



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MARCH 26, 2025**

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

EX OFFICIO: Rebecca Ward, Planning Director; Jaron Ehlers, Planner I; Jacob Klopfenstein, Planner I; Mark Harrington, Senior City Attorney; Alec Barton, Senior Planner; John Robertson, City Engineer

1. ROLL CALL

Chair Sarah Hall called the Planning Commission Meeting to order at 5:30 p.m. She is attending the meeting virtually and all other Commissioners are in Council Chambers.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from February 26, 2025.

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from February 26, 2025. Commissioner Van Dine seconded the motion. The motion passed with the unanimous consent of the Commission.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward, shared updates with the Planning Commission. The engageparkcity.org website has been updated for the General Plan project. The final open houses for the neighborhoods are being finalized. The Lower Deer Valley meeting is scheduled to take place on Monday at the Oaks Clubhouse and the Quinns Junction neighborhood meeting is scheduled for Tuesday at the Park City Heights Clubhouse.

There will be a special Planning Commission Meeting held on April 2, 2025. Director Ward thanked the Commissioners for their willingness to attend that additional meeting. She shared an announcement about the current Planning Commission Meeting agenda. Staff received a request from the applicant for Item 5F related to 1120 Park Avenue. The applicant has requested to continue the item to a date uncertain. Director Ward next shared information about the public comment process. She asked those wishing to

comment to state their full name, limit comments to three minutes or less, and direct comments to the Commission. She asked that there be civility during this process.

Chair Hall disclosed that she also works with Hoggan Lee Hutchinson, who is the applicant representative for Item 5E. This will not impact her ability to participate.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. REGULAR AGENDA

- A. Child Care Land Use – Land Management Code Amendment –** The Planning Commission will Consider Forwarding a Recommendation to the City Council Regarding a Draft Ordinance Amending Land Management Code Sections 15-2.1.2, 15-2.1-2, 15-2.2-2, 14-2.3-2, 15-2.4-2, 15-2.5-2, 15-2.6-2, 15-2.7-2, 15-2.9-2, 15-2.10-2, 15-2.11-2, 15-2.12-2, 15-2.13-2, 15-2.14-2, 15-2.15-2, 15-2.16-2, 15-2.17-2, 15-2.18.2, 15-2.19-2, 15-2.23-2, 15-3-6, 15-4-9, 15-6-5, 15-6.1-11, and Chapter 15-15. PL-25-06006.

Planner I, Jaron Ehlers, presented the Staff Report and explained that the item before the Commission relates to proposed Land Management Code (“LMC”) amendments to child care land use regulations. He shared a timeline of events. In 2023, the City Council provided direction to evaluate the current LMC requirements. In March 2024, there was a Planning Commission Work Session. On November 18, 2024, there was a Focus Group Meeting. In January 2025, the Planning Commission held another Work Session.

Planner Ehlers reviewed some of the recommended changes:

- Administrative Permits remain where currently allowed in non-residential zones (RC, RCO, GC, and LI);
- Remove provisions for the Planning Commission to require child care in Master Planned Developments (“MPD”);
- Add a parking exemption for existing historic buildings and structures;
- Annual review from the Planning Director on issued permits to mitigate any outstanding issues if there are complaints.

Planner I, Jacob Klopfenstein shared a summary of what the draft ordinance proposes:

- Eliminates Family Child Care definition outlined in LMC and expands the In-Home Babysitting definition to include provision of Child Care for up to eight children;
- Changes level of review for Child Care facilities that currently require a Conditional Use Permit (“CUP”) reviewed by the Planning Commission to an Administrative Conditional Use Permit (“ACUP”) review before the Planning Department;

- Revises review criteria for Family Group Child Care and Child Care Centers to remove potential regulatory barriers for prospective Child Care providers;
- Amends LMC to align with State regulations, including a provision that allows Child Care providers to operate a facility in one additional location outside of their primary residence;
- Provides more flexibility for alternative parking arrangements for Child Care facilities;
- Requires applicants seeking approval for a Child Care facility to provide notice to property owners within a 300-foot radius of the proposed facility;
- Removes provisions that allow the Planning Commission to require applicants for MPDs and Affordable Master Planned Developments ("AMPD") to designate and plan a site for a Child Care Center if the Commission determines that the project will create additional demands for Child Care.

Staff recommends that the Planning Commission review the ordinance, conduct a public hearing, and consider forwarding a positive recommendation to the City Council for consideration on June 5, 2025. There were no Commissioner questions for Staff.

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

Commissioner John Frontero asked for additional details about the AMPD provision that is considered for child care. He asked if there is a square footage ratio anticipated. Planner Klopfenstein explained that the current provision in the code allows the Planning Commission to require an applicant for an MPD or AMPD to designate a site within the MPD or AMPD for a child care center. The threshold for the Commission's ability to require that is simply if the Commission determines there is additional demand for child care that the MPD or AMPD would create. There was extensive research conducted to find more specific criteria in other communities. However, there is not anything that is comparable. Without a better set of criteria in place, the recommendation is to eliminate that provision from the code. Commissioner Frontero understands the explanation but pointed out that this seems to be in opposition to the goal to create more child care in the City. It seems that the suggestion is to soften the requirement to provide child care.

Senior City Attorney, Mark Harrington, explained that in order to require something or exact space out of a project, there needs to be a reason and a standard. To date, there is not an example where that has been justified legally. As a result, the recommendation is to eliminate that as a mandatory requirement. Director Ward reminded Commissioners that there have been some changes since these discussions first came before the Planning Commission. In December 2024, the City Council adopted the ordinance recommended by the Planning Commission to update the accessory uses for MPDs.

Commissioner Laura Suesser asked if there was ever a requirement for a child care facility in an MPD. Attorney Harrington stated that they were unable to find that kind of requirement. It was clarified that there was one situation where it was discussed, but that

applicant determined that it was not feasible for them to include a child care facility in that development. Commissioner Suesser commented that this is an unfortunate change to the language. She regularly hears about the desire for child care facilities. Child care is needed in the community, so it is disappointing that the use cannot be tied to an MPD.

Commissioner Christin Van Dine pointed out that the other provisions included will allow for more leeway, which can drive additional child care facilities even without a requirement. Commissioner Rick Shand noted that other stipulations have been relaxed. Commissioner Henry Sigg agrees with the comments that have been shared. The ordinance, as drafted, creates more opportunities for small businesses to start a child care business. There is still the ability through an accessory use provision to put it into MPDs. This takes it out of the financial modeling of an MPD and makes it more streamlined and attainable for businesses to be in that space. Commissioner Bill Johnson agrees with what has been said by other Commissioners. He believes the amendments will be impactful.

MOTION: Commissioner Johnson moved to forward a POSITIVE RECOMMENDATION to the City Council for the Child Care Land Use Regulations, for consideration on June 5, 2025. The motion was seconded by Commissioner Van Dine. The motion passed with the unanimous consent of the Commission.

- B. 2411 Gilt Edge Circle – Condominium Plat Amendment** – The Applicant Proposes to Amend Arrowood Condominiums in Deer Valley Plat for Unit 1 to Convert Private Ownership Areas from Existing Limited Common Area with 145 Square Feet Added to Private Ownership Area A and 518 Square Feet to Private Ownership Area B in the Recreation Development Zoning District. PL-24-06325.

Planner Ehlers presented the Staff Report for 2411 Gilt Edge Circle. He explained that this is a Condominium Plat Amendment application and the property is located in the Deer Valley area. Planner Ehlers pointed out the location of Unit 1 and Unit 3 on a map. He reviewed the current plat with the proposed changes overlayed. Private Ownership Area A is shown in red and Private Ownership Area B is shown in blue. Some background information was shared with the Planning Commission. In 1997, the Arrowood Condominiums were approved, but it expired and had to be reapproved in 1999 due to some litigation. In 2004, a similar amendment to Unit 2 was approved by the City Council, but that amendment was never recorded. In June 2024, the Planning Commission approved a similar amendment to Unit 3, which was recorded earlier this year.

The proposed amendments are located outside of the setbacks. There would be no increase in the off-street parking. Staff finds that there is Good Cause because this keeps with the original Good Cause that the City Council found when it first approved the Arrowood Condominiums. In addition, this is a similar expansion to what has been

approved previously. Staff recommends that the Planning Commission consider the application, hold a public hearing, and consider approval of the amendment.

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

Commissioner Johnson believed the building is non-compliant with the front setback, as built. He asked if it is non-compliant in height as well. Planner Ehlers reported that the proposed addition would comply with the height, as it is well below the height. Commissioner Johnson agrees with the Staff interpretation of Good Cause, but he finds it frustrating that there are often applications like this where there was not compliance.

MOTION: Commissioner Johnson moved to APPROVE the Arrowood Condominiums at Deer Valley Unit 1 Amended, 2411 Gilt Edge Circle, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Applicant submitted a Condominium Plat Amendment to amend Unit 1 of the Arrowood Condominiums at Deer Valley at 2411 Gilt Edge Circle to create two separate Private Ownership Areas from existing Limited Common Area:
 - a. **Private Ownership Area A:** 145 square feet to allow for the creation of an additional bedroom and bathroom under the existing deck.
 - b. **Private Ownership Area B:** 518 square feet to allow for a future addition under the remainder of the existing deck.
2. 2411 Gilt Edge Circle is Unit 1 of the Arrowood Condominiums at Deer Valley. The Condominium Plat was recorded with Summit County on March 4, 1999 (Summit County Recorder Entry No. 532030; Exhibit B).
3. The property is in the Recreation Development (RD) District.
4. On September 25, 1997, the City Council adopted Ordinance No. 97-44 approving the Arrowood Condominiums, a three-unit detached Condominium. A legal dispute prevented recordation of the Plat.
5. A settlement agreement was reached in November of 1998, and the Applicant resubmitted the Condominium Plat.
6. On January 28, 1999, the City Council adopted Ordinance No. 99-2 approving the Arrowood Condominiums with minor adjustments from the 1997 plat, as required by the settlement agreement.

7. All three units have been constructed.
8. On August 11, 2004, the Planning Commission held a public hearing on a Plat Amendment for Unit 2. This proposal also involved converting the area under a deck into living space.
9. On August 25, 2004, the Planning Commission forwarded a positive recommendation for the Plat Amendment to the City Council.
10. On August 26, 2004, the City Council adopted Ordinance No. 04-37 approving the Unit 2 Plat Amendment.
11. That plat was never recorded.
12. On June 12, 2024, the Planning Commission approved a Plat Amendment for Unit 3 to convert 356 square feet of Limited Common Area under an existing deck to Private Ownership.
13. The plat was recorded on February 14, 2025 (Summit County Recorder Entry No.1231499).
14. On October 31, 2024, the Applicant applied for the Condominium Plat Amendment for Unit 1. Staff deemed the application complete on December 5, 2024.
15. The proposal to amend Unit 1 complies with the Residential Development Zoning District Requirements outlined in Land Management Code Chapter 15-2.13.
 - a. LMC § 15-2.13-3 defines the required Setbacks for the RD Zoning District: 20 feet for the Front, 15 feet for the Rear, and 12 feet for the Side.
 - b. Condition of Approval 3 of Ordinance No. 99-2 establishes that “[f]or the purpose of setback calculations, Gilt Edge Circle abuts the front of the parcel and the Solamere subdivision abuts the rear.”
 - c. Although Unit 1 is non-compliant with the Front Setback, the proposed area for Amendment is located outside of the Setbacks and complies with the LMC setback regulations.
 - d. LMC § 15-2.13-4 establishes a maximum Building Height of 28 feet from Existing Grade. The deck reaches a maximum height of 20 feet from Existing Grade, and the proposed additions are underneath the deck.
 - e. The proposal is otherwise compliant with LMC Chapter 15-2.13 because it does not include changes to Lot Size or Lot Width.

16. The proposal to amend Unit 1 complies with the Off-Street Parking Requirements outlined in LMC Chapter 15-3.
 - a. The proposed Unit 1 has 3,316 square feet of floor Area.
 - b. LMC § 15-3-6(A) establishes the minimum Parking Requirement for a Condominium over 2,000 square feet to be two Spaces.
 - c. Unit 1 already has a two-car Garage, so the proposed conversion of Limited Common Area to Private Ownership does not increase the Parking Requirement.
17. The proposal to amend Unit 1 complies with the Subdivision Procedures outlined in LMC Chapter 15-7.1.
 - a. Plat Amendments shall be reviewed according to LMC § 15-7.1-6 Final Subdivision Plat and approval requires (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.
 - b. There is Good Cause for this proposed Plat Amendment:
 - i. The Planning Commission shall make a finding as to Good Cause prior to approving a Plat Amendment. 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.”
 - ii. When the original plat for Arrowood Condominiums was approved in 1999, the City Council concluded “[t]here is good cause for the Record of Survey, as a significant portion of the property will remain unbuildable.” The proposed addition does not exceed the area disturbed by the existing deck, and most of the site remains undisturbed. Additionally, Units 2 and 3 within the same Condominium were granted similar expansions of private area under the deck. Therefore, staff finds Good Cause for the Plat Amendment.
 - c. No Public Street, Right-of-Way, or easement is vacated or amended.
 - i. The proposed Plat Amendment does not vacate or amend any Public Street, Right-of-Way, or easement.

