass surface of the 10-foot-tall Fence is not compatible with development in the surrounding areas. No other nearby properties contain such Fences and the property is visible from adjacent properties and through cross-canyon views.

The glass surface of the Fence is reflective and may create glare issues for properties in the surrounding area and further cross-canyon in Old Town Park City (see visual impact analysis discussed in item 15 below). The outside surface, which faces the rest of the property and is oriented toward neighboring properties, and the inside surface, which faces the sports court, are both reflective glass surfaces. While the analysis above recommends conditions of approval to address landscaping and screening on the outside of the Fence, the inside surface cannot be screened because of the sports court. The trees proposed to screen the Fence will also take time to reach mature height and the outside of the Fence will not be fully screened before the trees reach maturity.

For the above reasons, Staff finds that the proposed "Pickleglass" Fence does not comply with the CUP criteria outlined in LMC § 15-1-10(E) and the reasonably anticipated detrimental effects of the "Pickleglass" Fence must be reasonably mitigated through careful planning and Conditions of Approval.

Per materials submitted by the Applicant (see Exhibit I, Pickleglass Reflectivity Data Sheet), the proposed Pickleglass has a reflective value rating of 8 percent, meaning that 8 percent of light that strikes Pickleglass is reflected off of the surface. The Pickleglass also has a transmittal value rating of 87 percent, meaning that 87 percent of the light that strikes Pickleglass is not absorbed or reflected, but passes through the glass.

Staff recommends the following Condition of Approval to address the glare issues of glass Fencing:

Condition of Approval 8 –The Fence shall be constructed of material that reflects 35 percent or less of the light that strikes it. The Applicant shall consider implementing a cover to be installed on the Fence when the sports court is not in use to reduce reflectivity and glare and is made out of a material and color consistent with LMC § 15-5-5(E).

The retaining walls are constructed out of natural stacked boulders built into the hillside. Staff recommends Condition of Approval 1 as discussed above to mitigate the physical design of the retaining walls.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site: *Conditions of Approval recommended*

The Applicant proposes the 10-foot-tall Fence in part to mitigate noise and sound impacts from activity on the sports court, including but not limited to the playing of pickleball.

The Applicant's representative completed some sound analysis on July 26, 2024 (see Exhibit G, Sound Measurement Memo for 1115 Aerie Drive). The Applicant's representative took sound measurement readings from the east, northeast, south, and west sides of the sports court as another individual bounced pickleballs on the court using a standard pickleball and a quiet pickleball paddle.

During this sound analysis, ambient noise at the site measured between 46 and 53 decibels (dB). Sound while bouncing the pickleball at the site measured as follows:

- Approximately 66 dB from above the court adjacent to Aerie Drive on the east;
- Approximately 56 dB from the northeast corner of the sports court;
- Approximately 59 dB from the south edge of the sports court; and
- Approximately 47 dB from the west side of the sports court.

Staff finds this does not provide sufficient documentation of the noise produced from the play of pickleball on the site. The sports court surface is currently concrete but will be finished with an open cell surface pursuant to Condition of Approval J of the sports court CUP. The Applicant estimates that the forthcoming open cell surface will absorb 20% of downward reflective sound waves. The Applicant also estimates that further sound mitigation measures, such as the use of quiet pickleballs instead of standard balls and additional landscaping, would further reduce sound impacts from the playing of pickleball on the sports court.

Municipal Code of Park City (MCPC) [§ 6-3-9\(A\)](#) *Maximum Permissible Sound Levels* indicates the maximum permissible sound level for Residential areas is 55 dBA between 6 a.m. and 10 p.m. The maximum permissible sound level for Residential areas between 10 p.m. and 6 a.m. is 50 dBA; however, pursuant to the Applicant's sports court CUP final action letter, use of the sports court is prohibited from 10 p.m. to 7 a.m. To ensure the sports court use complies with the noise ordinance, staff recommends the following:

Condition of Approval 9 – The approved Fence shall be soundproof, sufficient to mitigate noise associated with the sports court, to comply with Municipal Code of Park City Chapter 6-3 Noise, and as required by Condition of Approval K listed in Planning Commission Approved Conditional Use Permit Final Action letter dated May 8, 2024 (PL-21-05101).

The property owner does not have an active Nightly Rental business license for this property. However, per the Applicant's representative, the property owner may decide to use the property as a Nightly Rental, which is an allowed Use in the Estate Zoning

District pursuant to LMC § 15-2.10-2(A)(6), in the future. Staff recommends the following condition of approval regarding potential future use of the property as a Nightly Rental:

Condition of Approval 10 – The Applicant shall include language in Nightly Rental lease agreements and install a sign on the premises informing guests of the use of the sports court, including:

- The use of the sports court is prohibited between 10:00 PM and 7:00 AM.
- The use of pickleball is prohibited between 8:00 PM to 8:00 AM.
- Users of the sports court must use USA Pickleball’s Quiet Category compliant paddles and soft balls.
- The use of the sports court must comply with the regulations of Municipal Code of Park City Chapter 6-3 Noise.

No other changes are proposed for other mechanical factors that might affect people and Property Off-Site.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas: *No unmitigated impacts*

No changes are proposed. The property is a privately owned Single-Family Dwelling.

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities: *No unmitigated impacts*

No changes are proposed. The property is privately owned and operated as a Single-Family Dwelling.

The property owner does not have an active Nightly Rental business license for this property. However, per the Applicant’s representative, the property owner may decide to use the property as a Nightly Rental, which is an allowed Use in the Estate Zoning District pursuant to LMC § 15-2.10-2(A)(6).

Condition of Approval 9 requires the Applicant to include in the Nightly Rental lease agreement information regarding the restrictions on the use of the sports court and the mitigation requirements to comply with the noise ordinance.

15. 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: *Conditions of Approval recommended*

The site is governed by the Sensitive Land Overlay Zone (SLO) outlined by LMC [Chapter 15-2.21](#). The initial unpermitted grading of the sports court site exceeded 40%

(Very Steep Slopes) and substantially altered grade in an area where it otherwise would be prohibited if the Applicant had pursued proper permitting. As a result of the unpermitted work on the site, large retaining walls were constructed to create a level area within the lot.

The Applicant's visual assessment (Exhibit H), completed in 2021 as a part of the required sensitive lands analysis, shows that the Site is visible from Vantage Points within Old Town Park City, such as the intersection of Main Street and Heber Avenue:

Main Street and Heber Ave.

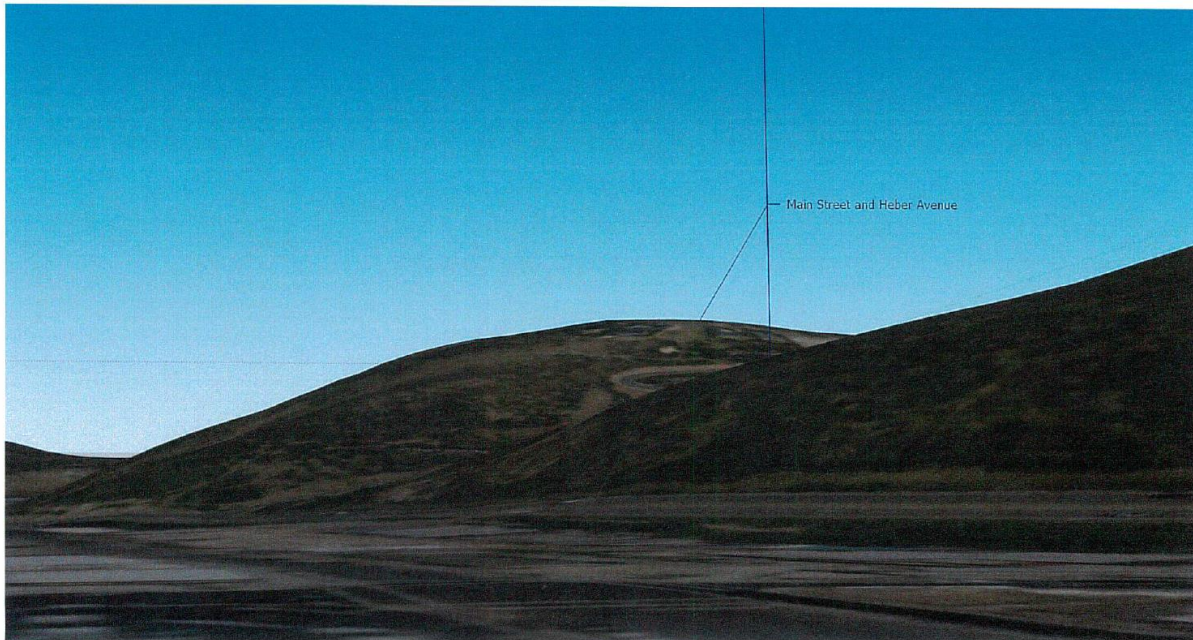


Figure 9: Visual assessment of 1115 Aerie Drive showing Vantage Point at Main Street and Heber Avenue.

Pursuant to LMC § 15-2.21-4(F), staff recommends the following condition of approval:

Condition of Approval 11 – The Applicant must landscape and revegetate exposed Slopes. Topsoil from any disturbed portion of a Steep Slope must be preserved and utilized in re-vegetation. Fill soil must be of a quality to support plant growth.

The Site is not within the Park City Soils Ordinance boundary and does not contain any Physical Mine Hazards or Historic Mine Waste.

16. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding: Conditions of Approval recommended

Section 7.1 of the [General Plan Neighborhoods Plan](#) discusses the Masonic Hill area, which includes Aerie Drive. Section 7.1 notes that the future of the Masonic Hill

neighborhood includes “being further camouflaged into the existing landscape.” Section 7.4 also states that “the neighborhood should continue to build out with controlled pads protecting the natural vegetation.” The 10-foot-tall Fence does not further camouflage the Site into the existing landscape or minimize impacts to natural vegetation. Section 7.1 also states that programs to be considered that result in preserving the natural vegetation of the Masonic Hill neighborhood should include prohibiting tall fencing.

Staff recommends the Conditions of Approval discussed above regarding the design of the Fence, landscaping and screening, and other items to mitigate the Fence’s incompatibility with these sections of the General Plan.

[Section 7.1](#) also states that protecting natural vegetation is a key goal for the area as native plants can continue to play their crucial role in the ecosystem by preventing erosion. Retaining walls may also prevent erosion in the area by providing stability to sloped areas.

Staff recommends the following:

Condition of Approval 12 – The Applicant shall obtain a building permit for the Fence and complete engineering review for retaining walls prior to construction.

Condition of Approval 13 – Any changes, modifications, or deviations from the approved Proposal that have not been approved in advance by the Planning Department may result in a stop work order.

Condition of Approval 14 – The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved retaining walls and Fence.

Condition of Approval 15 – Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.

(III) The Development Review Committee reviewed the proposal on August 6, 2024 and required Conditions of Approval.²

The Development Review Committee reviewed the proposal on August 6, 2024 and required Conditions of Approval 2 and 3, discussed above.

Department Review

² The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney’s Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

The Planning Department, Executive Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 14, 2024. Staff mailed courtesy notice to property owners within 300 feet on August 14, 2024. The *Park Record* published courtesy notice on August 15, 2024.³

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Director may approve the ACUP for the Fence over 6 feet in height and require the unpermitted retaining walls to be reduced to no more than 6 feet in height within the Side Setback;
- The Planning Director may deny the ACUP for the Fence over 6 feet in height and require the unpermitted retaining walls to be reduced to no more than 6 feet in height within the Side Setback and direct staff to make Findings;
- The Planning Director may request additional information and continue the discussion to a date certain or date uncertain.

Exhibits

Exhibit A: 1115 Aerie ACUP Draft Final Action Letter

Exhibit B: 1115 Aerie Drive Updated Grading and Drainage Plan

Exhibit C: Applicant's Narrative and Pickleglass Design Sheet

Exhibit D: Applicant's Project Narrative dated March 22, 2024

Exhibit E: May 8, 2024 Planning Commission Final Action Letter

Exhibit F: Landscaping Plan for 1115 Aerie Drive

Exhibit G: Sound Measurement Memo for 1115 Aerie Drive

Exhibit H: Visual Assessment for 1115 Aerie Drive

Exhibit I: Pickleglass Reflectivity Data Sheet

³ LMC [§ 15-1-21](#)



Planning Department

August 29, 2024

Jason Boal
15 West South Temple, Ste. 1200
Salt Lake City, UT, 84101

CC: Gary Sutton

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 1115 Aerie Drive

Zoning District: Estate

Application: Administrative Conditional Use Permit (ACUP)

Project Number: PL-21-05100

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: August 29, 2024

Project Summary: The Applicant proposes a Fence greater than six feet in height and Retaining Walls built within the Side Setback and greater than six feet in height in the Estate Zoning District.

Action Taken

On August 29, 2024, the Planning Director conducted a public hearing and approved the Administrative Conditional Use Permit for a Fence over six feet in height and Retaining Walls built within the Side Setback and over six feet in height according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The Applicant proposed a 10-foot-tall Pickleglass Fence built around the perimeter of the sports court and retaining walls over 6 feet in height and built within the Side Setback.
2. 1115 Aerie Drive is a Single-Family Dwelling in the Estate Zoning District.



Planning Department

3. The retaining walls were built in 2021 without an Approved Building Permit. The City has not issued an Approved Building Permit for the retaining walls.
4. The retaining walls range from under 4 feet in height to 8 feet in height.
5. The Applicant submitted a complete Administrative Conditional Use Permit (ACUP) application for the Fence over 6 feet in height and retaining walls over 6 feet in height and built within the Side Setback and paid associated application fees on December 20, 2021.
6. 1115 Aerie Drive includes a concrete sports court, approved by the Planning Commission through a Conditional Use Permit on May 8, 2024.
7. The ACUP for the Fence and retaining walls was put on hold while the Applicant sought approval of the sports court CUP.
8. The Planning Commission's May 8, 2024 Final Action Letter approving the sports court CUP includes the following conditions of approval regarding the sports court:
 - I. Use of the Sports Court will be prohibited from 10:00 PM to 7:00 AM and the use of pickleball is restricted from 8:00 PM to 8:00 AM.
 - J. The surface of the Sports Court shall be comprised of SportGame PB Open Cell materials or similar noise-reducing materials.
 - K. An "Acoustic Fence" or similar soundproofing fencing must be installed around the Sports Court.
 - L. Sports court may be used for paddle games (including pickleball), but only when USA Pickleball's Quiet Category compliant paddles and soft balls are used.
9. The Applicant proposes the 10-foot Pickleglass Fence to comply with the above condition K.
10. The retaining walls are built immediately south of the sports court and south of an astroturf playground area to stabilize the built areas of the sports court and other outdoor amenity spaces.
11. The proposal to build a 10-foot-tall Fence and retaining walls over 6 feet in height and within the Side Setback, as conditioned, complies with LMC § 15-2.10 Estate (E) District.
 - a. LMC § 15-2.10 states that retaining walls built over 6 feet in height and within the Side Setback require an ACUP. LMC § 15-2.10-3(F) also states that retaining walls may have multiple steps, but each exposed face shall not exceed 6 feet in height and the horizontal distance between the walls, from the front face to rear face, must be at least 3 feet and planted with approved vegetation. Pursuant to this provision, the Planning Director may



Planning Department

- approve minor deviations to the height and stepping requirements based on Site specific review.
- b. No other properties in the surrounding area have 10-foot-tall Fences. The Fence is not compatible with the surrounding neighborhood and therefore does not contribute to neighborhood cohesiveness as outlined in LMC § 15-2.10-1.
 - c. The Fence also is not consistent with environmentally sensitive residential Development as required by LMC § 15-2.10-1. The Fence interrupts Areas of Open Space and undeveloped land and may be visible from Vantage Points in Old Town Park City, discussed in more detail below.
 - d. Staff recommends various conditions of approval, discussed below, to mitigate the Fence's incompatibility with the Estate zoning district.
12. The proposal to build retaining walls over 6 feet in height and within the Side Setback, as conditioned, complies with LMC § 15-4-2 Fences and Retaining Walls.
- a. LMC § 15-4-2 Fences and Retaining Walls states that retaining walls in the Side Setback may exceed 6 feet subject to approval of an ACUP.
13. The proposal to build a 10-foot-tall Fence and retaining walls over 6 feet in height and within the Side Setback, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).
- a. Size and location of the Site
 - i. The sports court, after it is reduced in size, and Fence will be located outside of the Front and Side Setbacks for the Site. The original grading of the sports court site exceeded 40% but the site has been retained and is now level.
 - ii. The retaining walls over 6 feet in height are located immediately south of the sports court and immediately south of the astroturf playground area and within the Side Setback.
 - iii. Per the applicant, after reducing the size of the sports court, the area north and east of the sports court will be regraded. As part of the regrading work, the top four feet of the existing retaining wall will be removed, and the retaining walls will not exceed 6 feet.
 - b. Traffic considerations including capacity of the existing Streets in the Area
 - i. No changes are proposed
 - c. Utility capacity, including Storm Water run-off



Planning Department

- i. The Applicant provided an updated drainage plan in March 2024 showing mitigation plans for Storm Water run-off.
 - ii. The Engineering Department finds that the Applicant's proposed 12"x12"x24" drop inlet detailed on the drainage plan for the Site is insufficiently sized to manage the drainage from the newly created impervious area of the sports court.
 - iii. No other changes are proposed regarding utility capacity.
- d. Emergency vehicle access
 - i. No changes are proposed
- e. Location and amount of off-Street parking
 - i. No changes are proposed
- f. Internal vehicular and pedestrian circulation system
 - i. No changes are proposed
- g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses
 - i. The Applicant's landscaping plan proposes screening the fence with trees, including 42 Evergreen Spruce, 35 Autumn Blaze Maple and 20 Quaking Aspen, on the north and east sides of the reduced-size sports court,
 - 1. Evergreen Spruce trees typically reach 60-200 feet in height, Autumn Blaze Maple typically reach 40-60 feet in height, and Quaking Aspen typically reach 40-50 feet in height.
 - ii. The Applicant's landscaping plan also proposes 65 Karl Foerster shrubs and 50 Russian sage shrubs on the south side of the sports court.
 - 1. The Karl Foerster plants typically reach heights of up to six feet and Russian sage reaches heights of up to three feet.
 - 2. With the proposed Karl Foerster and Russian Sage shrubs, the 10-foot-tall Fence would be only partially screened on the south side from adjoining Uses. The Fence would be visible from other nearby Single-Family Dwellings to the north and south along Aerie Drive and to the east along Mellow Mountain Road, which is higher in elevation than 1115 Aerie Drive. Surrounding neighboring Single-Family Dwellings are situated above 1115 Aerie Drive, which is located on the side of a hill overlooking a small canyon.



Planning Department

- iii. Pursuant to Municipal Code of Park City Section 14-1-5, Evergreen Spruce and Karl Foerster are not approved for planting. Autumn Blaze Maple, Quaking Aspen, and Russian sage are allowed species.
- iv. The retaining walls are not screened on the south side and are not visually separated from adjoining Uses. LMC Section 15-5-5(N) requires at least 50 percent of the Landscaped Area be Water Wise Landscaping containing approved non-invasive drought tolerant plants, and/or minimal irrigation.
- v. With the proposed shrubs, the 10-foot-tall Fence would be only partially screened on the south side from adjoining Uses. The Fence would be visible from other nearby Single-Family Dwellings to the north and south along Aerie Drive and to the east along Mellow Mountain Road, which is higher in elevation than 1115 Aerie Drive. Surrounding neighboring Single-Family Dwellings are situated above 1115 Aerie Drive, which is located on the side of a hill overlooking a small canyon. The Site is visible from other properties along Aerie Drive and Mellow Mountain Road, as well as other properties in Old Town Park City and across the canyon in the Treasure Hill area, including homes along King Road.
- h. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots
 - i. The 10-foot-tall glass Fence would extend approximately 68 feet, 3 inches along the length of the sports court and approximately 30 feet, 5 inches along the depth of the court, enclosing an area 2,085 square feet in size. The Fence, as proposed, is partially screened on the south side (see Exhibit E, Landscaping Plan for 1115 Aerie) and would be visible from neighboring Single-Family Dwellings to the north and south along Aerie Drive and to the east along Mellow Mountain Road.
 - ii. No changes are proposed regarding the building mass, bulk, or orientation of the retaining walls.
- i. Usable Open Space
 - i. The property includes landscaped areas with astroturf and playground equipment.
- j. Signs and lighting



Planning Department

- i. No signs or lighting are proposed.
 - ii. Overhead lighting associated with the sports court is prohibited as a condition of approval for the sports court CUP.
- k. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing
 - i. The proposed glass surface of the 10-foot-tall Fence is not compatible with development in the surrounding areas. No other nearby properties contain such Fences.
 - ii. The glass surface of the Fence is reflective and may create glare issues for properties in the surrounding area and further down-canyon in Old Town Park City (see visual impact analysis discussed in item 15 below). The outside surface, which faces the rest of the property and is oriented toward neighboring properties, and the inside surface, which faces the sports court, are both reflective glass surfaces. While the analysis above recommends conditions of approval to address landscaping and screening on the outside of the Fence, the inside surface cannot be screened because of the sports court. The trees proposed to screen the Fence will also take time to reach mature height and with, and the outside of the Fence will not be fully screened before the trees reach maturity.
 - iii. Per materials submitted by the Applicant, the proposed Pickleglass has a reflective value rating of 8 percent, meaning that 8 percent of light that strikes Pickleglass is reflected off of the surface. The Pickleglass also has a transmittal value rating of 87 percent, meaning that 87 percent of the light that strikes Pickleglass is not absorbed or reflected, but passes through the glass.
 - iv. The proposed "Pickleglass" Fence does not comply with the CUP criteria outlined in LMC § 15-1-10(E) and the reasonably anticipated detrimental effects of the "Pickleglass" Fence must be reasonably mitigated through careful planning and conditions of approval.
 - v. The retaining walls are constructed out of natural stacked boulders built into the hillside.
- l. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site



Planning Department

- i. The Applicant proposes the Picketball fence in part to mitigate noise and sound impacts from activity on the sports court, including but not limited to the playing of pickleball.
- ii. The Applicant's representative completed some sound analysis on July 26, 2024. Planner Jacob Klopfenstein and Assistant Planning Director Elissa Martin monitored the sound analysis. The Applicant's representative took sound measurement readings from the east, northeast, south, and west sides of the sports court as another individual bounced pickleballs on the court using a standard pickleball and a quiet pickleball paddle.
- iii. During this sound analysis, ambient noise at the site measured between 46 and 53 decibels (dB). Sound while bouncing the pickleball at the site measured as follows:
 1. Approximately 66 dB from above the court adjacent to Aerie Drive on the east;
 2. Approximately 56 dB from the northeast corner of the sports court;
 3. Approximately 59 dB from the south edge of the sports court; and
 4. Approximately 47 dB from the west side of the sports court.
- iv. The sports court surface will be finished with an open cell surface pursuant to the required conditions of approval for the sports court CUP. The applicant estimates that the forthcoming open cell surface will absorb 20% of downward reflective sound waves. The Applicant also estimates that further sound mitigation measures, such as the use of quiet pickleballs instead of standard balls and additional landscaping, would further reduce sound impacts from the playing of pickleball on the sports court.
- v. Municipal Code of Park City (MCPC) § 6-3-9(A) Maximum Permissible Sound Levels indicates the maximum permissible sound level for Residential areas is 55 dBA between 6 a.m. and 10 p.m. The maximum permissible sound level for Residential areas between 10 p.m. and 6 a.m. is 50 dBA; however, pursuant to the Applicant's sports court CUP final action letter, use of the sports court is prohibited from 10 p.m. to 7 a.m.



Planning Department

- vi. No other changes are proposed for other mechanical factors that might affect people and Property Off-Site.
- m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas
 - i. No changes are proposed.
- n. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities
 - i. The property is privately owned and operated as a Single-Family Dwelling.
 - ii. The property owner does not have an active Nightly Rental business license for this property. However, per the Applicant's representative, the property owner may decide to use the property as a Nightly Rental, which is an allowed Use in the Estate Zoning District pursuant to LMC § 15-2.10-2(A)(6), in the future.
- 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
 - i. The Site is governed by the Sensitive Land Overlay Zone.
 - ii. The original grading of the sports court site exceeded 40% (Very Steep Slopes) but that portion of the Site has been retained and is now level. The south portion of the Site contains Very Steep Slopes, but no Development is proposed there.
 - iii. The Applicant's visual assessment, completed in 2021 as a part of the required sensitive lands analysis, shows that the Site may be visible from Vantage Points within Old Town Park City, such as the intersection of Main Street and Heber Avenue.
- p. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding
 - i. Section 7.1 of the General Plan Neighborhoods Plan discusses the Masonic Hill area, which includes Aerie Drive. Section 7.1 notes that the future of the Masonic Hill neighborhood includes "being further camouflaged into the existing landscape." Section 7.4 also states that "the neighborhood should continue to build out with



Planning Department

controlled pads protecting the natural vegetation.” The 10-foot-tall Fence does not further camouflage the Site into the existing landscape or minimize impacts to natural vegetation.

- ii. Section 7.1 also states that programs to be considered that result in preserving the natural vegetation of the Masonic Hill neighborhood should include prohibiting tall fencing.
- iii. Section 7.1 of the Park City General Plan Neighborhoods section discusses the Masonic Hill neighborhood, which includes Aerie Drive. This section states that protecting natural vegetation is a key goal for the area as native plants can continue to play their crucial role in the ecosystem by preventing erosion. Retaining walls may also prevent erosion in the area by providing stability to sloped areas.

Conclusions of Law

- 1. The 10-foot-tall Fence and retaining walls over 6 feet in height and within the Side Setback comply, as conditioned, with the requirements of the LMC.
- 2. The 10-foot-tall Fence and retaining walls will be compatible with surrounding Structures in use, scale, mass, and circulation.
- 3. The effects of any difference in Use or scale for the 10-foot-tall Fence and retaining walls have been mitigated through careful planning.

Conditions of Approval

- 1. Retaining walls within the Side Setbacks may have multiple steps, however, each exposed face shall not exceed 6 feet in height and the horizontal distance between the walls, front face to rear face, must be at least 3 feet and planted with approved vegetation.
- 2. The Applicant shall submit engineered plans certified and stamped by a professional engineer for the retaining walls prior to building permit issuance.
- 3. The Applicant shall obtain Engineering Department approval for drainage and storm water management plans prior to building permit issuance. Drainage and storm water management shall comply with Municipal Code of Park City Chapter 13-5 *Regulation and Enforcement of Storm Water Discharges Associated with Post-Construction Activities*.
- 4. The Applicant shall implement additional landscaping or vegetation that shall fully screen the 10-foot-tall Fence from adjoining Uses. At least 50 percent of the



Planning Department

Landscaped Area shall be Water Wise Landscaping containing approved non-invasive drought tolerant plants, and/or minimal irrigation, pursuant to LMC § 15-5-5(N).

5. The Applicant shall implement additional landscaping or vegetation that shall fully screen the retaining walls south of the sports court from adjoining Uses. At least 50 percent of the Landscaped Area shall be Water Wise Landscaping containing approved non-invasive drought tolerant plants, and/or minimal irrigation, pursuant to LMC § 15-5-5(N).
6. Retaining walls on the site shall not exceed 6 feet in height. The applicant shall remove excess height from retaining walls exceeding 6 feet in height.
7. All exterior lighting for walkways and landscaping shall be down-directed, fully shielded, with bulbs 3,000 degrees Kelvin or less to prevent glare onto adjacent property, and shall comply with the City's outdoor lighting code per LMC 15-5-5(J). Final lighting details must be reviewed by the City's planning staff prior to installation and final inspection.
8. The Fence shall be constructed of material that reflects 35 percent or less of the light that strikes it. The Applicant shall consider implementing a cover to be installed on the Fence when the sports court is not in use to reduce reflectivity and glare and is made out of a material and color consistent with LMC § 15-5-5(E).
9. The approved Fence shall be soundproof, sufficient to mitigate noise associated with the sports court, to comply with Municipal Code of Park City Chapter 6-3 Noise, and as required by Condition of Approval (K) listed in Planning Commission Approved Conditional Use Permit Final Action letter dated May 8, 2024 (PL-21-05101).
10. The Applicant shall include language in Nightly Rental lease agreements and install a sign on the premises informing guests of the use of the sports court, including:
 - The use of the sports court is prohibited between 10:00 PM and 7:00 AM.
 - The use of pickleball is prohibited between 8:00 PM to 8:00 AM.
 - Users of the sports court must use USA Pickleball's Quiet Category compliant paddles and soft balls.
 - The use of the sports court must comply with the regulations of Municipal Code of Park City Chapter 6-3 Noise.



Planning Department

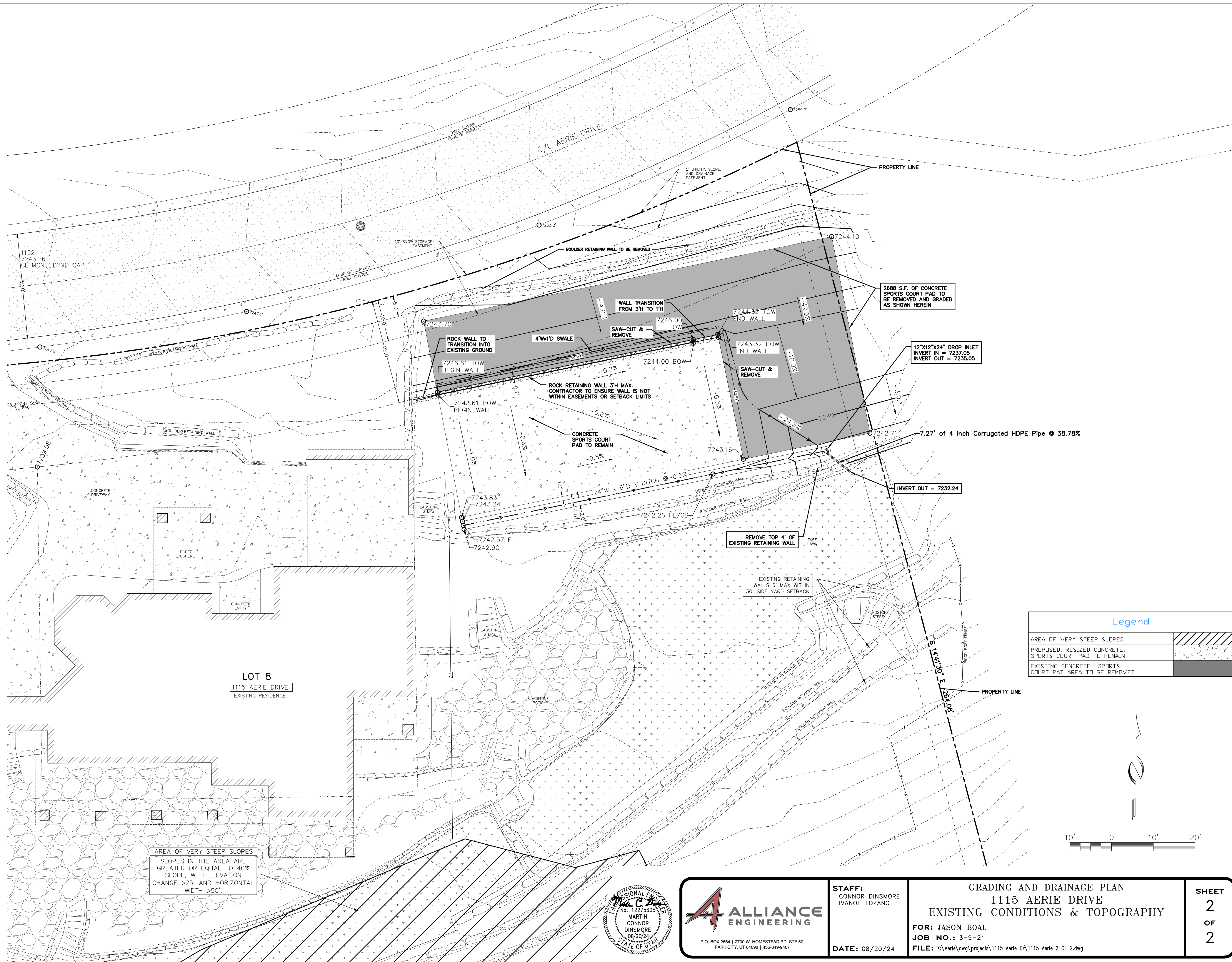
11. The Applicant must landscape and revegetate exposed Slopes. Topsoil from any disturbed portion of a Steep Slope must be preserved and utilized in re-vegetation. Fill soil must be of a quality to support plant growth.
12. The Applicant shall obtain a building permit for the Fence and complete engineering review for retaining walls prior to construction.
13. Any changes, modifications, or deviations from the approved Proposal that have not been approved in advance by the Planning Department may result in a stop work order.
14. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved retaining walls and Fence.
15. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.

