



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 8, 2025**

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

EX OFFICIO: Rebecca Ward, Planning Director; Jacob Klopfenstein, Planner I; Mark Harrington, City Attorney; Ken Fisher, Recreation Director; Tate Shaw, Assistant Recreation Director; Lillian Zollinger, Planner III; Becky Gutknecht, Public Improvements Engineer

1. ROLL CALL

Chair Sarah Hall called the Planning Commission Meeting to order at 5:30 p.m. She reported that Commissioner Laura Suesser is attending the meeting virtually via Zoom. Commissioner Christin Van Dine is excused from the Planning Commission Meeting.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from December 11, 2024.

Commissioner Suesser noted that she was not present at the December 11, 2024, or December 12, 2024, meetings. As a result, she will abstain from both of the votes.

MOTION: Commissioner Johnson moved to APPROVE the Meeting Minutes of December 11, 2024. Commissioner Sigg seconded the motion. The motion passed 4-0, with an abstention from Commissioner Suesser.

B. Consideration to Approve the Planning Commission Meeting Minutes from December 12, 2024.

MOTION: Commissioner Johnson moved to APPROVE the Meeting Minutes of December 12, 2024. Commissioner Shand seconded the motion. The motion passed 4-0, with an abstention from Commissioner Suesser.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward, shared updates with the Planning Commission. She reported that the Neighborhood General Plan Meetings will continue throughout the month. There was a meeting with the Upper Deer Valley Neighborhood last night. Next Tuesday, there will be a meeting with the Resort Center Neighborhood, and on Wednesday, there will be a meeting with the Old Town Neighborhood. Those meetings will take place in Council Chambers. It is an open house from 5:00 p.m. to 8:00 p.m. During the meetings, there will be a review of the recommendations in the 2014 General Plan. Residents will also be able to provide feedback about what is desired in the update.

Director Ward reminded those present to state their full name for the record before making a public comment during the meeting. Comments must be three minutes or less and be directed to the Commission. Additionally, civility is requested in all comments shared.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. CONTINUATION

- A. 2250 Deer Valley Drive South – Amendment to the Flagstaff Development Agreement Technical Reports** – The Applicant Proposes to Update the Flagstaff Technical Reports #5 Open Space Management Plan and #13 Wildlife Management Plan Related to the Flagstaff Development Agreement, Master Planned Development, and the Conditional use Permit Approving the Installation of Lift 7. PL-24-06258.

Chair Hall opened the public hearing. There were no comments. The public hearing was continued to the January 22, 2025, Planning Commission Meeting.

MOTION: Commissioner Johnson moved to CONTINUE 2250 Deer Valley Drive South – Amendment to the Flagstaff Development Agreement Technical Reports to January 22, 2025. Commissioner Frontero seconded the motion. The motion passed unanimously.

6. WORK SESSION

- A. Land Management Code Amendments** – The Planning Commission will Conduct a Work Session Regarding Potential Amendments to Land Management Code Chapters 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, 15-2.6, 15-2.7, 15-2.9, 15-2.10, 15-2.12, 15-2.13, 15-2.14, 15-2.15, 15-2.16, 5.2-17, 15-2.18, 15-2.19, 15-2-23, and Sections 15-3-6 and 15-4-9 to Update and Revise Child Care Land Use Regulations. PL-24-06006.

Planner I, Jacob Klopfenstein, explained that the Work Session will focus on Land

Management Code amendments related to Child Care Land Use Regulations. The purpose of the Work Session is to provide an update on this project and receive additional feedback from the Commission ahead of a draft ordinance for the code amendments.

Background information was shared with the Commission. Planner Klopfenstein reminded those present that in 2023, the City Council requested an evaluation of the current regulations related to Child Care Land Use. In March 2024, a Planning Commission Work Session was conducted and feedback was received. Most recently, in November 2024, the Planning Department convened a Focus Group that included some local childcare professionals as well as the Mayor and Council Member Ed Parigian.

The current definitions were reviewed. Planner Klopfenstein explained that In-Home Babysitting covers four or fewer children, Family Child Care covers up to eight children within the provider's primary residence, Family Group Child Care covers a range of nine to 16 children within the provider's primary residence, and Child Care Centers covers a childcare business outside the provider's primary residence for four or more children. The current regulations for the four types of childcare were reviewed and are as follows:

- In-Home Babysitting:
 - Allowed City-wide as an accessory use.
- Family Child Care:
 - Requires an Administrative Permit in single-family dwellings and duplexes.
- Family Group Child Care:
 - Conditional Use Permit.
- Child Care Centers:
 - Allowed in non-residential zones but would need a Conditional Use Permit or be approved as part of an MPD in residential zones.

Planner Klopfenstein added that childcare in multi-unit dwellings requires a Conditional Use Permit as well. Childcare centers have some specific location criteria when part of a Conditional Use Permit, which encourages them to be located near peripheries of neighborhoods, schools, libraries, and houses of worship. Staff recommendations are:

- Shifting all reviews to Staff-level reviews;
- Updating the definitions to align with changes to State Code; and
- Updating and consolidating the criteria reviewed for Child Care Facilities.

Outlined in the Staff Report is a side-by-side comparison between the current regulations outlined for Child Care Facilities in the code and the recommended changes. The end result is a consolidated set of criteria that includes regulations for the following:

- Parking;
- Drop-Off/Pick-Up Area;
- Arterial Street;
- Proximity to Public Transit;

- Setbacks;
- Signs;
- Play Area Size and Location;
- Screening;
- Structure Inspection;
- Public Notice;
- One-Year Review;
- Exceptions.

These facilities would also be reviewed through the Conditional Use Permit criteria that are outlined in the code. Staff is proposing a review specific to Child Care Facilities, but most of the proposals would also go through the Administrative Conditional Use Permit Process. Planner Klopfenstein posed the following questions to Commissioners:

- Does the Commission support Staff review for Child Care Facilities rather than Planning Commission review?
- Is the Commission supportive of consolidating the criteria, as outlined?
- Does the Commission suggest any changes to Staff's proposed review requirements and criteria for Child Care Facilities, as outlined?

Planner Klopfenstein noted that there are additional questions for Commissioner consideration, but he asked that these questions be answered first. Chair Hall asked for feedback on the first question from Staff. She personally supports administrative review rather than Planning Commission review. Commissioner John Frontero agreed. He finds the Staff Report rationale for moving this to a Staff level review to be logical. Commissioner Bill Johnson agreed. As long as other tools are continuing to be used, such as public noticing, it makes sense for this to be a Staff level review in the future. Planner Klopfenstein reported that during the previous Work Session, a 300-foot radius noticing requirement was discussed, which is what has been incorporated in the draft so far.

Commissioner Rick Shand discussed the idea of allowing Staff level approval for Family Group Child Care, as that has to do with nine to 16 children within a primary residence. He has confidence that Staff can review that appropriately. It seems there are a lot of factors that need to be considered when there are 16 children inside of a primary residence. For instance, the Child Care Center category has other factors, such as parking and access. Chair Hall asked Staff to review the administrative process.

Planner Klopfenstein explained that the Administrative Conditional Use Permit process essentially has the same criteria as the Conditional Use Permit process. The criteria are used to address issues such as noise, building mass, and so on. He explained that 16 criteria are evaluated by Staff and are considered by the Planning Director. There is also a public notice period and applications are reviewed during an Administrative Public Hearing Meeting. There is public noticing and there is a public hearing held as well. It is the same type of review process but would not be approved by the Planning Commission.

Commissioner Shand is in favor of making childcare more available. If streamlining the process makes that possible, then this is something that he is willing to support. Commissioner Henry Sigg is generally in favor of streamlining the process and having it be reviewed at a Staff level. His question is whether there will be a public hearing involved as part of that process. He wants to ensure the public has the right to share comments. As for multi-unit dwellings, he can foresee a development that has common area that is suddenly used for child care. The other residents living nearby should be able to weigh in on that. Additionally, he wants to ensure that fire and egress requirements are met.

Planner Klopfenstein addressed the questions and comments shared by Commissioner Sigg. All proposals that trigger an Administrative Conditional Use Permit will receive a public hearing. That would be built into the process. As for the question about common area in multi-unit dwellings, the Conditional Use Permit criteria will evaluate ownership and management. As part of that process, there would need to be Homeowners Association ("HOA") approval or approval from the management. Fire considerations and ingress/egress would be covered through the proposed criteria. Planner Klopfenstein pointed out that the recommended criteria would require a structure inspection. In some cases, proposals may not require a Building Permit, so a requirement for a structure inspection has been included. That inspection would look into ingress/egress and so on.

Commissioner Suesser was curious about whether or not a Child Care Facility has State licensing requirements as well. Planner Klopfenstein reported that the State Division of Licensing has certain requirements. For instance, there is a requirement to have specific square feet per child in the facility. That pertains to indoor areas and outdoor play areas. He believes it is 35 square feet for indoor and 40 square feet for outdoor play areas. When it comes to licenses, the Staff Report includes information about House Bill ("H.B.") 153. It changed the State licensing requirements, so a license is not needed if the facility is providing care for eight or fewer children. This is a recent change to the State licensing requirements. Commissioner Suesser asked if a license is required for more than eight children, which was confirmed. Planner Klopfenstein added that those providing care for up to eight children can request a certificate from the Division of Licensing. Providers are still required to obtain background checks, no matter how many children are provided for.

Chair Hall noted that there is consensus about the first question. Commissioners have expressed support for Staff review of Child Care Facilities rather than Planning Commission review. The second question was discussed, which relates to a consolidation of the criteria. Commissioner Johnson supports the consolidated version that has been presented by Staff. The rest of the Planning Commission echoed that support. Commissioner Frontero asked whether the consolidation will move from four definitions to three. Planner Klopfenstein clarified that there is consideration of eliminating the Family Child Care definition and including that in the In-Home Babysitting definition. Moving forward, it is recommended by Staff that all Child Care Facility types be reviewed against the set of criteria that has been presented to the Commission.

Commissioner Frontero asked about the one-year review and whether there will be a review on an annual basis. Planner Klopfenstein explained that if there are complaints within the first year of operation, the Planning Director will have the option to review them. If the Commission would like to change that to an annual review, then that can be considered. Commissioner Frontero wanted to know what would happen if there were complaints during the second year. Planner Klopfenstein noted that it would be a Code Enforcement matter at that point. Director Ward reported that the one-year review is to check in and track the new use. The Conditional Use Permit runs with the land, so if there are compliance issues in the future, work would be done to bring the property back into compliance. There are different ways to address non-compliance issues.

The Commission was asked to discuss the third question posed by Staff, which relates to suggested changes. Chair Hall suggested building in some flexibility in case there are complaints about a particular issue. Commissioner Suesser supported that idea. She is particularly concerned about parking and traffic in the neighborhoods. The new use might create nuisances that are not anticipated. As a result, it makes sense to have a mechanism in place for enforcement. Commissioner Suesser also suggested that there be clarity about how residents can submit complaints about the use of a property.

Commissioner Johnson asked how the City will handle compliance issues. Director Ward explained that if it is not related to a pending application and there has been final action taken, issues would be addressed through Community Code Compliance. There is a website where residents can post a complaint. This can be done anonymously or personal information can be shared. That information goes to the Community Code Compliance Team. The first step in the process is providing notice followed by creating a plan and timeline to bring the property into compliance. Depending on the outcome, it might shift the matter to an administrative compliance review. Commissioner Shand noted that a parking or traffic violation would bring law enforcement into the matter.

Commissioner Sigg pointed out that the Planning Commission is addressing land use issues rather than operational issues. This was confirmed. Commissioner Johnson noted that the State regulates most of the operations and qualifications of the providers.

Planner Klopfenstein reported that the next topic of discussion relates to parking for Child Care Facilities. He shared the current requirements with the Commission. In-Home Babysitting does not have a parking requirement, but Family Child Care and Family Group Child Care require one parking space for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. For Child Care Centers, the requirement is one parking space for each on-duty staff member per shift and one space for every six children cared for. The recommendations are:

- Retain requirement for Family Child Care, Family Group Child Care, and Child Care Centers to provide one parking space per each non-resident or non-family member employee on-shift;

- Eliminate the requirement for Child Care Centers to provide one parking space per every six children cared for because Child Care Facilities already must provide drop-off/pick-up areas for parents;
- Implement flexibility for parking, such that providers could qualify for reductions or exemptions for parking if they submit a Parking Plan that meets certain criteria.