18. The Development Review Committee reviewed the proposal on September 19, 2024, and requires Conditions of Approval.
 - a. The Summit County Surveyor requires recordation of amended Covenants, Conditions, & Restrictions (CC&Rs) to reflect the Plat Amendment concurrent with recordation of the amended plat (Condition of Approval 3).
19. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on March 12, 2025. Staff mailed courtesy notice to property owners within 300 feet on March 12, 2025. The Park Record published courtesy notice on March 12, 2025.

Conclusions of Law:

1. There is Good Cause for this Condominium Plat Amendment as the addition does not exceed the area disturbed by the existing deck, most of the site remains undisturbed, and Units 2 and 3 were granted similar expansions of private area under the deck.
2. The Plat Amendment is Consistent with the Land Management Code, including Chapter 15-2.13, Residential Development (RD) District, and Chapter 15-3, Off- Street Parking Requirements.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer shall review and approve the final form and content of the Plat Amendment for compliance with State Law, the Land Management Code, and the Conditions of Approval prior to recordation of the Plat.
2. The Applicant shall record the Plat at the County within one year from the date of 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.

3. The Applicant must submit the draft Second Amended Declaration of Condominium for Arrowood at Deer Valley Condominiums for review by City Staff along with the Plat Amendment.

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

- C. **2364, 2370, 2374, 2378, 2382, 2420, 2424, 2426, 2428, 2430, and 2434 Gilt Edge Circle – Condominium Plat Amendment** – The Applicant is Proposing to Convert 855 Square Feet of Common Ownership to Limited Common Ownership and 819 Square Feet of Common Ownership to Private Ownership in the Recreation Development Zoning District. PL-24-06292.

Planner Ehlers presented the Staff Report and explained that the application is for a Condominium Plat Amendment. The proposed amendment consists of 11 units within the Queen Esther Village No. 1 Condominium, which is located in the Residential Development (RD) Zoning District. He shared an image that shows all of the units that would be impacted by this Plat Amendment. There are two types of units: Unit Type A and Unit Type B. Another image was shown to highlight the existing ground level of Unit Type A. He pointed out what was allowed for the existing patio. Over time, the patios have been built beyond what was allowed by the initial plat. On the right side of the image shown, it is possible to see what is proposed with the larger patio area. This would convert common area to limited common area in order to bring the patios into alignment with what exists. He shared a photograph of Unit Type A for additional clarity.

Unit Type B information was shared. Planner Ehlers explained that this unit type was created with cut outs underneath the upper level deck. Those are designated as common area, which means that under the Covenants, Conditions, and Restrictions (“CC&R”), it is not possible for the owner to utilize that area. The proposal is to convert the area under the deck into private space. Some background information was provided to the Commission. In 1981, the Queen Esther Village MPD was approved. In September 2024, the applicant filed for the Plat Amendment that is currently before the Commission.

All of the proposed conversions will be located outside of the setbacks and all of the buildings are below the allowed height. Planner Ehlers explained that there will be no increase in off-street parking and there is Good Cause for the amendment, as these reflect as-built conditions for Unit Type A. It will allow Unit Type B to use an unusable area without expanding the building footprint. Staff recommends the Commission consider the application, hold a public hearing, and consider approval of the amendment.

Commissioner Shand believes the Unit Type A floor plans are looking to extend their patio. Planner Ehler explained that what is shown on the right side of the image matches what is built or is intended to be built. The Unit Type B floor plans will capture the space

underneath the deck as private ownership. Commissioner Suesser had a question about the use of the term-limited common area for the Unit Type A patios. Planner Ehlers explained that when the Queen Esther Plat was originally approved and recorded, the units were allowed 8x12 patios as limited common area. Over time, patios have become larger than allowed. The proposal is to convert the larger space from common to limited common area. The originally approved patio was considered limited common area.

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

MOTION: Commissioner Johnson moved to APPROVE the Queen Esther Village No. 1 Units 11, 12, 14, 15, 18, 19, 20, 21, 22, 23, and 24 Amended Condominium Plat Amendment, located at 2364, 2370, 2374, 2378, 2382, 2420, 2424, 2426, 2426, 2430, and 2434 Gilt Edge Circle, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. Queen Esther Village No. 1 is in the Residential Development (RD) Zoning District.
2. Queen Esther Village No. 1 is governed by the Queen Esther Village Master Planned Development (MPD), which was first approved as a Planned Unit Development (PUD) by the Planning Commission on May 13, 1981.
3. On September 25, 2024, the Applicant applied for a Plat Amendment. The Applicant provided proof of the required two-thirds vote by the Homeowners Association (HOA) at the time of application.
4. On December 16, 2024, Planning Staff issued a complete application notice to the Applicant.
5. The proposed Plat Amendment consists of 11 Units within the Queen Esther Village No. 1 Condominium (Summit County Recorder Entry No. 182974).
6. The affected units consist of two types, A and B.
7. The Plat Amendment proposes changes to both unit types. Unit Type A includes Units A12, A19, A22, and A24. Unit Type B includes Units B11, B14, B15, B18, B20, B21, and B23.
8. Unit Type A:
 - a. As shown on the Current Plat includes a 96-square-foot patio designated as Limited Common.

- b. Although the Plat identifies this as the main floor for both Units A and B, only the patios for Unit A Types are impacted by this Plat Amendment. Over the years, patios constructed for Unit A Types have been larger than what is allowed by the Plat.
 - c. The Applicant requests to convert the Common Area around the patio to create an approximately 171-square-foot Limited Common patio for the participating units.
- 9. Unit Type B:
 - a. Unit B Types were constructed with a storage area platted as Private Ownership with a Common Area opening located under the upper-level deck.
 - b. The Applicant proposes to convert the 117 square feet of Common Area under the upper-level deck to Private Ownership.
- 10. The proposal to amend the Queen Esther Village No. 1 Plat complies with the requirements of the Residential Development Zoning District outlined in Land Management Code (LMC) Chapter 15-2.13:
 - a. LMC § 15-2.13-2(B)(2) establishes Multi-Unit Dwellings as Conditional Uses subject to an MPD. The Queen Esther Village MPD was approved on May 13, 1981.
 - b. LMC § 15-2.13-3(B) establishes a Front Setback of 20 feet. The unit closest to the Front Setback is Unit B23, over 43 feet from the Front Lot Line.
 - c. LMC § 15-2.13-3(D) establishes a Rear Setback of 15 feet. The closest affected unit, A18, is over 59 feet from the Rear Lot Line.
 - d. LMC § 15-2.13-3(F) establishes a Side Setback of 12 feet. The closest affected unit, B18, is over 15 feet from the western Side Lot Line.
 - e. LMC § 15-2.13-4 establishes a Building Height of 28 Feet from Existing Grade. As shown by the Boundary Survey, none of the buildings affected by this Plat Amendment exceed the allowed Building Height.
- 11. The proposal to amend the Queen Esther Village No. 1 Plat complies with the Off-Street Parking requirements outlined in Land Management Code Chapter 15-3.
 - a. LMC § 15-3-6(B) establishes a parking requirement of two spaces for a Multi-Unit Dwelling 2,000 square feet or larger. Each unit has a two-car Garage and a driveway located outside the Setbacks. There are also seven parking spaces for community guests.

12. The proposal to amend the Queen Esther Village No. 1 Plat complies with the Subdivision Procedures outlined in LMC Chapter 15-7.1.
 - a. Plat Amendments shall be reviewed according to LMC § 15-7.1-6, Final Subdivision Plat, and approval requires (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.
 - b. There is Good Cause for the proposed Plat Amendment:
 - i. The Planning Commission shall make a finding as to Good Cause prior to approving a Plat Amendment. 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.”
 - ii. Staff finds there is Good Cause for the Plat Amendment because:
 1. It corrects an existing non-conformity by reflecting as-built conditions for Unit Type A units.
 2. It allows unused area to become usable for property owners of Unit Type B units without expanding the building envelope.
 - c. No Public Street, Right-of-Way, or easement is vacated or amended.
13. The Development Review Committee reviewed the proposal on November 5, 2024, and requires Conditions of Approval.
 - a. The Summit County Surveyor requires recordation of amended Covenants, Conditions, & Restrictions (CC&Rs) to reflect the Plat Amendment concurrent with recordation of the amended plat (Condition of Approval 3).
14. Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on March 12, 2025. Staff mailed courtesy notice to property owners within 300 feet on March 12, 2025. The Park Record published courtesy notice on March 12, 2025.

Conclusions of Law:

1. There is Good Cause for this Condominium Plat Amendment because it corrects an existing non-conformity by reflecting as-built conditions for Unit Type A. Good Cause exists for Unit Type B because it allows for an unused area to become used by the property owner without expanding the building envelope.
2. The Plat Amendment is consistent with the Land Management Code, including Chapter 15-2.13 Residential Development (RD) District, Chapter 15-3, Off-Street Parking Requirements, and Chapter 15-7 Subdivisions.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer shall review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and these Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record this Plat Amendment at the County within one year from the date of Planning Commission approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. The Applicant shall submit the "Eighth Amended and Restated Declaration of Condominium for Queen Esther Village Project 1, A Condominium Project" for review to the Planning Department. The "Eighth Amended and Restated Declaration of Condominium for Queen Esther Village Project 1, A Condominium Project" shall include:
 - a. A statement of purpose for the Plat 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 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.
- 4. Prior to any enclosure of Private Ownership Area, this amended plat must be recorded and a Building Permit must be submitted and issued by the Park City Building Department.

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

- D. 7815 Royal Street (The Chateaux Deer Valley) – Modification to Master Planned Development and Conditional Use Permit** – The Applicant Proposes to Construct a Porte Cochere on the Front Façade of The Chateaux along with a Drive Aisle, Van Parking, and Associated Landscaping Improvements in the Residential Development Zoning District and Sensitive Land Overlay. PL-24-06349.

Planner Ehlers presented the Staff Report and explained that the application is for a Modification to an MPD and CUP for property located at 7815 Royal Street. The applicant representatives introduced themselves as Chimso Onwuegbu and Greg Gendron.

Planner Ehlers reported that 7815 Royal Street is a major hotel that is more commonly known as The Chateaux. It is located in the Deer Valley area. The proposed location for the porte cochere was shown on a map. He shared renderings to illustrate the proposed porte cochere. There is a new pedestrian access, a drive aisle, and the porte cochere. On the other side is where the vans would park. The valet parking location was shown.

The Site Plan was reviewed and the proposed increase in landscaping was noted. Planner Ehlers pointed out the pedestrian walkway, porte cochere, drive aisle, van parking, and valet parking, as previously mentioned. When The Chateaux was originally proposed in 1996, there was a mention of a porte cochere and drop-off area. During the process, the applicant removed the proposed porte cochere. When the project was approved, it included Finding of Fact #6: "Off-street parking and the internal circulation system are adequate for the project and meet the requirements of the Land Management Code, Section 13. All vehicular circulation occurs within the parking structure on site."

Finding of Fact #6 is proposed to be amended with this application. Senior Planner, Alec Barton, added that the project would not involve any increase in density or off-street parking. The maximum height of the porte cochere would be 16.11 feet, which is well below the allowed height of 28 feet to 45 feet. A portion of the porte cochere extends up to 3 feet into the required 25-foot MPD perimeter setback. There is a provision in the code that the Planning Commission can reduce the front setback to be the equivalent of the zoning district front setback, which would be 20 feet in this instance. That requires the Planning Commission to find that it is necessary to provide desired architectural interest and variation. That is something that Staff would seek Commissioner input on.

The porte cochere is accessed by a drive aisle. Planner Barton shared an image that outlines the porte cochere in red and the drive aisle in yellow. In blue is the proposed temporary parking area for the valet service. Adjacent to the landscape buffer in the front is the temporary parking space for hotel vans. The project includes a modest increase in landscaped open space. Currently, the owners of the hotel and condominium units are using the garage. That will not change. Hotel vehicles will also continue to use the garage, as will employees. Planner Barton explained that the drive aisle and porte cochere are intended for rideshare vehicles, hotel guests using the valet service, and shuttle vehicles operated by other operators where the vehicles are too large to access the garage.