If you have questions or concerns regarding this Final Action Letter, please call 385.481.2037 or email jacob.klopfenstein@parkcity.org.

Sincerely,

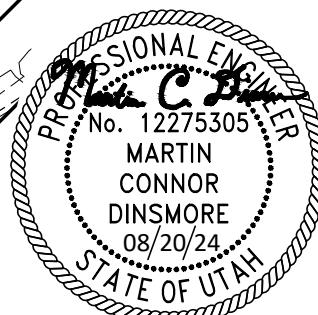
Rebecca Ward, Planning Director

CC: Jacob Klopfenstein



Legend	
AREA OF VERY STEEP SLOPES	
PROPOSED, RESIZED CONCRETE, SPORTS COURT PAD TO REMAIN	
EXISTING CONCRETE SPORTS COURT PAD AREA TO BE REMOVED	

AREA OF VERY STEEP SLOPES
SLOPES IN THE AREA ARE
GREATER OR EQUAL TO 40%
SLOPE, WITH ELEVATION
CHANGE >25' AND HORIZONTAL
WIDTH >50'.



**ALLIANCE
ENGINEERING**

P.O. BOX 2664 | 2700 W. HOMESTEAD RD. STE 50,
PARK CITY, UT 84098 | 435-649-9467

STAFF:
CONNOR DINSMORE
IVANOE LOZANO

DATE: 08/20/24

GRADING AND DRAINAGE PLAN
1115 AERIE DRIVE
EXISTING CONDITIONS & TOPOGRAPHY

FOR: JASON BOAL
JOB NO.: 3-9-21
FILE: X:\Aerie\dwg\projects\1115 Aerie Dr\1115 Aerie 2 OF 2.dwg

SHEET
2
OF
2

Snell & Wilmer

15 WEST SOUTH TEMPLE
SUITE 1200
GATEWAY TOWER WEST
SALT LAKE CITY, UT 84101
801.257.1900 P
801.257.1800 F

Wade R. Budge, P.C.
wbudge@swlaw.com

December 20, 2021

Gretchen Milliken
Planning Director
Park City Municipal Corporation
445 Marsac Avenue
Park City, UT 84060

Re: Land Management Code Compliance – 1115 Aerie Dr.; Lot 8, The
Overlook at Old Town

Dear Ms. Milliken,

On behalf of 1115 Aerie, LLC, the property owner of Lot 8, the Overlook at Old Town, parcel number – OOOT-HSTONE - 8, we would like to submit the attached applications for: a) an administrative conditional use permit for the landscaping walls over six feet (6') and c) a conditional use permit for private recreation facilities, while simultaneously submitting the c) building permit for landscaping site work via the online portal (submitted via Don Sargent). These applications are being made in response to the letter the property owner received regarding work that was commenced without a permit and dated October 1, 2021 and Park City's Land Management Codes: a) § 15-4-2 (Building permit for landscaping/retaining walls), b) § 15-2.10-2.B (Administrative conditional use permit for retaining walls over 6'), and c) § 15-2.10-2.B (Conditional use permit for private recreation facilities).

We are seeking to bring the site work that was done at 1115 Aerie Drive into compliance with Park City regulations. Since receiving the letter identified above, we have negotiated and obtained an easement from the neighbor to the east, parcel OOOT-HSTONE - 9. This easement allows the retaining walls and landscaping features that encroach on their property to remain. We have also worked with city staff, engineers and landscape architects to revise the plans and scope of work to be completed. This includes, removing the previously installed sports court from the front setback, reducing the size of the sports court, and increasing the amount of vegetative cover/screening in the front of the house.

As stated above, our sole desire is to bring the improvements that were started into compliance. We hope the timeliness of our response and completeness of our application shows

Gretchen Milliken
December 20, 2021
Page 2

our willingness to work with the City. It is unfortunate that the property owner was provided false information, that the permits were obtained for the work and that the improvements met Park City regulations. However, the property owner takes responsibility for the oversight and has been diligent in resolving the issues identified by the City.

As required by Park City Land Management Code, we have included the following as attachments to this letter:

1. Completed application forms for the administrative conditional use permit, and the conditional use permit. (Exhibits A & B)
2. Verification of ownership and authority to act on behalf of Aerie Dr. LLC. (Exhibits C & D)
3. A detailed and dimensioned as-built site plan identifying the landscaping, private recreation facilities and retaining walls. Including, a sports court exhibit showing the proposed modification of the tennis court pad, relocation of the front boulder rock retaining wall and landscaping screening. (Exhibits E & G)
4. Engineering report of the rock wall installations. (Exhibits F)
5. A vegetative cover map. (Exhibits H)
6. A slope and topographic map. (Exhibits I)
7. Visual assessment showing the property and improvements from the identified vantage points. (Exhibits J)
8. The names and addresses of property owners within 300 feet of this parcel. (Exhibits K)

As you review the application materials you will note that, with the proposed modifications of the work that has been completed, the improvements meet the standards found in Park City LMC for conditional use permits, § 15-1-10.D. The improvements comply with the setback, applicable Sensitive Land Ordinance requirements and design requirements. The use, specifically recreation facilities including, a playground, sports court, hot tub (this replacing one that was already there), putting green and picnic area are all private residential uses that are compatible with the neighboring structures and uses. Additionally, the impacts of the development are being heavily mitigated through increased vegetative plantings and the modification of the installed improvements. We have provided a slope analysis that shows only the southwest corner of the lot would meet the “prohibitions” standard of the code for a very steep slope (an area with a rise of at least twenty-five feet (25') vertically and a run of at least fifty feet (50') horizontally) per Park City LMC § 15-2.21-3 (See Exhibit I). Finally, we have prepared a visual analysis that shows the proposed improvements on this lot are not visible from any of the Vantage Points identified in Park City LMC § 15-2.21-3.A.4.

In the letter dated October 1, 2021, there was a comment regarding the need for a plat amendment application. This was based on the belief that all site improvements, including landscaping and accessory buildings needed to happen within identified “building pad”. However, as we have reviewed the approval of the MPD (8/19/1993), approval of the

Gretchen Milliken
December 20, 2021
Page 3

preliminary plat (9/08/1993), approval of the final plat (10/4/1993), approval of the plat amendment (4/13/1994) and approval of the revised plat (4/21/1994), there was a clear indication that the “building pad” was intended to show the general location of the new homes and not be used as boundary for all improvements on the site. One example, in the staff report related to the Final Plat approval, dated October 4, 1993, it states – “Each lot reflects a building pad of approximately 8000 square feet, which designates the general location of the home.” The minutes and approvals continuously use this language and intent. As we process these applications we are willing to discuss the plat item, should the staff desire. It is with this understanding, that we are seeking review and approval of the building permit and conditional use permits.

We look forward to working with Park City Staff and Planning Commission as we continue through the application process. We welcome any opportunity to meet with staff or the Planning Commission in a work meeting in order discuss the details of our application, before holding the public hearing.

If you have any questions or concerns, please feel free to reach out to me or Jason Boal at 801-257-1917.

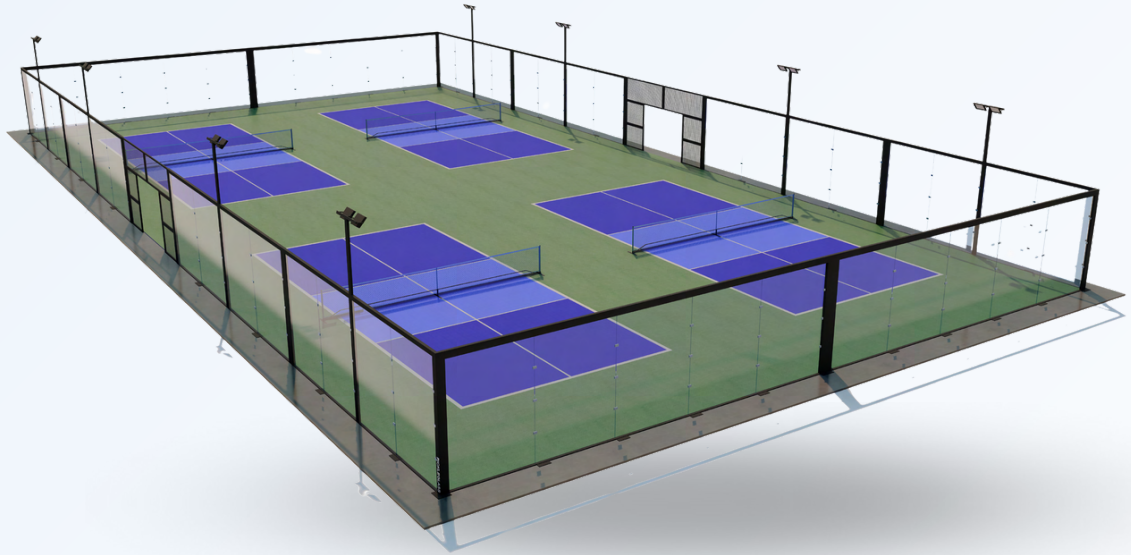
Very Truly Yours,
SNELL & WILMER



Wade Budge, P.C.

cc. Gary Sutton
Don Sargent

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scott@pickletile.com
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Galvanized SPHC steel columns fortify our courts with herculean strength and structural integrity. Each column undergoes a specialized zinc powder coating process, ensuring robust protection against rust and corrosion. This is supported by a 10-year warranty, guaranteeing long-term durability and quality even through the most volatile weather conditions.

LIGHT 8 LED 200W ILLUMINATION

Our expertly crafted 8-piece 200W LED lighting system ensures unparalleled illumination, casting brilliant light and enhancing visibility across every inch of the court. This advanced lighting not only elevates gameplay but also creates a mesmerizing ambiance for both players and spectators. We adhere to USA Pickleball and USTA lighting specifications.



PICKLEGLASS™ MODEL SPECS

PICKLEGLASS™ SINGLE COURT 33x66'

DIMENSION: 33x66ft

STEEL CORNER COLUMNS: 4pc: 6in x 6in x 10ft

STEEL SUPPORT COLUMNS: 8pc: 6in x 4in x 10ft

STEEL WIRE GRIDS: 4pc: 6.6ft x 3.3ft

GLASS PANELS: 26pc: 6.6ft x 9.9ft

LIGHT LED 200W : 8pc: 50-FC

LIGHT POSTS: 4pc: 20ft height

ASSEMBLY: 1530pc: Bolts, Screws, Washers



PICKLEGLASS™ MULTI-COURT

PICKLEGLASS™ systems are designed for flexible adaptation to various layouts and dimensions. While we offer standard models, they can be further tailored to meet specific client requirements.

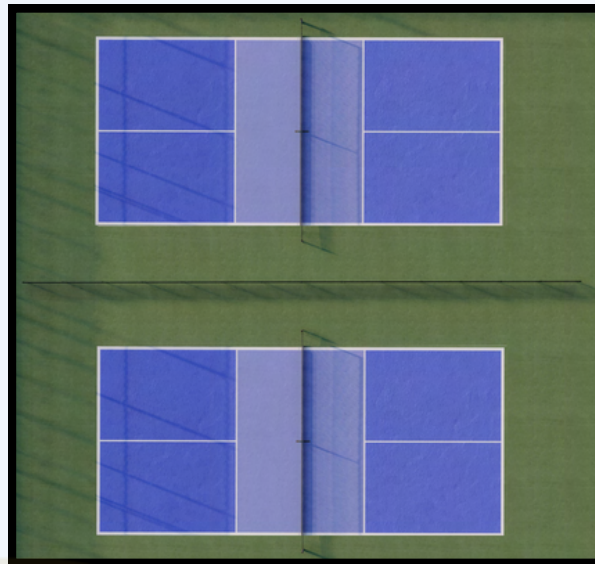
PICKLEGLASS™ MULTI-COURT DIMENSIONS

SINGLE COURT DIMENSIONS: 33x66ft

DOUBLE COURT DIMENSIONS: 66x66ft

TRIPLE COURT DIMENSIONS: 96x66ft

FOUR COURT / TENNIS DIMENSIONS: 127x66ft



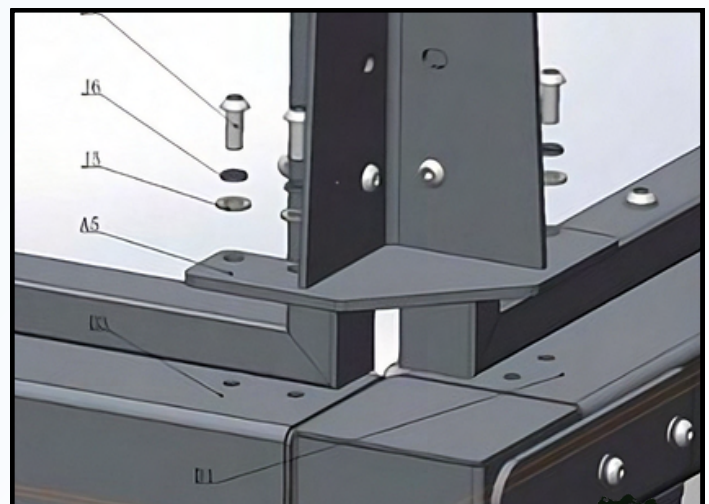
STREAMLINED INSTALLATION

WE PROVIDE STEP BY STEP INSTRUCTIONS

REQUIRED CREW: 3-4 WORKERS

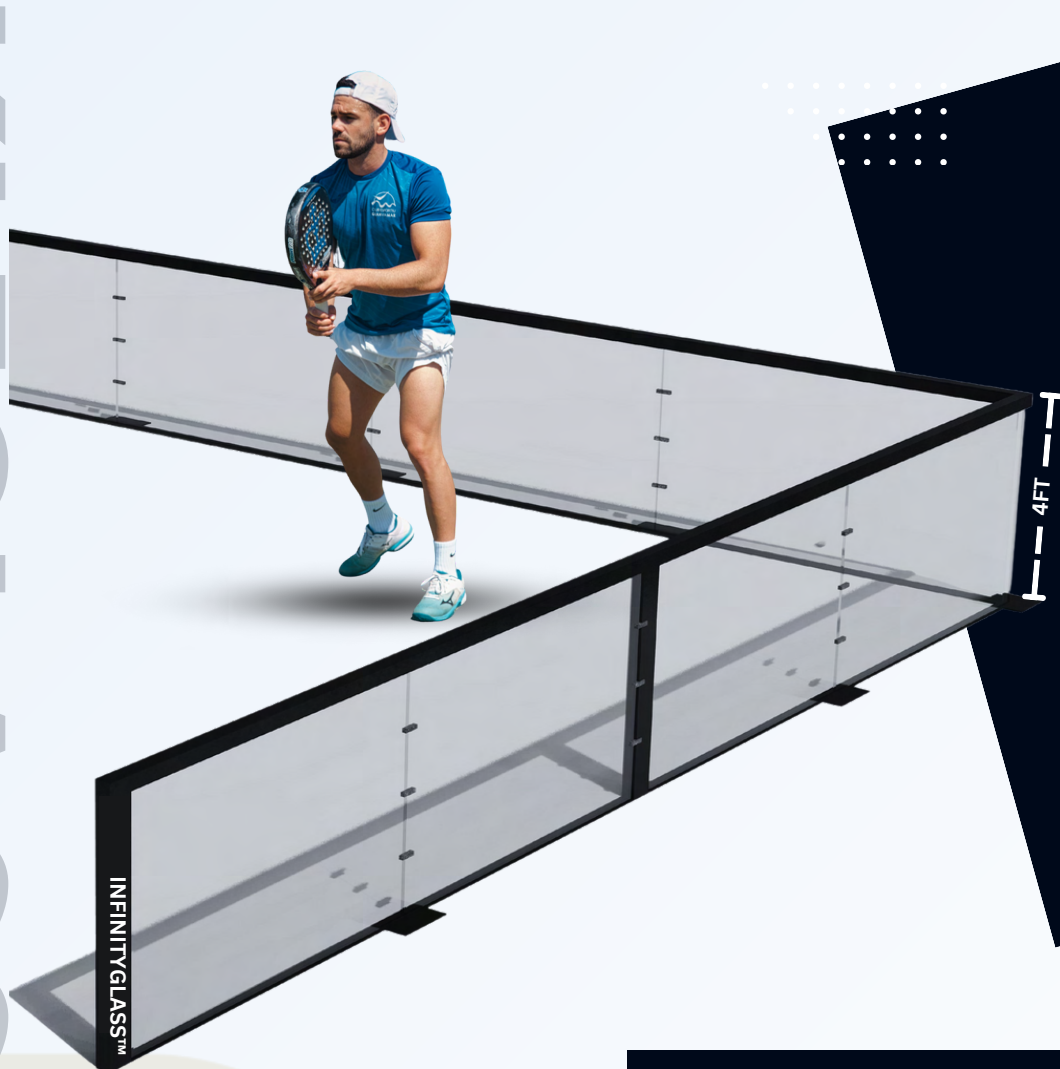
ESTIMATED INSTALLATION: 2-3 DAYS

PICKLEGLASS™ systems are accompanied by a comprehensive installation manual, curated to streamline the assembly process. Catering to both novice and experienced installers, our installation manual offers detailed step-by-step instructions, ensuring a seamless and proficient installation.



PICKLEGLASS™

PICKLETILE **INFINITYGLASS™**



BEYOND
BOUNDARIES

NO COMPROMISE COURT BARRIER

Experience the open-air with INFINITYGLASS™, court enclosures designed for next era play. Replace your chainlink dividers with our sleek, four-foot high glass panel perimeter system. INFINITYGLASS™ delivers boundless visibility and modern sophistication, backed by ultimate durability and a 10-year warranty. The innovative blend of SPHC galvanized steel and tempered glass redefines the category, merging form and function in an unprecedented way.



PICKLEGLASS™

PICKLE TILE **INFINITYGLASS™**

UNIVERSAL APPLICATION

INFINITYGLASS™ enhances both residential and commercial courts, indoor and outdoor, bringing a new level of vibrancy and elegance to the game. Its adaptable design ensures flawless integration into any environment, improving the design and utility of both backyard play and professional venues. It's now economically feasible to install custom designs, offering premium visual upgrades without the high cost.

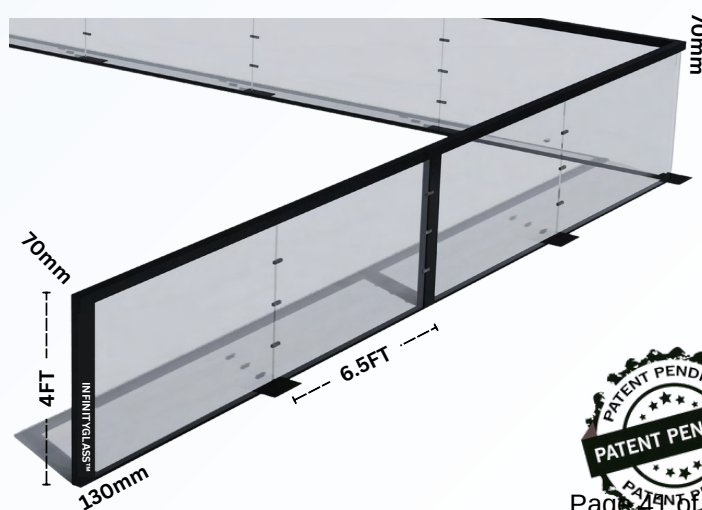


INFINITYGLASS™ SPECIFICATIONS

GLASS PANELS



STEEL COLUMNS



WEATHER-TECH 10 YEAR WARRANTY

PICKLEGLASS™ is engineered to endure diverse climatic conditions, ensuring durability and longevity across all environments. Whether facing scorching heat, biting cold, or relentless humidity, the robust construction and materials of PICKLEGLASS™ stand up to the elements. We stand behind the long-term reliability of PICKLEGLASS™ with a 10-year guarantee against rust and corrosion.



PICKLEGLASS™ PATENTS

PICKLEGLASS™, protected by several patent filings and extensive surveillance services, safeguards its distribution channels and customers against the risk of inferior imitations. PICKLEGLASS™ is an exclusive innovation that is protected to preserve its authenticity.

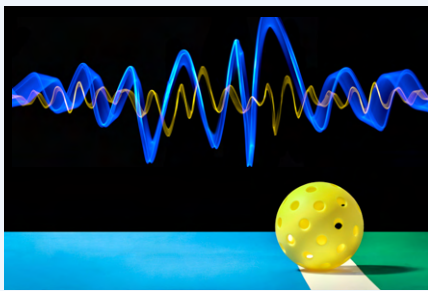
EXPLORE THE POSSIBILITIES



50% SOUND SUPPRESSION

SILENCE IS GOLDEN

PICKLEGLASS™ stands today as the most effective sound-proofing system in the market. Engineered to isolate acoustic disruption, PICKLEGLASS™ addresses the long-standing noise concern associated with the sport. This makes PICKLEGLASS™ not only a game-changer in sports construction, but also the first genuine solution for noise sensitive communities. With its advanced design and focus on sound-suppression, PICKLEGLASS™ is garnering global recognition for solving a widespread issue.



TESTED & CERTIFIED

The sound-proofing system of PICKLEGLASS™ is tested and verified by an independent, certified testing facility. Laboratory tests confirm PICKLEGLASS™ meets the highest quality standards, significantly reducing noise decibels by approximately 50%. This validation not only proves our commitment to the industry, but also solidifies our reputation as an innovator in sports construction.

LAB RESULTS

The Sound Transmission Class (STC) measures the soundproofing ability of building materials or components, with higher STC values indicating better performance. This is tested by generating noise at specific frequencies and measuring the sound transmitted through the material.

EXHIBIT A: Testing Configuration

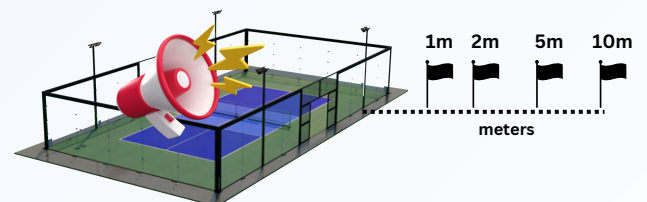


EXHIBIT A illustrates the configuration used for the acoustic tests conducted at the testing facility. A sound source was positioned at the center of the PICKLEGLASS™ court, with sound sensors located at distances of 1m, 2m, 5m, and 10m outside the court. The sound source inside the court consistently generated acoustical output ranging from 80 to 90 decibels.

EXHIBIT B: Decibel Loss by Distance

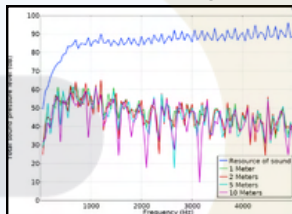
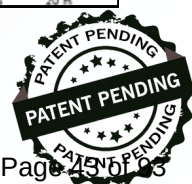
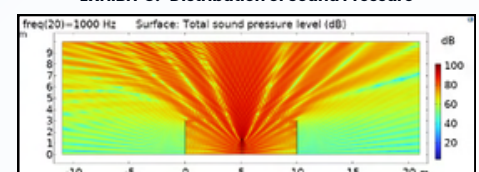


EXHIBIT B represents the correlation between the controlled sound output maintained at 85dB inside PICKLEGLASS™, and the sensor measurements taken at various distances outside its perimeter. The test results demonstrate that, on average, a 50% reduction in decibel levels was achieved at the various distances measured from the sound source. As expected, the data reveals that decibel levels decrease with increasing distance from the sound source. Surprisingly, at distances of 5–10 meters, decibel readings recorded reductions of up to 75%.

EXHIBIT C demonstrates how PICKLEGLASS™ achieves its remarkable soundproofing effectiveness. The sound waves are reflected off the glass walls, redirecting the sound vertically and dispersing it upwards, directly above the court. The glass barrier significantly minimizes lateral sound dispersion and noise impact on nearby areas, making PICKLEGLASS™ particularly effective in dense or noise-sensitive environments due to its vertical sound redirection.

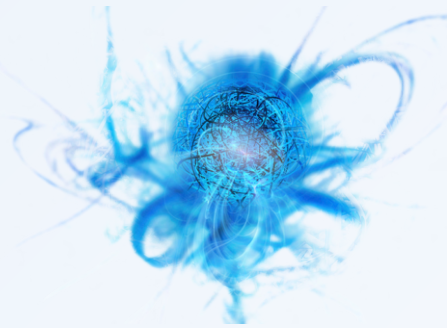
EXHIBIT C: Distribution of Sound Pressure



99MPH HURRICANE WINDS

BUILT FOR WAR

PICKLEGLASS™ artfully merges unmatched strength and sophistication, capable of withstanding winds up to 90 mph and offering mesmerizing panoramic views. Its fusion of tempered glass and SPHC steel creates a resilient, fortress-like structure, guaranteeing long-term durability of your investment. Engineered for all-weather conditions, PICKLEGLASS™ sets a new standard in sports court construction.



TESTED & CERTIFIED

The strength and durability of PICKLEGLASS™ has been validated by an autonomous, accredited testing institution, ensuring the highest standards of quality and safety. Laboratory tests substantiate that PICKLEGLASS™ possesses exceptional wind resistance, demonstrating the capacity to endure hurricane-force winds reaching speeds of up to 99 mph.

LAB RESULTS

Wind load calculation is an essential component in engineering, especially in the design and construction of buildings and structures. This process entails assessing the force exerted by wind on a structure and determining the structure's ability to withstand such forces.

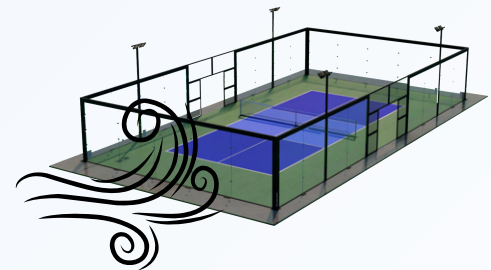


EXHIBIT A: Stress Capacity

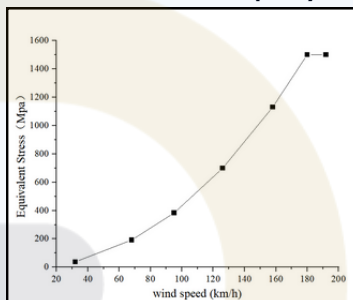
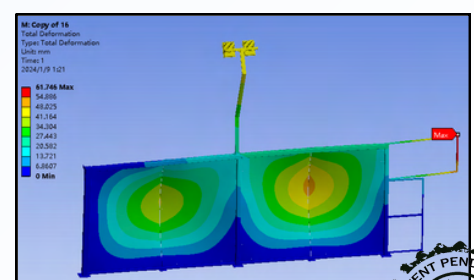


EXHIBIT A demonstrates that as the wind speed escalates, there is a commensurate increase in the pressure exerted on the PICKLEGLASS™ structure, leading to a proportional augmentation in the deformation of the overall structure. The graph plateaus at a point indicating the structure's maximum capacity for wind load, beyond which it cannot sustain without additional reinforcement. At this juncture, significant deformation suggests that these levels are unsuitable unless further strengthened. Through analysis, it has been established that the fence's maximum sustainable wind load, without jeopardizing the integrity of its joints and screws, is approximately 160 km/h, which converts to 99 mph.

EXHIBIT B illustrates the results of the Displacement Analysis. This analysis shows the displacement variations in the fence structure when subjected to wind loads, which are indicated by red areas on the heat map. Displacement is the positional change in different parts of the structure due to maximum strain. This test is crucial for pinpointing potential weak spots likely to fail under high stress. With a wind load of 99 mph, the heat map highlights red around the steel wire grid's connection joints, particularly at the court entrances. Notably, the structural integrity of the glass remains intact, which is reassuring given its status as the highest risk factor.

EXHIBIT B: Stress Level Heat Map



50-FC LED NIGHT VISION

IGNITE THE NIGHT

PICKLEGLASS™ lighting systems are designed to elevate the player experience and extend on-court hours at your residential or commercial property. Our comprehensive package includes 8 top-tier, high-performance LEDs, each crafted and positioned for optimal performance. The sleek, low-profile design of PICKLEGLASS™, featuring a clear tempered flat glass lens and a watertight aluminum frame, provides outstanding brightness and uniformity while reducing energy consumption approximately 75% compared to standard HID lighting systems.

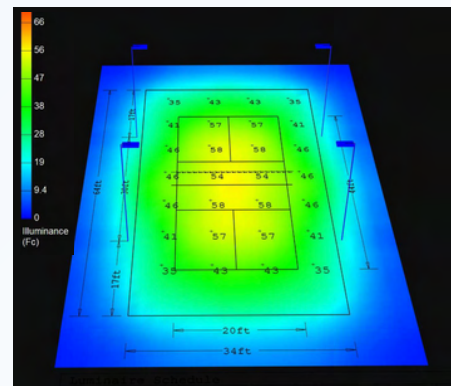


TESTED & CERTIFIED

PICKLEGLASS™ lighting systems are designed in compliance with USA Pickleball and USTA standards. We have meticulously engineered the structural placement of the lights for both our single and multi-court models, ensuring evenly distributed illumination across the court for optimal visibility and precise cut-off.

PHOTOMETRIC

A photometric study can help determine the optimal layout of light poles and fixtures to achieve desired illuminance levels and uniformity across the Primary Playing Area (PPA). PICKLEGLASS™ lighting systems are engineered to deliver consistently exceptional performance. The results of the photometric study conclude an average maintained level of 51fc and uniformity ratio of 1.64.