Planner Klopfenstein shared some possible criteria for parking reductions or exemptions:

- To qualify for a parking reduction or exemption, applicants could submit a Parking Plan that demonstrates the following:
 - There is adequate on-street parking in the area that employees could use;
 - The facility could share parking with a nearby business;
 - The facility includes an on-site drop-off/pick-up area;
 - A significant number of employees do not use single-occupancy vehicles;
 - Parking in the right-of-way adjacent to the Child Care Facility is available;
 - An agreement authorizes facility employees/patrons to park in an off-site parking area or parking structure that is located within 1,000 feet of the Child Care Facility perimeter boundary;
 - The Child Care Facility is within 1/4 mile of a bus stop that includes a waiting shelter consistent with City standards;
 - On-site parking is provided for motorcycles and/or scooters;
 - Bicycle parking exceeds the requirements of the Land Management Code.

The following questions were posed to the Planning Commission:

- Does the Commission support allowing childcare providers to qualify for parking reductions or exemptions, as outlined?
- What other criteria would the Commission like to see included in a Parking Plan if an applicant seeks a parking reduction or exemption for a Child Care Facility?

Commissioner Suesser suggested that a Shared Parking Arrangement be included. If one of the residents leaves for work each day, there could be a parking space. Commissioner Shand expressed his support for allowing Child Care Centers to qualify for parking reductions. If it is located on a street where there is available parking, it makes sense for there to be an exception granted. Chair Hall also supports parking reductions or exemptions and likes the suggestion that was made by Commissioner Suesser. Commissioner Frontero is also supportive of what is proposed and noted that reductions and exemptions could be handled on a case-by-case basis by the Planning Director.

Commissioner Johnson asked whether an increased drop-off area could result in a parking reduction. Planner Klopfenstein noted that there is language related to drop-off/pick-up areas. Commissioner Johnson believed that having a larger drop-off area could be a valid rationale for a parking reduction. Chair Hall believes that adding flexibility is important, as this kind of use differs from a lot of other use types in the community.

Planner Klopfenstein shared information about Master Planned Developments (“MPD”) and Affordable Master Planned Developments (“AMPD”). There is a provision in the code that allows the Planning Commission to require a developer of an MPD or AMPD to create a Child Care Facility on-site if the Commission determines there is increased demand for childcare. Staff recommends eliminating this for the following reasons:

- Lack of clear criteria;
- Impracticality for developers;
- Enforceability;
- Incentives as accessory uses.

Planner Klopfenstein posed the following question to the Planning Commission:

- Does the Commission support removing the childcare mandate from the MPD and AMPD codes?

Commissioner Sigg supports removing the childcare mandate from those codes, as there is no clear data that supports a mandate. Commissioner Shand agrees. Commissioner Frontero asked what the State regulations have to say about an MPD and AMPD. Planner Klopfenstein explained that the way the State requirements are crafted for Child Care Facilities is that there is a requirement for a certain amount of square footage per child.

Commissioner Frontero asked Director Ward whether the Planning Commission has ever mandated an MPD or AMPD to have childcare. Director Ward is not aware of this taking place but noted that it has been discussed with a few projects. To her knowledge, it has never been a Condition of Approval for either an MPD or AMPD in the City. Based on that information, Commissioner Frontero supported the removal of the mandate. Chair Hall noted that while she supports removing the mandate for an AMPD, she still would like to see it be an evaluation criterion for an MPD. It could be appropriate with a large-scale MPD. Commissioner Frontero wondered whether the suggestion is for the developer to carve out space for an operator to come in and run a Child Care Facility. Chair Hall would like to see there be an evaluation within the criteria, so it is considered.

Commissioner Johnson and Commissioner Suesser agreed with the suggestion from Chair Hall about an evaluation. Commissioner Suesser pointed out that the Commission intentionally left childcare in as an exception under an MPD. That would be bonus space and would not be counted in the square footage, which is a way to incentivize the use. She feels it makes sense to leave this review in the MPD process. Commissioner Shand clarified that the Commission is being asked to remove the mandate, not the evaluation. Chair Hall noted that it is mandated that they evaluate the use. The Planning Commission has never required an MPD or AMPD to add a Child Care Facility. She reiterated that there is no mandate that a developer must put in a Child Care Facility, but there is a mandate that there be an evaluation to determine whether or not it is feasible. Commissioner Shand likes it being part of the review process. Commissioner Frontero agrees with comments shared about including the review in the MPD but not AMPD.

Director Ward explained that the way that the review is worded, the Planning Commission has discretion to require the developer to designate a site for a Child Care Center if the Commission determines the project will create additional demands for childcare. If this is going to remain as a review criterion, there is an opportunity to add some clarification. This will make it easier for the applicant to understand the information that needs to be provided. If this does remain, work could be done to add some more clarity.

Commissioner Frontero asked if there is clarity that childcare is bonus density if it were to be provided within an MPD. Director Ward confirmed that there is clarity about that, because of the amendments that were adopted with the accessory uses in MPDs. As for how the Commission would decide that there should be a Child Care Facility on the site, those criteria can be clarified and updated. City Attorney, Mark Harrington, explained that if there is a desire to leave this review in for MPDs, there would need to be some work done on the language. Further refinement of the criteria is necessary.

Planner Klopfenstein reported that another recent change in the State regulations has to do with allowing providers to operate a second location outside of their primary residence. The State now allows a second location, but the Land Management Code does not since there is a requirement for a Family Child Care and Family Group Child Care facility to be within the provider's primary residence. As for H.B. 153 from the 2024 Legislative Session, the State now allows in-home childcare for up to eight children without a license.

Planner Klopfenstein asked the Commission the following questions:

- Does the Planning Commission continue to support a change to the LMC allowing for a second Family Child Care location?
- Does the Planning Commission continue to support eliminating Family Child Care as a category under the LMC?

With the second question, Planner Klopfenstein explained that the Family Child Care definition would be eliminated. In-Home Babysitting, which currently allows up to four children, would be increased to eight to match the State change. Commissioner Sigg asked if the second Family Child Care location means two or more than two. Planner Klopfenstein clarified that there would be a maximum of two. Commissioner Shand supports the elimination of Family Child Care as a category under the Land Management Code. As for the first question, he does not know enough about what a second location would entail. Chair Hall asked Staff to provide some examples of a secondary location.

Planner Klopfenstein clarified that with the second location, all of the State licensing requirements, background checks, and ratios of providers to children would still apply. Commissioner Shand asked if it is a logical jump for someone who watches children in their own home to open a second location. Planner Klopfenstein explained that the definitions, as currently crafted, were intended to match the State regulations. The State now allows for the second location, which is the primary reason the change is being

recommended. There was additional discussion about a second location. Planner Klopfenstein informed the Commission that the intention is to incentivize more childcare. Allowing for a second location speaks to that intention. As far as whether this is something that is commonly occurring, he offered to research that further. During the Focus Group discussions, the providers supported the change to allow for a second location, but many were skeptical that it would actually be utilized by providers.

Commissioner Suesser noted that there is a proposal to shift from four types of facilities in the code to three types of facilities. The recommendation is to eliminate the definition of Family Child Care. Commissioner Suesser wants to understand whether the second location that was previously discussed relates to a Child Care Center. Planner Klopfenstein explained this would apply to each of the definitions, including In-Home Babysitting and Family Group Child Care. Family Child Care is proposed to be eliminated. The new definition of In-Home Babysitting would cover up to eight children.

Chair Hall asked that additional information about the second location be shared during the next discussion. Commissioner Johnson also wanted to hear more about the background checks. Planner Klopfenstein offered to come back with that information.

7. REGULAR AGENDA

- A. 4001 Kearns Boulevard Film Studio – Conditional Use Permit** – The Applicant Proposes to Use a 15,000-Square-Foot Film Studio Bay for an Indoor Public Pickleball Recreation Facility in the Community Transition Zoning District, Regional Commercial Overlay, Sensitive Land Overlay, and Entry Corridor Protection Overlay. PL-24-06369.

Recreation Director, Ken Fisher, Assistant Recreation Director, Tate Shaw, and applicant representative, Justin Keys, introduced themselves. Planner III, Lillian Zollinger, presented the Staff Report and explained that the application relates to a Conditional Use Permit for 4001 Kearns Boulevard. The site is also known as the film studio and is located in several Zoning Districts, including Community Transition, Regional Commercial Overlay, Entry Corridor Protection Overlay, and Sensitive Land Overlay Zoning District.

Planner Zollinger shared an image of the property and noted that the entire structure has three bays for production. The first bay will be the focus of the Commission discussion. Last month, the City Council approved the Recreation Department to negotiate a lease at 4001 Kearns Boulevard for an Indoor Public Pickleball Recreation Facility. The applicant is proposing six indoor temporary pickleball courts in the first bay and an exterior temporary bathroom trailer. The proposal is to operate from February 1 through April 30, 2025, as well as the next two winters in 2026 and 2027. Staff finds the proposal, as conditioned, complies with the zoning requirements. The following details were noted:

- Community Transition Zoning District:
 - Conditional Use complies with purpose, setbacks, and height.

- Regional Commercial Overlay Zoning District:
 - Conditional Use complies with additional regulations.
- Entry Corridor Protection Overlay Zoning District:
 - No changes proposed will impact requirements.
- Sensitive Land Overlay Zoning District:
 - No changes proposed will impact requirements.

Staff finds that the proposal, as conditioned, complies with the following:

- Settlement Agreement, Annexation, and MPD:
 - Use complies with regulations.
- Parking:
 - 30 existing spaces proposed, with Conditions of Approval proposed.
- Conditional Use Permit Requirements:
 - Conditions of Approval are proposed.

Planner Zollinger reviewed the proposed Conditions of Approval with the Commission. Commissioner Shand believes this is a good idea and noted that there is appropriate parking. He understands the lease situation for this year but wonders why the facility would not be in operation year-round. Director Fisher explained that the demand is in the winter because, in the summer, there are sufficient courts available for public use.

Commissioner Shand asked about the surface inside of the film studio. Director Fisher noted that the surface is the main challenge and that is currently being worked through. There are some dead spots on the floor, so attempts have been made to mitigate that issue. Assuming there is approval, the plan is to order a Har-Tru court that fits together, similar to a puzzle. The playing surface should then provide the true bounce needed.

Chair Hall had a question about the hours of operation. She wanted to know why the Condition of Approval shows the hours as less than the Noise Ordinance allows. Director Ward explained that this came from the original film studio MPD Conditions of Approval. These conditions were crafted to align and comply with the existing Conditions of Approval. Chair Hall believes Noise Ordinance requirements are sufficient for the use.

Commissioner Shand would rather approve the extended hours now than have the item come back in the future. Those hours would be 7:00 a.m. to 10:00 p.m. Commissioner Johnson thought it made sense to leave the hours, as originally proposed. Commissioner Frontero suggested that there be a provision added to state that if an extension is desired, it can be handled through an administrative review. Commissioner Suesser asked if the balance of the film studio will be used for film making. Mr. Keys confirmed this. He reported that the other studios are actively licensed for use. This has been structured so the remainder of the building can still be used. Commissioner Suesser wondered whether the portable restroom would ensure that pickleball users remain separate from the film studio activities. This was confirmed. Mr. Keys explained that productions tend to be strict about access. For example, Yellowstone required all security camera systems to

be removed from the building because there were concerns about leaks. Given those security concerns related to the other bays, portable restrooms have been proposed.

Chair Hall opened the public hearing.

Victoria Tran Sood expressed her appreciation for the Recreation Department, which has worked creatively and diligently to find a solution for tennis players and pickleball players. She supports the proposal and asked that the Commission approve the application.

Patricia Kype stated that she is in support of what is proposed. She appreciates that the needs of the tennis community and pickleball community are being considered. There has been a lot of discord over the last several months and this will be a healthy solution.