Staff is recommending a number of Conditions of Approval to help mitigate the impacts of the project. As previously mentioned, the initial application for this project focused on the pedestrian circulation element. To differentiate pedestrian spaces from vehicle spaces, there is a recommended Condition of Approval to use different styles or colors of pavers to delineate those areas. The applicant is also amenable to working with the engineering team to install an ADA-compliant pedestrian crosswalk in the vicinity of The Chateaux and a nearby bus stop across Royal Street. There are also conditions that would require the installation of signage to prohibit left turns out of the drive aisle onto Royal Street. This will help with circulation in the area. Additionally, there is a Condition of Approval that will prohibit vehicle idling within the porte cochere area.

Commissioner Johnson asked about the width of the structure. He sees the height and the roof pitch, but there is no overall width of the porte cochere listed. It was clarified that it is approximately 27 feet wide. He asked if it should be marked on the plans for clarification. Commissioner Suesser wanted to revisit the pedestrian circulation aspects of the project. She wondered if there is a public sidewalk that runs the perimeter of the project and wanted to know how this project will impact the pedestrian circulation. Planner Barton confirmed that there is a public sidewalk on both sides of Royal Street.

Commissioner Sigg referenced the roundabout at The Silver Lake Lodge. He wants to see an exhibit that shows the context of the new ingress in relation to the roundabout. He pointed out that a lot of people cross from The Chateaux to Silver Lake. Mr. Onwuegbu shared a map of the area and pointed out the existing bus stop. The plan is to work with Staff to look at a curb cut in the area with a painted sidewalk or accessible sidewalk across. This would ensure that there is avoidance of the roundabout because it would be possible to move from the transit stop above The Chateaux across the street. Mr. Onwuegbu explained that the idea of the porte cochere is to create a sense of entry.

Commissioner Suesser thanked Mr. Onwuegbu for sharing Google Earth images to provide additional context. She wants to understand what is being lost with the additions proposed. Mr. Onwuegbu shared the Existing Site Plan and pointed out the existing hardscape. There are a few small pieces that will be lost and other areas that will be

extended. Commissioner Suesser asked how wide the openings are to Royal Street. Mr. Onwuegbu reported that the existing curb cuts are between 18 and 20 feet wide. None of the curb cuts will be changed through this process, but what is there will be repurposed.

Commissioner Sigg asked if the encroachment into the setback is merely the overhang of the shed roof. This was confirmed. There are no structural elements or footings that will be in the setback. It is just a triangular piece of the roof to provide vehicle coverage.

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

Commissioner Johnson suggested an addition be made to Finding of Fact #22(B). Director Ward noted that there needs to be a modification to Condition of Approval #1. The reference to February needs to be changed to March. Before that sentence, there can be language to state: "The applicant shall update the plans reviewed March 26, 2025, by the Planning Commission, to show the dimensions of the porte cochere." The second reference to the date can be stricken. Commissioners expressed support for that.

Commissioner Johnson likes the update to the property and feels that it is intentional. Commissioner Van Dine appreciates the addition of the crosswalk so there is a focused way to filter into Royal Street. She believes this will be a positive update to the area.

Commissioner Frontero asked to further review the New Site Circulation exhibit. Mr. Onwuegbu explained that the pathway exists as part of the larger landscape. However, there will be a funnel created into the building as opposed to walking into a sea of pavers. Commissioner Frontero believes the pedestrian access is being shifted to the east. Mr. Onwuegbu clarified that it will focus on the access to the east rather than shift it entirely. Discussions were had about the location of the different colored pavers mentioned earlier.

Commissioner Suesser noted that a lot of new holding areas for vehicles are being added. She has noticed that the sidewalk that runs the perimeter is quite dilapidated. She asked if there are improvements to the sidewalk anticipated as part of this project. It might also be worth considering widening the sidewalk slightly to make it more pedestrian-friendly.

Mr. Onwuegbu clarified that the sidewalk is outside of the subject property. Nothing that happens outside of the property line has been considered in this process, but it is possible to have discussions about what might make sense there. Commissioner Suesser asked to see a photograph of the existing sidewalks. She would like improvements to the sidewalks to be a Condition of Approval, as the sidewalks are narrow and dilapidated. She feels the sidewalks should be improved and this is a good time to do so. Commissioner Frontero could support sidewalk improvements as a condition. He is not sure that widening the sidewalks is the responsibility of the applicant, but improvements could be beneficial. The application is set up to improve vehicular movement through the

property, which is commendable. That being said, he has some concerns about the pedestrian pathways through this area. Sidewalk improvements would give him some comfort that the pedestrians are not being lost in this proposal.

Commissioner Frontero noted that the 1996 report cited a concern with pedestrian circulation, which came from the Planning Commission and City Council. In response, the applicant made changes and revised the entrance by removing the porte cochere that was originally designed. All these years later, the porte cochere is now proposed again. The reason there was hesitation about it back then was because there was a belief that removing the porte cochere would improve pedestrian access. Since the latest request is to add in the porte cochere, he wants to make sure pedestrians are considered. The suggestion from Commissioner Suesser to improve the sidewalk would provide comfort and let him know that pedestrians are being looked after in this design.

Mr. Gendron stated that he has been a resident in Park City since 1997 and has been on-site at The Chateaux for the last 20 years. He clarified that there is no intention to change something from 1996 without good reason. Over the last 20 years, there has been a clear change in behavior, specifically the popularity of rideshare programs. The intention is to solve a mounting problem. The guest behavior has changed over the years both in terms of vehicular use and pedestrian use. The enhancements, as outlined, will provide improved health and safety. The funneling of guests will also be beneficial. There is a desire to be a good partner and to beautify the area. While there is a willingness to look into the sidewalks, he suggested determining when the sidewalks were last worked on.

Mr. Gendron noted that part of the issue is that vehicles are constantly pulling up on the curbs and sidewalks because there is nowhere for them to go. That is causing some of the sidewalk damage. Creating a place for those vehicles will actually prolong the life of those sidewalks and will keep them in better shape moving forward. It was noted that certain sections of the sidewalk have been improved in the last few years.

Commissioner Sigg asked if the property operates a porte cochere in the garage check-in area, where vehicles enter the garage, pull in, and check-in. Mr. Onwuegbu confirmed this, but it is not used as much, because the guest behavior has shifted to the outside. This is a result of the rideshares that are dropping guests off in the area. Commissioner Sigg does not recall seeing any directional signage to indicate that there is a check-in location there. Mr. Onwuegbu reported that there has been a focus on signage over the last several years to clearly define where guests should enter the property. There tend to be issues with people who have not been to the property before. Those visitors are often dropped off out front. He believes the proposal will address that confusion.

Commissioner Shand likes what has been proposed. It is interesting to see how a property can evolve over time. 20 years ago, there likely was not a need for a porte cochere, because everything was funneled towards the underground parking. However, the evolution of rideshare services means that changes must be made. As far as the

pedestrian access, it is currently a free for all. He sees this as bringing more order. He likes the idea of clearly marking a crosswalk from the bus stop area over to The Chateaux. He understands some of the concerns but believes this is something that has evolved over the years. Commissioner Johnson likes that a proactive approach is being taken.

Commissioner Suesser agrees that there is a need for a drop-off and pick up area, particularly for rideshare vehicles. However, she noted that the shuttles will continue to pick up guests in the underground garage. There are a lot of vehicles in this proposal, which she believes will detract from the pedestrian experience. She does not believe there is currently a valet in place. As a result, the proposal seems to be excessive. Commissioner Suesser likes the idea of the crosswalk and providing clear indications about how to enter and circulate around The Chateaux, but finds the proposal to be excessive in terms of vehicles. There were no additional comments shared.

MOTION: Commissioner Van Dine moved to APPROVE the modification to a Master Planned Development and Conditional Use Permit for 7815 Royal Street (The Chateaux Deer Valley), according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended:

Findings of Fact:

1. The property is in the Residential Development (RD) Zoning District, Sensitive Land Overlay (SLO), and Deer Valley Master Planned Development (MPD).
2. The property is subject to The Chateaux MPD.
3. The property is part of The Chateaux at Silver Lakes Condominium Amended Plat (Summit County Recorder Entry No. 552115).
4. The Applicant proposes a modification to the 1997 approval of The Chateaux Master Planned Development (MPD) and Conditional Use Permit (CUP) to allow for a porte cochere with a drive aisle, van parking, and associated landscaping improvements.
5. According to the Applicant, the porte cochere is proposed to improve circulation, "The current combination of lack of clarity of destination, rideshare unwillingness to enter a paid parking garage, and circling cars already causes congestion and backups which the porte cochere will help eliminate".
6. The Applicant will also install an ADA-compliant pedestrian crosswalk in the general vicinity of the Royal Street Transit Stop with the approval of the City Engineering Department (Condition of Approval 14).

7. The front entrance of The Chateaux is currently for pedestrians only.
8. The Applicant proposes to modify the front entrance, shifting the pedestrian access to the east, and creating a pull-through under a new porte cochere for vehicle drop-off and pickup. The Applicant also proposes a spot for a van to park, and a small pull-off for valet service to the parking structure.
9. On August 21, 1996, the Planning Department received an application for an MPD and Conditional Use Permit (CUP) for a Condominium Hotel, The Chateaux, at 7815 Royal Street.
10. The Planning Commission held public hearings for the MPD and CUP on December 4, 1996; January 22, 1997; February 12, 1997; and March 12, 1997.
11. The original submittal for The Chateaux included a porte cochere at the front of the building for short-term drop-off and pickup. No surface parking was proposed; all parking was to be contained in the underground parking structure.
12. In the December 4, 1996, Staff Report, Planning Staff outlined concerns with the vehicle circulation proposed for the project. In particular, the report noted the project did not do enough to encourage pedestrian circulation in the Silver Lake community.
13. Although the porte cochere was not discussed during the December 4, 1996, meeting, the Commission encouraged the Applicant to make the development more pedestrian-friendly.
14. The January 22, 1997, Staff Report stated that, among the changes that had been made since the last meeting, the Applicant had "revised the entrance by removing the Porte Cochere." Minutes from the January 22, 1997, Commission meeting state "[t]he most notable change was the elimination of the porte cochere in front so that routing for vehicles would be into the underground parking garage."
15. The reasons for the removal of the porte cochere and the routing of all vehicular circulation to the parking structure were once again stated in the February 12, 1997, Staff Report and Minutes.
16. On March 12, 1997, the Planning Commission approved The Chateaux MPD, including Finding of Fact 6: "Off-street parking and the internal circulation system are adequate for the project and meet the requirements

of the Land Management Code, Section 13. All vehicular circulation occurs within the parking structure on site.”

17. In the 28 years since The Chateaux MPD was approved, the surrounding Silver Lake area has been built out. Although most of the neighboring structures predate The Chateaux, several have been redeveloped or expanded since The Chateaux, including the Stein Eriksen Lodge in 1999 and 2010, Royal Plaza in 2002, and Goldener Hirsch in 2017.
18. Although many properties in the Silver Lake community feature amenities designed to enhance the pedestrian experience, including plazas, seating areas, and landscaped buffers, conditions on Royal Street are less desirable, with no designated crossing areas and no landscaping between the sidewalk and street. The proliferation of ridesharing companies beginning in the 2010s has changed the way many visitors arrive at Silver Lake, increasing the number of drop-offs and pickups on Royal Street and further degrading the pedestrian experience.
19. On November 19, 2024, the Applicant applied to modify The Chateaux MPD to amend Finding of Fact 6 to allow for the construction of a porte cochere on the front façade of The Chateaux along with a drive aisle, van parking, and associated landscaping improvements. Finding of Fact 26.f.ii outlines the Applicant’s stated purpose for the proposed project, which is to improve pedestrian safety by shifting rideshare drop-offs and pickups from Royal Street to the Site.
20. LMC § 15-6-4(K)(2) states “Substantive modifications include but are not limited to a change to a Finding of Fact or Condition of Approval...” among other things. The Applicant agreed that the modification is substantive and requires Planning Commission review and Final Action.
21. On February 5, 2025, the Planning Department issued a complete application notice to the Applicant.
22. Land Management Code (LMC) § 15-2.13-2(B)(2) and § 15-2.13-2(B)(14) establish that Multi-Unit Dwellings and Major Hotels are Conditional Uses within the RD Zoning District, subject to an MPD. These uses were approved as part of the 1997 MPD.
 - a. While LMC § 15-2.13-3(B) establishes a Front Setback of 20 feet for the RD Zoning District, The Chateaux MPD establishes a 25-foot perimeter Setback and supersedes the RD Zoning District. See Finding of Fact 26.b for additional analysis of Setbacks.