- **USA Pickleball Specifications**
- **High Performance, Full Cutoff LED**
- **Aerodynamic, Low-Profile Shape**
- **80% Energy Reduction**
- **50,000 Hours Expected Life**
- **Lightweight for Easy Installation**
- **Instant On and Dimmable**
- **5-Year Warranty**
- **Photometric Testing (3rd Party Tested)**
- **UL listed to US safety standards**

SPECIFICATIONS	
LUMENS	34,000
WATTAGE	200W
CCT	2700-6500K
CRI	70
VOLTAGE	AC 100-240V 277V~, 50/60HZ
ENERGY	80% REDUCTION
TEMP RANGE	-40°F TO 140°F
GRADE	IP65
LIFE	50,000 HOURS
WARRANTY	5 YEARS

ILLUMINATION SUMMARY				
	AVG	MAX	MIN	MAX/MIN
PPA	51.4	68.3	34.0	1.66
VERTICAL	33.1	36.2	29.8	1.21



thank you

Contact: **Scott Miller, CEO**

☎ 847-630-8401
✉ scott@pickletile.com
🌐 www.pickletile.com

GENERAL NOTES:

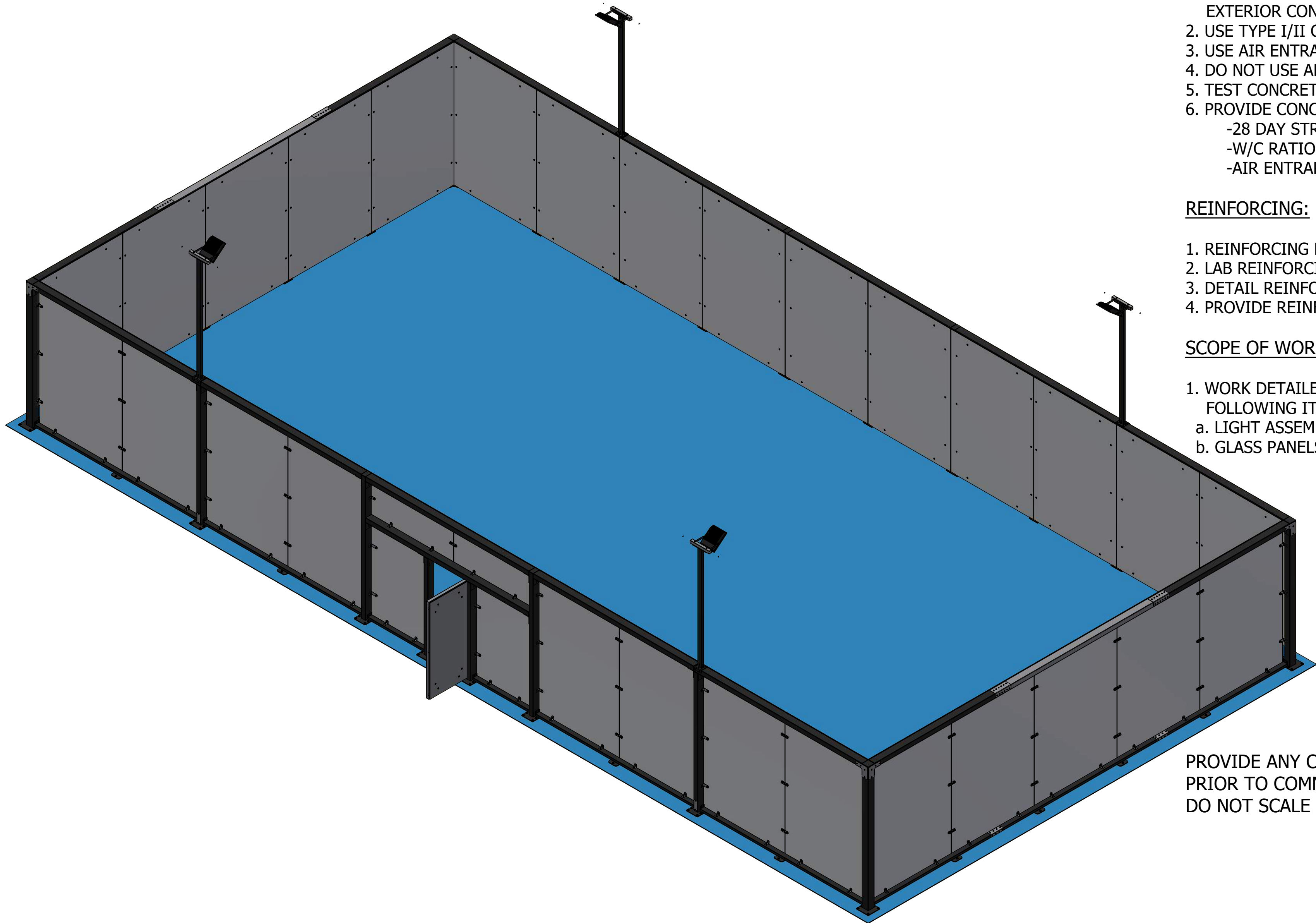
CODES AND STANDARDS APPLICABLE TO THE STRUCTURAL DESIGN:

1. IBC 2021
2. ASCE 7-16 MINIMUM DESIGN LOADS FOR THE BUILDINGS AND OTHER STRUCTURES.
3. AISC 360-16 SPECIFICATIONS FOR STAINLESS STEEL.
4. ACI 318-14 BUILDING CODE REQUIREMENT FOR STRUCTURAL STEEL.

- a. REPORT DISCREPANCIES IN DIMENSIONS BETWEEN DIFFERENT DRAWING TO THE PROJECT ENGINEER OF RECORD (EOR) PRIOR TO THE BEGINNING OF WORK IN AREAS AFFECTED BY THE DIMENSION(S).
- b. DETAILS TITLED OR NOTED AS "TYPICAL" APPLY NOT ONLY WHERE THEY ARE SPECIFICALLY INDICATED OR REFERENCED BUT ALSO IN OTHER CASES WHERE THE NATURE OF THE CONSTRUCTION REQUIRES THEIR USE. APPLICATION OF TYPICAL DETAILS ARE DETERMINED FROM THE TITLE DESCRIPTIONS OR FROM THE SIMILARITY OF A CONSTRUCTION CONDITION(S) OF THE PROJECT.
- c. CONSTRUCTION SAFETY MEASURES, MEANS, AND METHODES, AND THE COMPLIANCE WITH OSHA LAWS AND REGULATIONS IS THE RESPONSIBILITY OF THE CONTRACTOR AS IN THE CONDITIONS OF THE (OWNER/CONTRACTOR) CONTRACT.
- d. CONSTRUCT THE PROJECT FROM THE APPROVED SUBMITTALS TO THE (EOR) FOR REVIEW AND/OR APPROVAL. DO NOT USE A REPRODUCTION, IN PART OR IN FULL, OF THE CONTRACT DRAWINGS IN THE SUBMITTAL.
- e. DESIGN LOADS:

WIND: ULTIMATE DESIGN WIND SPEED (3-SECOND GUST)
EXPOSURE D = 103 MPH

NOTE: WIND SPEED CAN INCREASE BY ADDING ADDITIONAL SUPPORT
COLUMNS IN BETWEEN GLASS PANELS.



SOILS INFORMATION:

1. ALLOWABLE SOIL BEARING USED IN DESIGN = 1500 PSF.
2. A FACTOR FOR THE COEFFICIENT OF FRICTION USED IN THE DESIGN IS 0.25 TO RESIST SLIDING, PER IBC.
3. SUB-GRADE REACTION MODULUS IS CONSIDERED 50 PCI.
4. CARE MUST BE TAKEN IN PREPARING THE SUB-GRADE AND PROTECTING THE SUB-GRADE FROM DISTURBANCE DURING THE COURSE OF SETTING THE FORMS, REINFORCEMENT ETC.
5. BEAR FOOTINGS ON UNDISTURBED VIRGIN SOIL AND REMOVE AREAS OF FILL ENCOUNTERED AND REPLACED WITH IMPORTED GRANULAR STRUCTURAL FILL COMPACTED TO 95% AS TESTED BY THE MODIFIED PROCTOR TEST METHOD (ASTM D1557).
6. ALSO REPLACED IN AREAS WHERE REMOVAL IS REQUIRED OF DRYWELLS, STORM DRAINS, WASTE LINES, WATER LINES, STRUCTURES, FOUNDATIONS, ETC, WITH IMPORTED GRANULAR STRUCTURAL FILL COMPACTED TO 95% AS TESTED BY THE MODIFIED PROCTOR TEST METHOD (ASTM D1557).
7. TEST COMPACTION OF STRUCTURAL FILL AND BACKFILL.

STRUCTURAL STEEL:

1. DETAIL, FABRICATE, AND ERECT STRUCTURAL STEEL IN ACCORDANCE WITH AISC SPECIFICATIONS AND CODE OF STANDARD PRACTICE (AISC 360/AISC 303).
2. PROVIDE PLATES MEETING ASTM A992, Fy=50KSI.
3. PROVIDE STRUCTURAL TUBING (HSS) MEETING ASTM A500, GRADE B, Fy=50 KSI-RECTANGULAR.
4. PROVIDE 5/8" DIAMETER HIT-HY 200 V3+ HAS-B-105 HDG GR. 105 BOLTS MEETING ASTM F1554, MINIMUM EMBEDMENT 8" UNLESS NOTED OTHERWISE.
5. PROVIDE HARDENED WASHERS UNDER NUT OR BOTH HEAD WHERE SLOTTED HOLES OCCUR IN EXPOSED PLY.
6. WHERE FIELD WELDING IS REQUIRED PROVIDE CERTIFIED WELDERS AND PROVIDE WORK CONFORMING TO THE A.W.S. CODE FOR ARC AND GAS WELDING IN BUILDING CONSTRUCTION, LATEST EDITION.
7. WHERE CONNECTIONS ARE NOT DETAILED PROVIDE IN ACCORDANCE WITH PARTS 7 THROUGH 10 OF THE AISC MANUAL OF STEEL CONSTRUCTION, 15TH EDITION.
8. PROVIDE 3/8" CAP PLATE WITH (4)-3/8" DIAMETER BOLTS AT COLUMN TO BEAM CONNECTIONS, UNLESS NOTED OTHERWISE.
9. THE SUITABILITY OF THIS PROJECT FOR SPECIFIC SITE APPLICATIONS SHALL BE REVIEWED BY A QUALIFIED, LICENSED PROFESSIONAL ENGINEER.

CAST-IN-PLACE CONCRETE:

1. MINIMUM ULTIMATE COMPRESSIVE STRENGTH, F'c = 4000PSF AT 28 DAYS FOR INTERIOR CONCRETE AND 28 DAYS FOR EXTERIOR CONCRETE.
2. USE TYPE I/II CEMENT IN CONCRETE.
3. USE AIR ENTRAINED CONCRETE EXPOSED TO THE EXTERIOR OR IN SOIL NOT BELOW THE FROST LINE.
4. DO NOT USE ADDITIVES WITHOUT PRIOR APPROVAL OF THE STRUCTURAL ENGINEER.
5. TEST CONCRETE IN ACCORDANCE WITH ACI 318 CHAPTER 36.
6. PROVIDE CONCRETE MEETING THE FOLLOWING
 - 28 DAY STRENGTH = 4000 PSI (MIN)
 - W/C RATIO = 0.46
 - AIR ENTRAPMENT = 5.5 +/- 1%

REINFORCING:

1. REINFORCING FOR CAST-IN-PLACE/SITE-CAST CONCRETE: PROVIDE ASTM A615 BILLET BARS, GRADE 60.
2. LAB REINFORCING BARS AT SPLICES IN CONCRETE PER ACI 318.
3. DETAIL REINFORCING IN ACCORDANCE WITH THE ACI DETAILING MANUAL.
4. PROVIDE REINFORCING BARS MEETING ASTM A615, GRADE 60.

SCOPE OF WORK:

1. WORK DETAILED ON THE DRAWINGS AND APPLICABLE ITEMS DESCRIBED IN GENERAL STRUCTURAL NOTES. THE FOLLOWING ITEMS ARE EXCLUDED FROM OUR STRUCTURAL DESIGN OR DESIGNED BY OTHRES.
 - a. LIGHT ASSEMBLIES, INCLUDING LUMINARIES.
 - b. GLASS PANELS.

PROVIDE ANY CHANGES TO THE STRUCTURE TO THE ENGINEER TO BE REVIEWED AND APPROVED IN WRITING
PRIOR TO COMMENCING WORK ON ANY ITEMS AFFECTED.
DO NOT SCALE DRAWINGS FOR DIMENSIONS NOT GIVEN.

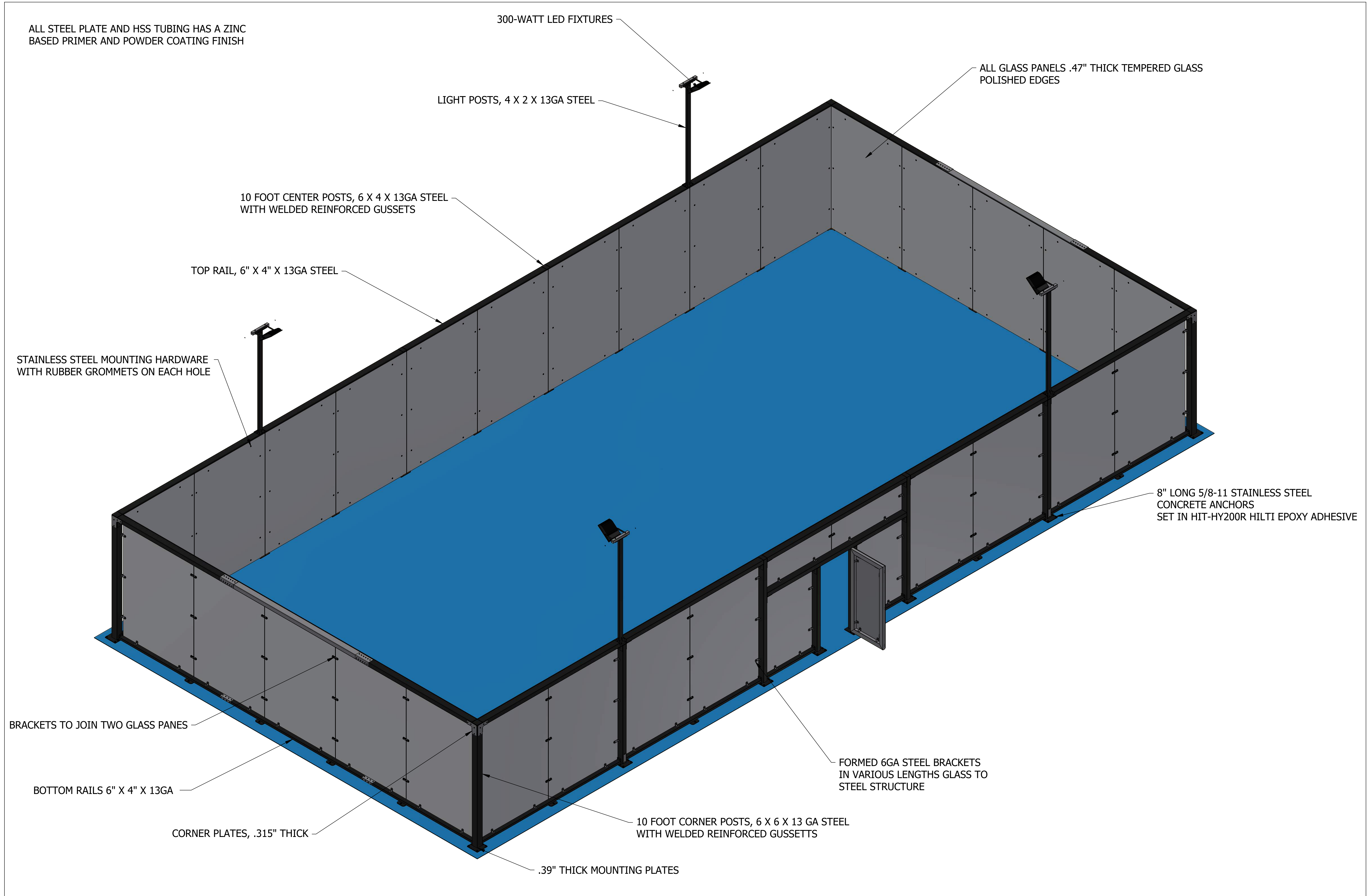
GENERAL NOTES

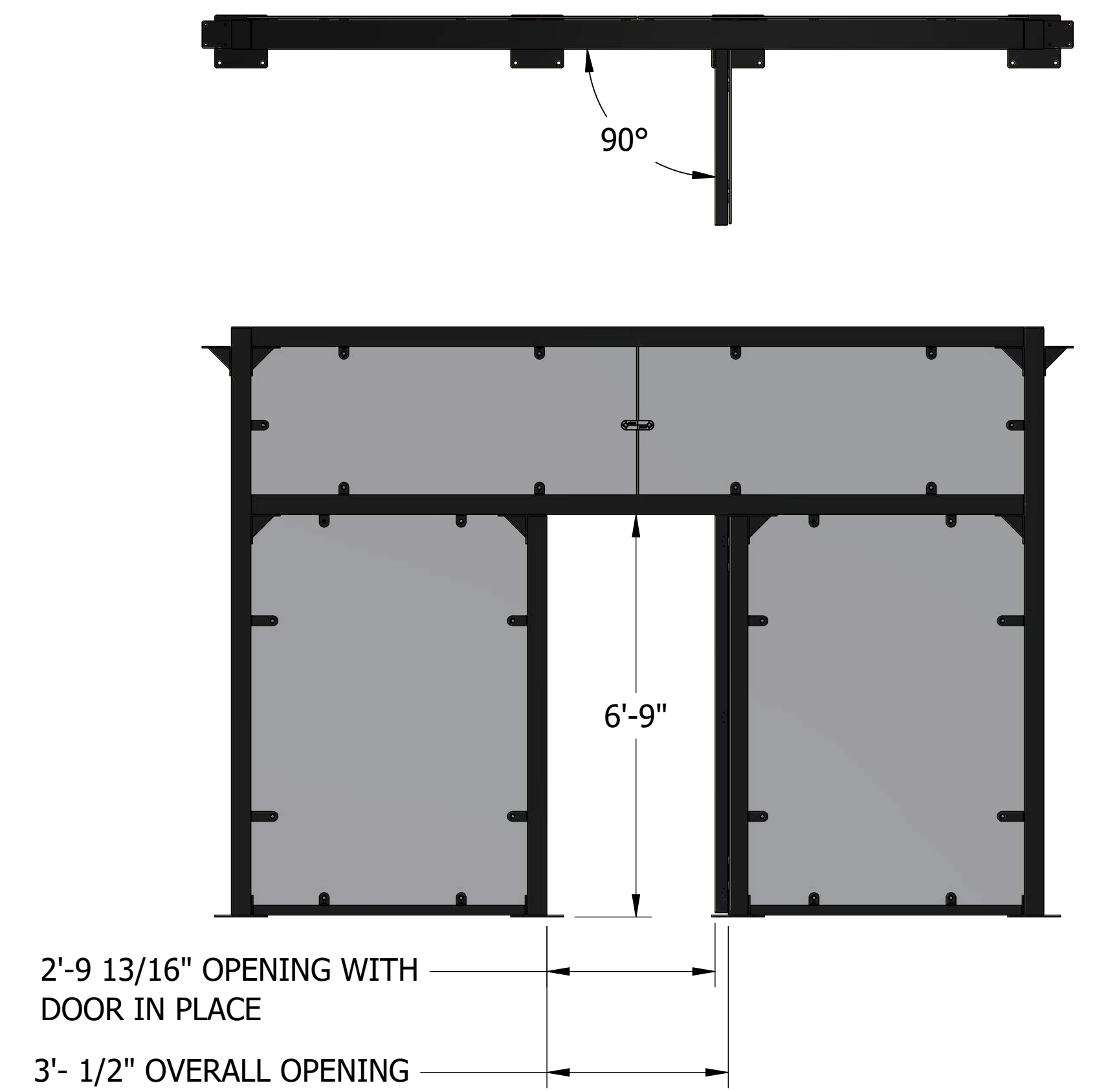
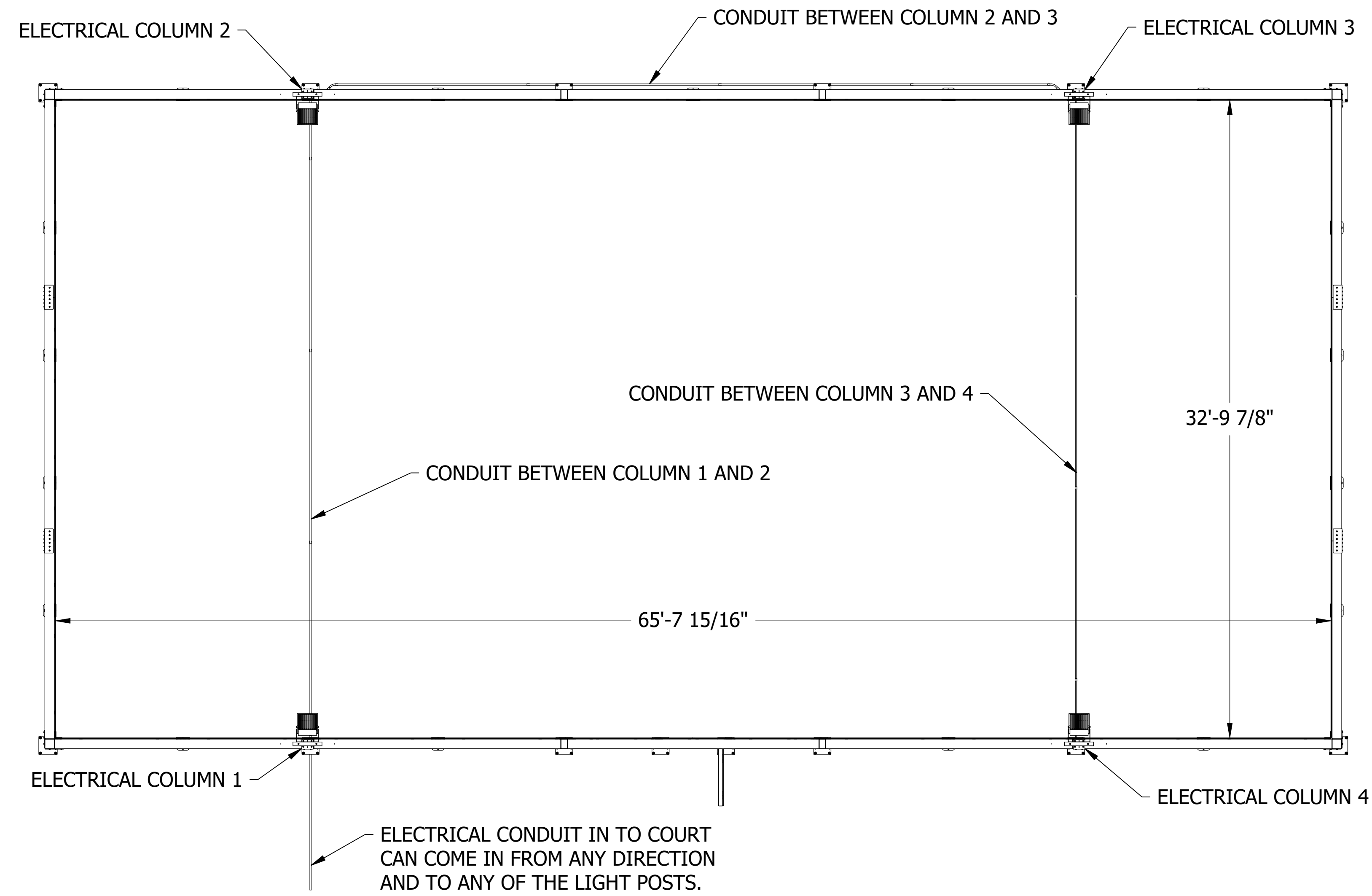
NO.	REVISION/ISSUE	DATE

FIRM NAME AND ADDRESS:
PICKLETILE
8906 WALL STREET, STE 6
AUSTIN, TX. 78754
561.342.0038

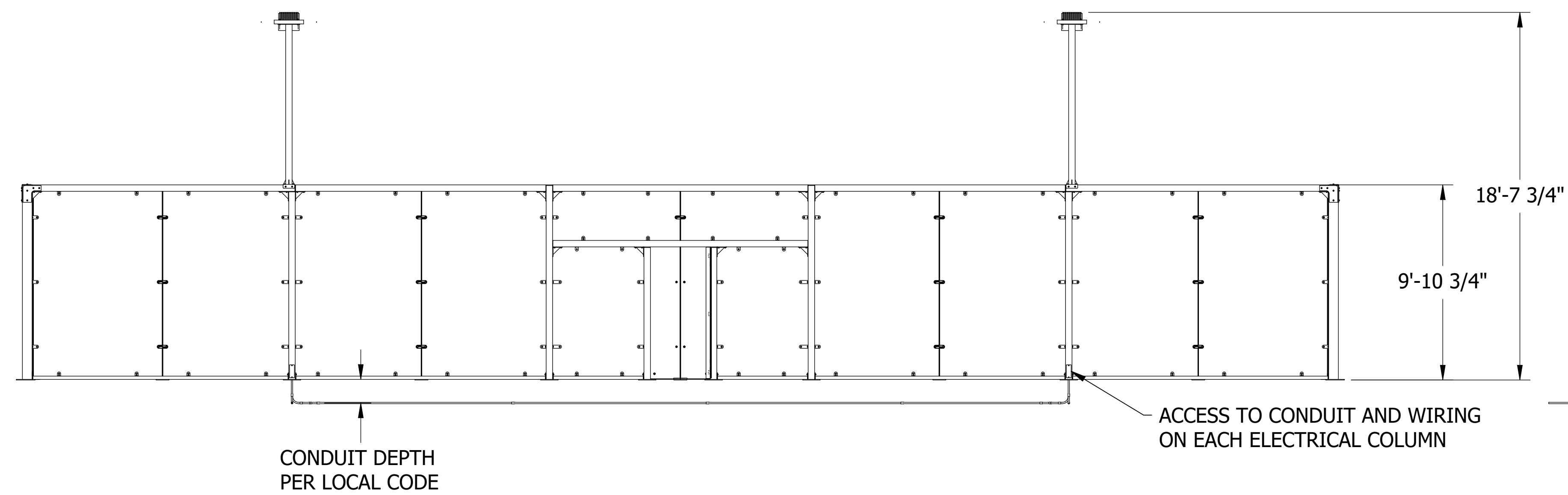
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PROJECT:	SHEET: 1
DATE: 3/28/2024	
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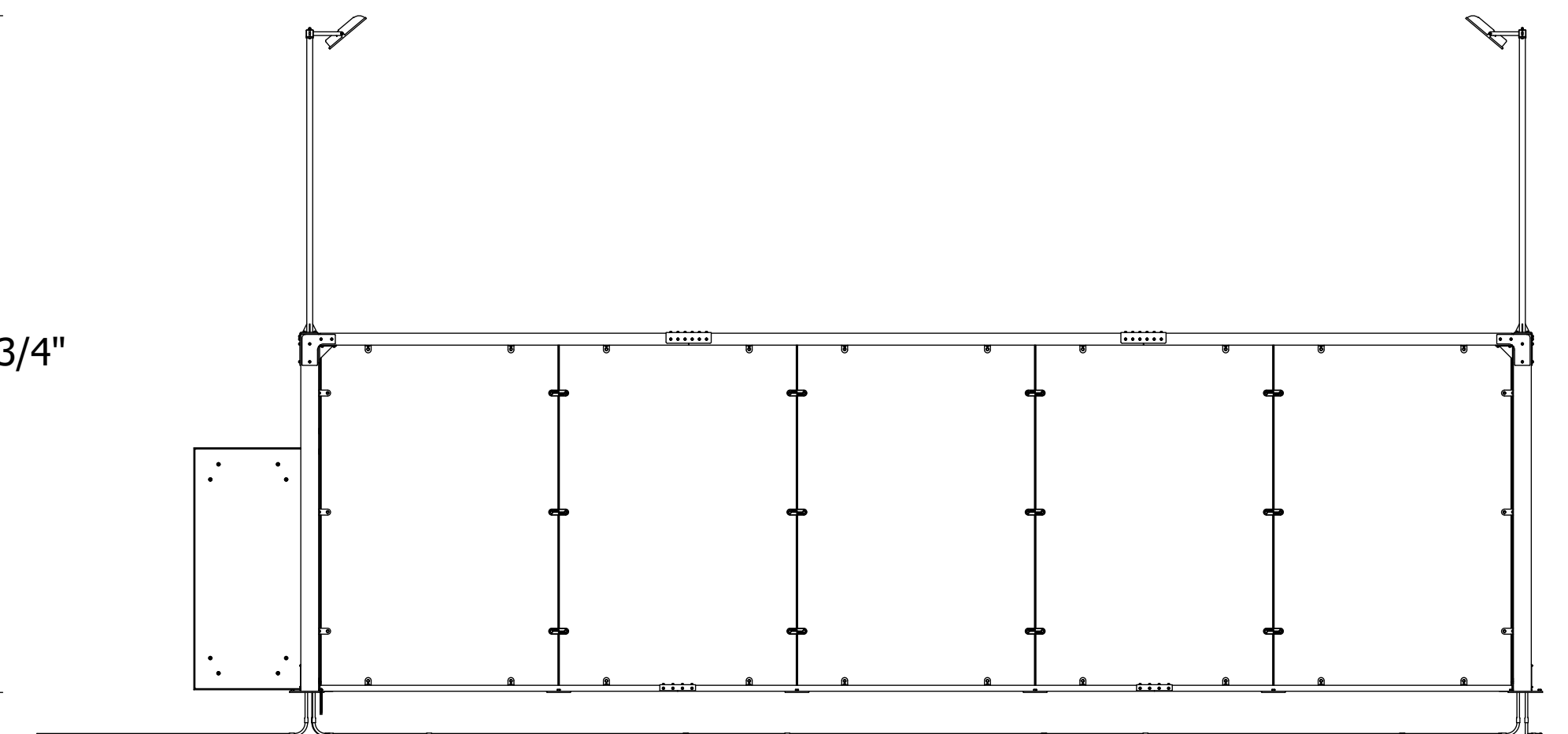


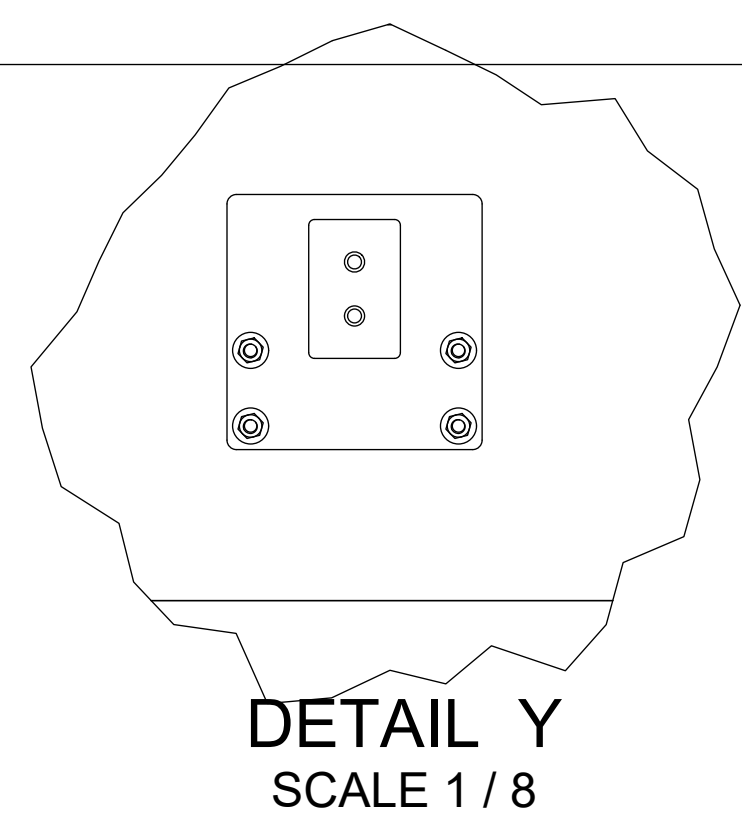
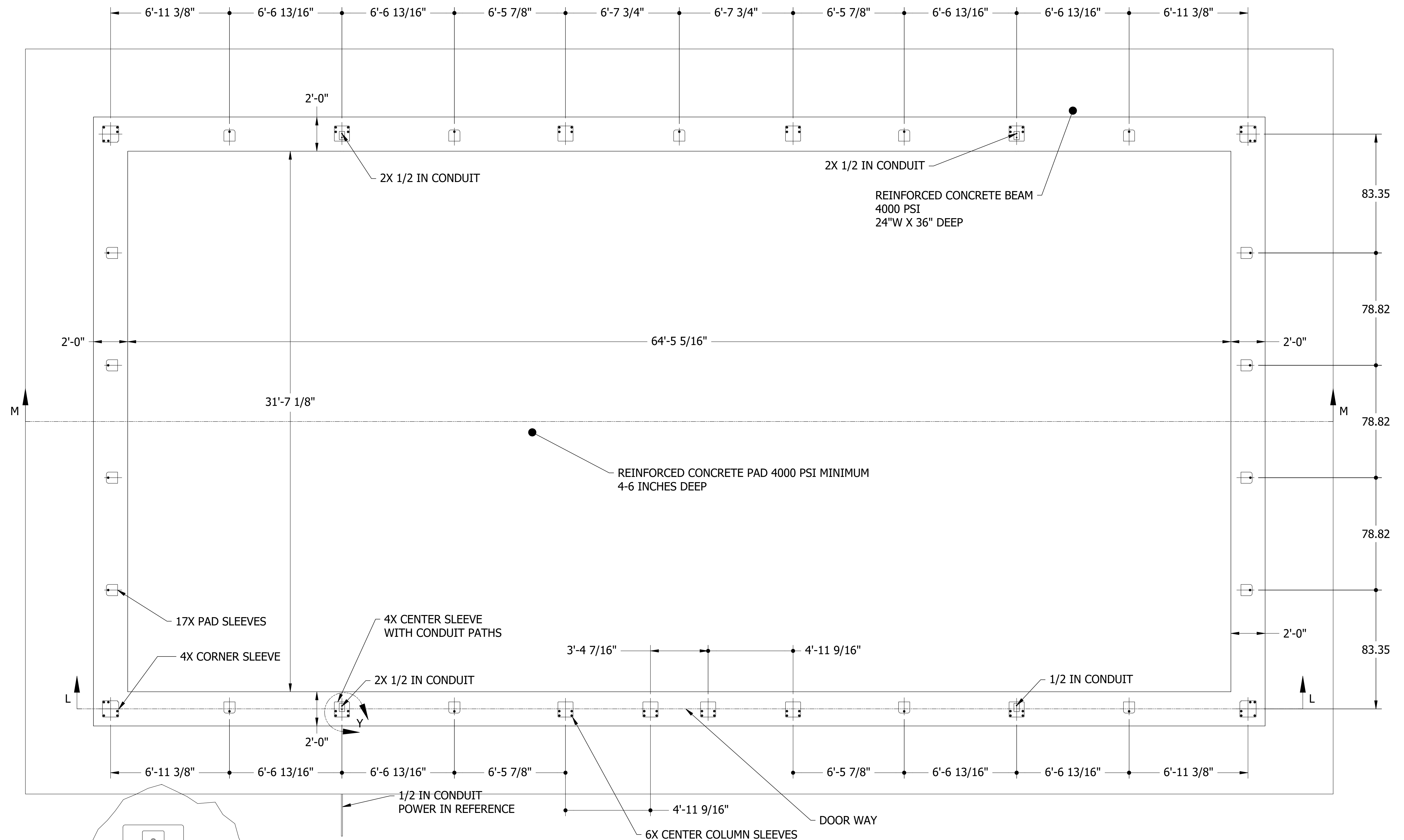