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

MOTION: Commissioner Shand moved to APPROVE the Conditional Use Permit for an Indoor Public Pickleball Recreation Facility at 4001 Kearns Boulevard, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended:

Findings of Fact

1. 4001 Kearns Boulevard is the 8.62-acre Lot 1A of Park City Film Studios First Amended Subdivision and part of the Quinn's Junction Master Planned Development (MPD), in the Community Transition (CT) Zoning District and Regional Commercial Overlay (RCO), both of which require a Conditional Use Permit (CUP) for Public Recreation Facilities.
2. The property is also within the Sensitive Land Overlay (SLO) and Entry Corridor Protection Overlay (ECPO), although no exterior structural changes are proposed.
3. The Film Studio at 4001 Kearns Boulevard is located between SR-248 and US 40 in the Quinn's Junction neighborhood.
4. On January 18, 2012, Summit County and Quinn's Junction Partnership agreed to a Settlement Agreement that resolved pending legal disputes regarding the land that would become the Quinn's Junction MPD.
5. On May 12, 2012, the City Council passed Ordinance No. 12-12 approving the Quinn's Junction Partnership Annexation Petition and establishing the Quinn's Junction MPD.
6. On May 24, 2012, the City entered into a Development Agreement with Quinn's Junction Partnership. The Development Agreement was recorded with Summit County on July 20, 2012.

7. On April 17, 2014, the City Council passed Ordinance No. 14-16 approving the Park City Film Studios Subdivision.
8. On April 30, 2014, the Planning Director approved an Administrative Conditional Use Permit (ACUP) for part of Phase 1-A of the Quinn's Junction MPD. The ACUP allowed the creation of soundstages, a workshop and support offices, a small guardhouse, 279 standard parking spaces, and 52 oversized parking spaces. Collectively, these developments comprise the Film Studio.
9. On February 3, 2022, the City Council passed Ordinance 2022-06 approving the Park City Film Studios First Amended Subdivision, which was recorded on September 20, 2022, and is the current Plat for 4001 Kearns Boulevard.
10. On December 12, 2024, the City Council approved efforts for the Recreation Department to negotiate a lease for a temporary Indoor Public Pickleball Recreation Facility at 4001 Kearns Boulevard.
11. On December 16, 2024, the Applicant applied for a CUP.
 - a. The Applicant proposes six indoor pickleball courts within Bay 1 of the Film Studio and a temporary exterior 72-square-foot restroom providing two stalls to be located at the rear of the Film Studio from February 1, 2025, to April 30, 2025.
 - b. The Applicant requests the CUP to be ongoing for the following two winters: November 1, 2025, to April 30, 2026, and November 1, 2026, to April 30, 2027, pending lease approval.
 - c. The proposal is an internal reconfiguration (flooring and court build-out) and changes in use of the existing Bay 1 only; no new construction nor change to the existing Film Studio building footprint is proposed.
12. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Community Transition Zoning District regulations outlined in Land Management Code Chapter 15-2.23.
 - a. The relevant purposes of the Community Transition (CT) District are:
 - i. Encouraging low-Density public, quasi-public, and/or institutional Uses relating to community open space, recreation, sports training and Development, tourism, and community health.

- ii. Enhancing and expanding public open space and recreation Uses Compatible with the adjacent public deed-restricted open space.
 - iii. Encouraging the Development of high-quality public places such as parks, trails, and recreation facilities.
 - b. LMC § 15-2.23-2(C)(12) outlines Public Recreation Facilities as a Conditional Use in the CT Zoning District.
 - c. LMC § 15-15-1 defines a Public Recreation Facility as, “Recreation facilities operated by a public agency and open to the general public with or without a fee.”
 - d. The Indoor Public Pickleball Recreation Facility is proposed to be within Bay 1 of the Film Studio and no external changes to the Structure are proposed.
 - e. The Applicant proposes to install a 72-square-foot temporary portable restroom adjacent to Bay 1 for public use. The temporary restroom trailer will be located on the rear of the Film Studio, flush with the building and next to the door that will be used by the pickleball players to access Bay 1.
 - f. Pursuant to LMC § 15-2.23-3(B), the minimum Front, Side, and Rear Setbacks for all Structures is twenty-five feet, with Ancillary Structures allowed as exceptions to the Setbacks.
 - i. The temporary portable 72-square-foot restrooms will be approximately 218 feet from the Front, 158 feet from the Side, and approximately 158 feet from the Rear Setback and compliant with Setback regulations.
 - g. Pursuant to LMC § 15-2.23-5, the maximum Building Height is 28 feet.
 - i. The temporary portable restrooms will primarily be eight feet in height, with a maximum of 11 feet for the mechanical rooftop equipment, and compliant with Height regulations.
- 13. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Regional Commercial Overlay District regulations outlined in Land Management Code Chapter 15-2.17.
 - a. LMC § 15-2.17-2(B)(40) outlines Public Recreation Facilities as a Conditional Use in the RCO, subject to MPD approval. 4001 Kearns Boulevard is part of a Settlement Agreement, Quinn’s Junction Partnership Annexation, and the Quinn’s Junction MPD. Recreation Uses are contemplated in the Settlement Agreement governing the MPD. See Finding of Fact 16 below for additional analysis.
- 14. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Entry Corridor Protection Overlay regulations outlined in Land Management Code § 15-2.20-5.

- a. The purpose of the ECPO is to maintain the visual character of Park City as a mountain community with sweeping, attractive vistas, all Development within the designated entry corridors into Park City must comply with a 150- to 200-foot Setback from SR-248.
 - b. No exterior changes are proposed within the ECPO.
- 15. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Sensitive Land Overlay regulations outlined in Land Management Code Chapter 15-2.21.
 - a. The existing parking Lot and Structures on site are within the SLO and no changes are proposed.
 - b. The Applicant proposes to install 72-square-foot temporary portable restrooms for public use at the rear of the Film Studio on an existing concrete pad, and no impacts to vegetation or other Sensitive Lands are proposed.
- 16. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Film Studio Settlement Agreement, Quinn's Junction Partnership Annexation, and the Quinn's Junction Master Planned Development.
 - a. Recreation is listed as a permitted Use in the Film Studio Settlement Agreement.
 - b. The proposed Indoor Public Pickleball Recreation Facility is a Minor Administrative Modification allowed under the Film Studio Development Agreement.
 - c. Condition of Approval 4 ensures compliance with MPD Conditions of Approval 11 & 29 by setting hours of operation for the Indoor Public Pickleball Recreation Facility from 8 AM to 8 PM. MPD Condition of Approval 11 limited outdoor activities and noise to 7 AM to 10 PM while MPD Condition of Approval 29 requires specific hours of operation to be set for inside areas of the Studio Campus.
- 17. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with parking requirements outlined in Land Management Code § 15-3-6.
 - a. 4001 Kearns Boulevard has 320 Parking Spaces and twelve 53-foot truck/trailer Parking Spaces for the Film Studio. The Studio Crossing MPD is under construction to the south of the Film Studio and the Studio Crossing Construction Mitigation Plan allocates 24 parking spaces south of the Film Studio for construction parking. As a result, the Film Studio has 296 available Parking Spaces.

- b. The Applicant proposes using Bay 1 of the Film Studio for the temporary installation of six indoor pickleball courts, and each court accommodates four pickleball players, for a total of 24 players. Additionally, the Applicant proposes at most six employees (including pickleball pros to teach lessons and clinics).
 - c. LMC § 15-3-6(B) requires either five spaces per 1,000 square feet of floor area or one space per three persons rated capacity, depending on the type of facility, for a Public Recreation Facility. If the Applicant were required to provide five Parking Spaces per 1,000 square feet, a total of 75 Parking Spaces would be required for the 15,000-square-foot Bay 1. If the Applicant were required to provide one space per three persons rated capacity, the Applicant would be required to provide eight Parking Spaces. The pickleball courts can accommodate 24 players at any one time and six employees.
 - d. As a result, Condition of Approval 6 requires that the Applicant negotiate at least 30 parking spaces to allocate to pickleball players and employees as part of the lease agreement or shared parking agreement.
- 18. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).
 - a. Size and location of the site:
 - i. No unmitigated impacts: The proposed Indoor Public Pickleball Recreation Facility will be installed within Bay 1 of the Film Studio, an existing Structure. The Film Studio is located across SR-248 from the Ian Weinman dog park and the Quinn's Recreation Facilities. There is a pedestrian signal and crosswalk at the intersection that grants access off SR-248 to the Film Studio.
 - b. Traffic considerations including capacity of the existing Streets in the Area:
 - i. No unmitigated impacts:
 - 1. Objective 9B of the General Plan is to locate recreation options within close vicinity to existing neighborhoods and transit for accessibility and to decrease vehicle miles traveled. The Film Studio is near the Park City Heights neighborhood and is accessible by the Rail Trail. Additionally, City transit stops along Richardson Flat Road, and transit riders may walk to the Film Studio along a separated paved multi-use pathway.
 - 2. The Engineering Department Traffic Impact Study (TIS) Guidelines require a TIS when a proposed development or redevelopment will generate 25 or more net new vehicle trips during the weekday AM or

PM peak hour. The Applicant does not propose development or redevelopment, but rather, a change in Use of Film Studio Bay 1. No increase in existing parking is proposed, and the shift in Use from the Film Studio to indoor pickleball with a maximum capacity of 24 pickleball players at any one time does not generate the need for a TIS or traffic mitigation.

3. Additionally, the proposed pickleball use of Film Studio Bay 1 is proposed to end after the winter of 2026-2027. The Studio Crossing MPD construction is ongoing and will not be built out during the temporary pickleball court use.
- c. Utility capacity, including Storm Water run-off:
 - i. No unmitigated impacts: On December 17, 2024, the Development Review Committee considered the proposal and found the Use conforms with their requirements.
- d. Emergency vehicle access:
 - i. Condition of Approval: The Park City Fire District requires the following Condition of Approval 5: "Prior to Building Permit issuance, the Applicant shall provide an exiting plan that shows life safety system components at the Site, and shall provide information demonstrating how the change of occupancy group will fit within the existing building at the Site, which shall be reviewed for approval by the Park City Fire District."
- e. Location and amount of off-Street parking:
 - i. No unmitigated impacts: See Finding of Fact 17.
- f. Internal vehicular and pedestrian circulation system:
 - i. Condition of Approval: The lot is accessed from SR-248 along Round Valley Drive. The Applicant indicated that gates restricting access to the Film Studio parking lot raise automatically when a driver approaches. Condition of Approval 3 requires that the gates shall remain raised or unlocked during the hours of operation of the Indoor Public Pickleball Recreation Facility to maintain access for patrons.
 - ii. Patrons will use the existing Film Studio Bay 1 entrance to access the Pickleball Courts. The exterior door leads to a short connector vestibule which then connects to the bay.
- g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses:
 - i. No unmitigated impacts: There is no proposed permanent fencing or landscaping and the temporary restrooms at the rear of the Film Studio will be screened from the road by an existing berm.

- h. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots:
 - i. No unmitigated impacts: No changes to the exterior of the Film Studio are proposed. No permanent structures are proposed. The temporary restrooms will be installed on existing asphalt, parallel to the existing structure, and will be screened from the road by an existing berm.
- i. Usable Open Space:
 - i. No unmitigated impacts: No open space will be impacted by the project. The temporary restrooms will be installed on existing asphalt adjacent to Bay 1 of the Film Studio.
- j. Signs and Lighting:
 - i. Complies: Pursuant to the Municipal Code of Park City (MCPC) § 12-8-1, signs erected by or at the direction of Park City Municipal Corporation are exempt from sign regulations and do not require a Sign Permit.
- k. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:
 - i. No unmitigated impacts: No changes are proposed to the existing Structure. The temporary restrooms will be screened from the road by an existing berm.
- l. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site:
 - i. No unmitigated impacts:
 - 1. No changes are proposed to the existing Structure. The temporary restrooms will be installed on the rear of the Structure and be serviced once per week, but the schedule may be adjusted if additional service becomes necessary.
 - 2. The Film Studio Bay 1 is soundproof and Use for indoor pickleball is not anticipated to generate noise that exceeds the Noise ordinance.
 - 3. However, the Public Pickleball Recreation Facility must comply with the requirements of MCPC Chapter 6-3, Noise, and the door to Bay 1 must remain closed during pickleball play.
- m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas:
 - i. No unmitigated impacts: There are no intended loading and unloading zones. Trash and recycling facilities will be monitored by Park City Recreation Staff and serviced according to the lease agreement.
- 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. Conditions of Approval:

1. The proposed Indoor Public Pickleball Recreation Facility will be leased to the Applicant by the Owner. The Applicant indicated that the Recreation Department plans to staff a front desk to manage reservations and perform other administrative tasks for the Indoor Public Pickleball Recreation Facility. The desk will be located on the interior when facility users enter. It will be a pre-paid reservation system, already in use by the Recreation Department. The maximum number of users of the pickleball courts will be 24, assuming four players on each of the six courts.
2. The Public Recreation Facility is proposed to be used from February 1, 2025, to April 30, 2025; November 1, 2025, to April 30, 2026; and November 1, 2026, to April 30, 2027 (Conditions of Approval 1). If the lease extends beyond these dates, the Applicant will be required to apply for a Modification to the CUP.