- b. The porte cochere is a maximum of 16 feet 11 inches in height above Existing Grade, which is below the range of 28-45 feet in height allowed for The Chateaux by the Deer Valley MPD.
- 23. The Chateaux is in the SLO Zoning Overlay. Exterior changes to the existing building are limited to the ground level of the already disturbed site. 7815 Royal Street is not visible from any of the Vantage Points codified in LMC § 15-2.21-3(A)(6).
 - 24. No increases in density are proposed. Rather, the proposed porte cochere is an Accessory Use intended to aid in the circulation of vehicles through the project site and does not increase parking demand for the site.
 - 25. The Applicant proposes to use a portion of the Front Setback adjacent to the drive aisle for van and shuttle parking. LMC § 15-3-3(D)(5) states “unenclosed Parking Areas shall generally include landscaping on all perimeter Property Lines...Landscaped Areas shall generally not be less than five feet (5') wide.” The Applicant proposes a landscaped buffer adjacent to the van parking area that is approximately five feet wide.
 - 26. The proposal to amend The Chateaux Master Planned Development complies with the Master Planned Development regulations outlined in Land Management Code Chapter 15-6. Relevant criteria are provided below:
 - a. The project does not increase the Density of the MPD Site.
 - i. The project involves the construction of a porte cochere and associated infrastructure at the front of the MPD Site. The Density of the Site will not change.
 - b. The Planning Commission may reduce the required 25-foot perimeter Setback to provide desired architectural interest and variation.
 - i. For parcels greater than two acres, the minimum Setback around the exterior boundary of a project is 25 feet. A portion of the porte cochere roof extends up to three feet into the 25-foot MPD Perimeter Setback.
 - ii. LMC § 15-6-5(C)(1) states the Planning Commission may decrease the required perimeter Setback from 25 feet to the zone-required Setback if it is necessary to provide desired architectural interest and variation. The zone-required Front Setback in the RD Zoning District is 20 feet. The porte cochere extends to within 22 feet of the front property line, meaning it meets the RD Zoning District Front Setback.

- c. The project increases the amount of landscaped Open Space at the Site.
 - i. The project includes reconfiguration of landscaped Open Space, primarily within the Front Setback. The addition of new landscaped areas more than replaces what will be lost through construction of the drive aisle and porte cochere. Landscaped Open Space will increase to 1,604 square feet from 1,435 square feet, an increase of 12 percent.
 - ii. The Applicant's Partial Landscape Plan indicates landscaped Open Space areas will be planted with a variety of trees (alpine currant, aspen, bigtooth maple), shrubs (black chokecherry, common lilac, rose glow barberry), ornamental grasses, and perennials from the approved list in MCPC Section 14-1-5(D). The project includes the removal of an evergreen tree in the front landscaped area. Condition of Approval 3 requires the Applicant to replace the removed Significant Vegetation according to the submitted Partial Landscape Plan.
- d. The project does not involve changes to the location, amount, or configuration of off-Street parking.
 - i. No parking is permitted on either side of Royal Street adjacent to The Chateaux. The amount, location, and configuration of off-Street parking will not change with this project. Refer to Findings of Fact 24 and 25 for analysis of off-Street parking requirements.
- e. The project does not exceed the maximum Building Height permitted in the Deer Valley Twelfth Amended MPD.
 - i. The Deer Valley MPD permits maximum heights of 28 to 45 feet from Existing Grade for The Chateaux. The porte cochere reaches a maximum height of 16 feet 11 inches from Existing Grade. The project complies with the Building Height standards for the Deer Valley MPD.
- f. The Planning Commission determined the project has been designed to fit the Site, not the Site modified to fit the project.
 - i. LMC § 15-6-5(G)(5) states "Adequate internal vehicular, pedestrian, and bicycle circulation shall be provided. Pedestrian and bicycle circulations shall be separated from vehicular circulation and shall provide safe travel within the boundaries of the Master Planned Development and safe travel to adjoining public sidewalks, trails, and Rights-of-Way."
 - ii. The Applicant's Narrative notes that existing conditions with drop-offs on Royal Street create "an unsafe environment" for pedestrians. The proposal is intended to isolate pedestrian traffic from vehicles and improve wayfinding for pedestrians

- crossing the street. Within the project area, staff recommends Condition of Approval 7 requiring the use of different colors or styles of pavers to differentiate between areas for pedestrians and areas for vehicles.
- iii. LMC § 15-6-5(G)(8) states an MPD “shall include transportation amenities including drop-off Areas for van and shuttle service.”
 - iv. The parking garage is intended to serve as the drop-off Area for guests of The Chateaux. However, as noted in the Applicant’s Narrative, the original approvals for The Chateaux predate rideshare services, which have increased the number of drop-offs on Royal Street. According to the Applicant, “The current combination of lack of clarity of destination, rideshare unwillingness to enter a paid parking garage, and circling cars already causes congestion and backups which the porte cochere will help eliminate.”
 - v. While shuttles operated by The Chateaux will continue to use the garage for drop-offs and pickups, the proposal includes a van parking area in front of The Chateaux for oversized vehicles used by other operators that cannot fit in the garage.
 - g. The project does not require any changes to the Site’s Housing Mitigation Plan.
 - i. The Small Scale MPD for The Chateaux permitted 78 condominium units totaling 65 unit equivalents. Density for The Chateaux is informed by the Deer Valley MPD. No changes in density are proposed. Therefore, the project does not require changes to the Housing Mitigation Plan.
 - h. No known Physical Mine Hazards exist on the Property.
 - i. The porte cochere is proposed to be installed over an already disturbed area.
 - i. The property is not within the Park City Soils Ordinance Boundary.
 - j. The project was analyzed for consistency with the General Plan.
 - i. The General Plan states that future improvements in the Upper Deer Valley area “should focus on a comfortable visitor experience and support the resort economy” (General Plan, p. 251). The project supports this goal by improving the drop-off and pickup experience for guests and increasing pedestrian safety.
 - k. The property does not include any Historic Sites or Structures.
 - i. No structures at 7815 Royal Street are included on Park City’s Historic Sites Inventory.
 - l. The project complies with relevant sections of the Land Management Code.

- i. Refer to Finding of Fact 22 for analysis of the project's compliance with RD Zoning District regulations.
 - ii. Refer to Finding of Fact 23 for analysis of the project's compliance with SLO regulations.
 - iii. Refer to Findings of Fact 24 and 25 for analysis of the project's compliance with off-Street Parking requirements.
 - m. The project proposes design elements that match or are compatible with existing materials.
 - i. The Applicant indicates the porte cochere will be constructed with stone and timber to match the existing façade of The Chateaux (see Condition of Approval 4).
27. The proposal to amend The Chateaux Master Planned Development, as conditioned, complies with the Conditional Use Permit criteria outlined in Land Management Section 15-1-10(E).
- a. Size and location of the Site:
 - i. 7815 Royal Street is a 3.27-acre Lot in the RD Zoning District and Silver Lake Neighborhood within the Deer Valley MPD. The proposed porte cochere is to relieve Royal Street congestion in the area, shifting the drop-off and pickup area for those arriving by rideshares from Royal Street to the site, to improve Royal Street circulation for adjacent properties.
 - b. Traffic considerations including capacity of the existing Streets in the Area:
 - i. No increases in traffic are proposed by the project. Rather, the project shifts drop-offs and pickups from Royal Street onto the property. The Applicant stated the purpose of the project is to relieve congestion created by rideshare drop-offs and pickups, the majority of which occur on Royal Street in front of The Chateaux. The Applicant's statement continues, "The current combination of lack of clarity of destination, rideshare unwillingness to enter a paid parking garage, and circling cars already causes congestion and backups which the porte cochere will help eliminate."
 - ii. According to the Applicant, on-site circulation will occur as shown in the table below:

Users of the Parking Garage	Users of the Drive Aisle and Porte Cochere
Hotel/condo unit owners	Rideshare vehicles
Hotel vehicles	Hotel guests with rental cars (valet)
Employees	Shuttle vehicles too large for the garage

- iii. The project does not involve changes to the internal circulation of the parking structure nor the addition of parking spaces in the parking structure.
- iv. The Applicant indicated the drive aisle, van parking area, and porte cochere could accommodate seven to nine vehicles at a time, reducing the number of vehicles on Royal Street. The Applicant also indicated that queuing onto Royal Street may be reduced by the project because vehicles using the ticket machine to access the parking garage would use the drive aisle and porte cochere instead, freeing up space for residents who access the garage more quickly.
- v. According to the Applicant, vehicles exiting the drive aisle will only be permitted to make a right turn onto Royal Street. Staff reviewed proposed traffic movements with the Engineering Team, who confirmed the proposed right turn-only exit is appropriate for this segment of Royal Street. Condition of Approval 10 requires the Applicant to install signage at the exit of the drive aisle indicating that left turns are prohibited.
- vi. The Applicant shall install an ADA-compliant pedestrian crosswalk in the general vicinity of the Royal Street transit stop with the approval of the City Engineering Department (Condition of Approval 14). This will allow for addressing an existing issue in the area, the lack of a nearby crosswalk to carry patrons of the Chateaux to the transit stop and Silver Lake Lodge.
- vii. It will also serve as an enhancement to the existing Pedestrian experience by providing a crosswalk for Chateaux patrons helping keep the Chateaux in general within the original pedestrian-oriented vision for the project despite the replacement of the original pedestrian plaza by the Porte Cochere and drive aisle.
- c. Utility capacity, including Storm Water run-off:
 - i. The Applicant proposes a heated drive aisle. Condition of Approval 5 requires the Applicant to retain Storm Water on site.
- d. Emergency vehicle Access:
 - i. Emergency vehicles will have access to the drive aisle via Royal Street. Park City Fire District requires the porte cochere to include a clearance sign noting the vertical distance between the ground and the bottom of the lowest portion of the porte cochere (Condition of Approval 6).
- e. Location and amount of off-Street parking:
 - i. No parking is permitted on either side of Royal Street adjacent to The Chateaux. The amount, location, and configuration of

off-Street parking will not change with this project. See Finding of Fact 24 & 25 for additional analysis of off-Street parking requirements.

- f. Internal vehicular and pedestrian circulation system:
 - i. The porte cochere, drive aisle, and van parking area will replace a plaza space primarily used for pedestrian circulation. Because this area receives a high volume of pedestrian crossings, Staff recommends Condition of Approval 7 requiring the use of different colors or styles of pavers to differentiate between areas for pedestrians and areas for vehicles.
- g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses:
 - i. The drive aisle and porte cochere are screened by a landscaped buffer approximately 5 feet wide. The Applicant's Partial Landscape Plan (Attachment 1) indicates this landscaped area will be planted with ornamental grasses, approved perennials, and two aspen trees.
- h. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots:
 - i. The project does not involve expansion of the Building footprint, and the orientation and location of the Buildings on site will not change. The addition of a porte cochere will result in a minor change in appearance to the front façade.
- i. Usable Open Space:
 - i. Refer to Finding of Fact 26.c.
- j. Signs and lighting:
 - i. The project does not include signs. The Applicant proposes to install recessed downlights under the porte cochere and relocate some existing bollard lights in the reconfigured planters. Condition of Approval 8 requires all exterior lighting to comply with the City's outdoor lighting and dark sky requirements in LMC § 15-5-5(J).
- k. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:
 - i. The Applicant indicates the porte cochere will be constructed with stone and timber to match the existing façade of The Chateaux (see Condition of Approval 4).
- l. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site:
 - i. The porte cochere will not produce noise, vibration, odors, steam, or other mechanical factors that could affect people and Property off-site. According to Municipal Code of Park City (MCPC) Chapter 9-10, vehicle engines are not permitted

to idle for more than one minute (Condition of Approval 11). During construction and operation of the project, the Applicant is required to abide by the City's idling regulations, as well as noise regulations in MCPC Chapter 6-3.

- m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas:
 - i. The project does not involve the relocation or addition of trash and recycling pickup Areas, which are already screened. The drive aisle and porte cochere are not intended for loading and unloading involving delivery and service vehicles. Deliveries will continue to occur in the designated delivery area on the east end of the building.
- n. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities:
 - i. The property is common area maintained by The Chateaux at Silver Lake Condominium Association. The project does not change ownership or management of the property.
- o. Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site:
 - i. The property is not within the Park City Soils Ordinance Boundary and does not include Steep Slopes, historic mine waste or Physical Mine Hazards. The property is within the SLO Boundary. Refer to Finding of Fact 23 for analysis of environmentally sensitive lands.
- 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. Refer to Finding of Fact 26.j.

28. The Development Review Committee (DRC) reviewed the proposal on December 3, 2024, and requires Conditions of Approval.

- a. The Engineering Team requires storm water to be retained on site (Condition of Approval 5) and an updated Site Plan showing an existing storm drain on Royal Street (Condition of Approval 9).
- b. The Park City Fire District requires the installation of a clearance sign noting the vertical distance between the ground and the lowest portion of the porte cochere (Condition of Approval 6).

29. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on March 12, 2025.
30. Staff mailed courtesy notice to property owners within 300 feet on March 12, 2025.
31. The Park Record published courtesy notice on March 12, 2025.