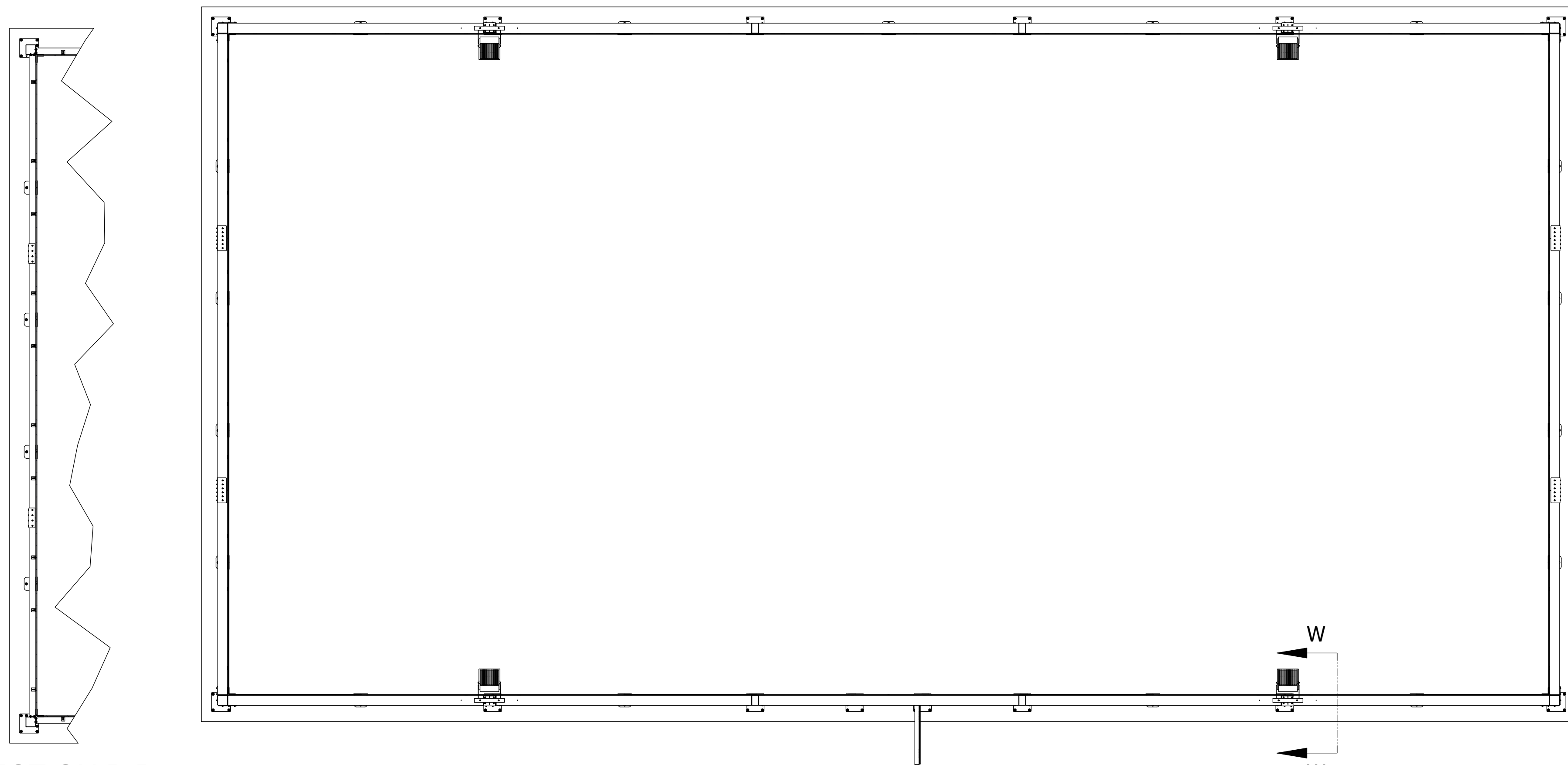
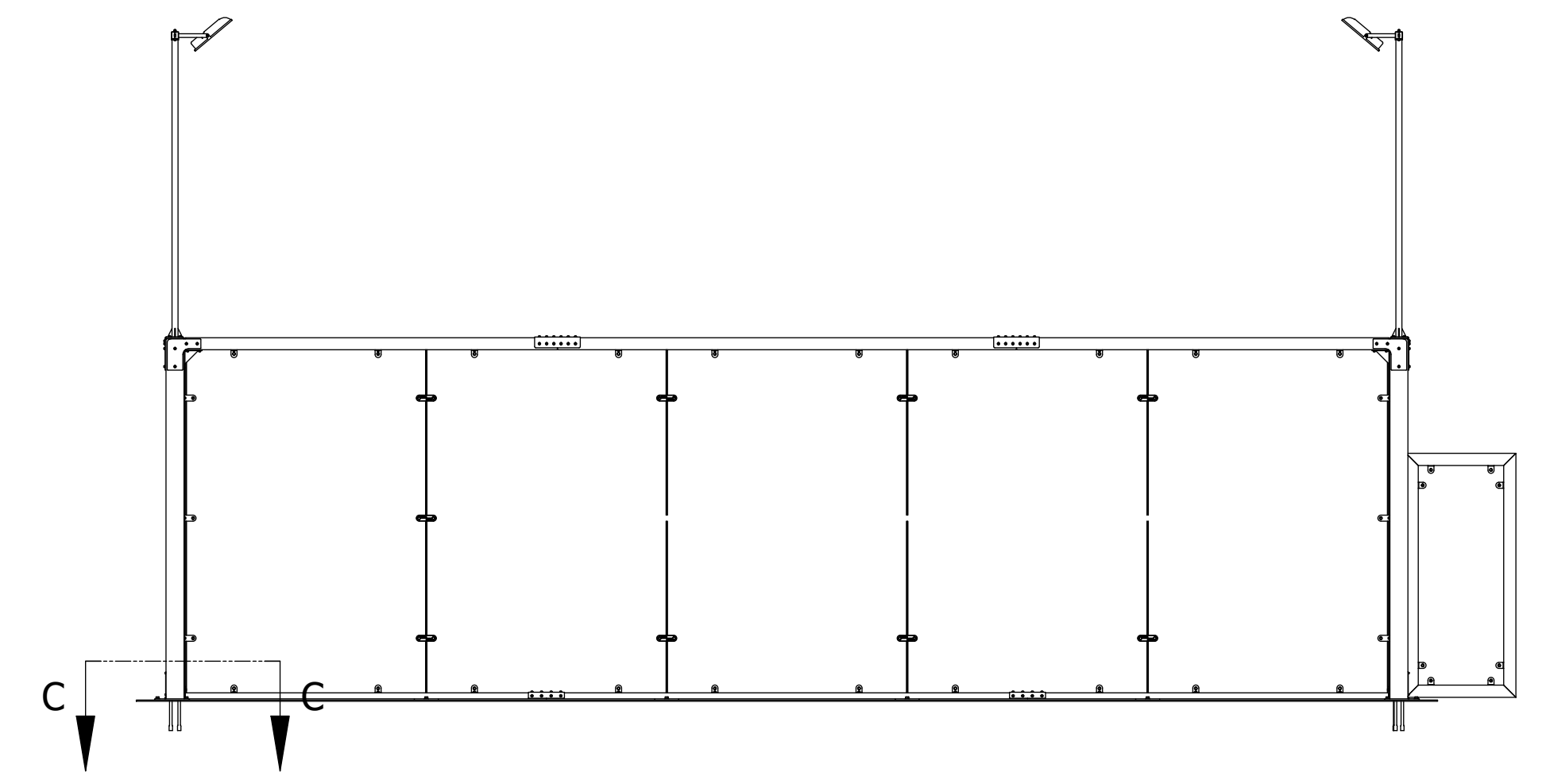
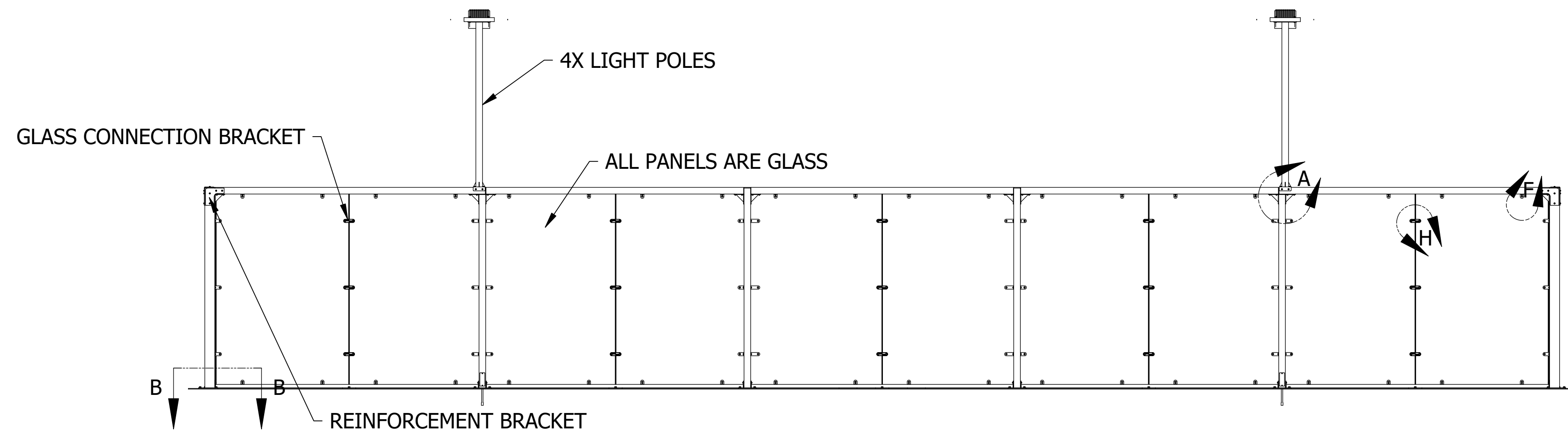
DOOR OPENING
SCALE 1 / 25



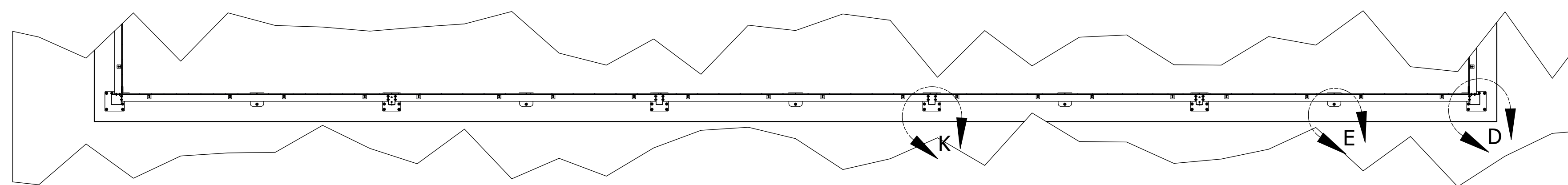
ELECTRICAL CONDUIT
ACTUAL DIRECTIONAL OF POWER INTO THE COURT
AND THE PATH OF THE CONDUIT MAY VARY PER LOCATION
CONTRACTOR TO BE RESPONSIBLE FOR SIZING THE BREAKER, WIRES
AND ON/OFF SWITCH IF NEEDED
SCALE 1 / 50



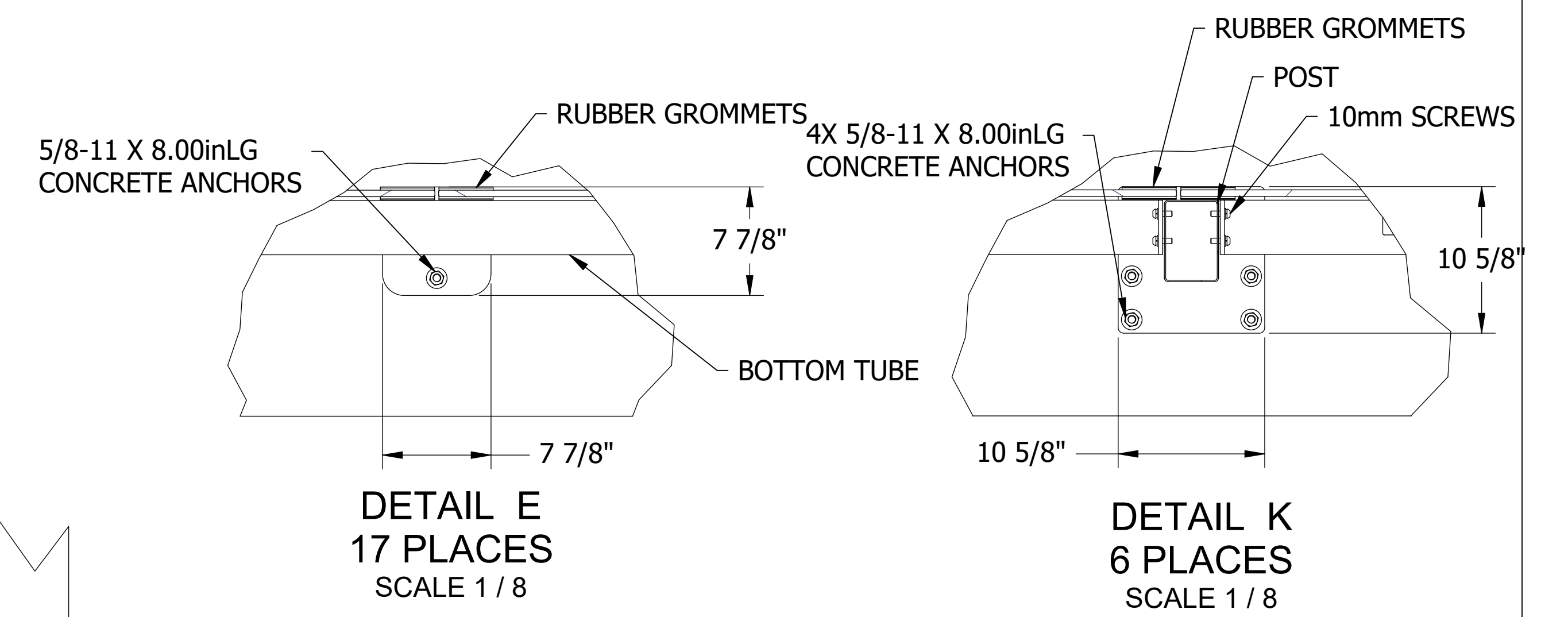
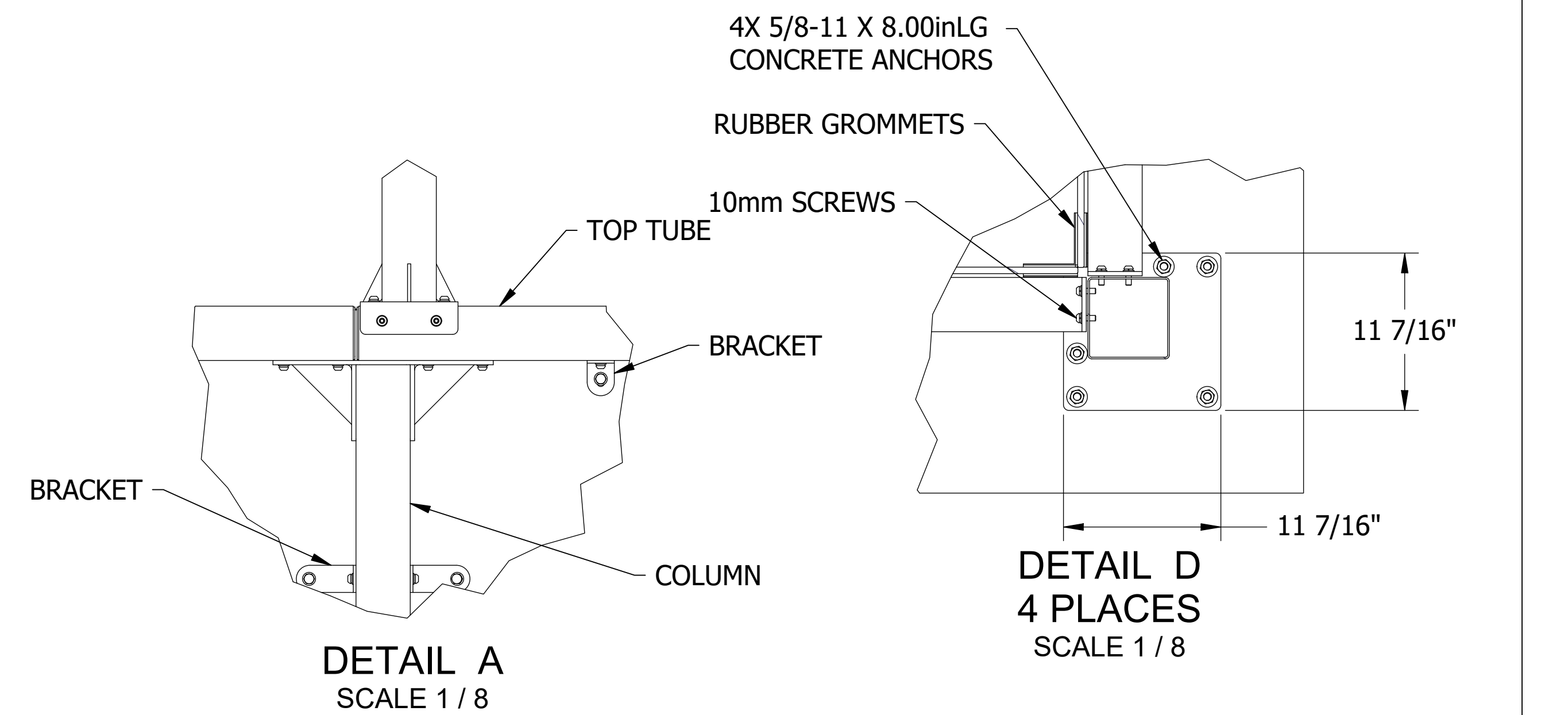