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. No unmitigated impacts: The proposed Indoor Public Pickleball Recreation Facility will not modify existing structures.

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. The General Plan supports Recreation Uses in the Quinn's Junction neighborhood, and the Ice Arena, Quinn's Sports Fields, and trails and Open Space are integrated throughout the neighborhood. Goal 10.1 of the Quinn's Junction Neighborhood Plan (p. 262) notes that recreation should be the predominant land use and Goal 10.2 (p. 268) encourages recreation uses.
- ii. Goal 9 of the General Plan states Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. Objective 9A is to maintain local recreation opportunities with high-quality of service, exceptional facilities, and a variety of options.
- iii. City Implementation Strategy 9.4 is to create a custom level of service based on unique user feedback. Park City will monitor the needs of the community through demand surveys

and citizen satisfaction surveys and adapt facilities and service levels in the most cost-effective ways.

- iv. The Applicant proposes the limited use of Film Studio Bay 1 to address increased demands for pickleball and tennis courts while a permanent solution is explored.

19. The Development Review Committee reviewed the proposal on December 17, 2024, and the Park City Fire District requires Condition of Approval 5.
20. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 23, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 23, 2024. The Park Record published courtesy notice on December 23, 2024.

Conclusions of Law

1. The proposed CUP, as conditioned, complies with the requirements of the Land Management Code.
2. The proposed CUP for an Indoor Public Pickleball Recreation Facility is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed CUP for an Indoor Public Pickleball Recreation Facility is consistent with the Park City General Plan.
4. The proposed CUP an Indoor Public Pickleball Recreation Facility is compatible with the Settlement Agreement and Development Agreement for the Quinn's Junction MPD.
5. The effects of the difference in use or scale of the CUP for an Indoor Public Pickleball Recreation Facility have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval

1. This approval is only valid for an Indoor Public Pickleball Recreation Facility operated as a public Municipal Use from February 1, 2025 – April 30, 2025, November 1, 2025 - April 30, 2026, and November 1, 2026 – April 30, 2027.
2. If the Applicant proposes to extend the Indoor Public Pickleball Recreation Facility Use past April 30, 2027, the Applicant shall return to the Planning Commission for a re-review of the CUP.

3. The Film Studio gates shall remain raised or unlocked during the hours of operation of the Indoor Public Pickleball Recreation Facility to maintain access for patrons.
4. The Public Pickleball Recreation Facility shall only operate from 8 AM to 8 PM with no other use of the restroom trailer allowed outside those hours except for essential use by Recreation Department staff. If additional hours are requested, the applicant shall request the Planning Director review of proposed extended hours for review and compliance with MPD Conditions of Approval #11 and #29.
5. Prior to Building Permit issuance, the Applicant shall provide an exiting plan that shows life safety system components at the Site and shall provide information demonstrating how the change of occupancy group will fit within the existing building at the Site, which shall be reviewed for approval by the Park City Fire District.
6. The Applicant and Property Owner shall include in the final lease or shared parking agreement that 30 Parking Spaces shall be set aside for exclusive use of the pickleball players and Recreation Department employees during times that the Public Pickleball Recreation Facility is in use.

The motion was seconded by Commissioner Frontero. The motion passed with the unanimous consent of the Commission.

- B. 7185 Little Belle Court – Condominium Plat Amendment** – The Applicant Proposes the Eighth Amended Little Belle Condominium Plat to Reflect As-Built Conditions for Unit 4 in the Residential Development Zoning District and Sensitive Land Overlay. PL-24-06299.

Planner II, Virgil Lund, presented the Staff Report and explained that this is a Condominium Plat Amendment application for 7185 Little Belle Court. He shared some background information and reported that it is located in the Silver Lake area of Deer Valley. The Little Belle Condominiums were built circa 1981 and the Condominium Plat has been amended seven times. Many past amendments were to increase the private area's square footage. Planner Lund shared example images of existing condominiums.

The proposal is for a 252-square-foot increase to reflect existing conditions. According to the applicant, before the prior owner purchased the unit, the Open to Below section was expanded. The proposed plat was shown, which reflects the addition. The proposal complies with Residential Development Zoning District requirements, off-street parking, Deer Valley Large Scale MPD, Sensitive Land Overlay, and 15-7.1-3. No additional parking demand is created and the existing garage accommodates two vehicles. Staff finds Good Cause for the amendment, as existing non-conformities will be corrected. Staff recommends the Commission open a public hearing and consider approval.

Commissioner Shand referenced the photographs in the first pages of Staff Report. He wants to better understand what is being shown. Planner Lund reported that the image shows the existing condominium. It is not possible to see the area that has been filled in from the exterior. He provided clarification about the Open to Below that was mentioned.

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

Commissioner Johnson agrees with Staff that there is Good Cause for this application, as it will address an existing non-conformity. As a result, he is prepared to make a motion.

MOTION: Commissioner Johnson moved to APPROVE the Eighth Amended Little Belle Condominium Plat for 7185 Little Belle Court, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Little Belle Condominiums is a 20-Unit Condominium. The Condominium Plat was recorded with Summit County on December 21, 1981 (Entry No.186813).
2. The Condominium Plat includes six buildings between Royal Street, Service Road, and Guardsman's Connection Road in the Silver Lake Village of Deer Valley.
3. The Applicant requests a Plat Amendment (Attachment 1) to reflect the existing conditions of the private area square footage of Unit 4.
4. The Applicant states: "Sometime before the current owners purchased Unit 4 of Little Belle Condominiums in 2004, an area of vaulted ceilings, labeled 'Open to Below' on the original plat was closed in to create an additional 252 square footage on the Upper Level of Unit 4. That area currently serves as a large closet for the master bedroom. It has existed that way for at least 20 years. The purpose of this plat amendment is to update the square footage and private ownership areas to reflect what currently exists."
5. The existing Unit is 2,684 square feet and the Applicant proposes a 252-square-foot increase for a 2,936-square-foot Unit. The Plat Amendment addresses a built-out 'Open to Below' area and does not change the exterior features, windows, or exterior walls of the Unit.
6. The Little Belle Condominiums Plat has been amended seven times; many of those amendments were to increase the private area square footage.

7. Utah Code Chapter 57-8 requires a minimum 66.6% approval vote by the Homeowner's Association (HOA) for a Plat Amendment.
8. On August 13, 2024, 90% of the Little Belle Condominiums HOA voted to approve the proposed Plat Amendment.
9. The 12th Amended and Restated Deer Valley Master Planned Development approved 20 Units for the Little Belle Condominiums with no square footage limitations for any individual Unit.
10. The Little Belle Condominiums Plat does not limit the square footage of any Unit.
11. The Little Belle Condominiums Plat has been amended seven times:
 - a. First Amendment, recorded August 2, 2000 (Entry No. 570172).
 - i. Increased the private area square footage for Units 5 (an increase of 178.4 square feet), 6 (an increase of 544.3 square feet), 7 (an increase of 653.9 square feet), and 8 (an increase of 178.4 square feet).
 - b. Second Amendment, recorded August 8, 2001 (Entry No. 595276).
 - i. Increased the private area square footage for Units 2 (an increase of 168.8 square feet), 9 (an increase of 496 square feet), and 10 (an increase of 784 square feet).
 - c. Third Amendment, recorded April 19, 2004 (Entry No. 695554).
 - i. Increased the private area square footage for Unit 20 (an increase of 63.86 square feet). This Plat Amendment was retired after the recordation of the Fourth Amendment, which amended Unit 20 a second time and subsequently made the third amended Plat inaccurate.
 - d. Fourth Amendment, recorded June 7, 2006 (Entry No. 780095).
 - i. Converted decks and balconies labeled as limited common area to private area for 13 of the 20 Units.
 - e. Fifth Amendment, recorded June 2, 2011 (Entry No. 923784).
 - i. Created a 208-square-foot private area addition for Unit 3.
 - f. Sixth Amendment, recorded May 23, 2018 (Entry No. 1092170).
 - i. Converted 14 square feet of private area to limited common ownership for Unit 5.
 - g. Seventh Amendment, recorded February 9, 2022 (Entry No. 1183122).
 - i. Created a 150-square-foot private area addition for Unit 2.
12. The proposed Eighth Amended Little Belle Condominiums Plat Amending Unit 4 complies with LMC Chapter 15-2.13 *Residential Development Zoning District Requirements*:

- a. The purposes of the RD Zoning District include:
 - i. Allowing a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
 - ii. Encouraging the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
 - iii. Allowing commercial and recreational activities that are in harmony with residential neighborhoods,
 - iv. Minimizing the impacts of the automobile on architectural design,
 - v. Promoting pedestrian connections within Developments and between adjacent Areas; and
 - vi. Providing opportunities for variation in architectural design and housing types.
- b. Setbacks:
 - i. The existing Structure maintains a Setback greater than 70 feet to all property lines. No exterior alterations or additions are proposed.
- c. Maximum Building Height: 28 feet from Existing Grade:
 - i. The proposed Plat Amendment will not increase the Building Height of the Structure. The existing Structure is 28 feet from Existing Grade.
- d. Density: The maximum Density is three (3) units per acre. Developments reviewed and approved as a Master Planned Development may approach a maximum density of five (5) units per acre with a Master Planned Development. Development must be clustered to preserve common Open Space and shall protect Sensitive Lands, view corridors, and prominent Ridge Line Areas.
 - i. The Lot for the Little Belle Condominiums is approximately 3.7 acres. The Little Belle Condominiums were platted in 1981 for 20 Units. The Land Management Code in effect in 1981 did not have a Density limitation. The proposed Plat Amendment complies with LMC § 15-9-6(A) in that it does not create an additional Unit or enlargement of the non-compliance and complies with the original Condominium and MPD approval for 20 Units.
- e. The proposal complies with LMC Chapter 15-3, Off-Street Parking.
 - i. Condominiums greater than 2,000 square feet require two Parking Spaces per Dwelling Unit. The square footage shown on the recorded plat for Unit 4 will increase from 2,684 square feet to 2,936 square feet and requires two Parking Spaces. Double-car garages must have a minimum interior dimension of 20 feet in width by 20 feet in depth. Unit 4 has a two-car

garage that is approximately 20 feet wide by 20 feet deep. Therefore, Unit 4 complies with the parking and garage requirements of the LMC.

13. The proposal complies with the Deer Valley Resort 12th Amended and Restated Large Scale Master Plan Development.
 - a. The 12th Amended Large Scale Deer Valley MPD allowed 20 Units for the Little Belle Condominium Project, and 20 Units have been constructed. No additional Units are proposed as part of this Plat Amendment.
14. The proposal complies with the Sensitive Land Overlay requirements.
 - a. The proposed square footage has been constructed within the footprint of the existing Structure and does not impact any undeveloped land.
15. The proposal complies with LMC § 15-7.1-3(B), Plat Amendment.
 - a. Changes to platted elements within a condominium require a Plat Amendment. The Planning Commission reviews Plat Amendments according to the requirements of LMC § 15-7-1.6 and is required to make a finding of Good Cause.
 - b. LMC § 15-15-1 defines Good Cause as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”
 - c. Staff finds Good Cause for this Plat Amendment because it does not propose any exterior expansion or changes to the existing Unit. The 252-square-foot addition does not increase the number of bedrooms or bathrooms and does not increase the parking requirements. The proposed Plat Amendment corrects existing non-conformities with the recorded Plat. The original plat for the Deer Valley Large Scale MPD, approved in 1981, does not include plat notes that impose limitations on the size of the condominium Units. The Little Belle Condominiums were platted in 1981 for 20 Units. The LMC in effect in 1981 did not have a Density limitation. The proposed Plat Amendment does not create an additional Unit and complies with the original Condominium approval and the 12th Amended Deer Valley

Large Scale MPD. No Public Street, Right of Way, or easement will be vacated or amended.