Conclusions of Law:

1. The proposed Modification to the MPD and CUP, as conditioned, complies with the requirements of the Land Management Code.
2. The proposed Modification to the MPD and CUP is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed Modification to the CUP is compatible with the Deer Valley and The Chateaux MPDs.
4. The differences in use or scale of the Modification to the MPD and CUP to allow a porte cochere on the front façade of The Chateaux along with a drive aisle, hotel van parking, and associated landscaping improvements have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval:

1. The applicant shall update the plans reviewed March 26, 2025, by the Planning Commission, to show the dimensions of the porte cochere. Final building plans and construction details shall reflect substantial compliance with the final plans submitted to the Planning Department and reviewed by the Planning Commission and attached to this Final Action Letter as Attachment 1, except as conditioned herein.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with applicable standards by the Planning Director prior to construction.
3. The project includes the removal of an evergreen tree in the front landscaped area. The Applicant shall replace the removed Significant Vegetation according to the submitted Partial Landscape Plan.

4. The porte cochere shall be constructed with materials to match the existing façade of The Chateaux.
5. The Applicant shall obtain Engineering Department approval for drainage and storm water management plans prior to issuance of a Building Permit. Drainage and storm water management shall comply with Municipal Code of Park City Chapter 13-5, *Regulation and Enforcement of Storm Water Discharges Associated with Post-Construction Activities*.
6. The porte cochere shall include a clearance sign noting the vertical distance between the ground and the bottom of the lowest portion of the porte cochere, including any lights or decorative fixtures.
7. The Applicant shall use different colors or styles of pavers to differentiate between areas for pedestrians and areas for vehicles.
8. All exterior lighting shall comply with the City's outdoor lighting and dark sky requirements in LMC § 15-5-5(J).
9. Prior to submittal for a Building Permit, the Applicant shall update the Site Plan to show the existing storm drain in front of The Chateaux on Royal Street.
10. The Applicant shall install signage at the exit of the drive aisle indicating that left turns onto Royal Street are prohibited.
11. Within the porte cochere, drive aisle, and van parking area, vehicles engines shall not idle for more than one minute (see Municipal Code of Park City Chapter 9-10).
12. The Applicant shall obtain a Building Permit prior to commencement of any work for the approved project.
13. The Applicant shall obtain a Building Permit within one year of project approval, or the approval is void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Commission.
14. The Applicant shall install an ADA-compliant pedestrian crosswalk in the general vicinity of the Royal Street transit stop with the approval of the City Engineering Department.

The motion was seconded by Commissioner Shand. Vote on Motion: Commissioner Van Dine-Aye; Commissioner Johnson-Aye; Commissioner Shand-Aye; Commissioner Sigg-

Aye; Commissioner Frontero-Nay; Commissioner Suesser-Nay. The motion passed with a vote of 4-to-2.

The Commission took a short break before hearing the next agenda item.

E. 1800 Park Avenue – Park and Kearns Master Planned Development –

The Applicant Proposes Redevelopment of the Site with 170 Hotel/Condo Units, 60 Affordable Units, 6,893 Square Feet of Restaurant/Bar uses, 4,679 Square Feet of Office Space, 1,354 Square-Foot Coffee Shop, and Approximately 70,000 Square Feet of Accessory Use Exceptions in the General Commercial Zoning District and Frontage Protection Overlay Zone. CUP PL-22-05475, MPD PL-22-05476, Subdivision PL-24-06238.

Planner Barton presented the Staff Report and explained that the application is for the Park and Kearns MPD. The subject property is located at 1800 Park Avenue. He shared some background information and explained that the Planning Commission last reviewed this item at a meeting on October 23, 2024. At that meeting, the majority of the Commission found that the project did not meet the requirements for a building height exception. The project was continued to a date uncertain. In February 2025, the applicant requested Final Action on the same plans that were reviewed in October 2024. The plans were dated October 9, 2024, and are included as Attachment 1 to Exhibit A in the Staff Report. The Draft Final Action Letter ratifies the Commission determination from that meeting. Planner Barton reviewed some of the options available to the Commission:

- Option 1:
 - The Commission may open a public hearing and deny the project based on the Draft Final Action Letter that ratifies the October 23, 2024 determination.
- Option 2:
 - The Commission may consider directing Staff to draft a Final Action Letter to conditionally approve the project. In this scenario, the Final Action Letter would include detailed Conditions of Approval outlining the required modifications to the project to comply with the LMC, including:
 - Building height;
 - Parking and access;
 - Requested parking reduction;
 - Housing Mitigation Plan;
 - Traffic analysis.
- Option 3:
 - The applicant may withdraw the request for Final Action and the Planning Commission may direct Staff to frame an issues list based on prior Staff Reports and reschedule a hearing to review the updated plans and Conditions of Approval. The issues list could include the following:
 - Height;
 - Setbacks;

- Parking;
- Traffic mitigation;
- Affordable housing.

The applicant representative, Justin Keys, introduced himself to the Commission. He is joined by Craig Elliott from Elliott Workgroup and others on the applicant team. Mr. Keys appreciates the work that Staff has done. The plans that have been brought forward are largely the same plans that were reviewed last time, but there were some modifications made to address issues that were raised. He shared a series of presentation slides and explained that these slides respond to the items that were mentioned in the Staff Report.

Mr. Keys discussed affordable housing. He acknowledged that the housing team was right and there was not adequate affordable housing, but it has always been the intention to meet the requirement. Mr. Elliott shared the first-floor plan of the submitted project. To the right, there is a dashed line around a portion of Building Block D. There are four units located in that block that are proposed to be assigned as affordable housing. He pointed out three units (679 square feet, 699 square feet, and 678 square feet) that would be one-bedroom units. There would be a large studio unit on the end. Those units would have direct access to the sidewalk and have an entrance off of the east side of the property.

Mr. Elliott shared calculations with the Commission and pointed out the affordable housing component. There are 64 total units shown and at 900 square feet, that is 29.76 Affordable Unit Equivalents ("AUE"). In conflict with the Staff was the calculation used for spa and fitness, breakout rooms, meeting hall, and coffee shop. Those numbers have been adjusted so it is possible for the Commission to see the difference. It comes out as a requirement for 29.74 AUEs. There are 29.76 AUEs proposed through this project.

Mr. Elliott shared images of the other floors and pointed out the black dashed lines. It is possible to modify the highlighted units to create 10 one-bedroom units that are 609 square feet. That would result in the same amount of square footage and the same AUE number. He reiterated that with the adjustment on the first floor in Building Block D, it is possible to meet the criteria outlined. Commissioner Johnson asked if the housing team had reviewed these updates. Mr. Elliott clarified that it could be submitted after the meeting.

Mr. Keys pointed out that consistent with the prior applications, this proposal has a mix of Area Median Income ("AMI"). The project is exceeding the base requirements of the most recent housing resolution and is a mix of 60% and 80% AMI. The next issue has to do with parking, specifically the Easement Agreement with neighboring properties. Every single adjoining neighbor has either spoken in favor of the project, as proposed or has written a letter expressing support. There is an awareness of how the site is proposed to be accessed. The agreement will not be executed until there is an approval in place. There is support for a Condition of Approval that states the agreement will be executed.

Another issue is that there is parking with no dedicated right-of-way. Mr. Elliott shared an image of the project area. The black oval areas identify the parallel parking that is proposed along the drive aisle of the existing parking lot. The Bonanza Park Small Area Plan identified that location as a road. He pointed it out in the Park City Forward plan. They looked at what a 50-foot right-of-way for a street might look like. The red hatched area on the presentation slide image represents that. Commissioner Johnson asked about the black dashed line. It was noted that this represents the property line.

There was a previous discussion about a Shared Parking Analysis. That has been presented and is included in the submitted information. There was a question about whether or not an independent Traffic Engineer conducted a parking analysis. That is also in the submitted materials. Their calculations show significantly less parking demand than what is proposed. That was in the last Meeting Materials Packet as well as the current one. Commissioner Johnson pointed out that every discussion about this project has been largely focused on height. He wanted to talk about the valet circulation and other elements of the proposal. He hopes that Option 3 will be considered.

Attorney Harrington noted that there needs to be clarity about what is before the Planning Commission. For instance, if there will be a vote based on the height determination made in October. If there is new information being presented to the Commission that has not been shared with the Staff, then the 45-day request for action can be withdrawn and this can be continued. Mr. Keys understands the frustration but pointed out that the traffic and parking information has been in the submitted materials for some time and is not new. The only modification that has been made was to the affordable housing section.

Director Ward noted that there were different numbers provided through the Traffic Impact Study and another request through the plan submittal for the parking reduction. Mr. Keys reiterated that both were provided previously. Hales Engineering provided a lower number than what they are seeking. There is a desire for this to be adequately parked.

Chair Hall does not want to get into a discussion on the nuanced issues of traffic and the different studies. Based on her understanding of the presentation and the Staff Report, the critical criteria have not been met with the height. It is confusing to have a discussion about these other elements when that is outstanding. She asked if part of the presentation will focus on changes to the height. Mr. Keys clarified that no modifications were made to the height. The presentation is in response to the representations made in the Staff Report. There is not a lot of the presentation left to share with the Commission.

Mr. Keys reported that a Traffic Study was provided. As mentioned in the Staff Report, there are failing intersections. He shared Table ES-1: Peak Hour Level of Service Results. There are failing intersections, but those are failing currently. Hales Engineering did not recommend any mitigation measures be taken other than multi-modal

approaches, because that has typically been the approach of Park City. There are multi-modal options presented in the plans, including bicycle parking and widened trails.

Mr. Keys stated that the project provides many community benefits. He pointed out that redevelopments are difficult. There is an existing structure that has to be taken off the market to then allow for a new structure. This project will provide a significant landscape buffer along Park and Kearns and will provide more transit and multi-modal-oriented development. It will also provide affordable housing where there is an affordable housing need. There is currently an operating hotel where there is no affordable housing for the employees. There will be 64 units of affordable housing provided through this project at a mix of 60% and 80% AMI, which is below what is required. A significant investment will be made into pedestrian and bicycle improvements to increase connectivity.

There will also be an estimated \$6 million worth of pathways that do not currently exist. In addition, some bicycle share locations will be provided and curb cuts, driveways, and access points adjacent to the roadway will be minimized. That will also decrease danger spots in this location. There is also a spot allocated for an Olympics monument. Over 40% of the property under the proposal will be dedicated open space with multiple outdoor gathering spaces. There will still be hotel meeting spaces that can be used by the public. Mr. Keys believes this is an excellent project and asked for Commission approval.

Chair Hall noted that it is unusual for a presentation to be based on information that was not included in the Staff Report. This is also an unusual situation because there was a vote conducted in October 2024. The critical issue at that time was not addressed in the latest presentation from the applicant team. She is a bit confused about the presentation but understood that the Final Action was requested to make it onto the agenda. It is surprising that the critical issue discussed over several meetings was not addressed.

Mr. Keys explained that after the last meeting, there were discussions with Staff. There was work done to see if there was anything that could address the comments related to height. As indicated during the October meeting, it is not possible to reduce any density. There is no way to recapture that density elsewhere on site without compromising the design. It is not possible to come down from the 45 feet. The request is for the 10-foot exception in certain locations. He believes the application meets the criteria of the code, but understands that this body may not feel that way. Chair Hall noted that there was a straw vote taken and the applicant walked out of the meeting. Rather than have a formal vote at that time, the decision was made to continue. Commissioner Johnson asked whether Option 3 is something that can be considered by the Planning Commission. Director Ward shared information about the record and the links in the Staff Report.

Chair Hall opened the public hearing.

Susan Daniero introduced herself as the President of the Park Avenue Condominium Association. She represents the owners of 132 units. Her zip code is 84060 and she is

a full-time resident. She urged the Commission to find a way to approve this application. Many are full-time residents who live in Park City full-time and work in the City. The project has an enormous community benefit for both residents and visitors. The developer seems to want to work with the City regarding a tunnel, which would be an enormous benefit. The affordable housing, walkability, and improvements are meaningful. Ms. Daniero reiterated her request that the Commission approve the application. The Board of Trustees feels strongly about this, as do many owners.

Mark Sletten stated that he is a 30-year resident of Park City. He has spoken on this issue several times in the past. He understands that the LMC as it currently exists has some limitations, but there are many community benefits added through this project, including affordable housing and parking. As for the height limit, he recalled a past comment from Bill Coleman. It was stated at that time that the reason the 35-foot height limitation was put in place was because the fire truck only had a ladder that was 35 feet tall. Things have changed since then and those changes should be taken into account. There is an opportunity to improve the area. He strongly suggested that the Planning Commission find a way to approve the application that has been submitted.

Alex Butwinski gave his zip code as 84060 and stated that he lives in Park Meadows. He submitted written comments to the Planning Commission and asked that those be taken into account. The infrastructure improvements proposed are significant. The developer has agreed to work with the City on the south entrance to the tunnel, which is meaningful. There will be a number of bicyclists and pedestrians who will be able to cross under Kearns and that will increase the safety in the area. He asked that this be considered.