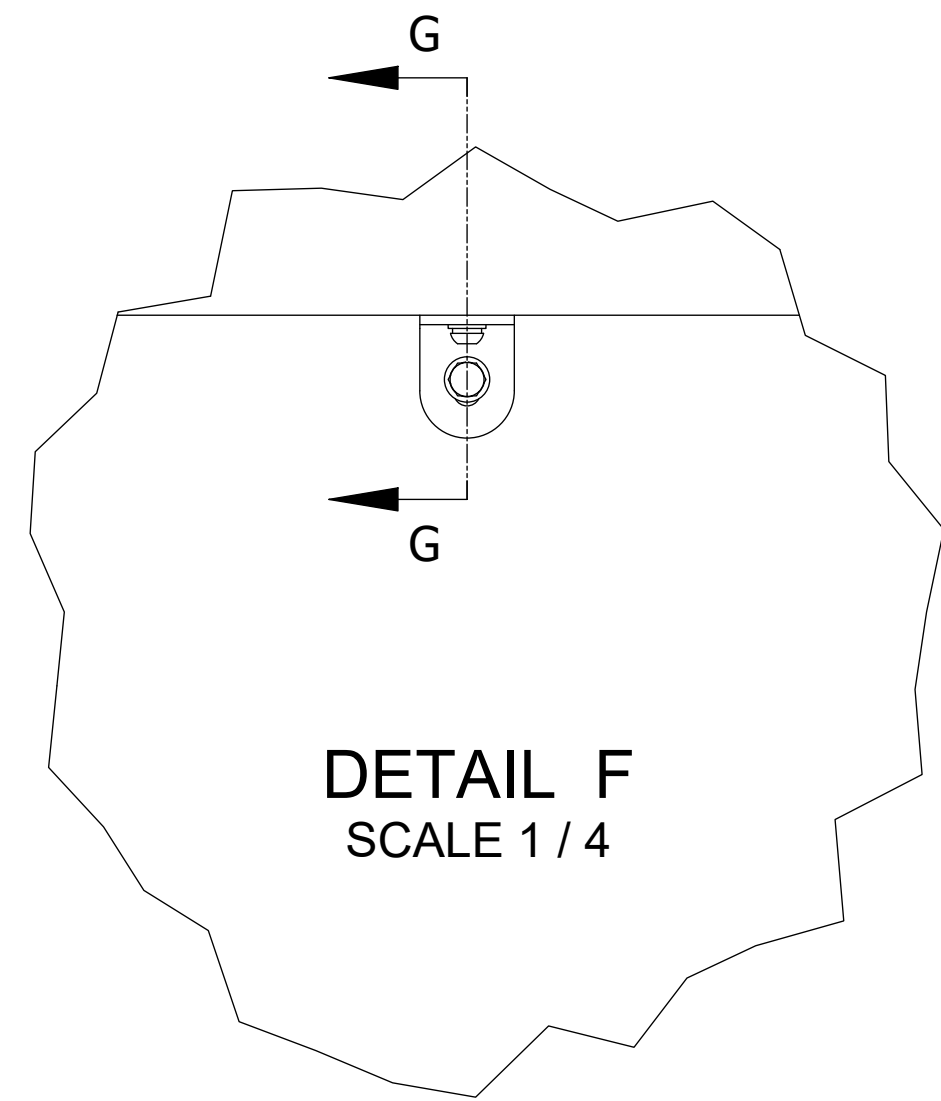


SECTION B-B
SCALE 1 / 50

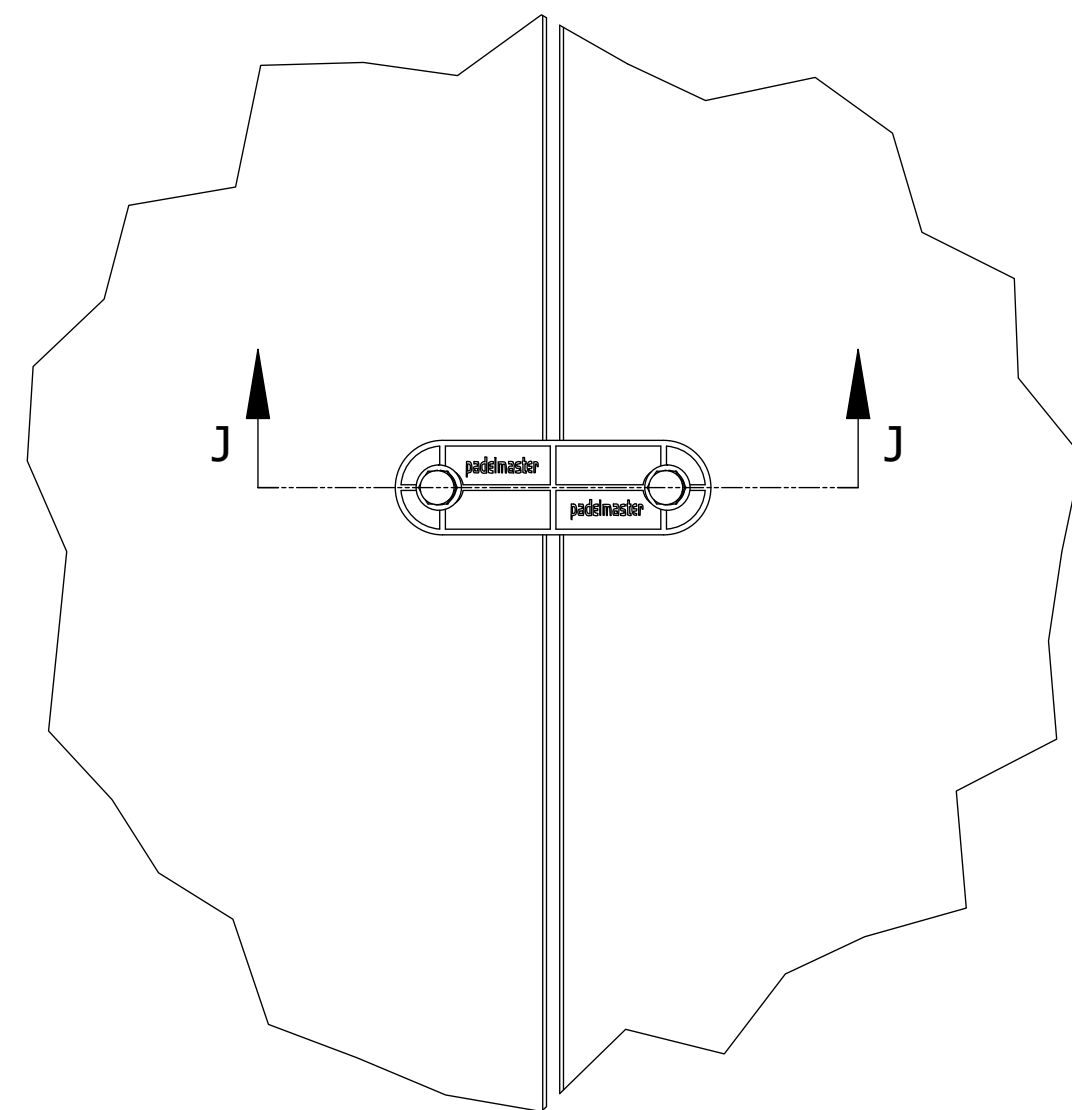


SECTION C-C
SCALE 1 / 50

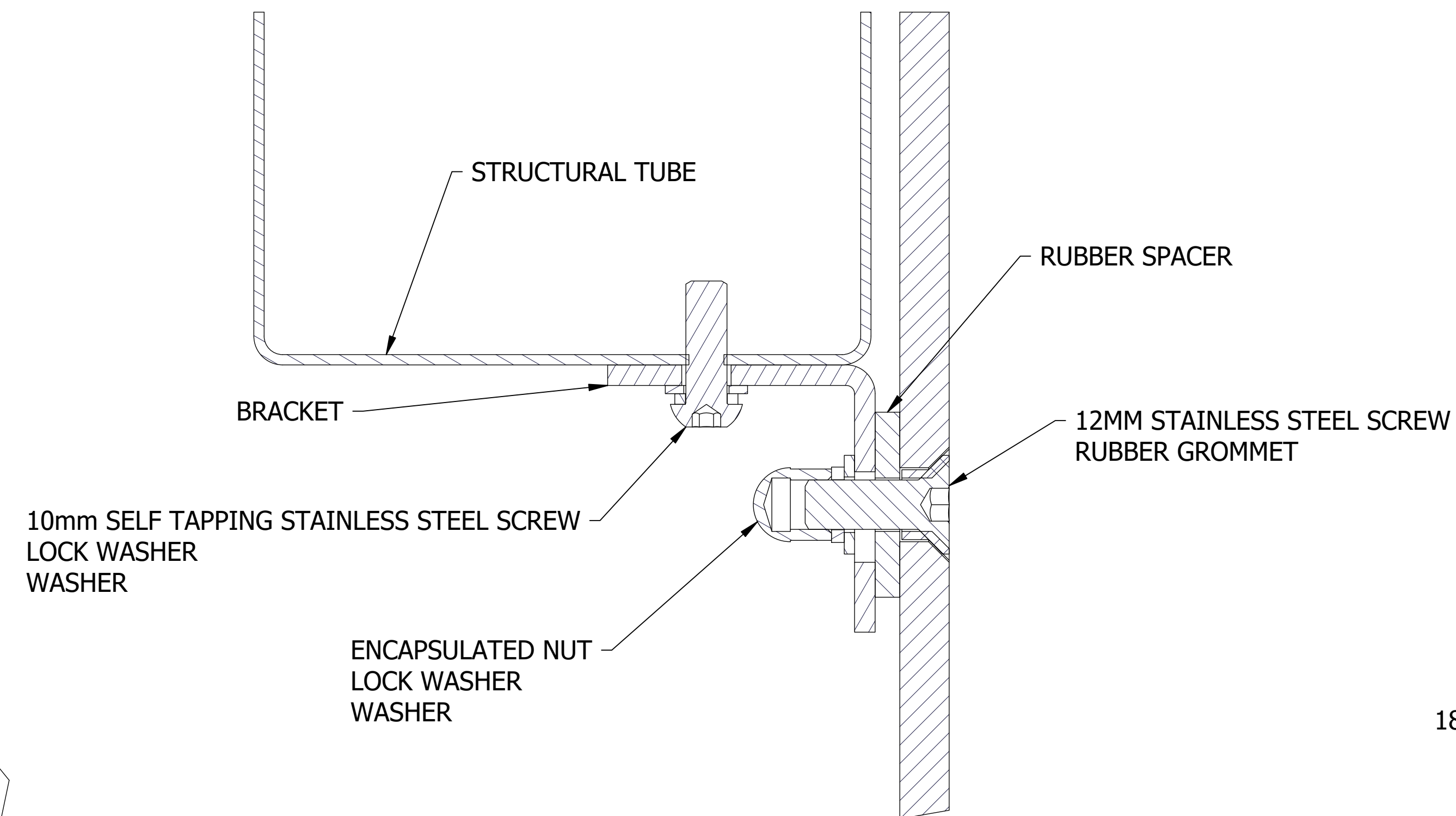




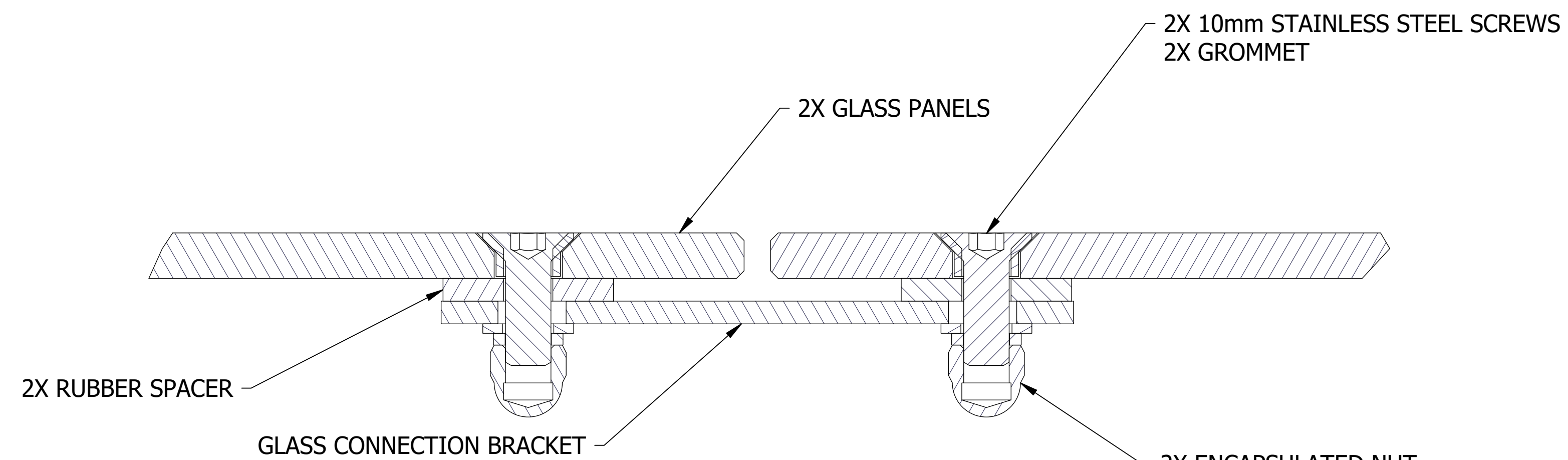
DETAIL F
SCALE 1 / 4



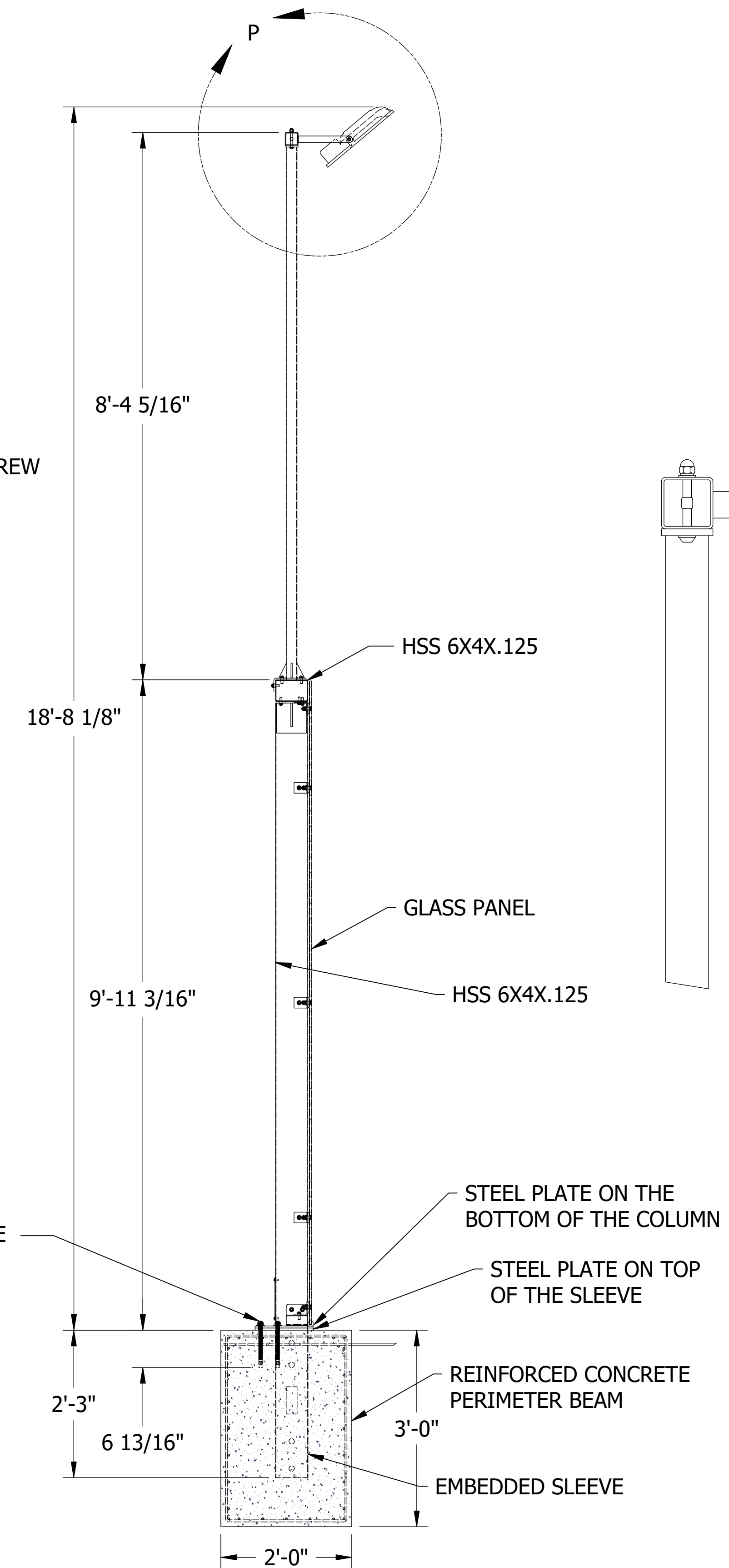
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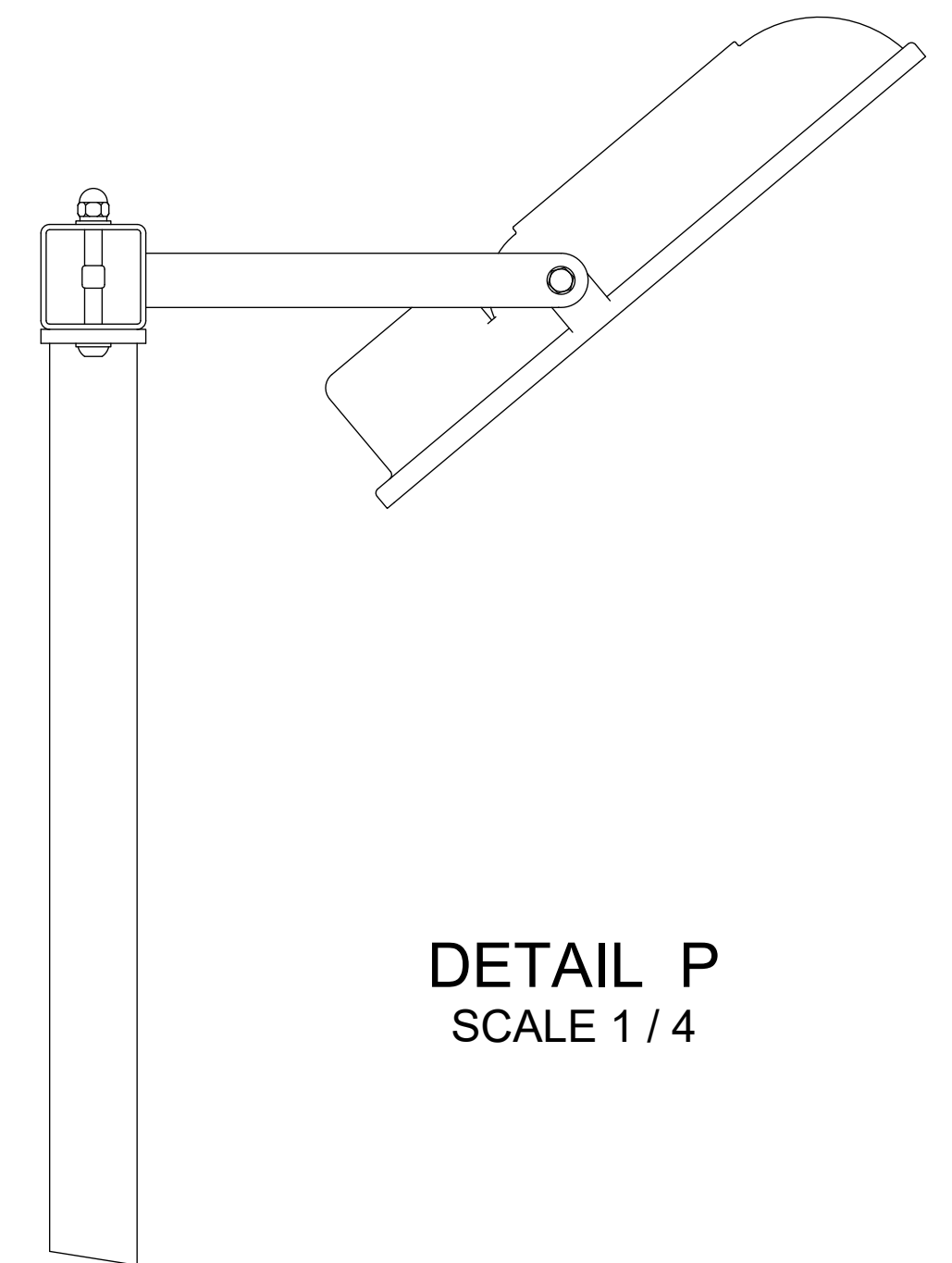
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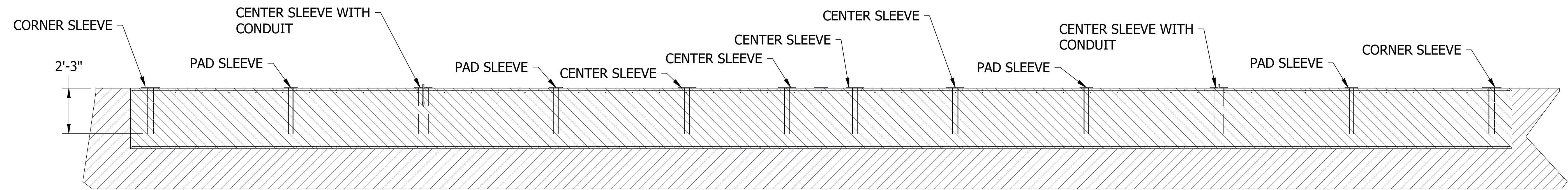
SECTION J-J
ALL GLASS TO GLASS CONNECTIONS
SCALE 1 : 1



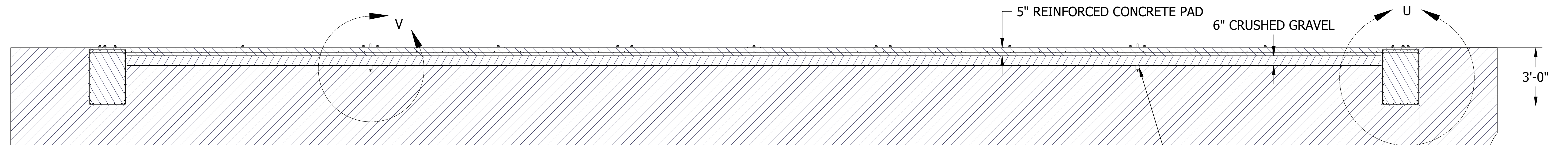
SECTION W-W
SCALE 1 / 16



DETAIL P
SCALE 1 / 4



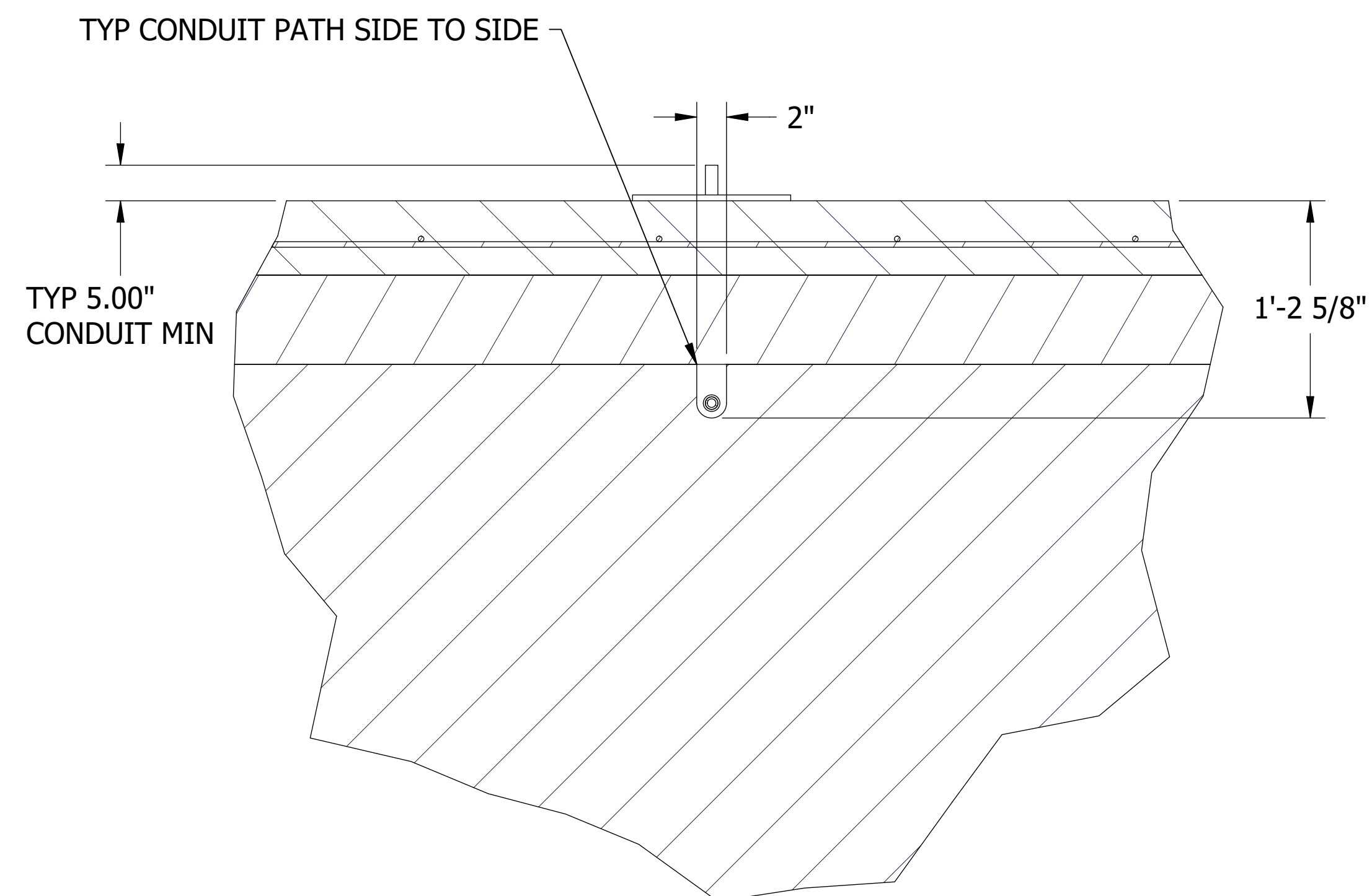
SECTION L-L
SCALE 1 / 32



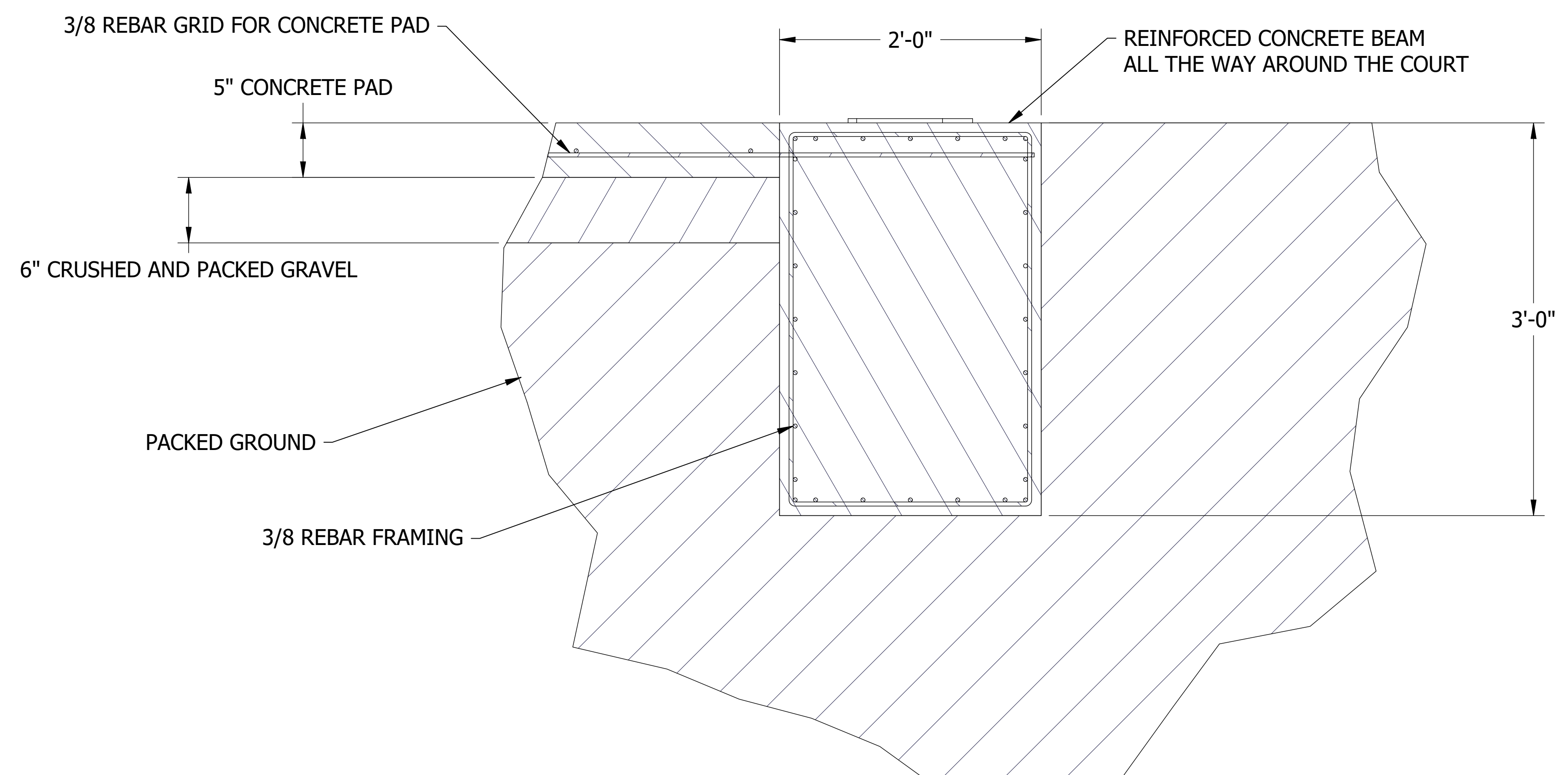
SECTION M-M
SCALE 1 / 32

PACKED GROUND

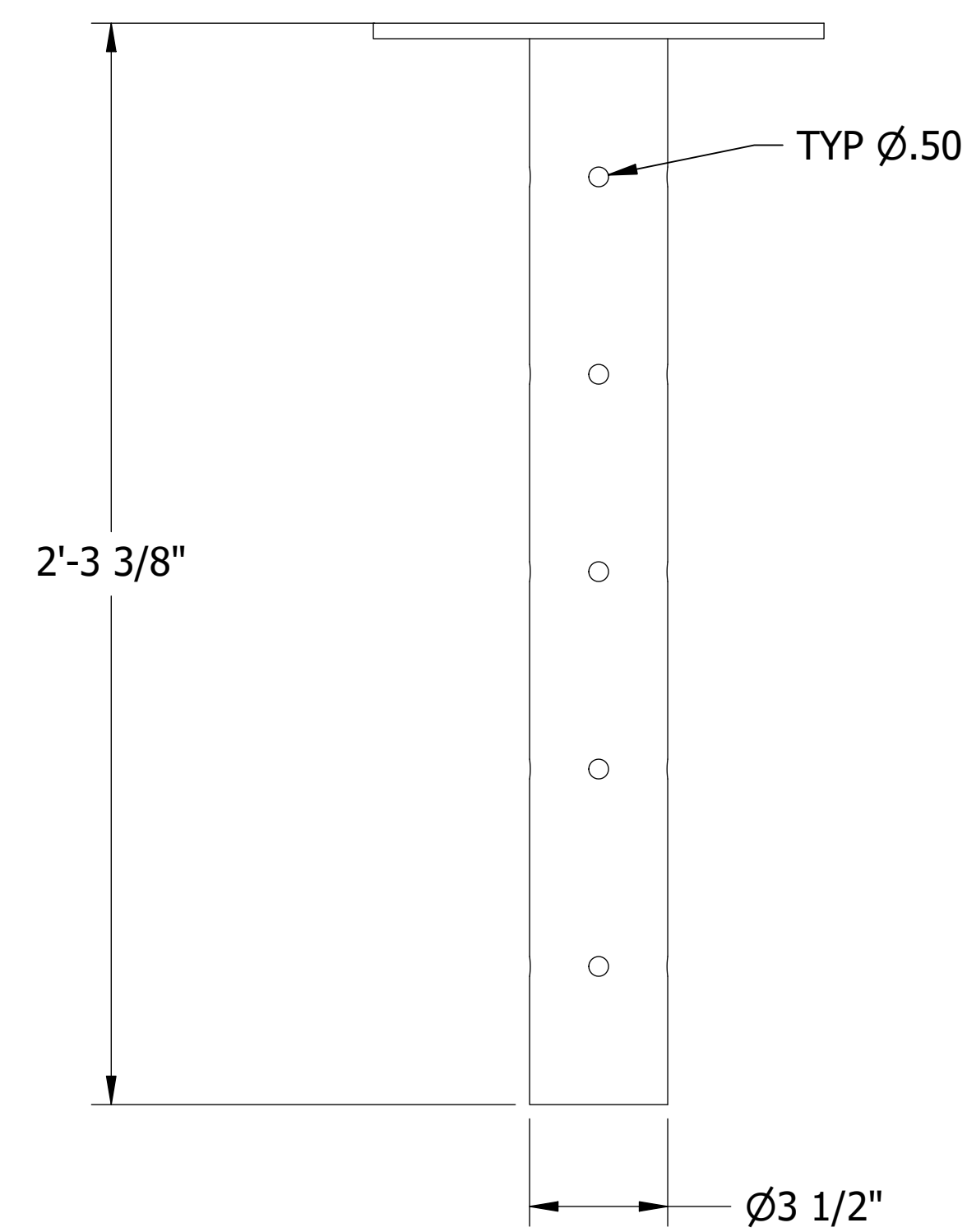
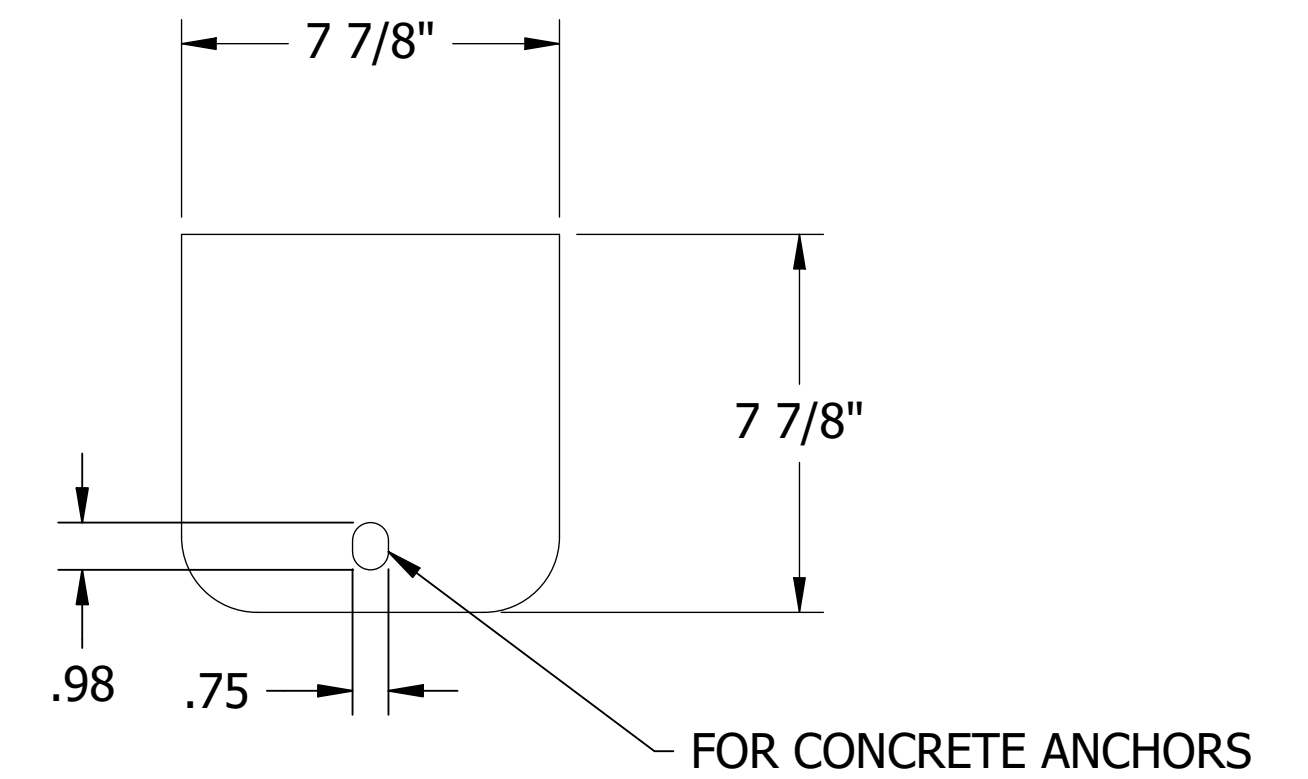
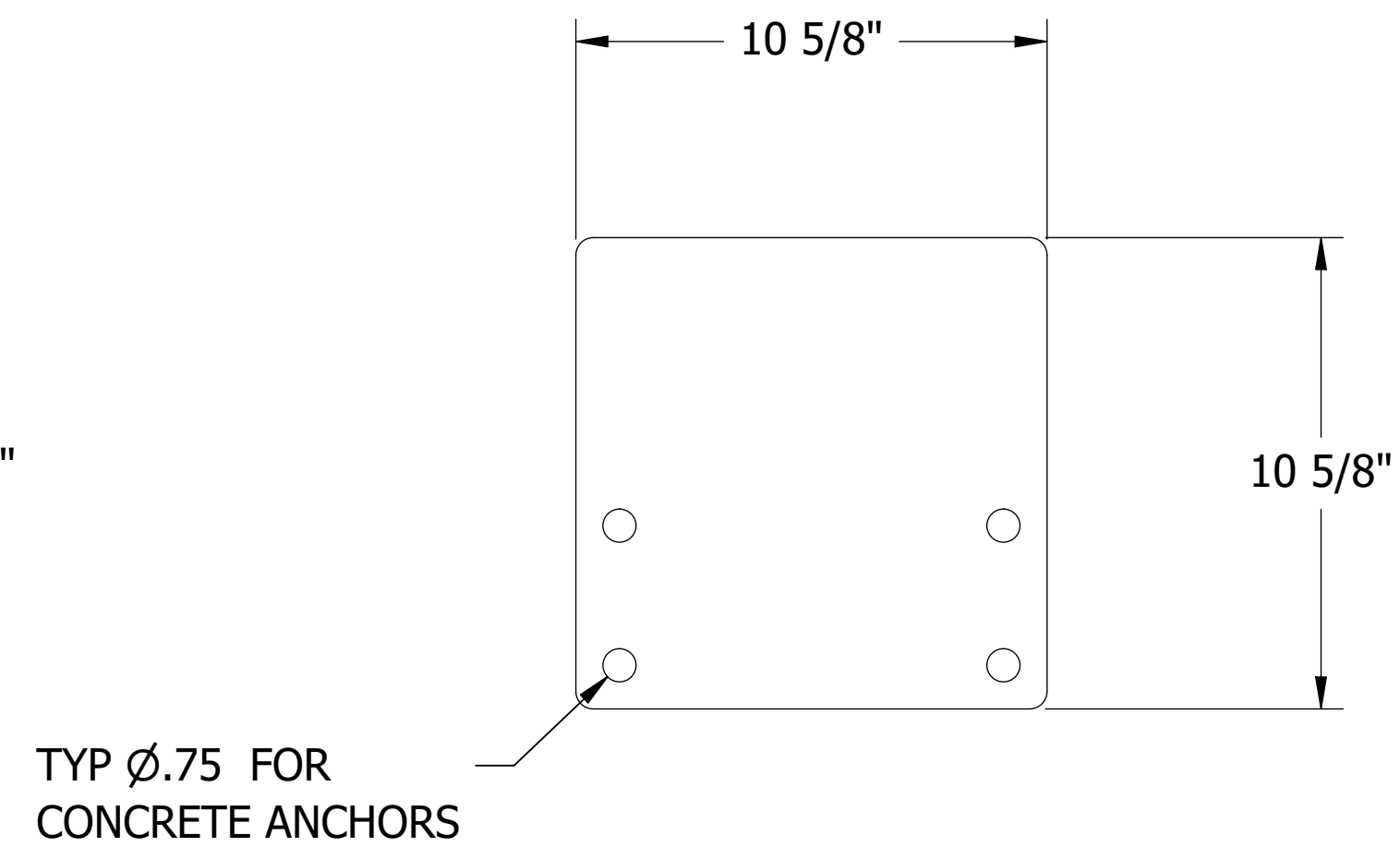
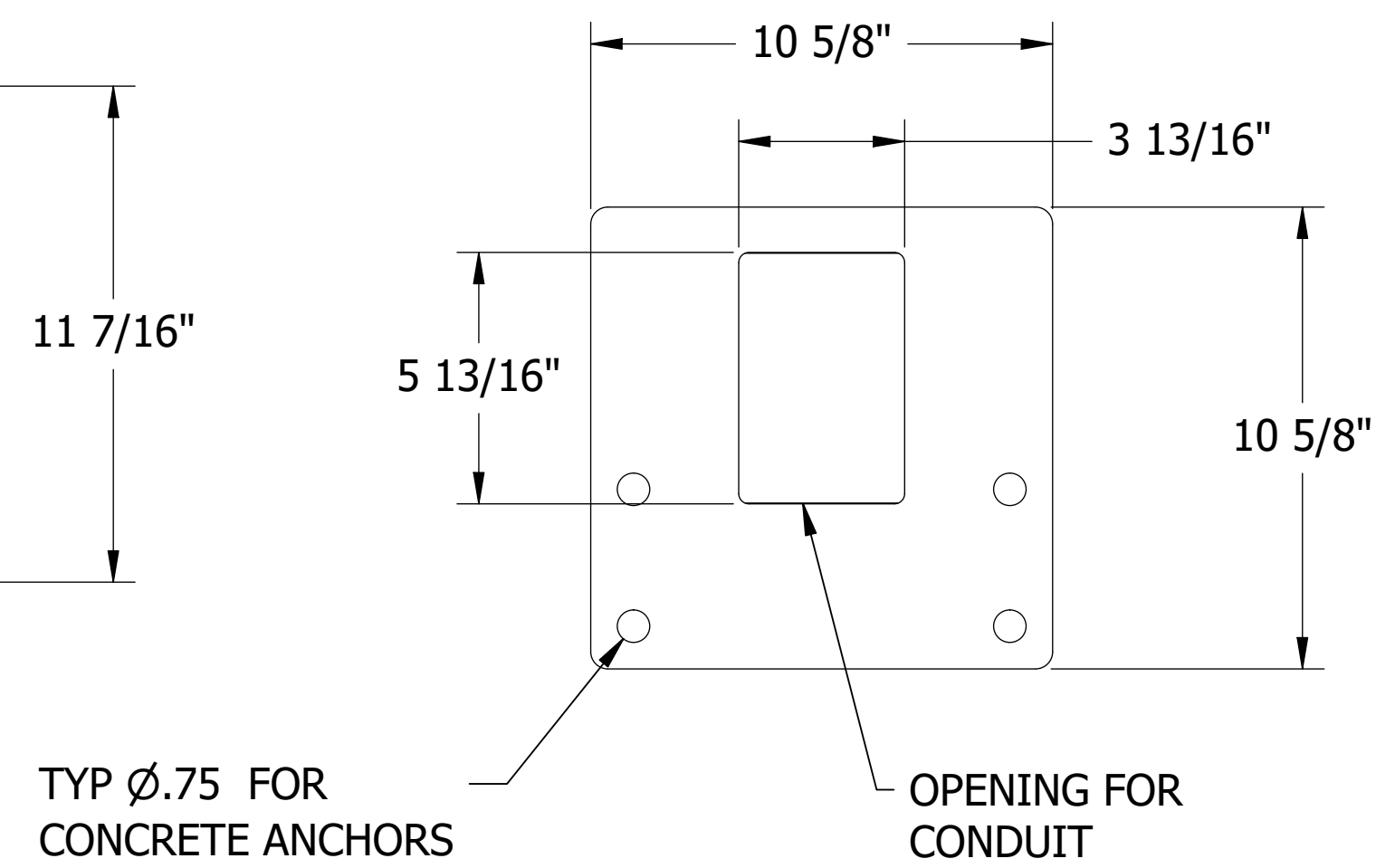
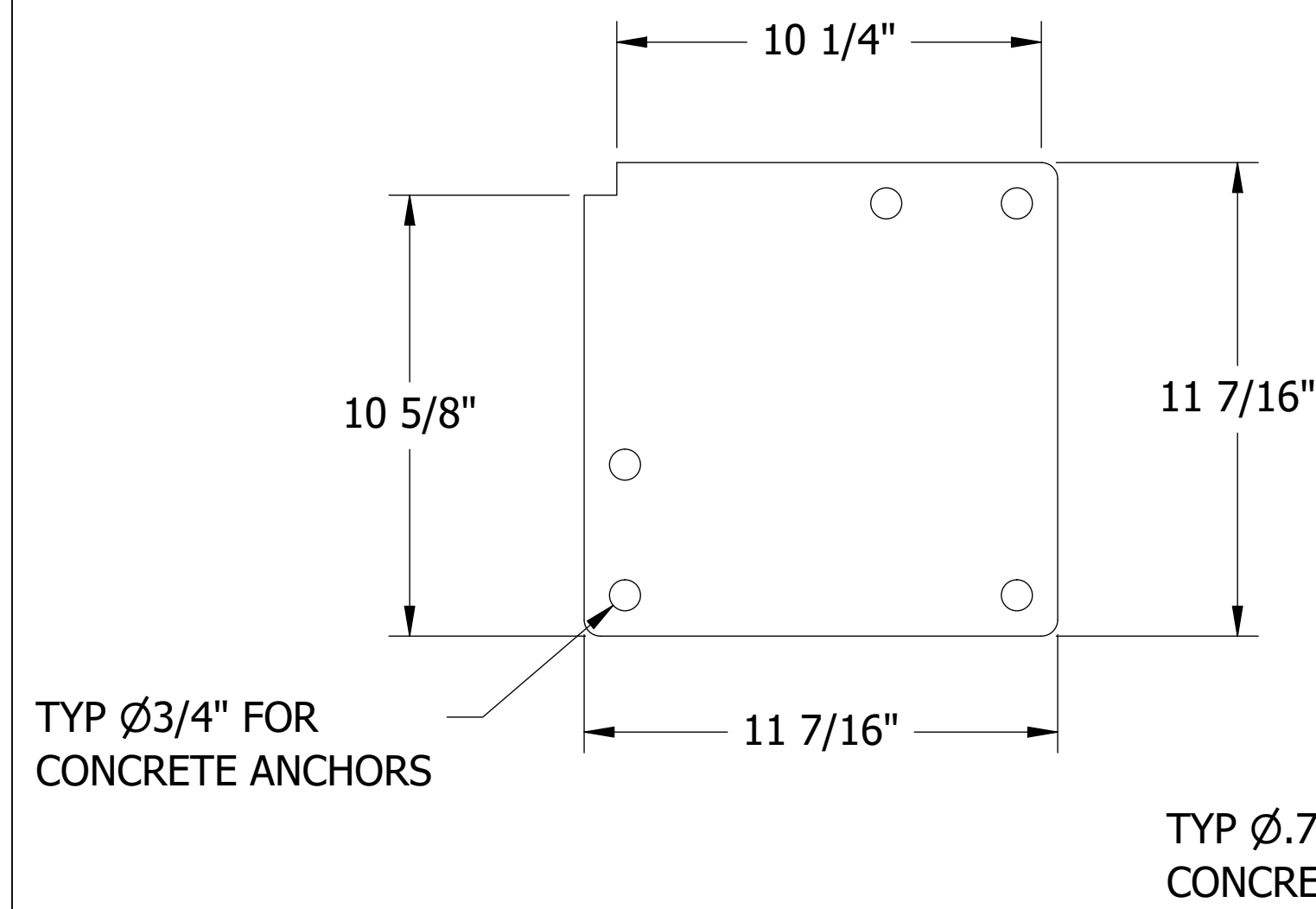
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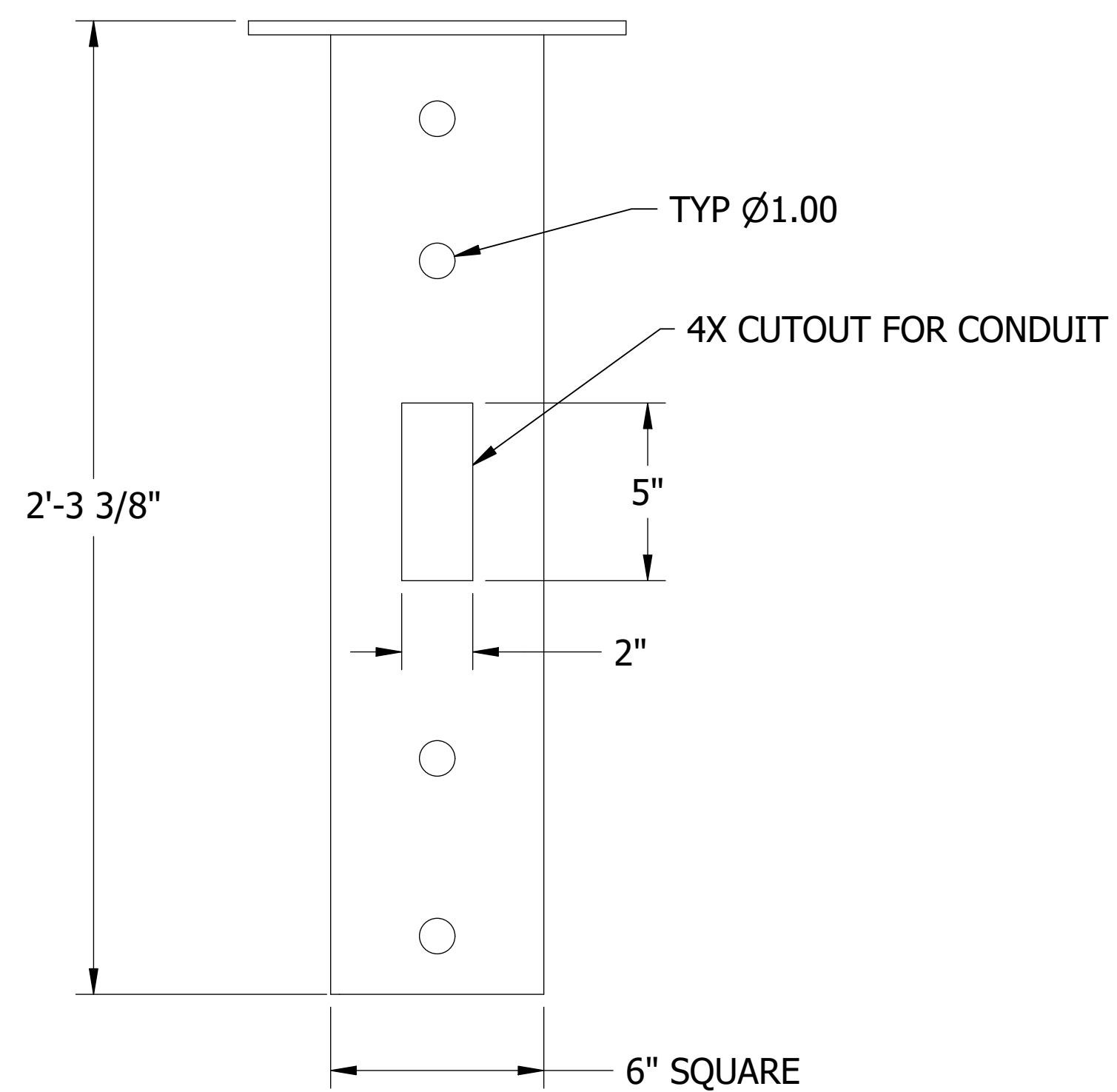
DETAIL V
SCALE 1 / 8