16. The Development Review Committee reviewed the proposal on December 3, 2024, and confirmed the proposed Plat conforms with their requirements.
17. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 19, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 20, 2024. The Park Record published courtesy notice on December 21, 2024.

Conclusions of Law

1. There is Good Cause for this Plat Amendment.
2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1-6, Chapter 15-3 *Off-Street Parking*, and Chapter 15-2.13 *Residential Development District*.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

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

The motion was seconded by Commissioner Sigg. The motion passed with the unanimous consent of the Commission.

- C. 2366 Good Trump Court – Condominium Plat Amendment** – The Applicant Proposes to Convert 269 Square Feet of Common Ownership and Limited Common Ownership Area to Private Ownership Area for Unit 1 of the Queen Esther Village No. 1 Condominium Plat in the Residential Development Zoning District. PL-24-06314.

Planner Klopfenstein presented the Staff Report and noted that the applicant representative, Marshall King, is at the Planning Commission Meeting. This is a Condominium Plat Amendment for 2366 Good Trump Court. The request is to convert 269 square feet of common and limited common area to private area in two areas:

- To reflect an interior/enclosed 218 square foot area at the southeast corner of the ground level that has been used as a private bedroom, but is common ownership on the recorded plat;
- To enclose an exterior 51 square foot front porch that is limited common ownership on the recorded plat to provide additional space in the entrance hall of the unit.

Planner Klopfenstein shared an image of the front view of 2366 Good Trump Court. The front porch area was highlighted in red, which indicates the area that will be enclosed with the Condominium Plat Amendment. He reiterated that this is intended to provide additional space in the entrance hall. Another image of the unit was shared. The ground level that is being used as a bedroom was highlighted in red. The amendment will not impact the visual appearance from the rear. Building height information was shared:

- The building is approximately 35 feet, 7 inches from the existing grade and exceeds maximum building height of 33 feet for the RD Zone;
- The proposed Plat Amendment is regarding the ground floor and does not affect building height;
- Condition of Approval #1 prohibits any modifications to building height as part of the approval and requires a plat note: any new construction must comply with the Residential Development Zoning District building height regulations.

As for zoning and parking, the property complies with other lot and site requirements of the RD Zone. Two parking spaces are required and 2366 Good Trump Court meets the requirement. Staff finds that there is Good Cause for this amendment because it resolves an existing issue by recording common and limited common areas that are under private use. This reflects the existing conditions at the site. Planner Klopfenstein reviewed some of the Conditions of Approval, including Condition of Approval #2, which requires the applicant to obtain letters prior to plat recordation from public utility providers to indicate there are no public utilities located under the 218 square foot area that is the back bedroom. Other Conditions of Approval are outlined in the Draft Final Action Letter. Staff recommends that the Commission conduct a public hearing and approve the proposal.

Commissioner Sigg noted that common area is being considered in this case, which belongs to the entire association. There is no implied use for that particular owner. He

asked whether the HOA has agreed to what is proposed. The applicant representative, Marshall King, clarified what is being enclosed. Commissioner Johnson noted that there is an HOA letter in the Meeting Materials Packet that indicates there was approval.

Commissioner Frontero stated that it appears 218 square feet of common area was converted to private space back in 2017, which was likely done without a permit since there was no permit found on file. Mr. King suspected that was an accurate statement. Commissioner Frontero believes the intention is to enclose the 51 square feet and convert the common area to private. Mr. King explained that a new buyer recently purchased the unit. Some remodeling was being done on the inside and there was a realization about the common area. The request is to shift from common to private. As for the portion outside by the porch, the request is to shift from limited common to private. The front porch area image was further reviewed. The entire area shown is not included in the request. On the proposed plat, what is circled in red will remain limited common area.

Commissioner Suesser asked to review Slide #5, which shows the rear view with the lower-level private bedroom highlighted. She asked if there will be an enclosure below the deck. This was denied. Mr. King explained that where it is converted into private ownership is below. It is not visible from the outside. Commissioner Suesser referenced Page 6 of the Staff Report. For the Ground Level image with the red scalloped area, she asked if that is below the deck in the previous image. Mr. King denied this and pointed out the location of the deck on the example image. Commissioner Shand mentioned Exhibit B – Applicant's Narrative and Supplemental Materials. On Page 5, there is a photograph that shows more clearly what is being discussed. The area that the applicant is referring to for the bedroom is the area to the right of the air conditioner condenser. It is possible to see the entryway the applicant wants to enclose as well.

There was additional discussion about the areas proposed to become private. Commissioner Frontero asked what the originally intended common use was for the space indicated. Mr. King was not certain and noted that the original plat does not show that space. Before the current owner purchased the unit, it had been used as a bedroom.

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

MOTION: Commissioner Frontero moved to APPROVE the Condominium Plat Amendment for 2366 Good Trump Court, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. 2366 Good Trump Court is an attached single-family condominium unit.
2. 2366 Good Trump Court is Unit 1 of the Queen Esther Village No. 1 Condominium Plat, recorded on August 26, 1981.

3. On March 15, 2018, the City Council approved a Plat Amendment to amend Queen Esther Village No. 1 Subdivision Unit 6 (2346 Good Trump Court). The plat converted 108 square feet of Common Area underneath a deck adjacent to Unit 6 to Private Area.
4. 2366 Good Trump Court is a mirror image of the adjacent 2380 Good Trump Court, which is Unit 2 of the Queen Esther Village No. 1 Plat. The plat only shows the floor plan and layout for 2380 Good Trump Court. The floor plan and layout for 2366 Good Trump Court is the same as the floor plan and layout of 2380 Good Trump Court in reverse.
5. Building Permit records indicate a deck was added to the rear of 2366 Good Trump Court in 2016, and the unit underwent an interior remodel in 2017.
6. The applicant proposes converting a 218-square-foot area at the southeast corner of the ground level of 2366 Good Trump that has been used in the past as an additional bedroom but is shown as common ownership area on the current recorded plat to private ownership area.
7. The applicant also proposes converting a 51-square-foot area that is currently used as part of the front porch of 2366 Good Trump Court and is shown as limited common ownership on the current recorded plat to private ownership area.
8. The Applicant proposes the Plat Amendment to update the record of survey to reflect existing conditions, to continue using the 218-square-foot area as an additional bedroom, and to enclose the 51-square-foot area to provide additional space in the entrance hall of the unit. The Applicant proposes to enclose the front porch area in spring 2025, concurrently with remodels the owner's association plans for other units in the Queen Esther Village No. 1 Subdivision.
9. Pursuant to Utah Code § 57-8-7(3), common areas in Utah condominium projects may not be altered without the consent of two-thirds of the unit owners. The applicant provided proof that at least two-thirds of Unit Owners voted in the affirmative on October 11, 2024, to authorize the conversion of Common Area and Limited Common Area to Private Ownership Area.
10. The Plat Amendment proposal, as conditioned, complies with the requirements of the Residential Development (RD) Zoning District.
 - a. A 20-foot Front Setback is required, and a 25-foot Front Setback is required for front-facing garages for Single-Family and Duplex Dwellings.

- i. 2366 Good Trump Court maintains a minimum 180-foot Front Setback to the west.
 - b. A 12-foot Side Setback is required.
 - i. 2366 Good Trump Court maintains a minimum 167-foot Side Setback to the south and a minimum 39-foot Side Setback to the north.
 - c. A 15-foot Rear Setback is required.
 - i. 2366 Good Trump Court maintains a minimum 52-foot Rear Setback to the east.
 - d. The maximum allowable Building Height is 28 feet maximum from Existing Grade, or 33 feet maximum from Existing Grade with a roof pitch of 4:12 or greater.
 - i. The existing structure is approximately 35 feet, 7 inches from Existing Grade, and has a roof pitch of 6:12.
 - ii. The structure exceeds the allowed height by approximately 2 feet, 7 inches. Building Permit records do not indicate if or when this noncompliant structure was approved.
 - iii. The March 18, 1980 edition of the LMC that was in effect when the Queen Esther PUD was approved and the June 15, 1981 edition of the LMC that was in effect at the time the Queen Esther Village No. 1 Condominium Plat was recorded established a maximum Building Height of 28 feet from Natural Grade for the Residential Development Zoning District.
 - iv. The 1981 LMC allows ridges of gable, hip, gambrel, and similarly pitched roofs to extend up to 5 feet beyond the zoning district height. Since the roof of 2366 Good Trump Court extends beyond 33 feet in height, it does not comply with this provision of the 1980 LMC.
 - v. The proposed Plat Amendment impacts the ground level of 2366 Good Trump Court and does not pertain to portions of the unit that exceed the Residential Development Zone height limit.
 - vi. Condition of Approval 1 requires a plat note that states that any new construction shall comply with the Residential Development Zoning District regulations.
- 11. The proposed Plat Amendment complies, as conditioned, with Land Management Code Chapter 15-3 Off-Street Parking.
 - a. Land Management Code Section 15-3-6 requires two parking spaces per Dwelling Unit for an apartment or condominium with 2,000 square feet or more of floor Area.

- i. The existing unit includes approximately 2,740 square feet of floor Area, and the proposed Plat Amendment will increase the floor Area to approximately 2,958 square feet.
 - b. Land Management Code Section 15-3-3(F) states the minimum required parking space dimensions are 9 feet wide and 18 feet deep.
 - i. The unit includes a two-car garage that is approximately 18 feet, $\frac{3}{4}$ inches wide, and 27 feet, 4 inches deep, which meets the minimum dimensions for two parking spaces and meets the parking requirements outlined in Land Management Code Section 15-3-6.
- 12. The property includes easements that will not be impacted by the proposed Plat Amendment.
 - a. The Queen Esther Village No. 1 Condominium Plat notes that all common areas are dedicated as public utility easements.
 - i. Condition of Approval 2 requires the applicant to obtain letters prior to plat recordation from public utility providers (including, but not limited to, Enbridge, Rocky Mountain Power, and communications providers) indicating there are no public utilities located under the 218-square-foot area located at the southeast corner of the ground level of 2366 Good Trump Court that is proposed to be converted from Common Ownership to Private Ownership, or that approval is granted to relocate any such public utilities at the Unit owner's expense. Condition of Approval 2 requires the Applicant to provide these letters to the Planning Department prior to recordation.
 - b. An easement for a buried telephone cable runs along the west and south sides of 2366 Good Trump Court. This easement will not be affected by the proposed Plat Amendment, which affects areas only within the existing building footprint of the condo unit.
- 13. Land Management Code Section 15-7.1-6(C) requires the Planning Commission to find Good Cause to approve a Plat Amendment.
 - a. Land Management Code Section 15-15-1 defines Good Cause as "Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community."

- b. No public street, Right-of-Way, or easement is vacated or amended with the proposed Condominium Plat Amendment.
 - c. Per the Applicant, the 218-square-foot area on the ground floor has been finished as an additional bedroom in the past. The 51-square-foot area on the ground floor is currently used as a portion of the front porch. Since these two areas are currently being used for private uses, staff finds Good Cause to approve the Condominium Plat Amendment, as conditioned, to convert these areas from common ownership and limited common ownership to private ownership to reflect existing conditions at the Site.
- 14. The Development Review Committee reviewed the proposal on November 19, 2024, and required Conditions of Approval.
 - 15. The Summit County Recorder's Office requires Condition of Approval 3 to require the Plat to be named "Queen Esther Village No. 1 Unit 1 Amended," Condition of Approval 4 requires the applicant to include the certificate of attest note on the final Plat, and Condition of Approval 5 requiring the applicant to submit the "Seventh Amended and Restated Declaration of Condominium for Queen Esther Village Project 1, A Condominium Project." Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 19, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 19, 2024. The Park Record published courtesy notice on December 19, 2024.