Jason Glidden stated that he is the Executive Director of the Mountainlands Community Housing Trust. He echoed a lot of the comments shared by other members of the public. He stressed the importance of affordable housing. The City Council recently restated its goal, which is to house 15% of the workforce. 15% of that is 1,800 units. There are currently less than 700 units and there is not a lot of space to build more within the City limits. It is necessary to take advantage of every opportunity that arises so there can be more affordable housing. An opportunity might be lost if this project does not move forward. Mr. Glidden encouraged the Commission to continue working on this application.

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

Chair Hall referenced the options that were previously outlined by Planner Barton. She asked for feedback from the Commission about ratifying the October 23, 2024, determination with the Draft Final Action Letter. Alternatively, there could be another discussion about the other elements, but one criterion has not been met. Commissioner Johnson noted that he and Commissioner Shand were not previously opposed to the proposed height. That being said, at this time, there is not enough information to show that the application complies in the other areas. He is struggling with this item and asked about Option 3. It might be worth continuing down this path to see what happens.

Commissioner Suesser mentioned a comment made during the public hearing about the community benefit of the tunnel. It is her understanding that the tunnel is moving forward outside of this project. She knows that some of the entryway is in the first 30 feet of the Frontage Protection Zone ("FPZ") and a portion of the subject property. She asked if the underpass is dependent on the approval of this project. City Engineer, John Robertson, reported that direction was received to move forward with the tunnel design. A large portion of the current design goes into the subject property. There would need to be negotiations with the applicant. The current tunnel is not fully funded at this time. He has been given direction from the City Council to make some improvements and changes, so those need to be done before there can be a reevaluation of the cost. He cannot speak to the timing of when the tunnel would move forward. Mr. Keys clarified that there is a proposal to donate the ground. There is a donation component already on the table for the property that is needed to facilitate the tunnel.

Chair Hall referenced the meeting held in October, where there was an informal vote, but the agenda item was not concluded. She understands where Commissioner Johnson is coming from since he was supportive of the height exception. He wants to look forward in order to evaluate the other elements. Typically, there is not a revote on plans that have not changed, but she asked other Commissioners to weigh in. Commissioner Shand reiterated his thoughts from previous meetings. He tends to look at this holistically. If things remain as they are currently, then there is an old building, parking on four sides, a tough pedestrian crossing, no affordable housing, and narrow sidewalks. With a newer building, there is a chance to gain some underground parking, reduce surface parking, widen sidewalks, improve pedestrian access, and add affordable housing. There are some challenges, but he believes it makes sense to work with the developer. He would like to move forward and carve out a Final Action Letter that states there is not final approval until the Commission is comfortable with some of the outstanding issues. He would like to see this move ahead, as he believes it will be beneficial to the community.

Commissioner Frontero does not find a reason to change his previous opinion. At this point, he is prepared to ratify the Draft Final Action Letter to deny the application. Commissioner Sigg agrees with Commissioner Frontero. A decision was made on the height, but there appears to be no movement there. The Staff Report is not favorable towards approval either. One of the issues he finds troubling has to do with the rights-of-way. He does not feel able to support the current request from the applicant. Commissioner Suesser agreed with Commissioner Frontero and Commissioner Sigg. Commissioner Van Dine also agreed and noted that her position on the height has not changed. This project has some benefits, but the height is still an issue. Chair Hall noted that the majority of Commissioners want to ratify the vote from the October meeting.

Commissioner Johnson asked if the vote would be strictly on the height. Attorney Harrington explained that the letter is drafted to reflect the findings of the Commission on the October 23, 2024, Planning Commission Meeting. If the Commission feels there is

sufficient basis on the record to add additional findings, then it is within the prerogative of the Commission to do so. However, the other issues were not the focus of the October meeting. Chair Hall believes the Draft Final Action Letter captures the discussions had during that meeting. Commissioner Frontero had a question about appropriate motion language.

MOTION: Commissioner Frontero moved to DENY the Park and Kearns Master Planned Development (PL-22-05476), Conditional Use Permit (PL-22-05475), and Subdivision (PL-24-06238) because the proposed project does not comply with the Land Management Code requirements for building height exceptions, according to the following Findings of Fact and Conclusions of Law:

Findings of Fact:

1. 1800 Park Avenue contains the DoubleTree by Hilton Hotel (formerly “The Yarrow”) on a 4.47-acre metes-and-bounds parcel.
2. The existing 182-room hotel with restaurant and meeting room facilities was constructed in 1977.
3. The Applicant proposes redeveloping the site.
4. Land Management Code (LMC) Section 15-6-2 requires a Master Planned Development (MPD) application for projects with 20,000 square feet or more of residential uses and 10,000 square feet or more of commercial, retail, office, or mixed uses.
5. On December 8, 2022, the Applicant submitted an MPD application to redevelop the 4.47-acre site, proposing 170 market rate Nightly Rental condominium units and 60 affordable housing units (approximately 152,236 square feet), a 6,893-square-foot restaurant and bar, a 354-square-foot coffee shop, 6,469 square feet of office space, 4,679 square feet of retail space, and approximately 70,000 square feet of accessory uses including a lobby, meeting and breakout spaces, hallways and common areas, administrative offices, a spa/fitness center, storage and mechanical space, restrooms, and outdoor pool facilities (“the proposed project”).
6. LMC Section 15-6-5(G) requires MPDs to be designed in consideration of the characteristics of the site upon which it is proposed.
7. LMC Section 15-6-5(G) states that units within an MPD shall be clustered on the most developable and least visually sensitive portions of the site.

8. While not alone binding, LMC Section 15-6-5(N) requires the Planning Commission to review MPDs for consistency with the goals and objectives of the General Plan.
9. 1800 Park Avenue is in the Bonanza Park Neighborhood.
10. The 2014 General Plan states that “[d]ue to its location along both of the entry corridors to Park City, the Bonanza Park & Snow Creek Neighborhood is geographically tied to the Park City entry experience. The scenic views that are currently afforded to those entering the City are a defining characteristic of our town and should be preserved and enhanced” (General Plan, Neighborhoods 1, p. 163).
11. 1800 Park Avenue is in the Frontage Protection Zone (FPZ).
12. The 2014 General Plan advises that “[t]he FPZ helps to preserve scenic view corridors by providing a significant landscaped buffer between development and highway uses by restricting the location and height of structures in the zone...” (General Plan, Neighborhoods 1, p. 171).
13. LMC Section 15-2.20-1 states the purpose of the FPZ is in part to:
 - a. Preserve Park City’s scenic view corridors.
 - b. Preserve and enhance the rural resort character of Park City’s entry corridor.
 - c. Provide a significant landscaped buffer between development and highway uses.
14. LMC Section 15-2.20-4(A) prohibits structures within the first 30 feet of the FPZ.
15. LMC Section 15-2.20-4(B) requires a Conditional Use Permit (CUP) for structures within 30 feet to 100 feet of the FPZ.
16. 1800 Park Avenue is in the General Commercial Zoning District.
17. LMC Section 15-2.18-2(B)(4) requires a CUP for Multi-Unit Dwellings in the General Commercial Zoning District.
18. On December 8, 2022, the Applicant submitted a CUP application for the structures within the FPZ and Nightly Rental condominium units and affordable Multi-Unit Dwellings proposed within the project.

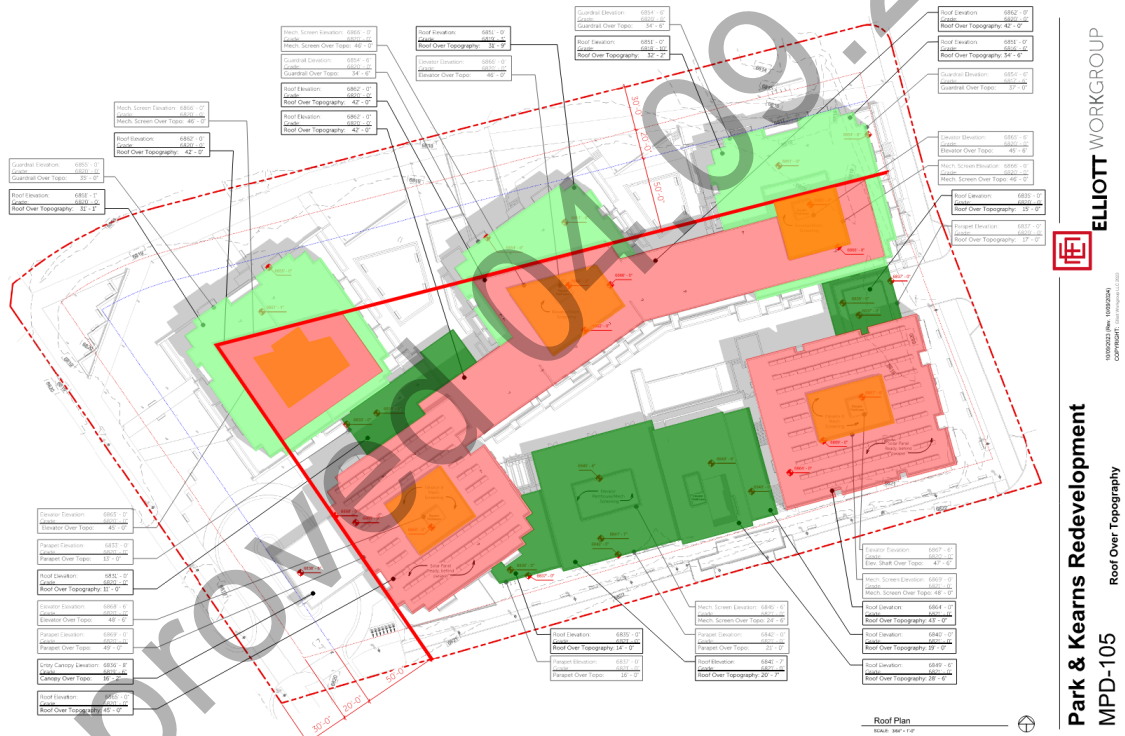
19. LMC Section 15-1-10(E)(8) requires the Planning Commission to consider whether the proposed CUP mitigates impacts of and addresses building mass, bulk, and orientation, and the location of buildings on the site, including the orientation to buildings on adjoining lots.
20. LMC Section 15-1-10(E)(11) requires the Planning Commission to consider whether the proposed CUP mitigates impacts of and addresses physical design and compatibility with the surrounding structures in mass, scale, style, design, and architectural detailing.
21. While not alone binding, LMC Section 15-1-10(E)(16) requires the Planning Commission to review CUPs for consistency with the goals and objectives of the General Plan.
22. LMC Section 15-2.18-4 states no structure in the General Commercial Zoning District shall be erected to a height greater than 35 feet from Existing Grade.
23. LMC Section 15-6-5(F) states building height requirements of the Zoning District in which an MPD is located shall apply, except that the Planning Commission may consider an increase in building height upon a site-specific analysis.
 - a. To request an exception to Zoning District building height, the Applicant must request a site-specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings for an increase in building height can be made, according to the six criteria below. To grant building height in addition to that which is allowed in the underlying Zoning District, the Planning Commission must find the project meets all six criteria:
 - i. The increase in building height does not result in increased square footage or building volume over what would be allowed under the zone-required building height and density, including requirements for façade variation and design, but rather provides desired architectural variation, unless the increased square footage or building volume is from the Transfer of Development Credits.
 - ii. Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation have been mitigated as determined by the site-specific analysis.
 - iii. There is adequate landscaping and buffering from adjacent properties and uses.

- iv. Increased setbacks and separations from adjacent projects are proposed.
 - v. The additional building height results in more than the minimum open space required and results in open space that is publicly accessible.
 - vi. The additional building height is designed in a manner that provides a transition in roof elements in compliance with LMC Chapter 15-5 *Architectural Review*.
24. Even if the Planning Commission finds the Applicant meets their burden of proof that the six criteria for a building height exception are met, the Planning Commission may consider an increase in building height above the allowed General Commercial Zoning District as an exception to the LMC. The Planning Commission is not required to approve an increase in building height.
25. The keystone of the project review is the Applicant's requested exception to the General Commercial Zoning District maximum building height of 35 feet above Existing Grade.
26. On October 9, 2023, the Applicant submitted project plans for review.
27. On December 22, 2023, the Applicant submitted revised project plans for review.
28. The Applicant's project plans dated October 9, 2023, proposed an exception to the General Commercial Zoning District maximum building height of 35 feet to construct buildings within the FPZ ranging between 49 and 60.5 feet in height.
29. On January 24, 2024, and February 28, 2024, the Planning Commission conducted work sessions on the project plans and expressed concerns, reaching consensus, regarding requested building height exceptions within the FPZ.
30. The Applicant's project plans dated June 10, 2024, proposed an exception to the General Commercial Zoning District maximum building height of 35 feet to construct buildings within the FPZ at 45 feet in height with an additional seven- foot height for parapets, elevator penthouses, and mechanical screening.
31. On June 26, 2024, the Planning Commission conducted a public hearing on the project plans. The Planning Commission continued to express

concerns, reaching consensus, regarding building height exceptions within the FPZ.