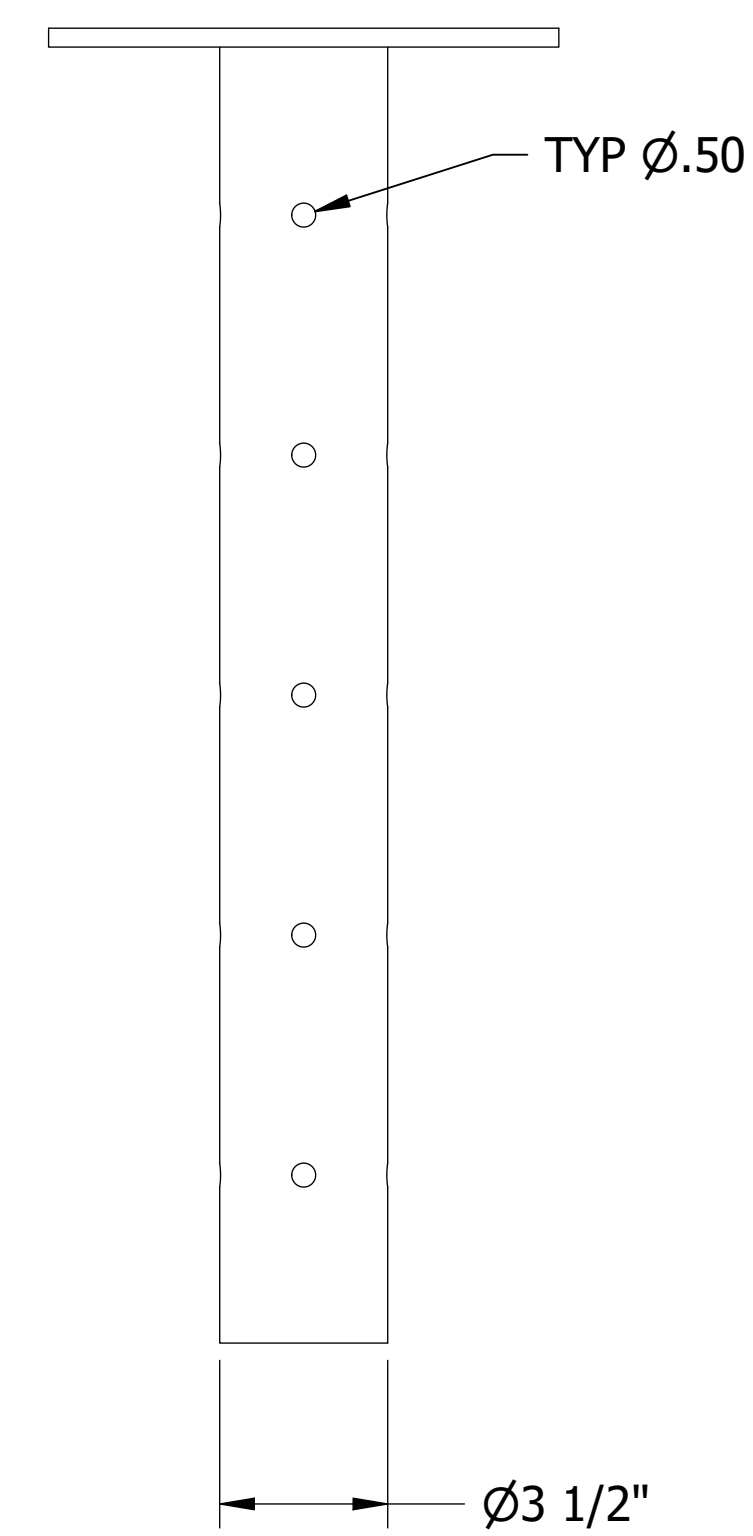
DETAIL U
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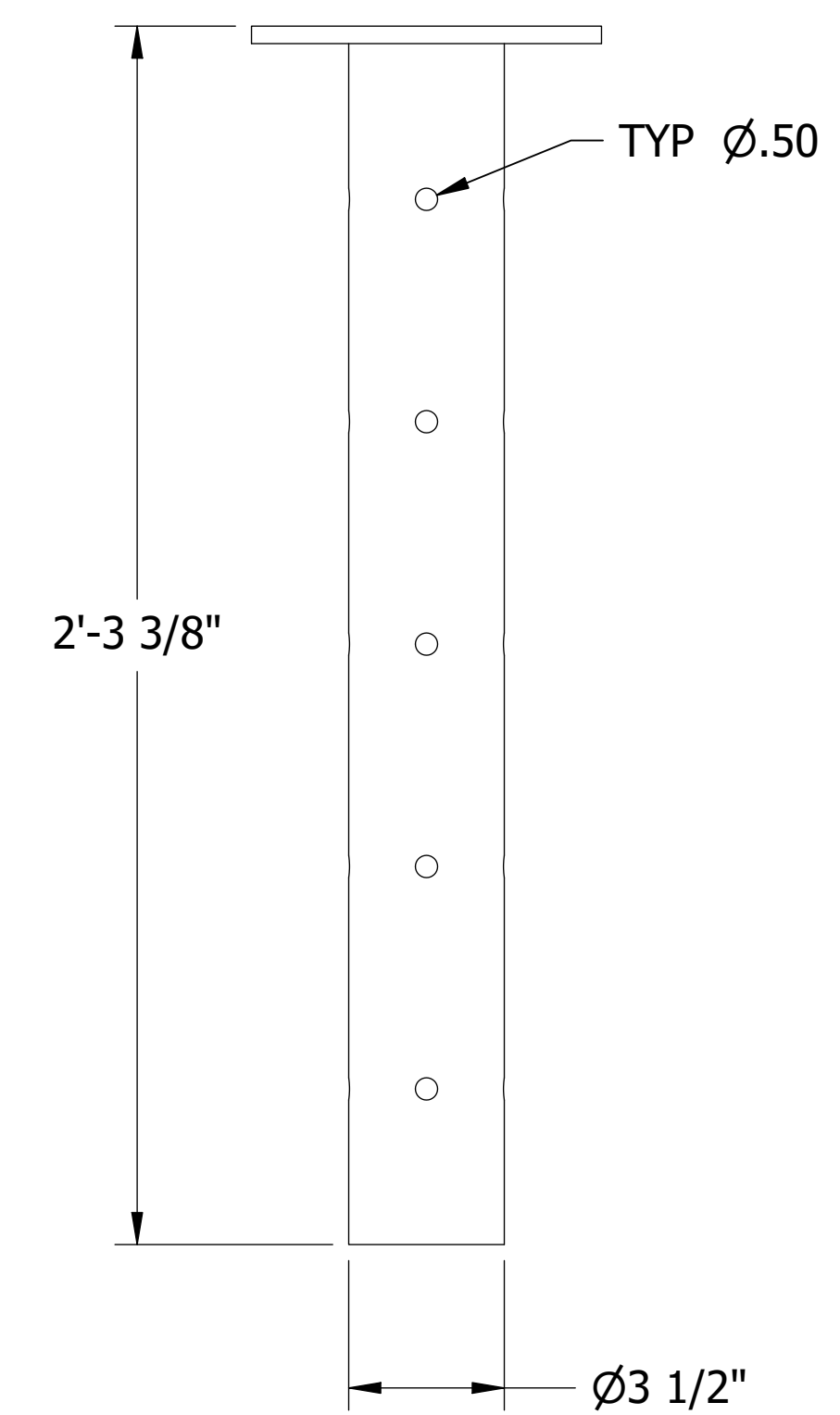
SLEEVE ASSEMBLY, CORNER
SCALE 1 / 4



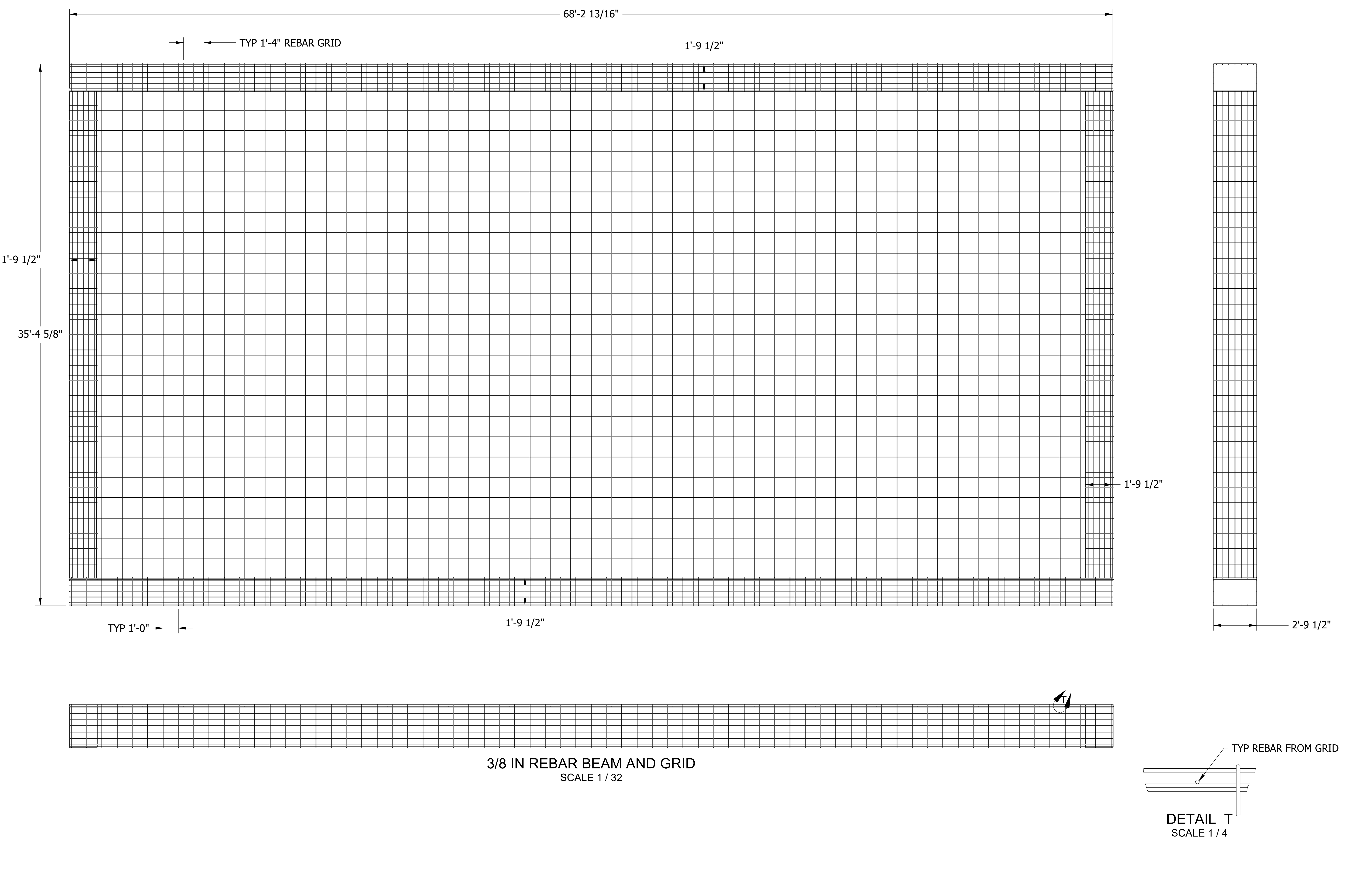
SLEEVE ASSEMBLY, POST A
SCALE 1 / 4



SLEEVE ASSEMBLY, POST B
SCALE 1 / 4



SLEEVE ASSEMBLY, PADS
SCALE 1 / 4





Jason Boal, AICP
(801) 257-1917
jboal@swlaw.com

March 22, 2024

Rebecca Ward
Planning Director
Park City Municipal Corporation
445 Marsac Avenue
Park City, UT 84060

Re: 1115 Aerie Dr. Sports Court CUP PL-21-05101

Dear Ms. Ward,

We appreciate the continued work with Park City and your department on the proposed sports court at 1115 Aerie Dr. (parcel # OOT-HSTONE-8). The sports court CUP application that was previously submitted included a: (i) landscape plan, and (ii) steep slopes plan. Attached to this letter you will find an: (i) updated steep slope analysis and (ii) conceptual drainage plan. These documents confirm that the sports court is not within fifty feet (50') of very steep slopes. Additionally, we are providing an analysis of the sixteen (16) items the planning commission is to review when considering a CUP application, found in Park City LMC § 15-1-10-E.

Park City's LMC requires the planning commission to consider sixteen (16) items when considering a CUP. *See* LMC § 15-1-10-E. Below is the list of those items and an analysis how this application for the sports court satisfies those items.

1. Size and location of the Site;
 - a. The project is located at 1115 Aerie Dr (parcel # OOT-HSTONE-8). This is a single-family lot that was approved/created when the Hearthstone Subdivision was recorded on 6-13-1994. The proposed sports court is for use as an accessory to the single-family home. It is not intended for public

March 22, 2024

Page 2

use. The sports court will be located within the setbacks of the lot and within the Building Pad¹, as defined by LMC § 15-15.

2. Traffic considerations including capacity of the existing Streets in the Area;
 - a. No change, as the proposed sports court is an accessory to the existing single-family home, no new traffic impacts are being created.
3. Utility capacity, including Storm Water run-off;
 - a. No new utilities are being proposed for the sports court because as a proposed condition of approval the sports court will not have any outdoor lighting. A drainage plan has been provided that shows the storm water will be managed on site.
4. Emergency vehicle Access;
 - a. No change, as no new access is being proposed for the sports court. The access off Aerie Dr. for the single-family home, which is adequate for emergency services will be maintained.
5. Location and amount of off-Street parking;
 - a. A private recreation facility generates a parking demand of 1 space per 4 persons. This in addition to the 2 spaces required for a single-family dwelling. Thus, the property requires 3 parking spaces. As shown on the submitted parking plan, the capacity of the existing garage is 3 vehicles, with additional parking space in the driveway, outside of the setbacks of 7 vehicles. The property has sufficient parking.
6. Internal vehicular and pedestrian circulation system.
 - a. There is no change to the existing circulation system.
7. Fencing, screening, and landscaping to separate the use from adjoining uses;
 - a. The provided landscape plan shows that the sports court will be extensively screened from view from Aerie Drive and the neighbors to the north and east. The landscape plan shows that at least thirty-nine (39) trees will be planted, but it is anticipated that up to sixty (60) trees will be planted, most of which are evergreens, which will provide year round

¹ LMC § 15-15: BUILDING PAD. The exclusive Area, as defined by the Setbacks, in which the entire Building Footprint may be located. This is different than the "Typical Building Pad" identified on the plat.

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Page 3

screening. A fence will be constructed around the court for safety, security, and noise reduction purposes of the facility.

8. Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;
 - a. The sports court will be within the setback and within the lot's building pad. Due to the grade of the site, the sports court will sit approximately ten feet (10') below the elevation of Aerie Drive. There will be a two foot (2') retaining wall on the north side of the sports court, then an approximately 4:1 slope from the retaining wall to Aerie Drive.
9. Usable Open Space;
 - a. The portion of the lot containing the sports court will continue to be Open Space, as defined by Park City Code². Thus, the proposed use does not change the existing open space.
10. Signs and lighting;
 - a. No signs or lighting are being proposed with the sports court.
11. Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;
 - a. The proposed sports court will be used solely for the residents and guests at the property. Thus, it is strictly for residential use, which is compatible with surrounding uses. The landscaping associated with the sports court will screen the use from Aerie Dr. The landscaping wall on the north of the sports court is being reduced in size from what is currently constructed to reduce visibility from adjoining uses.
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
 - a. The property owner is proposing conditions for the use of the sports court that will mitigate noise. These conditions include: a) compliance with Park City Noise Ordinance PCC §6-3, b) prohibiting the use of the court between the hours of 10 p.m. and 7 a.m., c) only the use of soft balls or

² LMC § 15-15: OPEN SPACE - Open Space, Landscaped. Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

March 22, 2024

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similar quite equipment, d) Sport Court SportGame PB Open cell court surface, and f) "AcoustiFence" soundproofing around the court.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;

a. No changes are proposed or anticipated with regards to service vehicles

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities;

a. No change, as the property will maintain the current ownership. The sports court will not change the ownership or management composition of the property and will be used only by the property's residents and guests. There is no change affecting taxing entities.

15. 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;

a. A steep slope analysis has been provided. The sports court will not be located within fifty feet (50') of very steep slopes. The property is not within the Soil ordinance boundary. Finally, the SLO is not applicable to the Nielson portion of the Neilsen/Korthoff MPD, as approved on June 14, 1993. (This property is in the Neilson portion of that MPD).

16. Reviewed for consistency with the goals and objectives of the Park City General Plan; however, such review for consistency shall not alone be binding.

a. The use is consistent with the Park City General Plan and is an allowed Conditional Use. There are specific elements of the general plan that this application supports:

i. Objective 1A - Direct complimentary land use and development into existing neighborhoods that have available infrastructure and resource capacity. (pg. 27)

ii. Objective 1C - Primary residential neighborhoods should encourage opportunities to enhance livability with access to daily needs, including: a mini market, a neighborhood park, trails, community gardens, walkability, bus access, home business, minor office space, and other uses that are programmed to meet the needs

March 22, 2024
Page 5

of residents within the neighborhood and complement the existing context of the built environment. (pg. 27)

- iii. The more Park City residents are able to take advantage of the benefits provided by parks and recreational facilities, the healthier our community will be. (pg. 99)

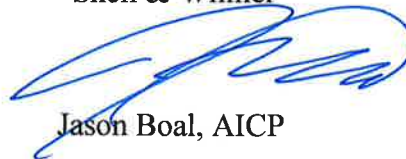
We appreciate the careful consideration of this application for a sports court. We look forward to meeting with the Planning Commission on April 10th. If you have any questions, please feel free to reach out.

Attachments:

- Exhibit A – updated steep slope analysis
- Exhibit B – conceptual drainage plan

Sincerely,

Snell & Wilmer



Jason Boal, AICP

Cc:

- Client
- Wade Budge, Snell & Wilmer

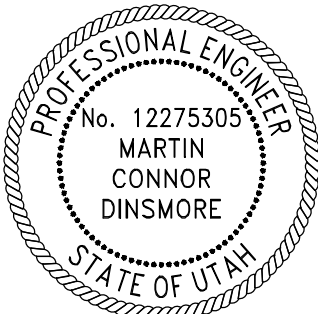
March 22, 2024
Page 6

Exhibit A – Existing Conditions Steep Slope Plan



- NOTES:
1. SURFACE CONTOURS SHOWN WERE IMPORTED FROM A 0.5-METER RESOLUTION AERIAL LIDAR SCAN, GATHERED FROM USGS DATA DATED 2018. ANY DISCREPANCY BETWEEN GROUND SURVEYED TOPOGRAPHY AND THE AERIAL LIDAR SCAN ARE DUE TO POSSIBLE INACCURACIES IN LIDAR SCAN DATA.
 2. LOT LINES SHOWN ARE APPROXIMATE ONLY.

Slopes Table				
Number	Minimum Slope	Maximum Slope	Color	
1	0.00%	15.00%	Green	
2	15.00%	30.00%	Yellow	
3	30.00%	40.00%	Red	
4	40.00%	1000.00%	Pink	





**ALLIANCE
ENGINEERING**

P.O. BOX 2664 | 2700 W. HOMESTEAD RD. STE 50,
PARK CITY, UT 84098 | 435-649-9467

STAFF:
CONNOR DINSMORE
IVANOE LOZANO

DATE: 03/19/2024

RETAINING WALL EXHIBIT
1115 AERIE DRIVE
EXISTING CONDITIONS & TOPOGRAPHY

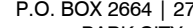
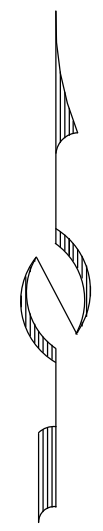
FOR: JASON BOAL
JOB NO.: 3-9-21
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OF
2

March 22, 2024

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Exhibit B – Conceptual Drainage Plan



**ALLIANCE
ENGINEERING**

P.O. BOX 2664 | 2700 W. HOMESTEAD RD. STE 50,
PARK CITY, UT 84098 | 435-649-9467

STAFF:
CONNOR DINSMORE
IVANOE LOZANO

DATE: 03/21/24

GRADING AND DRAINAGE PLAN
1115 AERIE DRIVE
EXISTING CONDITIONS & TOPOGRAPHY
FOR: JASON BOAL
JOB NO.: 3-9-21
FILE: \\Server\Aerie\dwg\projects\1115 Aerie Dr\1115 Aerie Dr.dwg

SHEET
2
OF
2



Planning Department

May 8, 2024

Wade Budge
Snell & Wilmer

CC: Gary Sutton

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 1115 Aerie Drive

Zoning District: Estate
Sensitive Land Overlay

Application: Conditional Use Permit

Project Number: PL-21-05101

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: May 8, 2024

Project Summary: The Applicant proposes reducing the size of a concrete pad from 4,795 square feet to 2,085 square feet, removing a portion that encroaches into the Side Setback and encroaches on adjacent property to construct a Private Recreation Facility (sports court), and removing and reconfiguring portions of the retaining walls in the northeast corner of the Lot to help with grading and on-site stormwater retention.

Action Taken

On April 24, 2024, the Planning Commission conducted a public hearing and approved the Private Recreation Facility (sports court) Conditional Use Permit according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Conditional Use
File No. PL-21-05101
[Sports Court –1115 Aerie]

Procedural History

A. On December 20, 2021, the applicant 1115 Aerie LLC ("Applicant") submitted an application ("Application") and paid the required fee for a conditional use

permit in connection with a proposed sports court (the "Sports Court") on Summit County, Utah Tax Parcel No. OOT-HSTONE-8 (the "Property"). The Application was submitted after a contractor commenced work without all necessary permits.

B. On July 13, 2022, the Park City Planning Commission ("Planning Commission") held a public hearing and denied the Application.

C. On July 20, 2022, the Planning Commission issued its written denial of the Application. The Planning Commission reasoned that the Application (a) was not compatible with prior land use approvals, specifically a building pad note on the applicable subdivision plat prohibited the proposed sports court; (b) lacked information regarding the conditional use permit requirements for screening and landscaping, compatibility with surrounding structures, noise, lighting, sensitive lands, and steep slopes; and (c) was inconsistent with the general plan.

D. On July 29, 2022, the Applicant appealed that denial and on August 2, 2022, submitted an advisory opinion request for the Application to the Utah Office of the Property Rights Ombudsman.

E. On November 16, 2023, the Ombudsman issued an advisory opinion on this matter and concluded that the Planning Commission erred in denying the Application. Specifically, the Ombudsman concluded that: (i) the Sports Court did not violate any plat note or building area restriction, (ii) the Planning Commission erred in denying the Application for insufficient evidence; and (iii) the Application should be allowed to supplement its Application with any insufficient information.

F. On March 4, 2024, the Park City Appeal Panel held a hearing on the Applicant's appeal and concluded that: (i) the Sports Court did not violate any plat note or building area restriction; (ii) the Applicant should be allowed to supplement its Application with additional information; and (iii) the Planning Commission should reconsider the following issues in light of the conclusions from the Appeal Panel and the Applicant's supplemental information:

- (1) Whether the Sports Court will cause any detrimental effects, and, if any, could those effects be reasonably mitigated; and
- (2) Whether the Sports Court complies with the City's very steep slope, significant vegetation, and impervious surface requirements.

G. On March 22, 2024, the Applicant formally supplemented its Application with a steep slope analysis, drainage plan, and an analysis of how the proposed use satisfies Park City's conditional use permit requirements.

Findings of Fact

1. The Property is located within the Nielsen/Korthoff (Hearthstone) Small Scale Master Plan Development that was approved June 14, 1993, and within the Hearthstone Subdivision Plat that was recorded June 13, 1994.

2. The Property is primarily used as a single-family residence, which use will continue with the Sports Court being accessory thereto.

3. Pursuant to the Park City Land Management Code ("LMC") Sports Courts are a conditional use for the Property and thus require a conditional use permit ("Sports Court CUP"). The Sports Court CUP must be issued to the Applicant if the Planning Commission finds that the proposed Sports Court causes no detrimental effects on adjacent uses or if it does cause detrimental effects, those effects can be reasonably mitigated.

4. In connection with the Application, the Applicant submitted the following documents for the Planning Commission's consideration:

- a. Existing Conditions & Topography Map (Job No. 3-9-21) prepared by Alliance Engineering Inc.;
- b. Conceptual Grading & Drainage Plan (Job No. 8-3-23) prepared by Alliance Engineering Inc.;
- c. Landscaping Plan/sports court exhibit prepared by DBS + Associates, LLC.