Conclusions of Law

- 1. There is Good Cause for this Condominium Plat Amendment because it amends the Record of Survey to reflect existing conditions.
- 2. The Plat Amendment is consistent with the Land Management Code, including LMC Chapter 15-2.13 Residential Development (RD) District.
- 3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
- 4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

- 1. Modifications to the Building Height of 2366 Good Trump Court are prohibited as part of this Plat Amendment approval. The applicant shall

implement a plat note that states that any new construction shall comply with the Residential Development Zoning District requirements.

2. Prior to plat recordation, the Applicant shall obtain letters from public utility providers (including, but not limited to, Enbridge, Rocky Mountain Power, and communications providers) indicating there are no public utilities located under the 218-square-foot area located at the southeast corner of the ground level of 2366 Good Trump Court that is proposed to be converted from Common Ownership to Private Ownership, or that approval is granted to relocate any such public utilities at the Unit owner's expense. The Applicant shall provide these letters to the Planning Department prior to plat recordation.
3. The Plat shall be named "Queen Esther Village No. 1 Unit 1 Amended."
4. The applicant shall implement a Certificate of Attest approval and signature box.
5. The applicant shall submit the "Seventh Amended and Restated Declaration of Condominium for Queen Esther Village Project 1, A Condominium Project" for review to the Summit County Recorder's Office. The "Seventh Amended and Restated Declaration of Condominium for Queen Esther Village Project 1, A Condominium Project" shall include:
 - a. A Statement of Purpose for Amendment,
 - b. A statement and date of the vote of two-thirds of Unit Owners in the affirmative to authorize the conversion of Common Area and Limited Common Area to Private Ownership Area,
 - c. An exhibit describing the boundary of the condominium project,
 - d. Parcel numbers for Units 1-26 of the Queen Esther condominiums,
 - e. Updated ownership percentages.
6. The City Planner, City Attorney, and City Engineer shall review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and these Conditions of Approval, prior to recordation of the plat.
7. The Applicant shall record this Plat Amendment at the County within one year from the date of Planning Commission approval. If recordation has not occurred within one years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.

The motion was seconded by Commissioner Sigg. The motion passed with the unanimous consent of the Commission.

The Planning Commission took a short break before continuing with the agenda items.

- D. 201 Heber Avenue – Condominium Plat Amendment** – The Applicant Proposes to Convert Limited Common Area on the First Level of the Union Square Condominiums for Unit LB-1 in the Historic Recreation Commercial Zoning District. PL-24-06315.

Planner Lund presented the Staff Report and explained that this is a request for a Condominium Plat Amendment at 201 Heber Avenue. The proposal is to convert 200 square feet of limited common area to common area and to convert 300 square feet of common area to limited common area. Additionally, the proposal is to reassign 1,555 square feet of limited common area from Unit COM-3 to Unit LB-1, as reflected in the Memorandum of License that was recorded previously. The proposal complies with the Historic Recreation Commercial Zoning District requirements, off-street parking, the MPD and Conditional Use Permit for Union Square, and with 15-7.1-3. No additional parking demand is created because of the amendment and Staff finds Good Cause because existing non-conformities with the recorded Memorandum of License will be corrected. Staff recommends the Commission open a public hearing and consider approval.

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

MOTION: Commissioner Frontero moved to APPROVE the Third Amended Union Square Condominium Plat at 201 Heber Avenue, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Applicant proposes to convert limited common area and common area and to reassign 1,555 square feet of commercial limited common area on the first level of the Union Square Condominiums from Unit COM-3 to Unit LB-1 in the Historic Recreation Commercial (HRC) Zoning District.
2. On October 19, 2023, 80 percent of the Property Owners Association for Union Square voted to approve this Plat Amendment.
3. The purpose of the conversion of limited common area to common area is to maintain consistency of common area across the entire plaza. The limited common area is no longer being used as originally intended.
4. On November 10, 2004, the Planning Commission approved a Master Planned Development (MPD) and Conditional Use Permit (CUP) for Union Square/Sky Lodge at 201 Heber Avenue.

5. On February 9, 2006, the City Council approved Ordinance No. 06-1, a subdivision and condominium plat for Union Square/Sky Lodge.
6. On December 4, 2008, the City Council approved Ordinance No. 08-47, creating the First Amended Union Square Condominium Plat and retiring the original Plat (Summit County Recorder Entry No. 879382).
7. On January 24, 2024, the Planning Commission approved the Second Amended Union Square Condominium Plat. The Second Amended Plat re-assigned 4,832 square feet of limited common area from Unit LB-1 to Unit COM-3. 1,186 square feet of limited common area remained appurtenant to Unit LB-1. According to the Applicant: "the limited common area amended in the Union Square Second Amended matched the configuration of the limited common area shown in the Union Square First Amended Condominium Plat. This was a mistake, as the owner's intent was for the limited common area to match the configuration of the licensed space and the revised commercial limited common area appurtenant to Unit LB-1 shown in the Memorandum of License."
8. The proposed Third Amended Union Square Condominium Plat shifts 200 square feet of limited common area to common area, 308 square feet of common area to limited common area, and 1,555 square feet of commercial limited common area from Unit LB-1 to COM-3 to correct the Second Amended Union Square Condominium Plat error to accurately reflect what is shown in the Memorandum of License.
9. The Units within Union Square are residential and commercial. The 1,500-square-foot interior and exterior commercial limited common area labeled "Appurtenant to Unit LB-1" on Sheet 4 of 12 of the Union Square First Amended Condominium Plat is used for a commercial kitchen and conference rooms located in the historic lumber building (Unit LB-1) at 201 Heber Avenue. No change in Use is proposed.
10. The First Amended Union Square Condominium Plat shows this commercial limited common area appurtenant to Unit LB-1. On January 30, 2019, a Memorandum of License was recorded with Summit County (Entry No. 1105359) that gave Unit COM-3, a commercial kitchen and conference room and the right to use 1,555 square feet of this commercial limited common area. The Third Amended Union Square Condominium Plat Amendment assigns the 1,555 square feet of commercial limited common area for Unit LB-1 to accurately reflect the Memorandum of License.
11. The Third Amended Union Square Condo Plat complies with LMC Chapter 15-2.5, the Historic Recreation Commercial Zoning District Requirements.

- a. 201 Heber Avenue is in the HRC Zoning District and purposes include:
 - i. Maintaining and enhancing characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches.
 - ii. Encouraging pedestrian oriented, pedestrian-scale Development.
 - iii. Minimizing visual impacts of automobiles and parking.
 - iv. Preserving and enhancing landscaping and public spaces adjacent to Streets and thoroughfares.
 - v. Providing a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings and/or Structures in the Area.
 - vi. Providing a moderate Density bed base at the Town Lift.
 - vii. Allowing for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community.
 - viii. Encouraging preservation and rehabilitation of Historic Buildings and/or Structures and resources; and
 - ix. Maintaining and enhancing the long-term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.
 - b. Setbacks:
 - i. Not Applicable: there are no proposed expansions or additions to the Structure as part of this Plat Amendment.
 - c. Floor Area Ratio:
 - i. Not Applicable: There are no proposed expansions or additions to the Structure. 201 Heber Avenue is in the Heber Avenue Sub Zone. The Floor Area Ratio limitation of the HRC District does not apply to properties located within this Sub-Zone.
12. The proposal complies with LMC § 15-3-6, Parking Ratio Requirements.
- a. The Plat Amendment does not increase private area, commercial area, or living space. No change in Use is proposed with this Plat Amendment. Additional parking demand is not created from this Plat Amendment.
13. The proposal complies with the MPD and CUP for 201 Heber Avenue/Union Square.
- a. The Third Amended Union Square Plat Amendment complies with all Conditions of Approval outlined in the Final Action Letter for the MPD

and CUP for Union Square approved by the Planning Commission on November 10, 2004. Condition of Approval 4 from the MPD Final Action Letter states the following: "Any modification to the Master Planned Development which constitutes a change in concept, density, unit type or configuration of any portion of the MPD will justify a review of the entire MPD and Development Agreement."

- b. The proposed Plat Amendment complies with this Condition of Approval because there is no change in concept, Use, density, or unit type.
14. The proposal complies with LMC § 15-7.1-3(B), Plat Amendment.
- a. Changes to platted elements including conversion of common area/limited common area within a condominium requires a Plat Amendment. Plat Amendments shall be reviewed according to the requirements of LMC § 15-7-1.6 and approval shall require a finding of Good Cause.
 - b. LMC § 15-15-1 defines Good Cause as "[Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community."
 - c. Staff finds Good Cause for this Plat Amendment because this amendment does not change the mass of the existing structure or the parking requirements, will remain compliant with the MPD and CUP approved on November 10, 2004, and does not create non-conformities. No Public Street, Right of Way, or easement will be vacated or amended.
15. The Development Review Committee reviewed this proposal on January 16, 2024, and does not require any conditions of approval.

Conclusions of Law

- 1. There is Good Cause for this plat amendment.
- 2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1-6, Chapter 15-3 Off-Street Parking, and Chapter 15-2.5 Historic Recreation Commercial District.
- 3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

4. Approval of the Plat Amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

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

The motion was seconded by Commissioner Suesser. The motion passed with the unanimous consent of the Commission.

- E. 1120 Park Avenue – Conditional Use Permit** – The Applicant Requests Driveway Access off Sullivan Road for a Single-Family Dwelling in the Historic Residential – Medium Density Zoning District. PL-24-06309.

Planner Zollinger explained that the application is for a Conditional Use Permit at 1120 Park Avenue. The homeowner, Terrance McGrath, is present at the Planning Commission Meeting and the applicant representative is available virtually to answer questions. Planner Zollinger reported that the Conditional Use Permit request relates to access off of Sullivan Road. 1120 Park Avenue is a vacant lot in the Historic Residential – Medium Density Zoning District. The applicant is requesting driving access off of Sullivan Road, which is not a public right-of-way, but a road on City-owned property. The proposal requires a Conditional Use Permit and review by the Planning Commission.

Images were shared with the Commission for reference. Planner Zollinger noted that the orange outline shown is the 1120 Park Avenue lot. She pointed out Sullivan Road and explained that it is not a paved road but is gravel. It is not a right-of-way that is maintained by the City in the same way that a public right-of-way would be maintained.

The General Plan encourages pedestrian-oriented development to minimize the visual impacts of vehicles and parking on historic buildings and streetscapes. The applicant has the burden of showing the proposal proves the project has positive elements, such as:

- Increased Front Setbacks;

- Preservation of Mature Landscaping;
- Reduced Density.

The proposal was originally noticed for public hearing and final action, but the applicant has requested that there be a Work Session on some of these items. As a result, there will not be final action taken during the current meeting. The proposal must comply with:

- Historic Residential – Medium Density Zoning District:
 - Site Regulations;
 - Conditional Use Permit Criteria;
 - Sullivan Road Access Criteria.
- Conditional Use Permit Criteria;
- Parking.

Planner Zollinger shared the plan provided by the applicant. This better illustrates what other residential structures on the street look like in relation to Park Avenue. The proposal must comply with the Historic Residential – Medium Density Zoning District requirements, which include site regulations. There are also Conditional Use Permit criteria:

- (A) Consistent with the design regulations for Historic Districts and Historic Sites;
- (D) New building and additions must be in scale and compatible with the mass, height, width, and historic character of the surrounding residential neighborhood and existing historic buildings and/or structures in the neighborhood. Larger building masses should be located to the rear of the structure to minimize the perceived mass from the street;
- (E) Parking requirements shall be met;
- (F) All yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The use of native plants and trees is strongly encouraged;
- (H) All utility equipment and service areas must be fully screened to prevent visual and noise impacts on adjacent properties and pedestrians.