32. The Applicant's project plans dated July 12, 2024, proposed an exception to the General Commercial Zoning District maximum building height of 35 feet to construct buildings within the FPZ at 45 feet in height with an additional seven-foot height for parapets, elevator penthouses, and mechanical screening.
33. On August 7, 2024, the Applicant submitted a Request for Notice of Action and noted "[t]he Applicant is not seeking a speedy resolution through use of Utah Code § 10-9a-509.5(2). But it believes that its application is complete and is at a point where it is ready for a determination from the Planning Commission on the merits of its application" (Attachment 1).
34. On August 14, 2024, the Applicant submitted a subdivision application to create a 4.47-acre lot for the proposed project.
35. On August 28, 2024, the Planning Commission conducted a site visit, and the Applicant modeled elements of the requested building footprints and height.
36. On August 28, 2024, the Planning Commission indicated they would deny the Applicant's request for an exception to the 35-foot General Commercial Zoning District building height within the FPZ.
37. The Applicant's project plans dated September 3, 2024, were updated to shift requested building height exceptions outside of the FPZ.
38. At the September 11, 2024 and September 25, 2024 Planning Commission meetings, the Applicant presented revised plans that removed the excess building height outside of the FPZ. A majority of the Planning Commission expressed concerns that the Applicant's request to exceed the General Commercial Zoning District building height of 35 feet—with the exception of Building E (the building that includes affordable units)—still did not satisfy the criteria for a building height exception outlined in LMC Section 15-6-5(F). The Planning Commission requested updated project plans with increased publicly accessible open space, enhanced landscaping and buffering along the south and east perimeters of the site, improved architectural variation, and improved flow and circulation throughout the project.
39. The Applicant submitted revised project plans dated October 9, 2024 (Attachment 2).

40. The October 9, 2024 project plans propose building heights up to 45 feet above Existing Grade with mechanical equipment and elevator shafts up to 49 feet above Existing Grade.
41. The October 9, 2024 project plans also propose building heights under the allowed 35 feet. Figure 1: Applicant's Roof Over Topography submittal with staff highlights: red – requested building height exceptions; orange – requested rooftop mechanical equipment and elevator penthouse exceptions; light green – portions of the building up to ten feet under allowed building height, and dark green – portions of the project substantially below maximum building height.



42. On October 23, 2024, the Planning Commission conducted a public hearing on the revised project plans dated October 9, 2024.
 - a. A majority of the Planning Commission found that the October 9, 2024 project plans did not meet the requirements of LMC Section 15-6-5(G) and two of the six criteria for additional building height outlined in 15-6-5(F)(2), (F)(3), and (F)(4):
 - i. LMC Section 15-6-5(G) states that units within an MPD shall be clustered on the most developable and least visually

- sensitive portions of the site. The Applicant designed the site so that the south-facing buildings, the least visually impactful to the FPZ, are among the lowest buildings in the project.
- ii. Criteria 2: The buildings have not been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation have not been mitigated as determined by the site-specific analysis.
 - iii. Criteria 3: There is not adequate landscaping and buffering from adjacent properties and uses along the eastern and southern site perimeter.
 - iv. Criteria 4: The Applicant does not provide sufficient increased setbacks and separations from adjacent projects to justify an increase in building height.
43. The Planning Commission encouraged the Applicant to continue modifications as there were favorable elements proposed in the plans. The Planning Commission clarified the Commission was not asking for a reduction in density from the proposed plans but requested shifting the height exception and/or proposed volume to areas where height as proposed in the current plan was below the 35- foot General Commercial Zoning District building height (including dark green areas in Figure 1 above) or where the Commission previously identified as a more compatible location.
44. The Planning Commission continued the item to a date uncertain.
45. The Applicant did not submit revised plans before requesting Planning Commission Final Action.
46. On February 14, 2025, the Applicant requested the Planning Commission take Final Action within 45 days on the MPD (PL-22-05476 [Applicant's letter erroneously references PL-24-05476]), CUP (PL-22-05475), and Subdivision (PL-24-06238) pursuant to Utah Code Section 10-9a-509.5(2) (Attachment 3).
47. On February 20, 2025, Planning staff emailed the Applicant to confirm the Applicant requested Final Action based on the plan set dated October 9, 2024.
48. On February 25, 2025, the Applicant responded to the email and indicated they request Planning Commission Final Action on the October 9, 2024 plan set (Attachment 4).

49. Because the keystone matter of building height was not sufficiently addressed by the Applicant, the Planning Commission has not had an opportunity to comprehensively review the proposed project for compliance with the MPD, CUP, or subdivision criteria. Therefore, this Final Action Letter is limited to evaluation of the Applicant's requested exception to building height only as was voted on by the Planning Commission in the October 23, 2024 meeting. Over the past five months, the Applicant has not made modifications to the proposed building height. However, the "Additional Elements" discussion in the March 26, 2025 Staff Report pages 1-3 is incorporated herein.
50. Prior analysis of the plan set dated October 9, 2024 demonstrates compliance issues with "Additional Elements" including setbacks, parking, and affordable housing. No setback or parking reductions were evaluated nor granted by the Planning Commission, and no affordable housing recommendations were forwarded to the Housing Authority/City Council.

Conclusions of Law:

1. The Applicant does not comply with LMC Section 15-6-5(G)(1) because units are not clustered on the most developable and least visually sensitive portions of the site.
2. The Applicant did not meet their burden of proof to the Planning Commission that the necessary findings for an increase in building height can be made according to Criteria 2, Criteria 3, and Criteria 4 of LMC Section 15-6-5(F) *Master Planned Development Building Height*.

The motion was seconded by Commissioner Suesser. Vote on Motion: Commissioner Van Dine-Aye; Commissioner Johnson-Aye; Commissioner Shand-Nay; Commissioner Sigg-Aye; Commissioner Frontero-Aye; Commissioner Suesser-Aye. The motion passed with a vote of 5-to-1.

The Commission took a short break before hearing the next agenda item.

- F. 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.

Chair Hall reminded Commissioners that a continuation has been requested for Item 5F.

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

MOTION: Commissioner Van Dine moved to CONTINUE the Conditional Use Permit for 1120 Park Avenue and the public hearing to a date uncertain. The motion was seconded by Commissioner Shand. The motion passed with the unanimous consent of the Commission.

G. Flagstaff Mountain Master Planned Development – The Applicant Proposes to Modify the Master Planned Development and Development Agreement for Flagstaff Mountain to Allow for Seven Residential Units. PL-25-06421.

Planner Barton presented the Staff Report and explained that the application is a proposed amendment to the Flagstaff Mountain Development Agreement. On January 16, 2025, the City Council authorized the Mayor to enter into a non-binding Letter of Intent authorizing Redus to pursue an amendment to the Development Agreement. The original Development Agreement dates back to 1999. The reason this is on the agenda is because modifications to the Development Agreement require the Planning Commission review, a public hearing, and a recommendation to the City Council for final action.

The applicant is seeking to develop seven additional units within the established RD Zoning District in the Empire Pass area. This would occur on two parcels. The R-5 Parcel is proposed to have a four-unit multi-unit dwelling and the Water Tank Parcel is proposed to have three lots with single-family dwellings. The R-5 Parcel is owned exclusively by Redus and portions of the Water Tank Parcel are currently owned by Redus and the City. Images of the R-5 Parcel and Water Tank Parcel were shared.

Planner Barton posed the following question to the Planning Commission:

- Does the Planning Commission recommend that the City Council consider amending the Development Agreement to allow seven additional units within the established Residential Development Zoning District?

It was clarified that the Planning Commission is not looking at subdivision applications or CUPs. Those will potentially come in the future if the Council approves an amendment to the Development Agreement and if applications are submitted for those developments.

Staff is recommending that the Planning Commission forward a positive recommendation to the City Council. The recommendation comes with Conditions of Approval. Since increasing density requires compliance with the Affordable Housing Resolution, there is a recommended Condition of Approval that would require Redus or successors in title to pay an in-lieu affordable housing fee associated with the development of these units.

- Upon execution of the amended Development Agreement, Redus or its successors-in-title must pay an in-lieu affordable housing fee in an amount required by Resolution No. 05-2021 Affordable Housing Guidelines.

The proposal also presents an opportunity to address gaps in the Historic Preservation Plan for Flagstaff and the 2020 Memorandum of Understanding regarding preservation priorities between the City and the Empire Pass Master Owners Association (“EPMOA”). There are conditions associated with historic preservation, which include the following:

- The Applicant agrees to an open space maintenance transfer fee and additional historic preservation funds through an amendment to the March 16, 2020, Historic Preservation Memorandum of Understanding where EPMOA and Redus would allow EPMOA to retain funds to spend on City-approved historic preservation projects;
- The Applicant transfers ownership of historic mining structures, including the Judge Tunnel/Alliance Mine Complex (Judge Mining and Smelting Office, Caretaker’s Cabin, Change Room/Timber Saw, Power House).

The applicant representative, Wade Budge, introduced himself to the Commission. It was noted that Douglas Ogilvy is also present. Mr. Budge reiterated that no input is being sought out on a CUP or Subdivision Plat, as those would be applications made in the future if the amendment was approved. Redus Park City has been in the community for approximately 10 years. There is an opportunity to obtain a number of parcels that have high value as conservation parcels. He shared a map of the Redus – Exchange Parcels.

Mr. Ogilvy explained that as part of this Development Agreement, there is a proposal to transfer over 300 acres of land to the City along with some water rights and other benefits. The areas on the map that are outlined in blue are lands that would be transferred to the City. The three areas outlined in red have some environmental constraints, which the City might be less interested in owning. The green parcels would come back to Redus.

Mr. Ogilvy further reviewed the areas highlighted on the map. He zoomed in and pointed out the Water Tank Parcel. On the bottom right, there is an area in green, which is a reverter parcel. Under the terms of the original dedication to the City, if the City did not build a fire station on it by a date certain, it would come back to United Park City Mines. That parcel comes back to Redus in approximately two years. The Development Agreement asks to accelerate that parcel coming back. As part of the plat application to develop the three single-family home sites, there is a request for the land identified in yellow. That will essentially become the driveway into the three home sites. At the end of the day, the City would retain ownership of the water tank and would acquire ownership of the trailhead parking that is being built below. Redus would have three single-family lots. He pointed out the Empire Trailhead parking lot on a map of the area.

Mr. Budge shared a summary of what would be conveyed. He reported that it is over 300 acres. There are rights in the Spiro Tunnel that would be conveyed, which are valuable because they are useful for snowmaking. There would also be some cleanup done through this process as well. Within 60 days of the City Council approving an amendment,

two subdivision applications will be brought forward: one for the R-5 Parcel and the other for the Water Tank Parcel. Access and other details will be discussed at that time.

Mr. Budge highlighted the benefits that are in the proposed Development Agreement amendment. At the January meeting with the City Council, where the Letter of Intent was authorized, there were members of the public who spoke in favor of the amendment because of the advantages of the Alliance Mine Complex. The Draft Development Agreement is included in the Meeting Materials Packet. In that, there is a commitment on the part of Redus and the EPMOA to fund \$200,000 upfront, which will be matched by the City, to go towards those purposes. There is also a reinvestment fee covenant that will be recorded against the seven parcels. The intent is to give land to the City, but to also make sure that as properties are transferred, there will be some revenues made available for the maintenance of that land. He is available to answer any questions.

Commissioner Shand asked about the blue parcels that are being considered to be conveyed to the City. He wanted to know if those are all in a conservation easement. Mr. Ogilvy denied this but noted that some are covered by a conservation easement. There is already a 0.5% reinvestment fee that comes back to the City on every sale at Empire Pass. There is also a proposal to increase that to 1% for the seven units. That means an additional 0.5% in perpetuity on any sales from those parcels to assist with open space management. Mr. Ogilvy reported that there is also a proposal to amend the Memorandum of Understanding to increase the funding so there is money for Empire Pass to continue efforts to restore and maintain historical properties in the Flagstaff area.

Commissioner Johnson asked if the Water Tank Parcel where the three units are proposed will revert back to them if the fire station is not built there. This was confirmed. Mr. Budge explained that it would revert back in 2027, but the intention is to move that timeline forward. Commissioner Sigg asked about the ownership of Twisted Branch Road. Mr. Budge reported that Redus owns that road. The solution involves a third-party, which is the State. While those discussions are continuing to take place, that is on a different timeline than this work. Commissioners further discussed the road.