5. The Planning Commission has the authority to act as the land use authority for the Sports Court CUP. See LMC § 15-1-10(D).

6. The Applicant submitted all the materials required by the LMC for the Sports Court CUP and presented in a public hearing regarding the proposals set forth in the Application.

7. With respect to the Sports Court CUP, the Planning Commission, after carefully considering the Applicant's submittals referenced above and the Applicant's presentation at the public hearing, has determined that any detrimental effects caused by proposed development can be reasonably mitigated and comply with the LMC's requirements.

Additional Findings

8. The Planning Commission, as the land use authority, finds that the proposed Sports Court CUP complies with the standards in LMC § 15-1-10(D). Specifically:

- a. The Application complies with all applicable requirements of the LMC as required by LMC § 15-1-10(D)(1). Based on the materials provided with the Application the Sports Court complies with all applicable LMC provisions.

b. The Sports Court is compatible with surrounding structures in use, scale, mass, and circulation. See LMC § 15-1-10(D)(2). Specifically, the Sports Court is compatible with surrounding uses as it is accessory to the primary single-family residential use on the Property. Use of the Sports Court will be limited to the Property's residents and guests and will not be open to the general public. This is consistent with the surrounding residential area. The Sports Court is and will be located entirely within the Property's setbacks and will be screened from view by the existing residence and carefully designed landscaping. The Sports Court will have no impact on the onsite pedestrian and vehicular circulation.

c. The Applicant has proposed several conditions to mitigate any differences in use or scale. See LMC § 15-1-10(D)(3).

9. The Planning Commission, as the land use authority, finds that the Sports Court CUP complies with the standards in LMC § 15-1-10(E). Specifically:

a. Size and location of the site:

The Property a single-family lot that was approved/created when the Hearthstone Subdivision was recorded on 6-13-1994. The proposed Sports Court is accessory to the single-family home existing on the Property. The size of the Property is more than adequate for the Sports Court as it will be located entirely outside the Property's setbacks. The location of the Sports Court on the Property is appropriate because it is within the Property's designated building pad, as defined by LMC § 15-15.

b. Traffic considerations including capacity of the existing streets in the area:

The Sports Court will not increase traffic to the Property as it will be primarily used by the Property's residents and guests. No new traffic impacts are being created.

c. Utility capacity, including storm water run-off:

No new utilities are being proposed for the Sports Court because as a proposed condition of approval the Sports Court will not have any outdoor lighting. The Applicant's drainage plan is adequate to manage any stormwater runoff generated by the Sports Court's impervious surface.

d. Emergency vehicle access:

The Sports Court will not change or impact any emergency vehicle access. The current emergency access to the Property from Aerie Dr. will not be impacted by the Sports Court.

e. Location and amount of off-street parking:

Per the LMC, a private recreation facility generates a parking demand of 1 space per 4 persons. This is in addition to the 2 spaces required for a single-family dwelling. Thus, the Property requires 3 parking spaces. As shown on the submitted plans, the capacity of the existing garage is 3 vehicles, with additional parking space in the driveway, outside of the setbacks of 7 vehicles. The Property has sufficient parking.

f. Internal vehicular and pedestrian circulation system:

There is no change to the existing pedestrian or vehicular circulation patterns.

g. Fencing, screening, and landscaping to separate the use from adjoining uses:

The provided landscape plan shows that the Sports Court will be extensively screened from view from Aerie Drive and the neighbors to the north and east. The landscape plan shows that at least thirty-nine (39) trees will be planted, but it is anticipated that up to sixty (60) trees will be planted, most of which are evergreens, which will provide year-round screening. The Application also depicts a ten-foot chain link fence surrounding the Sports Court on all sides for additional screening and safety, security, and noise reduction purposes. The Sports Court is adequately fenced, screened, and landscaped to separate it from adjoining uses.

h. Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots:

The Sports Court will be within the setback and within the Property's building pad, as defined in LMC § 15-15-1. Due to the grade of the site, the Sports Court will sit approximately ten feet (10') below the elevation of Aerie Drive. There will be a two foot (2') retaining wall on the north side of the Sports Court, then an approximately 4:1 slope from the retaining wall to Aerie Drive.

i. Usable open space:

The portion of the lot containing the Sports Court will continue to be open space, as defined by the LMC¹. Thus, the Sports Court does

¹ LMC § 15-15-1: OPEN SPACE - Open Space, Landscaped. Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

not change the existing open space, and in fact, makes the existing open space more usable for recreational activities.

j. Signs and lighting:

No signs or lighting are being proposed with the Sports Court.

k. Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing:

The proposed Sports Court will be used solely for the residents and guests at the Property. The landscaping associated with the Sports Court will screen the use from Aerie Dr. The landscaping wall on the north of the Sports Court is being reduced in size from what is currently constructed to reduce visibility from adjoining uses.

l. Noise, vibration, odors, steam, or other mechanical factors that might affect people and off-site property:

Sports courts typically create noise that might affect people and off-site properties. The Sports Court, however, has been carefully designed by including a SportGam PB open cell court surface and AcoustiFence soundproofing surrounding the Sport Court to mitigate noise. Likewise, the Applicant has agreed to the conditions identified below to further mitigate potential noise concerns. The Sports Court, as conditioned, adequately mitigates any potential detrimental noise. The Sports Court will not cause any vibration, odors, steam, or other mechanical factors that may affect people and property off-site.

m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup areas:

No changes are proposed or anticipated with regards to service vehicles.

n. Expected Ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities:

The Sports Court will not change the ownership or management composition of the Property and will be used only by the Property's residents and guests. There is no change affecting taxing entities.

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:

The Applicant provided a detailed steep slope analysis that shows that the Sports Court is not located within fifty feet (50') of very steep slopes. The Property is not within the soil ordinance boundary. Finally, the sensitive land overlay is not applicable to the Nielson portion of the Nielsen/Korthoff MPD, as approved on June 14, 1993. (The Property is in the Neilson portion of that MPD).

- p. Reviewed for consistency with the goals and objectives of the Park City General Plan.

The use is consistent with the Park City General Plan and is an allowed conditional use; however, such review for consistency shall not alone be binding. There are specific elements of the general plan that the Application supports:

1. Objective 1A - Direct complimentary land use and development into existing neighborhoods that have available infrastructure and resource capacity. (pg. 27)
2. Objective 1C - Primary residential neighborhoods should encourage opportunities to enhance livability with access to daily needs, including: a mini market, a neighborhood park, trails, community gardens, walkability, bus access, home business, minor office space, and other uses that are programmed to meet the needs of residents within the neighborhood and complement the existing context of the built environment. (pg. 27)
3. The more Park City residents are able to take advantage of the benefits provided by parks and recreational facilities, the healthier our community will be. (pg. 99)

10. The location of the Sports Court is more than seventy-five (75') from Very Steep Slopes as shown on Alliance Engineering Existing Conditions & Topography Exhibit dated 4/2/2024. See LMC § 15-2.21-3(A)(3).

11. The Planning Commission finds that for the reasons above, the Sports Court will not have any unmitigated detrimental impact on surrounding uses.

12. As discussed below, the Applicant has agreed to self-impose certain conditions on the Property to minimize any potential detrimental effects that may result from the proposed Sports Court. The Planning Commission finds that these conditions adequately mitigate potential detrimental effects that may result from the Sports Court.

Conclusion

Based on the foregoing, and subject to the conditions listed below, the Sports Court CUP meets the standards and requirements of the LMC, including the criteria for approving a conditional use per LMC § 15-1-10(D) and Utah Code § 10-9A-507. The Planning Commission concludes it is appropriate to approve the Sports Court CUP subject to the below conditions, each of which will mitigate any reasonably anticipated detrimental effects associated with the uses described in the Application.

Conditions

The Sports Court CUP is conditioned upon the following:

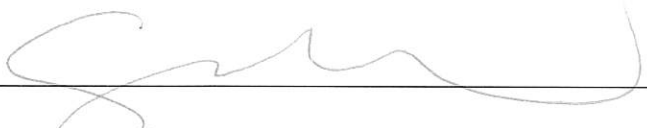
- A. Portions of the Sports Court and retaining walls currently located inside the front and side setbacks must be removed. The disturbed areas must be revegetated in accordance with the submitted plans. The sports court shall be constructed to the specifications of the updated site and landscape plans dated March 28, 2024, not to exceed 2,085 square feet.
- B. Any disturbed area offsite from the Property must be revegetated in accordance with submitted landscape plans.
- C. The Applicant shall bury or relocate the retaining wall that is north of the Sports Court and in the front and side setbacks. The new wall is limited to two feet (2') in accordance with the plans as submitted. Prior to obtaining a building permit for the relocated retaining wall, the Applicant shall submit to the City's engineering department an excavation and grading plan showing no erosion, land subsidence, or avalanche is created by the relocation of the retaining wall.
- D. The Applicant shall submit a construction mitigation plan for approval by the City's Chief Building Official that mitigates construction traffic on Aerie Dr. The Applicant shall submit a management and safety plan for the proposed route. Time of operations, truck inspections, and the number of trips hauling shall be outlined and regulated through the Construction Mitigation Plan.
- E. The Applicant's stormwater mitigation plan shall include mitigation for on-site retention and shall be reviewed and approved by the Engineering Department prior to building permit submittal.
- F. The Applicant shall notify the Planning Department prior to making any changes to the plans approved as part of the Sports Court CUP.
- G. The Property is located outside of the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not

regulated by the City for mine-related impacts. If the Applicant does encounter mine waste or mine waste impacted soils, the Applicant must handle the material in accordance with State and Federal law.

- H. No overhead lighting is permitted for the Sports Court. All exterior lighting for walkways and landscaping shall be down-directed, fully shielded, with bulbs 3,000 degrees Kelvin or less to prevent glare onto adjacent property, and shall comply with the City's outdoor lighting code per LMC § 15-5-5(J). Final lighting details must be reviewed by the City's planning staff prior to installation and final inspection.
- I. Use of the Sports Court will be prohibited from 10:00 PM to 7:00 AM and the use of pickleball is restricted from 8:00 PM to 8:00 AM.
- J. The surface of the Sports Court shall be comprised of SportGame PB Open Cell materials or similar noise-reducing materials.
- K. An "AcousticFence" or similar soundproofing fencing must be installed around the Sports Court.
- L. Sports court may be used for paddle games (including pickleball), but only when USA Pickleball's Quiet Category compliant paddles and soft balls are used.

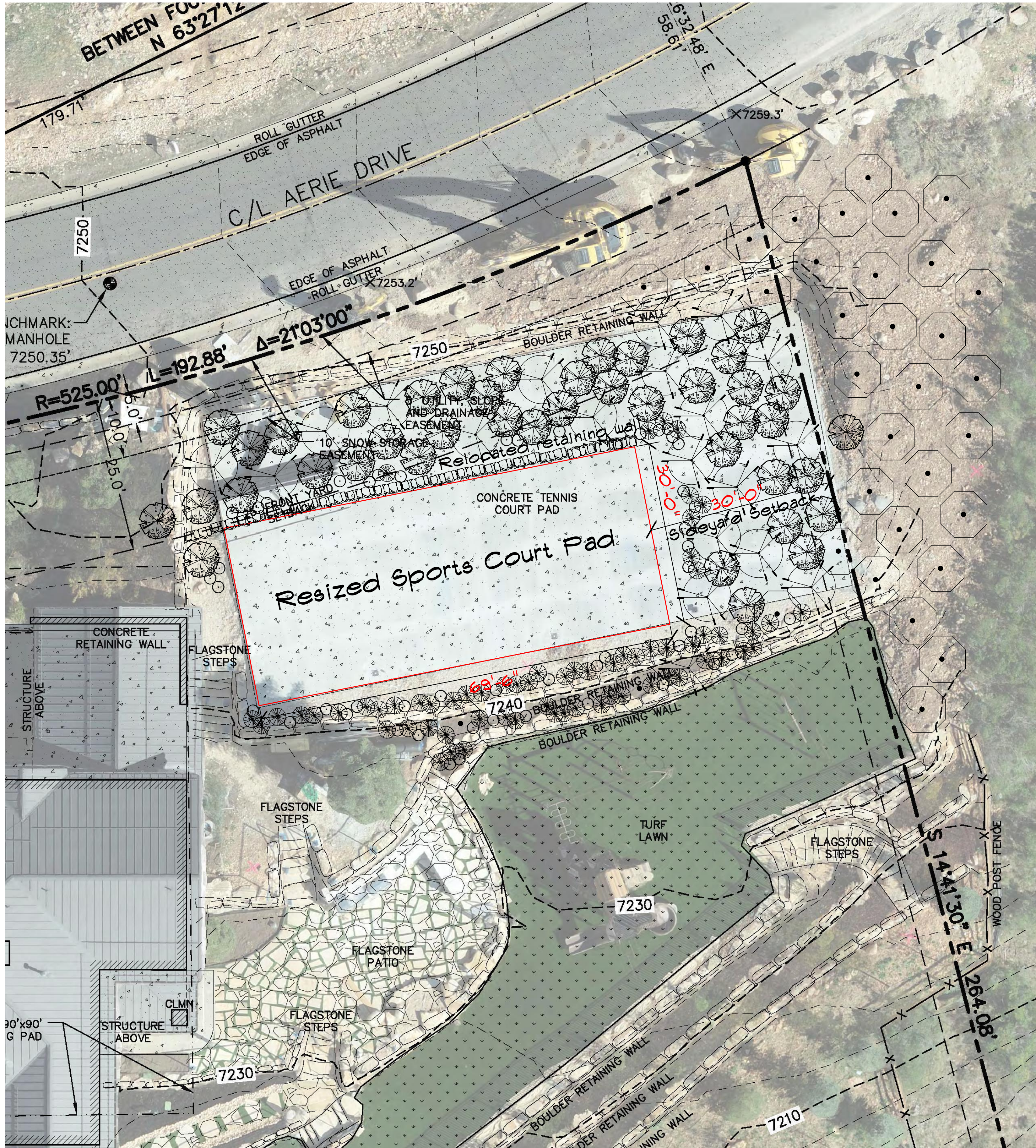
If you have questions or concerns regarding this Final Action Letter, please call 435-615-5060 or email planning@parkcity.org.

Sincerely,



Sarah Hall
Planning Commission Chair

CC: Rebecca Ward, Planning Director



SPORT COURT 032624 UPDATED
SCALE: 1" = 10'-0"

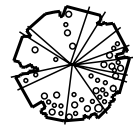
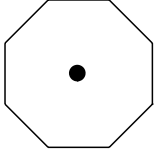
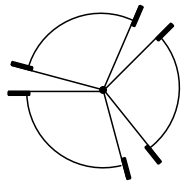


NOT FOR CONSTRUCTION
PRELIMINARY ONLY

- NOTES:
- 1. Boulder retaining wall relocated to front setback line.
 - 2. Concrete tennis court pad resized to smaller sports court within setbacks.
 - 3. Off-site disturbed area regraded to natural contours and revegetated.
 - 4. Landscaping along right-of-way outside of snow storage easement area.
 - 5. Plant materials planted east of sports court for screening.
 - 6. All disturbed areas stabilized with natural ground cover mulch.
 - 7. As-built survey mapping prepared by Alliance Engineering.

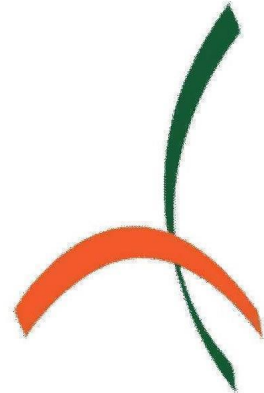
PROPOSED PLANT MATERIALS:

Trees

-  42 - Evergreen Spruce
-  35 - Autumn Blaze Maple
-  20 - Quaking Aspen (or equivalent)

Shrubs

-  65 - Karl Forester
-  50 - Russian Sage

 DBS + ASSOCIATES, LLC LAND PLANNING AND DEVELOPMENT	Sutton Property	
	1115 Aerie Drive Park City UT	PHONE: 435-901-0201 EMAIL: dbs@allwest.net
	DRAWN BY: Don Sargent SCALE: 1" = 10'-0" DATE: Thursday, March 28, 2024	
SECTION LETTER A		PAGE NUMBERS 11
PO Box 266 Coalville, UT 84017		SHEET: 1 / 1 Sports Court Updated

Snell & Wilmer

OFFICE MEMORANDUM

TO: Rebecca Ward, Jacob Klopfenstein
FROM: Jason Boal
DATE: July 26, 2024
RE: Sound measurements for 1115 Aerie Dr.

On Friday July 26, 2024, at approximately 11:45 am, I conducted a sound measurement exercise, related to pickleball use, on the property of 1115 Aerie Dr., in Park City. Present at the site for the exercise was – Elissa Martin and Jacob Klopfenstein from Park City and Sergio Vasquez and myself from Snell & Wilmer. The equipment used to measure sound was a XRCLIF Decibel Sound Meter that has a range of 30-130dB. It has an accuracy +/- 1.5 dB.

While these measurements provide some data on the potential sound created by pickleball on this site, there are several factors need to be considered with the readings. First, the sports court surface is plain concrete currently. The finished sports court surface is required to be an open cell surface, such as Sports Court Sport Game PB open cell surface. This court surface will absorb 20% of the downward reflective sound waves.¹ Second, a hard plastic ball was used ,as opposed to a “soft” pickleball. The “soft” pickleball that was onsite for the Planning Commissioner’s site visit (and the ones required to be used) have dB rating of 60², whereas hard plastic balls have a typical dB rating of 70.³ Third, the location of the retaining walls will be moved further away from the property line. This will decrease the sound coming up and off the sports court. Fourth, the proposed Picklefence suppresses acoustics up to 50%.⁴ Finally, there is no landscaping in place between the sports court and property lines currently. The addition of twenty (20) to (30) feet of landscaping will decrease the sound coming from the sports court at the property lines.

The findings of the measurements of the exercise are summarized below:

¹ SportsWest Construction site specific memo, attached.

² https://www.gammasports.com/products/librarian-foam-pickleball?srltid=AfmBOooelo-Q2L0DJTGxOQ_LoYA4BNpIO1HHXo0XTWB7uxrdq9ysy2K

³ [https://thepickler.com/pickleball-blog/pickleball-noise-issue/#:~:text=The%20sound%20of%20a%20pickleball,cleaner%20\(at%2075%20dBA\).](https://thepickler.com/pickleball-blog/pickleball-noise-issue/#:~:text=The%20sound%20of%20a%20pickleball,cleaner%20(at%2075%20dBA).)

⁴ <https://pickletile.com/pickleglass/>

Ambient Noise: The ambient noise while on site generally ranged between the mid-forties to the mid-fifties (as a car drove by the readings went up to the mid-seventies). The images below show the readings without pickleball being played.



Pickleball: Sound readings were taken from four locations on site. Below are images showing the reading from the different locations.

1. Above the court by the road, to the east -



2. Northeast corner of the of the court –



3. South edge of the court



4. Westside of the court –



We appreciate the diligent review of the Administrative Conditional Use Permit Park City staff is conducting. We anticipate that this additional data will resolve any remaining concerns staff has regarding sound. We are confident that the approval of the sports court the Planning Commission issued on May 8, 2024, was well reasoned and adequate mitigation measures were required. If you have any additional questions, please feel free to reach out to me.

Sincerely,
Snell & Wilmer

A handwritten signature in blue ink, appearing to read 'J. Boal', with a stylized flourish at the end.

Jason Boal, AICP

Attachment A: SportsWest Construction site specific memo

Attachment A



TD Sports, Inc. dba SportsWest Construction
CAL.CON.LIC. # 660967

3/20/24

Gary Sutton - Park City, Utah

As a follow up to our discussion here is a recap of items you can do to reduce noise coming from pickleball play, both paddle hitting ball and players having fun:

1. Sport Court SportGame PB open cell surface system we are installing absorbs 20% of the downward reflective sound waves.
2. "AcoustiFence soundproofing material placed around a pickleball court can reduce noise by up to 10 -12 decibels, a 50% reduction in sound." <https://usapickleball.org/member-news/quash-pickleball-noise-with-acoustifence/>
3. The Owl pickleball paddle is the "...first paddle qualifying for USA Pickleball's (Sports governing body) new Quiet Category. Owl Paddles reduce the noise of your game by more than 50%." <https://www.owlpaddle.com/technology>

There is also an expert, Bob Unetich, who posts sound mitigation Research on Facebook. Lots of info there. He is the industry expert. [\(1\) Pickleball Sound Mitigation | Facebook](#)

USA Pickleball is constantly researching paddle, ball, and court modifications to assist in reducing the sound that comes from pickleball play. Although I am not a sound engineer the above elements you are integrating in your court will mitigate the level of sound decibels' getting it down to normal conversation levels around the perimeter of your court.

My personal background is a general contractor court builder for more than 37 years and have built more than 15,000 courts in California and Utah. I was on the Board of Directors for the American Sports Builders Assoc. (ASBA) for the last 6 years overseeing the courts division and helped write the official ASBA Pickleball Construction Manual. I have also made presentations in the sports construction industry regarding pickleball sound mitigation.

Regards,

A handwritten signature in blue ink, appearing to read 'Dale M. Hendrickson'.

Dale M. Hendrickson
Owner – SportsWest Construction



(800)296-5566



SportsWestCo.com

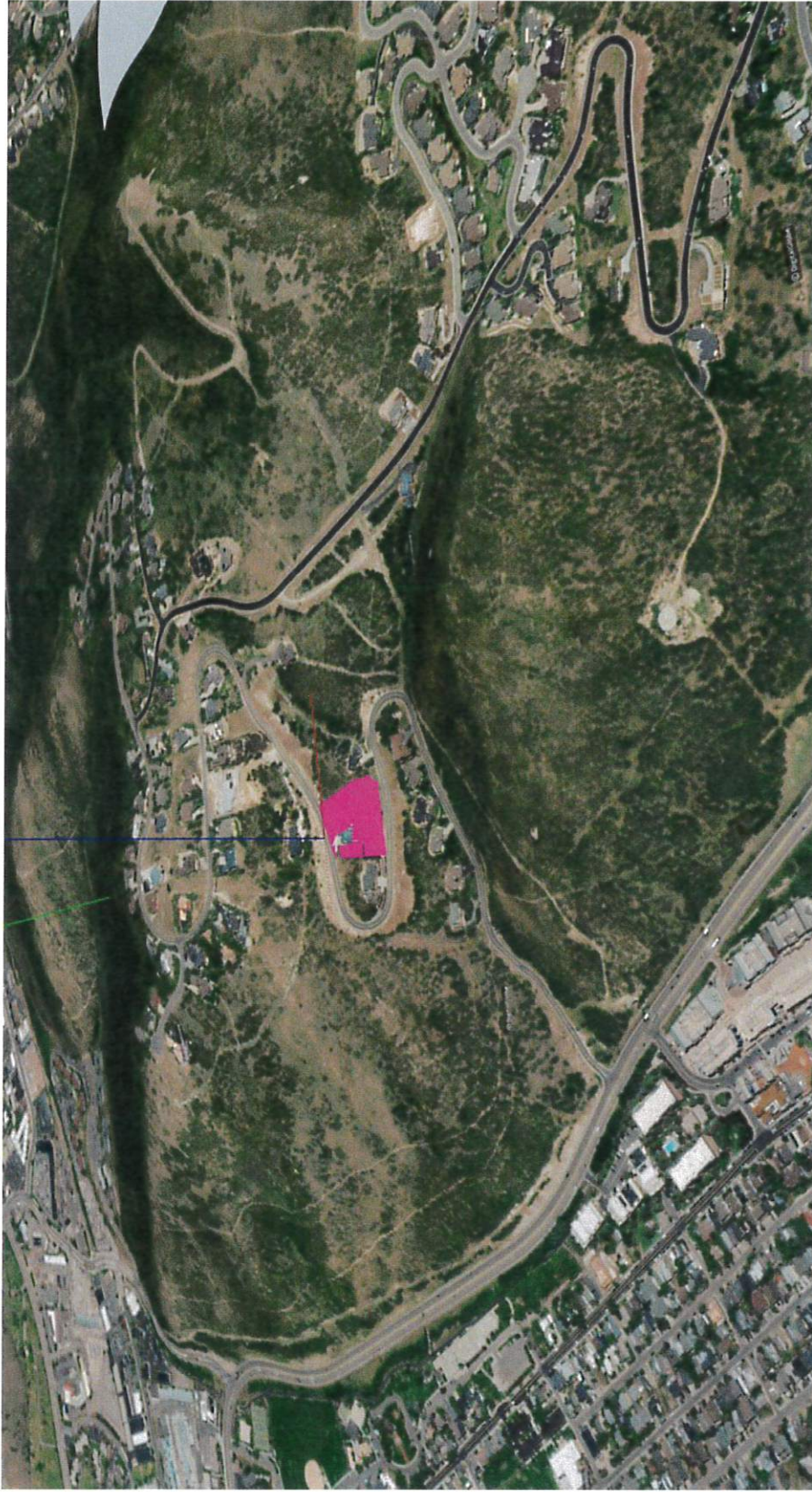


CA Showroom: 21 W. Easy Street,
Unit 107, Simi Valley, CA 93065

Exhibit J

Visual Assessment

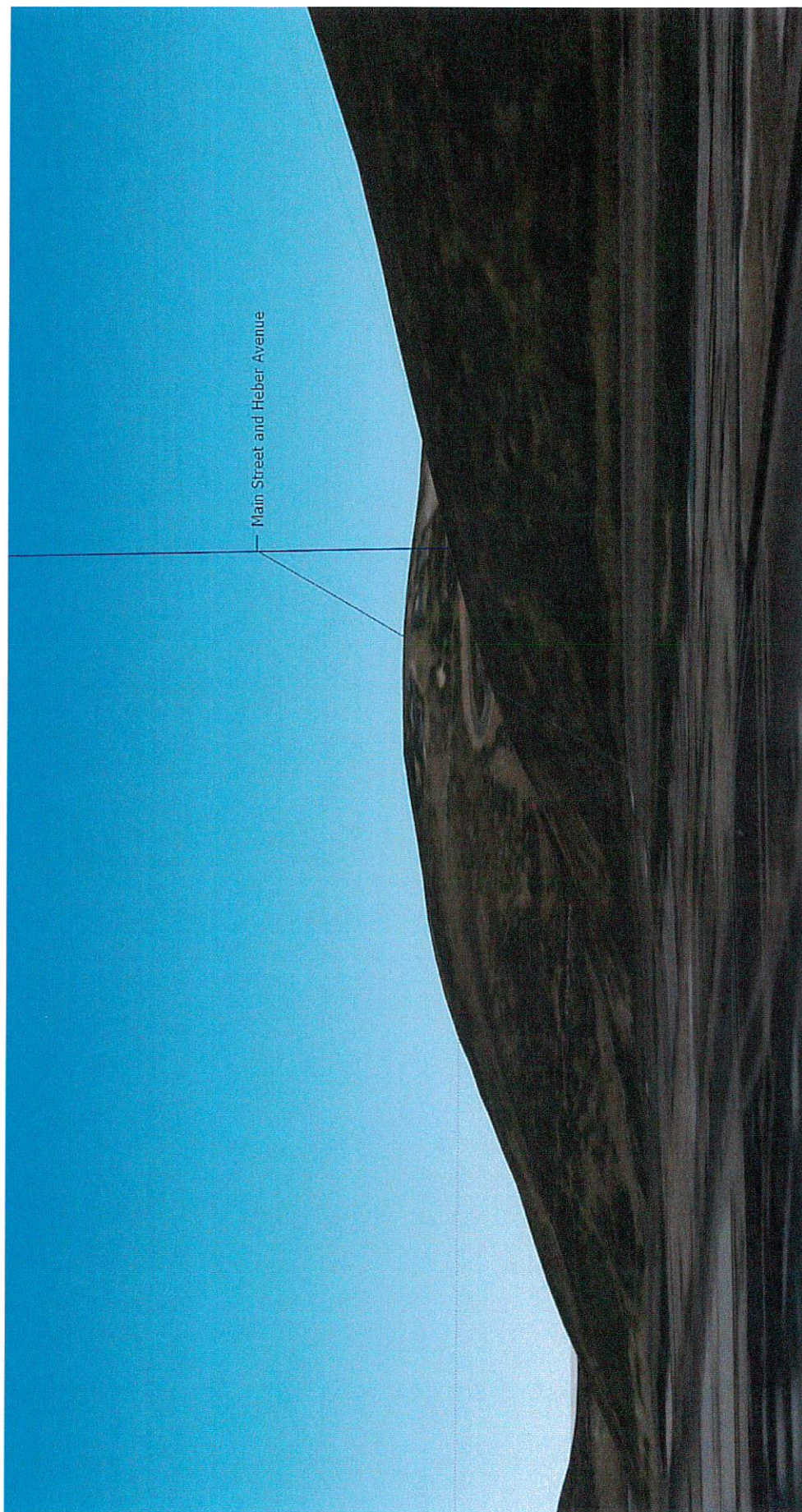
Visual Assessment from identified viewing points



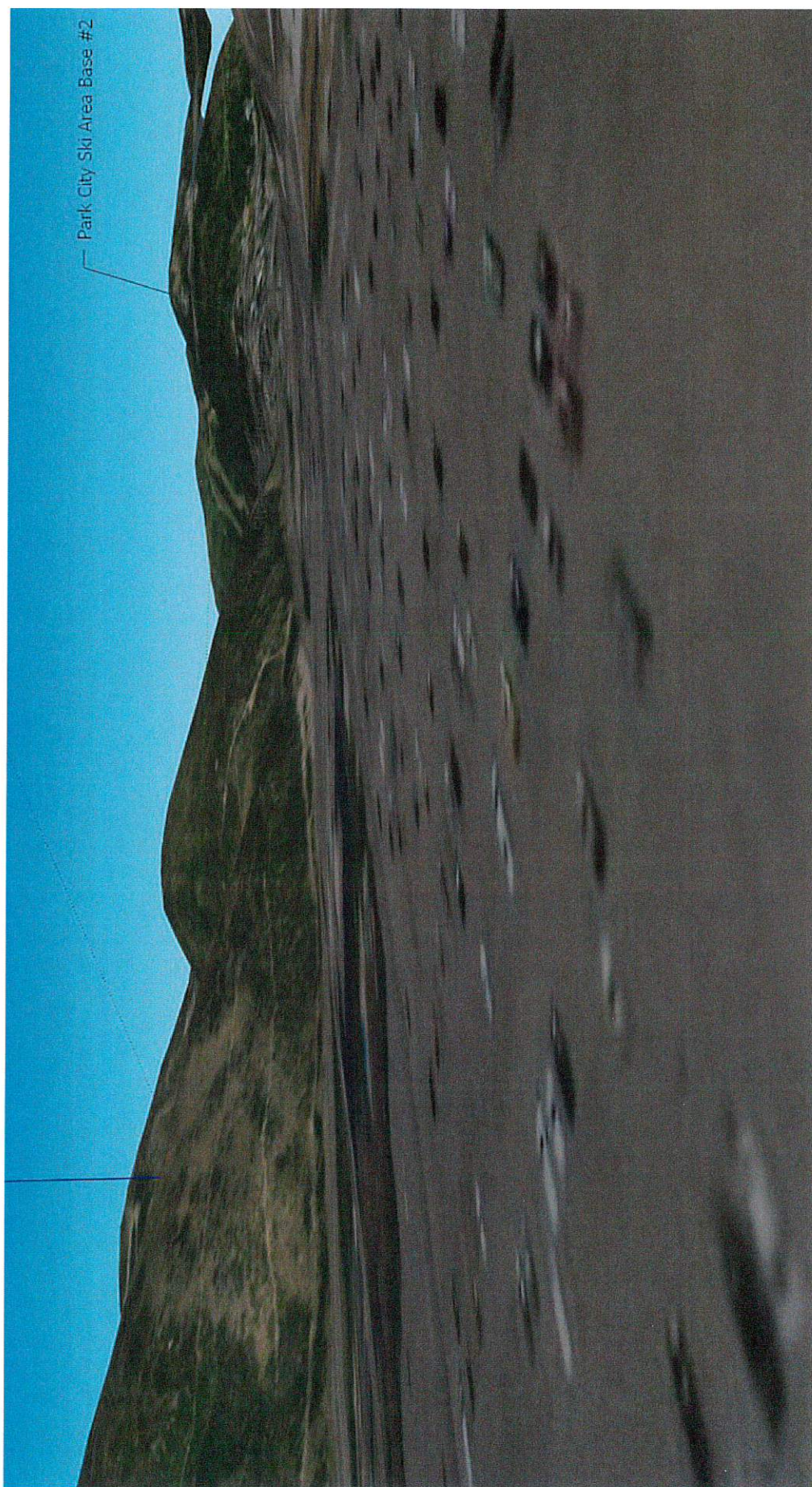
Aerial view of 1115 Aerie Dr. The property is highlighted in pink in each of the follow views.