Most of the criteria are met or Staff has proposed Conditions of Approval to address them. Planner Zollinger noted that Staff is requesting that the Commission review Criteria F: Existing mature landscaping shall be preserved wherever possible. There is an existing significant tree on the site. Staff and the applicant are requesting input from the Commission on whether or not retaining the landscaping is needed. The applicant is proposing to remove the tree regardless of whether the Conditional Use Permit is approved. There are additional Sullivan Road access criteria outlined in the Historic Residential – Medium Density Zoning District, which were reviewed by Planner Zollinger:

- Limited access is allowed only when an applicant proves the project has positive elements furthering reasonable planning objectives;
- Neighborhood mandatory elements criteria:
 - Utility considerations - required to be accessed off Park;

- Enhanced Site Plan Considerations:
 - Variation in front yard and building setbacks to orient porches and windows onto street fronts, increased front setbacks, increased Transferred Development Right ("TDR") Open Space, and/or preservation of significant landscape elements, minimized access to Sullivan Road, decreased density.
- Incorporation of pedestrian and landscape improvements along Park Avenue, Sullivan Road, and Eastern Avenue;
- Parking mitigation.
- Affordable housing applicability.

The applicant is proposing two parking spaces, which are required in the code. Both of the spaces are proposed to be at the rear and will not be visible from Park Avenue. One of the Conditional Use Permit requirements is that the utilities must be accessed off of Park Avenue and that the final design shall comply with Historic District Design Review ("HDDR") regulations. Several proposed conditions were reviewed with the Commission.

Limited access is allowed only when an applicant proves the project has positive elements furthering reasonable planning objectives. Planner Zollinger reviewed some of the enhanced Site Plan considerations or possible conditions:

- Variation in front yard and building setbacks to orient porches and windows onto street fronts;
- Increased front setbacks;
- Preservation of significant landscape elements;
- Decreased density;
- Incorporation of pedestrian and landscape improvements.

Planner Zollinger shared additional images from Park Avenue to illustrate what the streetscape currently looks like. The Commission is being asked to provide input on conditions to allow access on Sullivan Road and for some feedback regarding the significant vegetation. She noted that the applicant will soon obtain an Arborist Report, which will be ready for the January 22, 2025, Planning Commission Meeting.

Commissioner Johnson asked how the Commission should approach looking at the Sullivan Road criteria. He noted that it is hard to make a determination without any sort of visual representation. Planner Zollinger noted that conditions can be set on the density or massing of the structure in order to enhance the pedestrian experience along Park Avenue. The finalized details of the design are regulated under the HDDR. The applicant wants to find out if the Commission believes the proposal complies and if it would be better to keep parking at the rear of the property to increase the pedestrian experience.

Commissioner Johnson mentioned a larger tree in the front of the property. Planner Zollinger reported that it is within the proposed front setback and at this point is proposed to be removed. Commissioner Shand referenced Page 6 of the Staff Report, which

includes a drawing of Park Avenue and the existing homes. Every home north of 1120 Park Avenue has access off of Park Avenue, yet there is an indication that a lot of people use Sullivan Road. He loves the idea of access to the homes being from Sullivan Road and asked whether the City has considered improving that section of Sullivan Road. It appears that some residents are using the back area. Park Avenue has changed a lot over the years. It seems having fewer vehicles backing out of garages onto Park Avenue would be beneficial, which is why he likes the idea of the access off of Sullivan Road.

Public Improvements Engineer, Becky Gutknecht, shared additional context about improvements to Sullivan Road. Approximately two or three years ago, the City looked into improving Sullivan Road and making it an official road. Public feedback was sought out from residents who utilize that road. If Sullivan Road were to be made into a formal road, it would need to be expanded to match Code. The improvements would make the road much wider and would allow for public travel. The feedback from the residents who use Sullivan Road was that they would not prefer those improvements to take place and would prefer that Sullivan Road remain an unofficial road that has no maintenance.

Commissioner Frontero reported that he walked the property earlier in the day. There is a lot of snow on Sullivan Road and this is not maintained. He likes the idea of the garage in the back because that will make Park Avenue a little more pedestrian-friendly. However, he is concerned that Sullivan Road is not plowed in the winter, as that has the potential to be a safety hazard. Director Ward explained if there was access allowed for the site, a Condition of Approval would prohibit any parking within the City property. The owner would also be limited to two vehicles on the lot and there would be no parking allowed along Park Avenue. There was additional discussion about the parking needs.

Chair Hall likes the idea of enhancing Park Avenue. Commissioner Frontero shared additional observations from his walk in the area. He wants to discourage trailers and vehicles being parked on Sullivan Road while at the same time, encouraging parking to occur in the back. He wants to condition this application in a way that will clean up the back area where possible. Planner Zollinger explained that conditions would be limited to this property and access, but it can be conditioned to address the site parking.

Commissioner Frontero noted that the applicant wants to remove the large tree out front. He wanted to know why the applicant felt that was necessary. The property owner, Terrence McGrath, introduced himself to the Commission. He is the owner of 1120 Park Avenue and 1124 Park Avenue. Mr. McGrath purchased the properties in 2021 and met with City Staff early last year to discuss Sullivan Road. He shared an image of the area and pointed to the location of the tree that was mentioned. There is no opposition to keeping the tree where it is, but it impacts visibility for the historical structure parking pad at 1124 Park Avenue. Additionally, the tree leans over and across the historical property. Mr. McGrath is not committed to removing or keeping the tree at this point but wants to make sure that whatever decision is made, the parking on the historical structure is not impacted. He shared an image with the Commission to better illustrate current conditions.

Commissioner Frontero asked if there is a willingness to move the parking pad on the historical house to Sullivan Road as well. Mr. McGrath confirmed this but noted that there are unintended consequences to consider. There were originally two Conditional Use Permit requests, one for 1120 Park Avenue and one for 1124 Park Avenue, but there were issues that the Conditional Use Permit was generating on the historical site.

Director Ward reported that historic structures are exempt from parking unless a Conditional Use Permit is triggered. It is possible to have the parking at the rear, but right now, it is exempt. Going through the Conditional Use Permit for the Sullivan Road access will require two parking spaces at the rear. That shrinks the developable area available to add to the historical structure. Mr. McGrath explained that a year ago, he went through different iterations with Staff. That is the reason he wants to have a discussion with the Commission about the access and the tree, as this is a complicated area of the City.

Chair Hall wants to process the application, as presented but appreciates all of the different factors that impact the area. There was discussion about the way Sullivan Road is currently being used. Commissioner Shand asked for clarification about why a parking pad for two vehicles behind the historic structure would be problematic. Mr. McGrath reiterated that it would shrink the footprint. Karen Backstrom from Stoker Architecture introduced herself to the Commission. Requiring two 9x18 parking spaces on the lot would consume a significant portion of the building pad. If that approach is taken, there would not be a viable building pad on the historic lot. Mr. McGrath noted that there is a plan to expand the historic structure, similar to what was done next door.

Commissioner Suesser asked for information about the five lots along Park Avenue that were expanded toward Sullivan Road. She wanted to understand how that happened and if that is likely to occur with the subject parcel. Planner Zollinger noted that some of the properties have property lines that now go into the City-owned property. Attorney Harrington clarified that those could have been partitioned off before the City acquired the property. It should be possible to obtain that information by looking at the platting history.

Director Ward reported that the most recent change to this area was a rezone. The property line to what would be the east of the City parcel is now zoned Urban Park. Planner Zollinger noted that some of the properties with additional garages or sheds in the back have been there for a long time. It is not the intention of the City to allow any further encroachments onto the City property. Engineer Gutknecht confirmed that most look like they were built a long time ago. As time has passed, the City has tried to obtain Encroachment Agreements and work through matters with the various property owners. That being said, the City will not allow any more encroachments onto that City property.

Chair Hall opened the public hearing. There were no comments. The public hearing was continued to the January 22, 2025, Planning Commission Meeting.

Commissioner Johnson asked what the plan is with Park Avenue and whether it will be regraded. Engineer Gutknecht explained that when a project is planned, such as a

revamp of Park Avenue, the limits of disturbance are from the back of sidewalk to back of sidewalk. As a result, the tree that was mentioned earlier would not be impacted. Commissioner Johnson asked if the road would be backfilled to level it out. Engineer Gutknecht is not sure what is being considered for Park Avenue as far as the grading.

Commissioner Johnson looks forward to an Arborist Report at the next Planning Commission discussion on the subject property. Planner Zollinger wanted to know if the Commission would consider a Condition of Approval to state that the tree must remain on the site if the Arborist Report determines it is still in good condition with low impacts to the site. Commissioner Suesser believes if the tree needed to be removed, it would make sense to have a condition that there be a replacement of significant vegetation.

Commissioner Sigg agrees with other Commissioners that access to the rear would be preferable. However, if that is going to occur, it would be nice for there to be a paved road that is defined. What he sees now on Sullivan Road is more of a free-for-all. He anticipates that a lot of other houses there will want an easement across City property for access at the back. He wants to know what enforcement will look like in the future. Commissioner Shand asked if this was an opportunity to establish some regulations there. If rear access is approved for 1120 Park Avenue, there will be Conditions of Approval. It might create opportunities to establish something similar in the rest of the area.

Commissioner Sigg is curious about the species of the tree in front as well as whether or not there has been maintenance done on the tree. The Commission reviewed an image of the tree and the curb cut in front of the house. Planner Zollinger reported that Sullivan Road is not a designated public right-of-way but is a gravel road on City property. Attorney Harrington added that the City has typically dealt with encroachments through Encroachment Agreements. If the Conditional Use Permit application moves forward, the City Engineers will likely weigh in on a preferred alternative.

Commissioner Johnson looks forward to reading the Arborist Report and receiving additional feedback from engineers. If the engineers are not on board with access off of Sullivan Road, then he will not be supportive of the request. Chair Hall noted that there are challenges because there are conflicting provisions. There is not an easy solution here, so there will need to be additional discussions about the application. It was determined that more information is needed before a decision is made.

Mr. McGrath explained that this was going to be a family home. He is trying to do what is best for the area. He loves what the City has done with the Historic District over the years. Sullivan Road does not necessarily need to be a paved road in order to meet the needs. As for the tree, the main issue has to do with the impacts on the historic site. He pointed out that it can create difficulties in terms of visibility, but it is also leaning towards the historic structure. He thanked the Planning Commission for discussing the application.

Chair Hall asked whether shared parking in the back would work for the lots owned by Mr. McGrath. There might be a creative solution. Director Ward explained that because these are Conditional Use Permits, under the parking code, the applicant could request a reduction in the required parking. The applicant would need to demonstrate that the demand would be mitigated on the property. That could be considered as part of the Conditional Use Permit review as could a shared parking agreement. There could be additional parking on the non-historic site to satisfy parking on the historic site. Director Ward noted that there is some flexibility through the Conditional Use Permit process that the Planning Commission can evaluate at the next meeting. Having the Arborist Report review will make it possible to fully understand and evaluate the subject property.

This item is scheduled to be continued until January 22, 2025, but Director Ward noted that the Staff Report will be published on January 17, 2025. She asked if the Arborist Report will be ready by that date. If not, the item could be continued to a later meeting to ensure that all of the information is available for Commission review. Mr. McGrath was unable to confirm whether or not the report would be ready by January 17, 2025. Skylar Sanders stated that he works with Mr. McGrath. The arborist is scheduled to visit the property tomorrow. He is not certain how long it will take to generate the report.

Mr. Sanders asked if City Engineering is opposed to access from the rear of the property to Sullivan Road. Engineer Gutknecht confirmed that the City Engineering Department is opposed to access from Sullivan Road. Commissioner Suesser asked for elaboration on this position. Engineer Gutknecht explained that access to sites is preferred off of owned and maintained rights-of-way. Since Sullivan Road is unmaintained, is on City property, and is not intended to be a road, access there is not preferred.

There was discussion about what meeting to continue the discussion too. Director Ward suggested that it be continued to the February 12, 2025, Planning Commission Meeting. Mr. McGath asked to sit with Staff ahead of that date to better determine the priorities. Commissioner Sigg is in favor of a shared driveway between the two properties. Commissioner Suesser asked for more context as to why the City has not improved the road. She understands that the residents weren't all in favor due to the widening, but it might be in the best interest of the community if Sullivan Road was formally improved.