The blue vertical line will identify where the property is located.

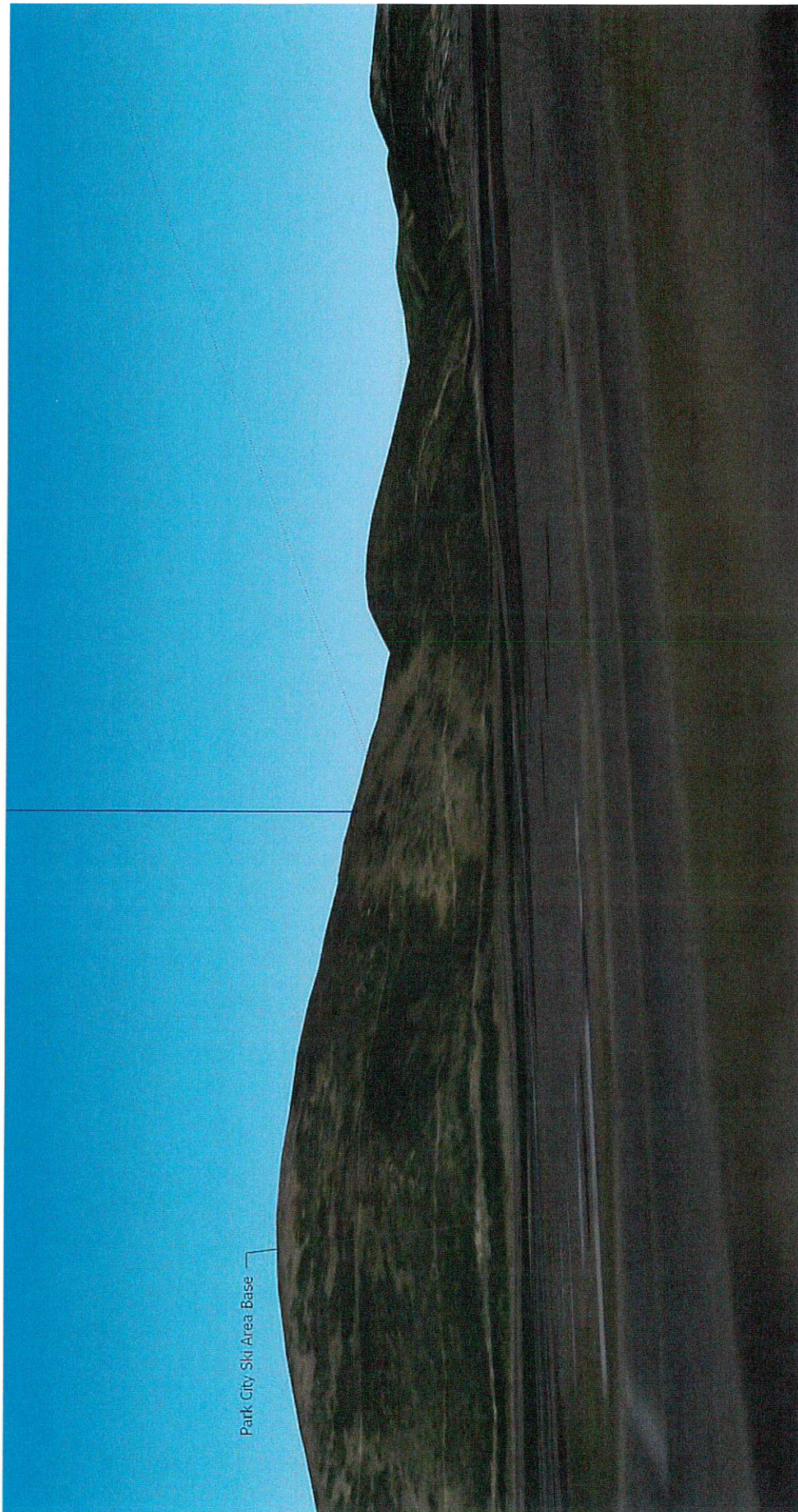
Main Street and Heber Ave.



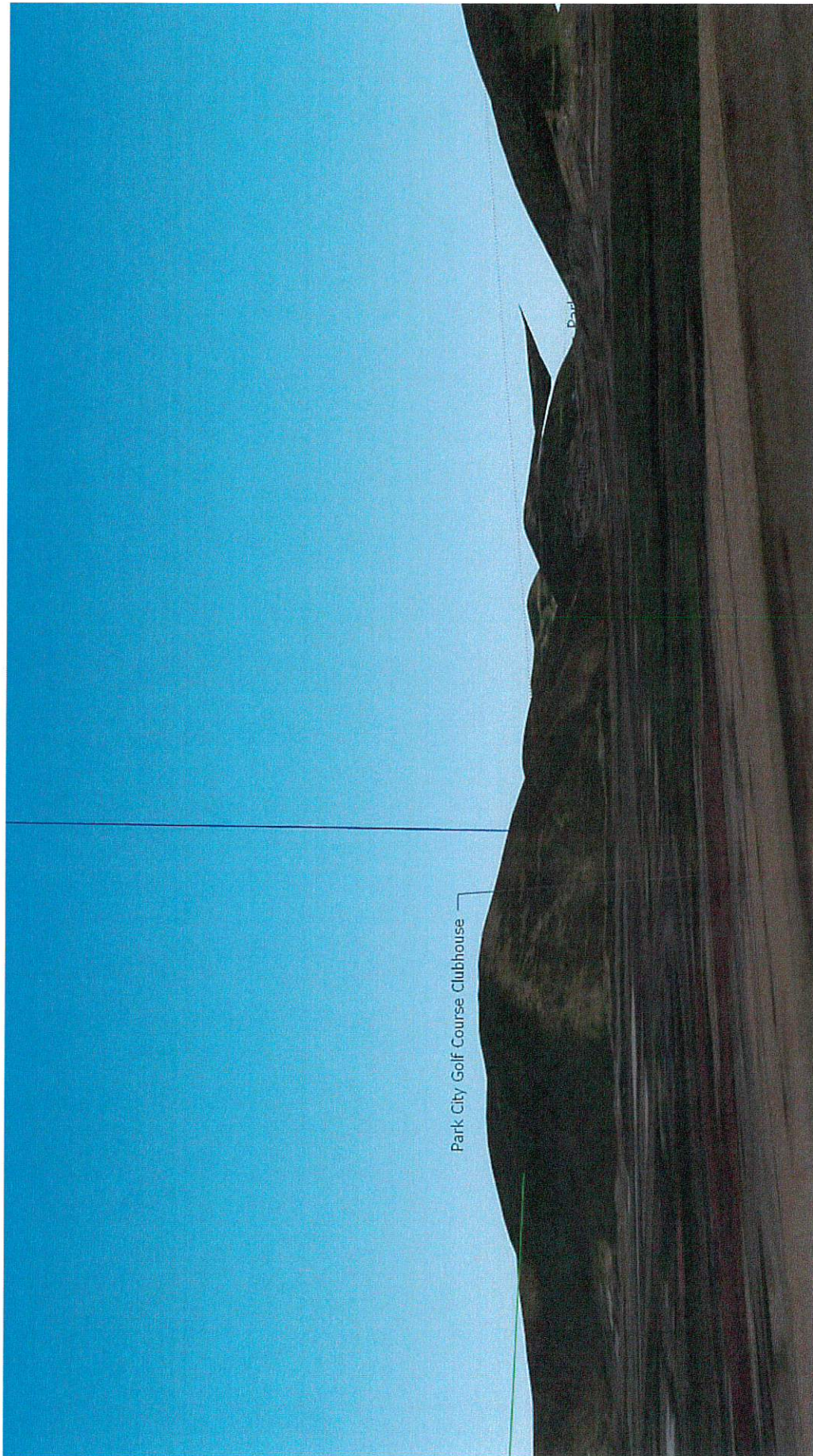
Park City Ski Base Area #2



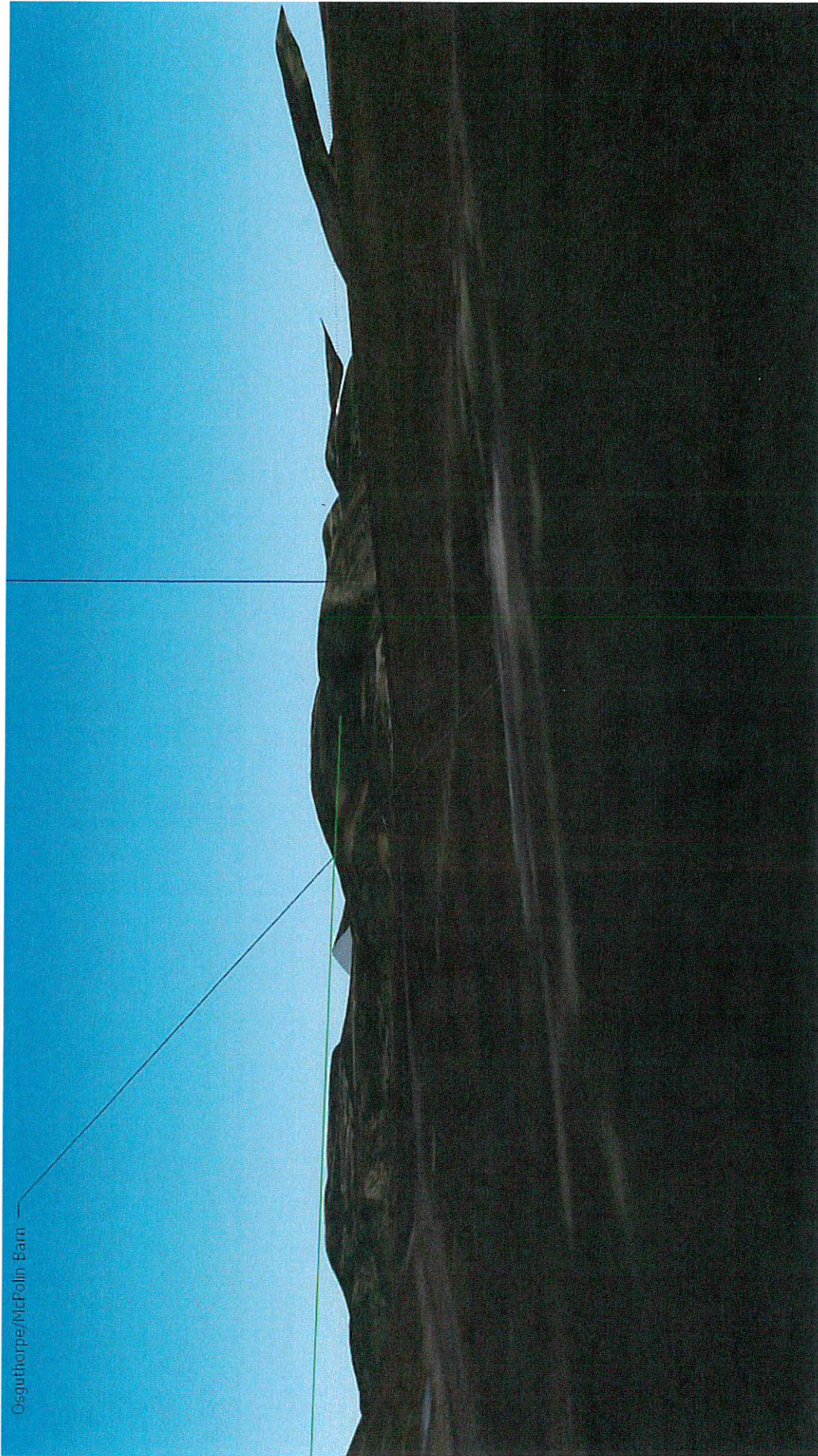
Park City Ski Base Area



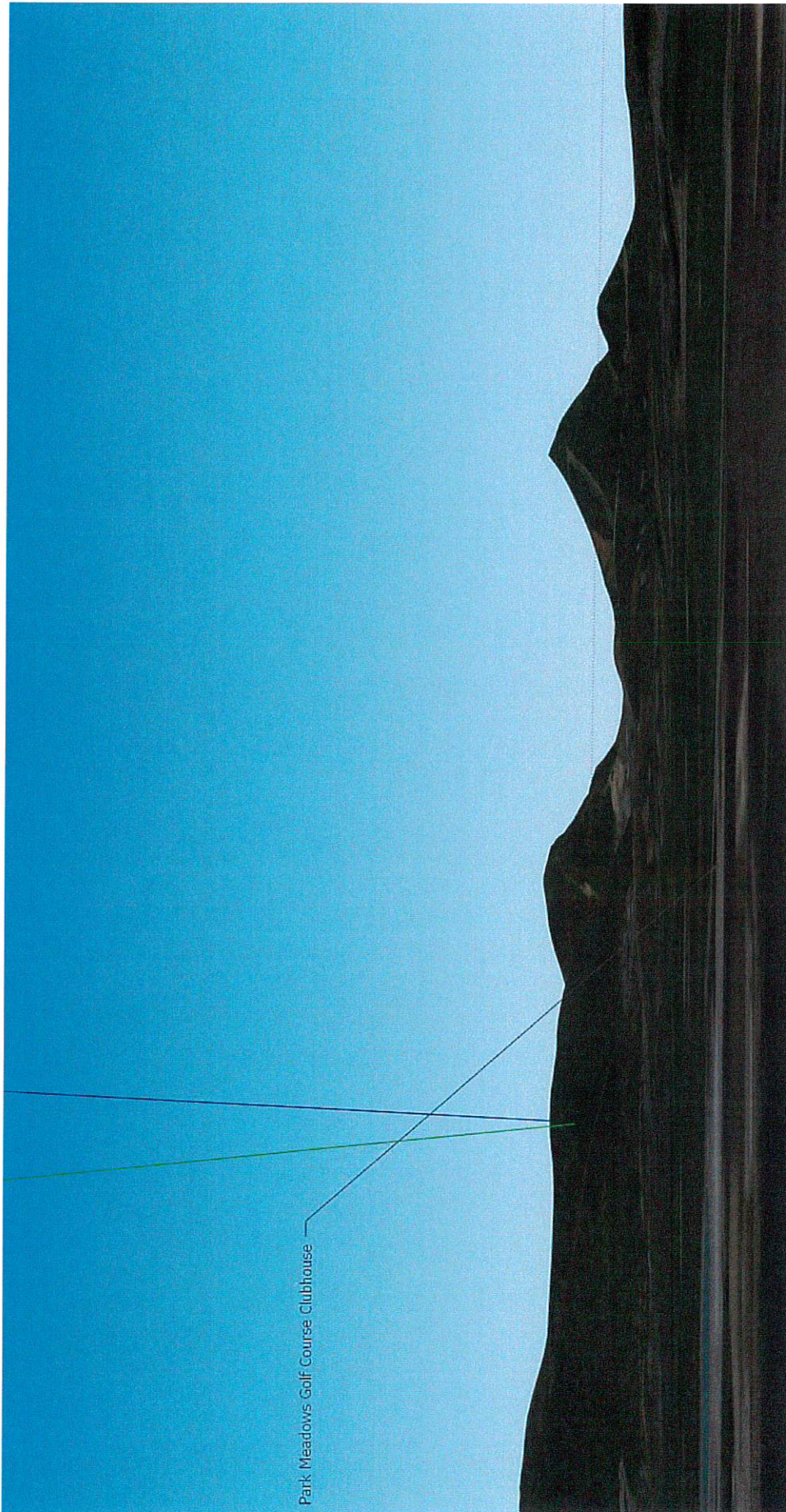
Park City Golf Course Clubhouse



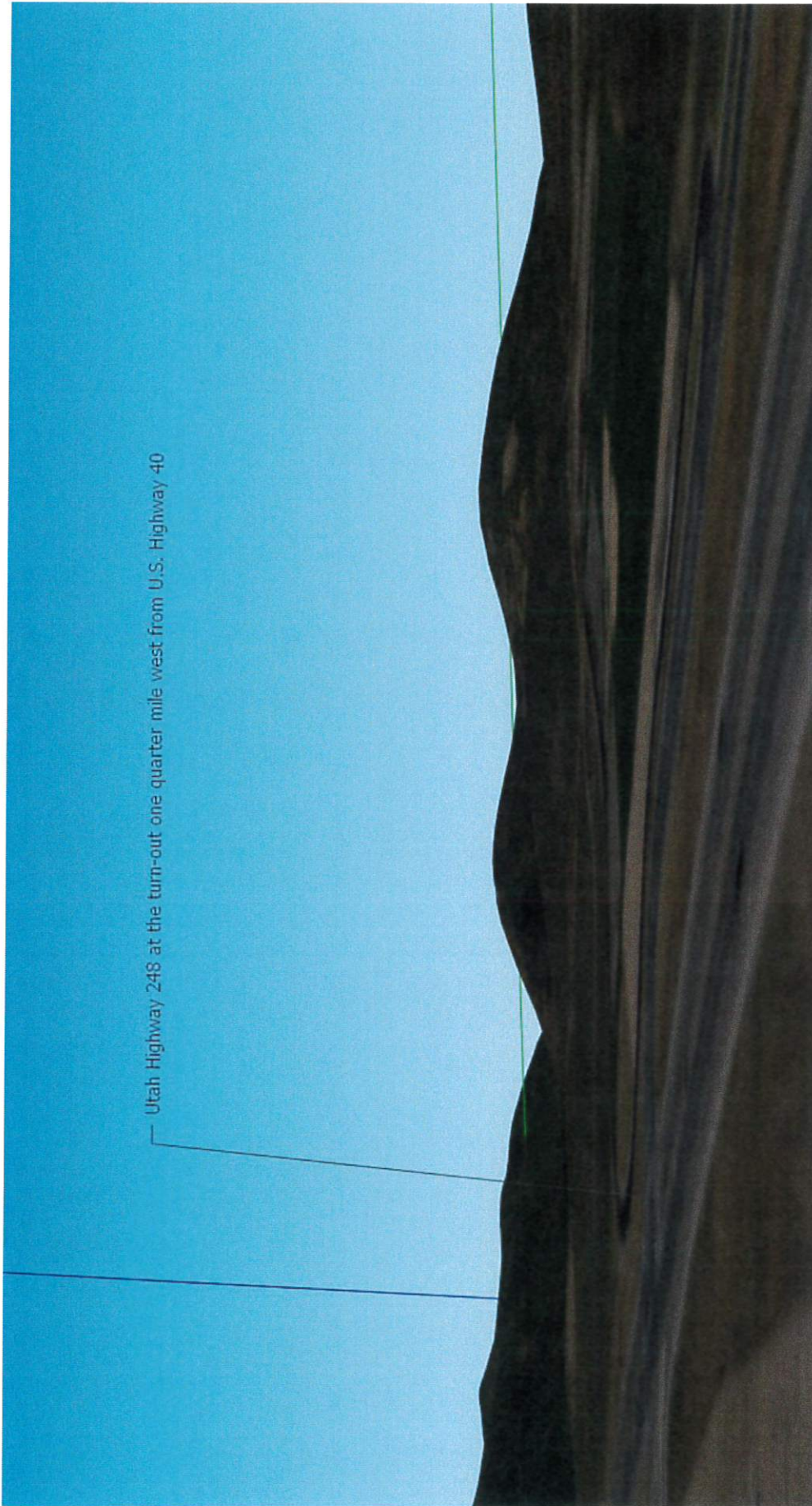
Osguthorpe/McPolin Barn



Park Meadows Golf Course Clubhouse

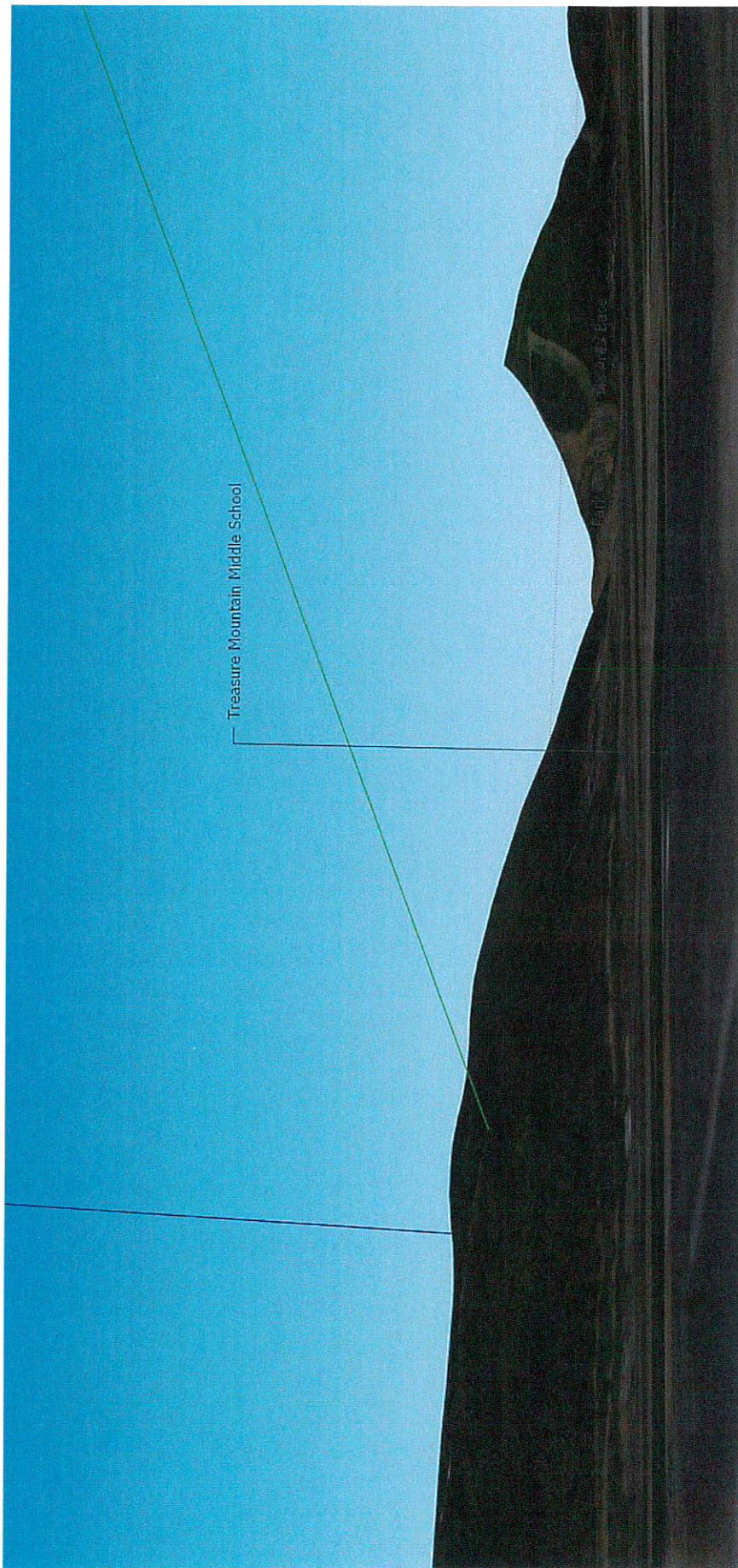


Utah Highway 248 at turn out 1/4 mile west of US Hwy 40

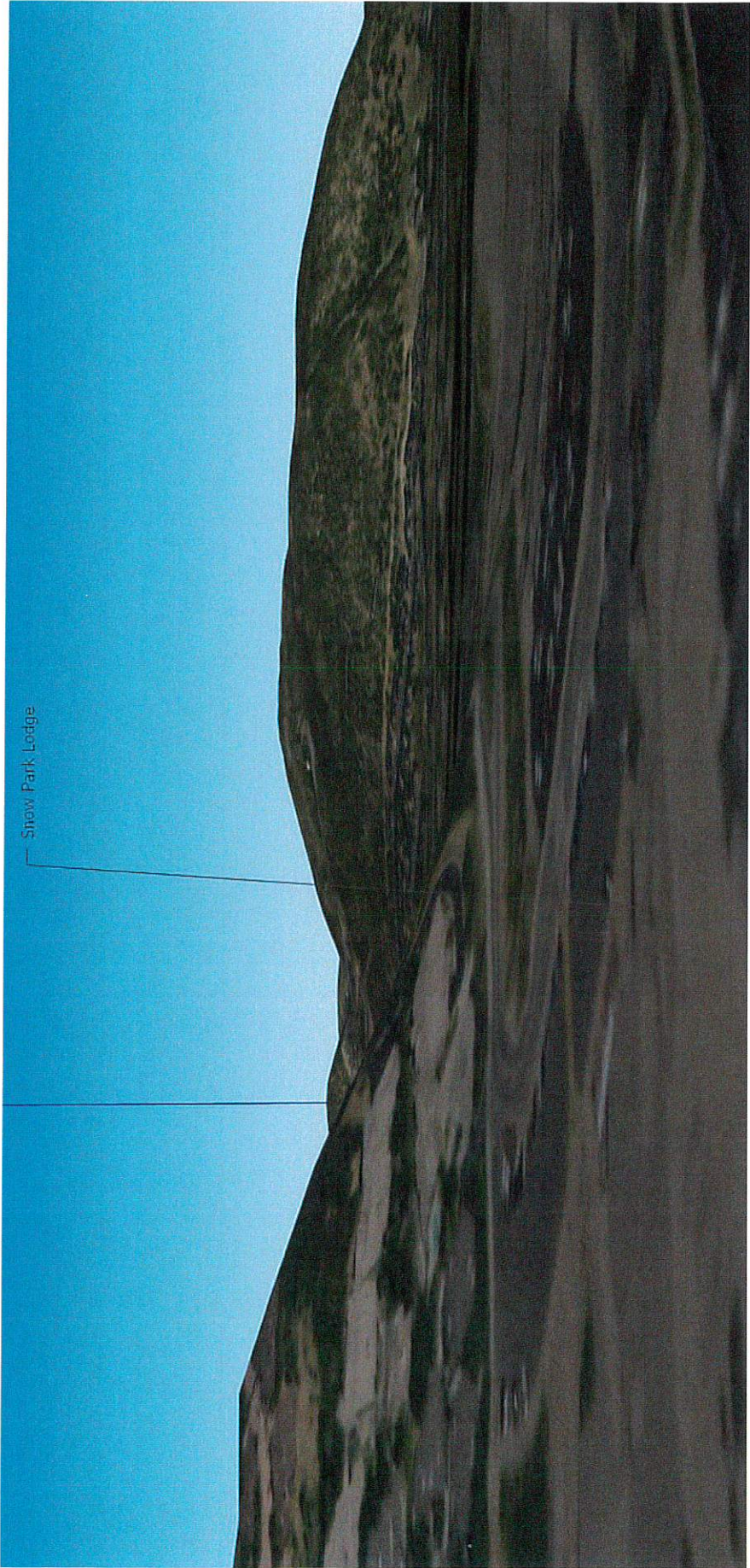


Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40

Treasure Mountain Middle School



Snow Park Lodge



GLASS DATA SHEET

PICKLEGLASS™ TEMPERED GLASS

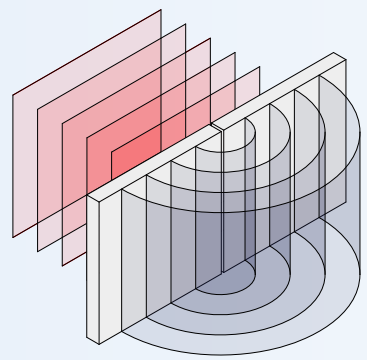
TEMPERED GLASS, ALSO KNOWN AS TOUGHENED GLASS, IS A TYPE OF SAFETY GLASS THAT HAS UNDERGONE A PROCESS OF EXTREME HEATING AND RAPID COOLING TO CHANGE ITS CHEMICAL STRUCTURE. THIS PROCESS MAKES TEMPERED GLASS SIGNIFICANTLY STRONGER THAN STANDARD ANNEALED GLASS. PICKLEGLASS™ COMPLIES WITH ANSI/SGCC Z97.1 STANDARD FOR SAFETY GLAZING IN THE US BUILDING CODE CONTEXT.

VISIBLE LIGHT - 87% TRANSMITTANCE VALUE PERCENTAGE

TV% (TRANSMITTANCE VALUE PERCENTAGE) REFERS TO THE PERCENTAGE OF LIGHT THAT PASSES THROUGH A MATERIAL. IT IS A MEASURE OF HOW TRANSPARENT OR TRANSLUCENT A MATERIAL IS. IN OTHER WORDS, TV% QUANTIFIES THE AMOUNT OF INCIDENT LIGHT THAT IS NOT ABSORBED OR REFLECTED BY THE MATERIAL BUT INSTEAD IS TRANSMITTED THROUGH IT.

SCORE ANALYSIS

AN 87% TRANSMITTANCE SCORE FOR GLASS WINDOWS IS IDEAL BECAUSE IT LETS IN PLENTY OF NATURAL LIGHT WHILE REDUCING GLARE AND UV EXPOSURE, BALANCING BRIGHTNESS WITH COMFORT AND ENERGY EFFICIENCY.

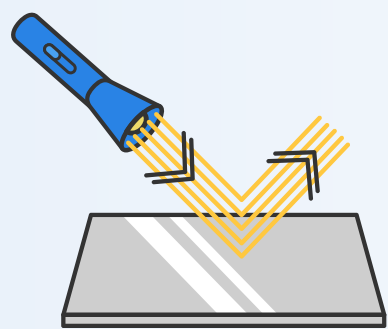


REFLECTIVITY - 8% REFLECTIVE VALUE PERCENTAGE

RVL% (REFLECTIVE VALUE PERCENTAGE) IS A MEASURE USED TO QUANTIFY THE AMOUNT OF LIGHT THAT IS REFLECTED OFF A SURFACE RELATIVE TO THE TOTAL AMOUNT OF LIGHT THAT STRIKES IT. THIS MEASUREMENT IS OFTEN USED IN FIELDS SUCH AS MATERIAL SCIENCE, OPTICS, AND LIGHTING DESIGN TO ASSESS THE REFLECTIVITY OF MATERIALS OR SURFACES.

SCORE ANALYSIS

SURFACES WITH AN RVL% OF 10% OR LOWER ARE CLASSIFIED AS HAVING LOW REFLECTIVITY, AS THEY ABSORB THE MAJORITY OF INCOMING LIGHT, RESULTING IN MINIMAL REFLECTIVE OUTPUT.



ULTRAVIOLET LIGHT - 55% TRANSMITTANCE ULTRAVIOLET

TUV% INDICATES THE PERCENTAGE OF ULTRAVIOLET (UV) LIGHT THAT A MATERIAL ALLOWS TO PASS THROUGH. A LOWER TUV% MEANS THE MATERIAL BLOCKS MORE UV RADIATION, OFFERING BETTER PROTECTION AGAINST HARMFUL EFFECTS LIKE SKIN DAMAGE AND MATERIAL DEGRADATION. THIS METRIC IS CRUCIAL FOR ASSESSING THE EFFECTIVENESS OF PRODUCTS LIKE SUNGLASSES, WINDOW FILMS, AND PROTECTIVE COATINGS.

SCORE ANALYSIS

A 55% TUV IS IDEAL FOR OUTDOOR ENCLOSURES AS IT BALANCES UV PROTECTION WITH SUFFICIENT NATURAL LIGHT. IT SHIELDS AGAINST HARMFUL UV RAYS, REDUCING THE RISK OF DAMAGE, WHILE MAINTAINING A BRIGHT AND COMFORTABLE ENVIRONMENT WITHOUT EXCESSIVE DARKENING.