MOTION: Commissioner Johnson moved to CONTINUE the 1120 Park Avenue Conditional Use Permit application and public hearing to the February 12, 2025, Planning Commission Meeting. The motion was seconded by Commissioner Shand. The motion passed with the unanimous consent of the Commission.

8. ADJOURNMENT

MOTION: Commissioner Frontero moved to ADJOURN.

The meeting adjourned at approximately 8:51 p.m.



2366 Good Trump Court

Condo Plat Amendment

PL-24-06314
Planning Commission
January 8, 2025



2366 Good Trump Ct.

Summary

- Applicant proposes converting 269 square feet of Common and Limited Common Area to Private Area in two areas:
- To reflect an interior/enclosed 218-square-foot area at the southeast corner of the ground level that has been used as a private bedroom but is common ownership on the recorded plat
- To enclose an exterior 51-square-foot front porch that is limited common ownership on the recorded plat to provide additional space in the entrance hall of the unit

2366 Good Trump Ct.

Front view



2366 Good Trump Ct.



*Front porch
area to be
enclosed*

— 2366 Good Trump Ct. —

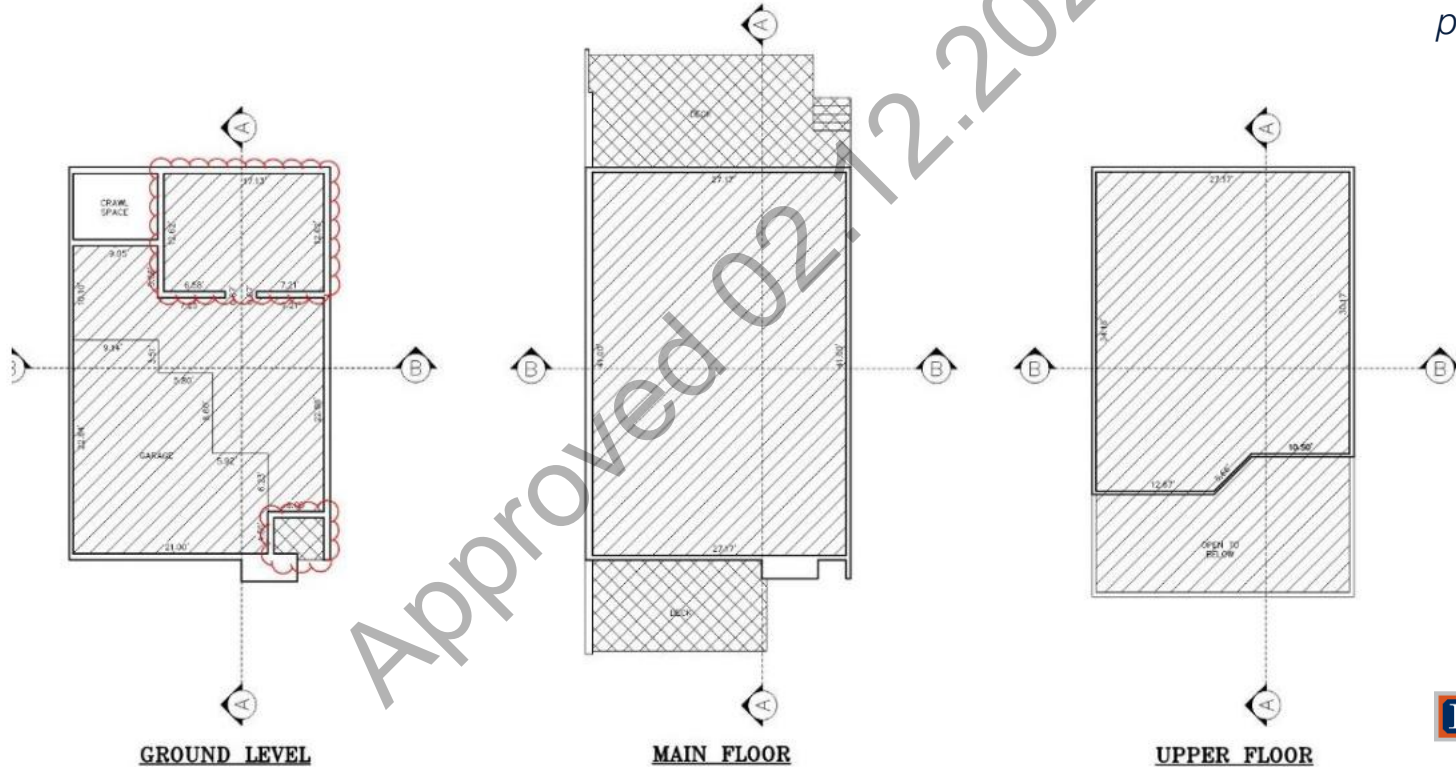


*Rear view with
lower-level
private
bedroom
highlighted*



2366 Good Trump Ct.

*Proposed
plat excerpt*



2366 Good Trump Ct.

Building Height

- Building is approximately 35 feet, 7 inches from Existing Grade and exceeds maximum Building Height of 33 feet for RD Zone
- Proposed Plat Amendment is regarding the ground floor and does not affect Building Height
- Condition of Approval 1 prohibits any modifications to building height as part of the Plat Amendment approval and requires a plat note: any new construction must comply with the Residential Development Zoning District Building Height regulations

2366 Good Trump Ct.

Zoning and Parking

- 2366 Good Trump Court complies with other Lot and Site Requirements of the RD Zone
- Two parking spaces are required; 2366 Good Trump meets this requirement

2366 Good Trump Ct.

Good Cause

- The Planning Commission must make a finding of Good Cause to approve Condominium Plat Amendments
- Good Cause: “Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community.”

2366 Good Trump Ct.

Good Cause

- There is Good Cause for this Condominium Plat Amendment, as conditioned, because it resolves an existing issue by recording common and limited common areas that are under exclusive private use for Unit 1, reflecting existing conditions at the Site.

Approved 02-12-2025



2366 Good Trump Ct.

Conditions of Approval

- Condition of Approval 2 requires Applicant to obtain letters prior to plat recordation from public utility providers indicating there are no public utilities located under the 218-square-foot area located at the southeast corner of the ground level of 2366 Good Trump Court, or that approval is granted to relocate any such public utilities at the Unit owner's expense
- Other Conditions of Approval regarding naming and details of the plat and CC&Rs outlined in the Draft Final Action Letter

2366 Good Trump Ct.

Recommendation

- (I) Review the Plat Amendment for 2366 Good Trump Court, Unit 1 of the Queen Esther Village No. 1 Condominium Plat, (II) conduct a public hearing, and (III) consider approving the Condominium Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

An aerial photograph of a mountain town, likely Park City, Utah, covered in a thick layer of snow. The town's buildings, mostly with dark roofs, are densely packed in the valley. In the background, steep, snow-covered mountains rise under a clear blue sky. The overall scene is serene and wintry.

Child Care Land Use

LMC Amendments – Work Session

PL-24-06006
January 8, 2025
Planning Commission



Child Care Land Use

Background

- 2023 City Council direction to evaluate LMC requirements
- March 27, 2024, Planning Commission Work Session
- November 18, 2024, Focus Group meeting

Child Care Land Use

Current Definitions

- **In-Home Babysitting:** the provision of Child Care for four (4) or fewer children within a dwelling and within commercial buildings outside of residential Zoning Districts
- **Family Child Care:** the provision of Child Care for up to eight (8) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence
- **Family Group Child Care:** the provision of Child Care for nine (9) to sixteen (16) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.
- **Child Care Center:** the provision of Child Care for four (4) or more children in a place other than the care provider's primary residence and for less than 24 hours per day. Child Care may be provided on a regularly scheduled, on-going enrollment basis or on an hourly, drop-in basis

Child Care Land Use

Current Regulations

- In-Home Babysitting: Allowed citywide as Accessory Use
- Family Child Care: Requires Admin. Permit in SFDs/duplexes
- Child Care in Multi-Unit Dwellings: Conditional Use Permit
- Family Group Child Care: Conditional Use Permit
- Child Care Centers: Allowed in non-residential zones, need CUP or MPD approval in residential zones
- Child Care Centers also have specific location criteria to encourage them to be placed on peripheries of neighborhoods and near schools, libraries, houses of worship or playing fields, when part of a CUP

Child Care Land Use

Recommendations

- Staff recommends:
 - (A) shifting all reviews to a staff-level review,
 - (B) updating the definitions to align with changes to state code, and
 - (C) updating and consolidating the criteria reviewed for Child Care facilities.

Child Care Land Use

Consolidated Criteria

- Parking
- Drop-off/Pick-up Area
- Arterial Street
- Proximity to Public Transit
- Setbacks
- Signs
- Play Area Size and Location
- Screening
- Structure Inspection Required
- Public Notice
- One Year Review
- Exceptions

Child Care Land Use

Consolidated Criteria

- Also reviewed for Administrative Conditional Use Permit Criteria outlined in LMC Section 15-1-10(E)

Approved 02.12.2025



Child Care Land Use

Questions

- Does the Commission support staff review for Child Care facilities, rather than Planning Commission review?
- Is the Commission supportive of consolidating the criteria in Section I outlined above?
- Does the Commission suggest any changes to Staff's proposed review requirements and criteria for Child Care facilities outlined above?

Child Care Land Use

———— Parking - Current Requirements ————

- **In-Home Babysitting:** none.
- **Family Child Care:** One off-Street parking space required for each non-resident or non-family member employee in addition to underlying parking requirements for residential dwellings.
- **Family Group Child Care:** One off-Street parking space required for each non-resident or non-family member employee in addition to underlying parking requirements for residential dwellings.
- **Child Care Centers:** At least one parking space for each on-duty staff person per shift and one space for every six children cared for.

Child Care Land Use

Parking - Recommendation

- Retain requirement for Family Child Care, Family Group Child Care, and Child Care Centers to provide one parking space per each non-resident or non-family member employee on-shift
- Eliminate requirement for Child Care Centers to provide one parking space per every six children cared for because Child Care facilities already must provide drop-off/pick-up areas for parents
- Implement flexibility for parking, such that providers could qualify for reductions or exemptions for parking if they submit a parking plan that meets certain criteria

Child Care Land Use

Possible Parking Plan Criteria

- To qualify for parking reduction/exemption, Applicants could submit parking plan that demonstrates:
 - There is adequate on-Street parking in the area that employees could use;
 - The facility could share parking with a nearby business
 - The facility includes an on-Site drop-off/pick-up area
 - A significant number of employees do not use single-occupancy vehicles
 - Parking in the right-of-way adjacent to the Child Care facility is available;
 - An agreement authorizes facility employees/patrons to park in an off-Site Parking Area or Parking Structure that is located within 1,000 feet of the Child Care facility perimeter boundary

Child Care Land Use

Possible Parking Plan Criteria

- To qualify for parking reduction/exemption, Applicants could submit parking plan that demonstrates:
 - The Child Care Facility is within ¼-mile from a bus stop that includes a waiting shelter consistent with City standards
 - On-Site parking is provided for motorcycles and/or scooters
 - Bicycle parking exceeds the requirements of the LMC.

Child Care Land Use

Questions

- Does the Commission support allowing Child Care providers to qualify for parking reductions or exemptions, as outlined above?
- What other criteria would the Commission like to see included in a parking plan if an applicant seeks a parking reduction or exemption for a Child Care facility?

Child Care Land Use

Analysis – MPD

- LMC allows Planning Commission to require Child Care facility in MPDs/AMPDs if the Commission determines the project will create additional demand for Child Care
- Staff recommends eliminating this provision for the following reasons:
 - Lack of clear criteria
 - Impracticality for Developers
 - Enforceability
 - Incentives as accessory uses

Child Care Land Use

Questions

- Does the Commission support removing the Child Care mandate from the MPD and AMPD codes?

Child Care Land Use

Analysis – State Code

- Second Location: State regulations allow providers to operate a second location outside of their primary residences; LMC does not allow this
- H.B.153 and Eliminating Family Child Care: State allows in-home Child Care for up to 8 children without license

Child Care Land Use

Questions

- Does the Planning Commission continue to support a change to the LMC allowing a second Family Child Care location?
- Does the Planning Commission continue to support eliminating Family Child Care as a category under the LMC?