Commissioner Suesser noted that it is not clear why the Utah Department of Transportation ("UDOT") is involved in the negotiation around the ownership of Twisted Branch Road. The underlying Development Agreement contemplates the City taking over Twisted Branch Road. As part of the terms of amending this Development Agreement, she believes it made sense for Redus to transfer the ownership of the road to Park City. Mr. Budge believes Redus is needed in that discussion in order to assist with the UDOT process. There have been discussions with UDOT for quite some time already.

Commissioner Frontero shared comments about the potential process and a future transfer of Twisted Branch Road. Mr. Budge explained that the transfer would likely be to UDOT who would then transfer it to the City. In order for UDOT to be able to vacate, there needs to be some sort of right received to be able to continue the traffic through to

the County line. There are a lot of details to take into account. This is something that Redus is focused on. He understands the interpretation from Commissioner Suesser, but what is currently before the Commission is how to effectuate a transfer of properties as well as the seven units and revenue streams that have been mentioned. Twisted Branch Road is beyond the scope of what is in the draft agreement.

Commissioner Frontero finds there are significant benefits to the proposed transfer of land. He asked if it is possible to add something to state that if in two years, there has not been a deal reached on Twisted Branch Road, it will be transferred to the City. That would provide time for Redus to complete the negotiations with UDOT. If the deal is unable to move forward in that time, then the City would be able to take control of the road. Mr. Budge offered to speak to his client about the suggestion that had been made.

Commissioner Suesser suggested potentially changing the use or expanding the use of Twisted Branch Road. For instance, it could be used for downhill traffic during the summer months. She shared comments about the properties Redus wants to develop. Commissioner Suesser appreciates the open space that will be preserved through this proposal, but the City is not receiving as much value as Redus through this proposal. She reiterated her earlier comments about removing Redus from the Twisted Branch Road negotiations so the City can then move forward with the UDOT discussions. Commissioner Sigg understands the need for Redus to be involved in the conversations with UDOT but also feels the City is better positioned than Redus. He hopes some of the suggestions that have been shared by Commissioners will be considered.

Commissioner Shand asked about the value of the parcels shown in blue. It looks like the City is receiving remnants, with the exception of a few parcels. Commissioner Johnson asked the applicant representative to elaborate on some properties shown on the map. Mr. Ogilvy shared the Redus – Exchange Parcels map and pointed out the area outlined in yellow. There are approximately 45 acres of land that are zoned Estate and there are 8 acres elsewhere that are zoned Estate. The lots within the King Road plat are deed-restricted for the plat. Overall, the benefit to the City is owning and controlling land there. This can address fire management risks and historic preservation risks. It further solidifies the conservation efforts in the area and cleans things up further.

Commissioner Johnson sees a lot of benefit to the proposal, as presented. He understands the concerns related to Twisted Branch Road, but given his experience professionally with UDOT, a longer timeline than two years will likely be necessary. Commissioner Johnson noted that there is value in solidifying the conservation efforts. Commissioner Van Dine agreed with the comments shared by Commissioner Johnson.

Chair Hall would rather defer to the Council on this application because it is more of a policy decision. Commissioner Suesser appreciates that but noted that the Commission is honoring the terms originally negotiated in the Development Agreement by taking a step to resolve the issue of Twisted Branch Road. She shared information about the

Sommet Blanc application and the timeliness to address Twisted Branch Road. This seems like the proper time to address the road, especially with representations from Redus that there is a desire to exit the Park City community. There might be years of negotiation with UDOT. She feels the road transfer should be part of this process. Chair Hall agrees with some of the comments shared but feels the higher level issue is a policy decision to be made by the City Council. Commissioner Frontero asked if it is possible to forward a recommendation to the City Council while still encouraging Council Members to take a closer look at the Twisted Branch Road situation. Attorney Harrington suggested making a clean recommendation on the application before the Commission. It is then possible for the Commission to make a separate recommendation to the Council.

Commissioner Sigg is not sure when the Development Agreement will be opened again, so it seems that there is now an opportunity to look at Twisted Branch Road. Attorney Harrington clarified that the dedication is already contemplated by the Development Agreement. Those negotiations are not dependent upon opening the agreement.

Chair Hall opened the public hearing.

Mark Fischer gave his zip code as 85060. He had an appraiser take a look at the entitlements that Redus is seeking. The independent evaluation of the value of the entitlements ranged between \$36 million and \$46 million. When that is compared to the fact that Redus is trying to trade properties that are no longer needed due to their desire to exit Park City, he is not certain a fair trade is being considered. As for the value of Twisted Branch Road, when he looked into it with the County Appraiser, the value of the 36-acre road is only \$500,000, which results in \$3,200 per year in property tax payments. He wondered why Redus would hold off the transfer of the road when it is appraised at a relatively low amount. Since Redus intends to leave Park City, he feels it is important that they exit the negotiations for the future use of Twisted Branch Road. The City and the State can eventually come to some resolution there.

Mark Sletten shared a comment about the valuations shared by Mr. Fischer. There is a huge disparity in values for properties that do not have ski-in and ski-out access. Both of the parcels would fall into that category. The amount mentioned seems to be overvalued.

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

Commissioner Suesser is concerned that Redus controls the road. She feels the City needs to take a step towards resolving the Twisted Branch Road issue. It is important that this transfer take place. The City is now in a position to have some leverage. Commissioner Suesser noted that the Commission can deny the amendment to the Development Agreement. She would like the City Council to discuss the road.

Commissioner Johnson asked Commissioner Suesser to take Twisted Branch Road out of the equation and look at the transfer of properties. He wanted to know if she felt this

was an equitable trade from a land swap perspective. Commissioner Suesser does not think it is equitable, as the deal favors Redus. She is not disputing the value of the right of first refusal or open space, but she feels the City has leverage right now for the road.

Commissioner Johnson believes the proposal is equitable. Discussions were had about the UDOT process. Based on his experience, it is likely to be a lengthy process. Commissioner Suesser reiterated that she is suggesting Redus transfer the road to the City as part of the land swap deal. Mr. Ogilvy stated that the proposal is fair and provides significant long-term benefits to the City. There have been discussions with the City and UDOT. Twisted Branch Road brings extra layers of complexity and he feels there should be a separate but parallel process. Commissioner Shand asked about the water rights. Mr. Ogilvy shared information about the Spiro Tunnel and the right of first refusal.

Additional discussions were had about water rights. Chair Hall asked the Commission to focus on what is currently before them. Attorney Harrington suggested that the Commission make comments on the criteria as it relates to the proposed amendment. If the majority of the Commission wants to include additional policy input, that can be done. However, it is cleaner to segregate policy matters from the application recommendation.

The Commission considered whether or not there should be a separate recommendation related to Twisted Branch Road. Commissioner Van Dine is in favor of forwarding a positive recommendation to the City Council. If other Commissioners are inclined, additional policy considerations can be shared in a separate motion. Chair Hall asked if there could be a motion made on the Twisted Branch Road matter. Attorney Harrington confirmed that there can be a motion made if the desire is to speak as a Commission.

Commissioner Suesser noted that the Commission is being asked to approve an amendment to the Development Agreement based on the terms of this land swap. The road is not contemplated in this land swap. She wants to see steps taken to resolve the issue with the road. She feels that including the road in this transfer makes sense.

Commissioner Suesser believes the Commission should deny the request to amend the Development Agreement. The City Council could then further consider the road. Chair Hall clarified that the Commission is being asked to forward a recommendation. When the applicant comes back with specific applications, the Commission will be able to make a decision. In regard to this specific portion, the Commission is making a recommendation. Attorney Harrington reported that the Commission is making a recommendation to the City Council to amend the Development Agreement. It sounds like Commissioner Suesser is suggesting that the recommendation is for denial.

Chair Hall pointed out that even if the Planning Commission forwards a negative recommendation, the City Council still has the ultimate authority. Commissioner Suesser believes the City Council should consider including Twisted Branch Road in this process. Forwarding a negative recommendation on the current proposal would let the City Council

renegotiate the deal. If the recommendation is approval, then the recommendation would be for the City Council to move forward with these terms. As a result, she does not feel the Planning Commission should forward a positive recommendation.

Commissioner Sigg asked if the applicant representatives are willing to consider the Twisted Branch Road item. Mr. Budge reported that all comments will be reported to the client. He expressed appreciation for the input that has been provided. Commissioner Sigg asked other Commissioners whether a positive recommendation is supported. While he likes the proposal, he is also concerned about Twisted Branch Road. He is concerned that the road will get lost in the shuffle after the deal is done. Commissioner Johnson understands the frustrations that have been expressed. Taking the road out of the conversation, what has been presented is a good deal. He asked if the City Council has initiated a conversation about Twisted Branch Road. Mr. Budge reported that the road was brought up during the Letter of Intent discussions. The same information was shared at that time, which is that work is currently being done with UDOT.

Commissioner Suesser believes the Twisted Branch Road discussion is necessary to address health and safety concerns. She feels that not including it in this transaction would be a mistake. Commissioner Johnson pointed out that it is a complex matter. It is possible to make a recommendation to the City Council to address this matter. Chair Hall noted that Commissioner Suesser has expressed a desire to make a recommendation of denial. Commissioner Van Dine has expressed a desire to forward a positive recommendation based on the Staff Report and then make a separate motion related to Twisted Branch Road. The third option is to make a positive recommendation that also includes the Commission preference, though some separation would make that cleaner.

Attorney Harrington reported that the Commission has not been briefed on the current position of UDOT regarding the safety of the roads. Certain options have not been within the control of the City due to the UDOT and State positions. The City has previously had exhaustive discussions with the Transportation Commission about a possible transfer, but those were denied by the State. It is not that the City has been inactive or that the property owner at the time was inactive, but the State stopped it from moving forward. There is legitimacy to the characterization of the complex policy issues. Attorney Harrington reminded the Commission that there are three Conditions of Approval that are recommended in the Staff Report. He asked that those be considered in the motion.

Commissioner Shand is in favor of forwarding a positive recommendation to the City Council. He is also in favor of recommending that the City Council consider incorporating Twisted Branch Road into this. Commissioner Frontero finds that the best path forward at this point is to forward a positive recommendation. He would like the Commission to come to a consensus about Twisted Branch Road. Commissioner Suesser reiterated her previous position that a recommendation of denial makes the most sense in this case.

Chair Hall pointed out that the Staff Report does not have all of the terms of the deal included, because the Planning Commission is not the body that is negotiating the terms. A separate motion can state that the Commission feels strongly about the road.

Commissioner Sigg asked what the consequences would be of a continuation. He wanted to know if that would give the City Council the opportunity to hear some of the feedback about the road. Attorney Harrington explained that the recommendation made by the Commission will go to the City Council for consideration. Discussions were had about the timeline and whether a continuation would make sense. Attorney Harrington reported that the item will be considered by the City Council at the April 24, 2025, meeting. The Commission further discussed what kind of motion should be made to the Council.

MOTION: Commissioner Van Dine moved to forward a POSITIVE RECOMMENDATION to the City Council for consideration on April 24, 2025, to approve an amendment to the Development Agreement for the potential development of a four-unit multi-unit dwelling on the R-5 Parcel and three single-family dwellings on the Water Tank Parcel, subject to the following Conditions of Approval:

1. Upon execution of the amended Development Agreement, Redus or its successors-in-title must pay an in-lieu affordable housing fee in an amount required by Resolution No. 05-2021 Affordable Housing Guidelines;
2. The Applicant agrees to an open space maintenance transfer fee and additional historic preservation funds through an amendment to the March 16, 2020, Historic Preservation Memorandum of Understanding where EPMOA and Redus would allow EPMOA to retain funds to spend on City-approved historic preservation projects;
3. The Applicant transfers ownership of historic mining structures, including the Judge Tunnel/Alliance Mine Complex (Judge Mining and Smelting Office, Caretaker's Cabin, Change Room/Timber Saw, Power House).

The motion was seconded by Commissioner Johnson. Vote on Motion: Commissioner Van Dine-Aye; Commissioner Johnson-Aye; Commissioner Shand-Aye; Commissioner Sigg-Nay; Commissioner Frontero-Aye; Commissioner Suesser-Nay. The motion passed with a vote of 4-to-2.

Additional discussions were had about Twisted Branch Road and an appropriate motion.

MOTION: Commissioner Frontero moved to RECOMMEND that the City Council consider including Twisted Branch Road as part of the land transfer from Redus to Park City or that the City takes control of Twisted Branch Road at a time in the future. A Joint Meeting between the City Council and Planning Commission is welcome. The motion was seconded by Commissioner Sigg. Vote on Motion: Commissioner Van Dine-Aye; Commissioner Johnson-Aye; Commissioner Shand-Aye; Commissioner Sigg-Aye;

Commissioner Frontero-Aye; Commissioner Suesser-Abstain. The motion passed with a vote of 5-to-0.

6. ADJOURNMENT

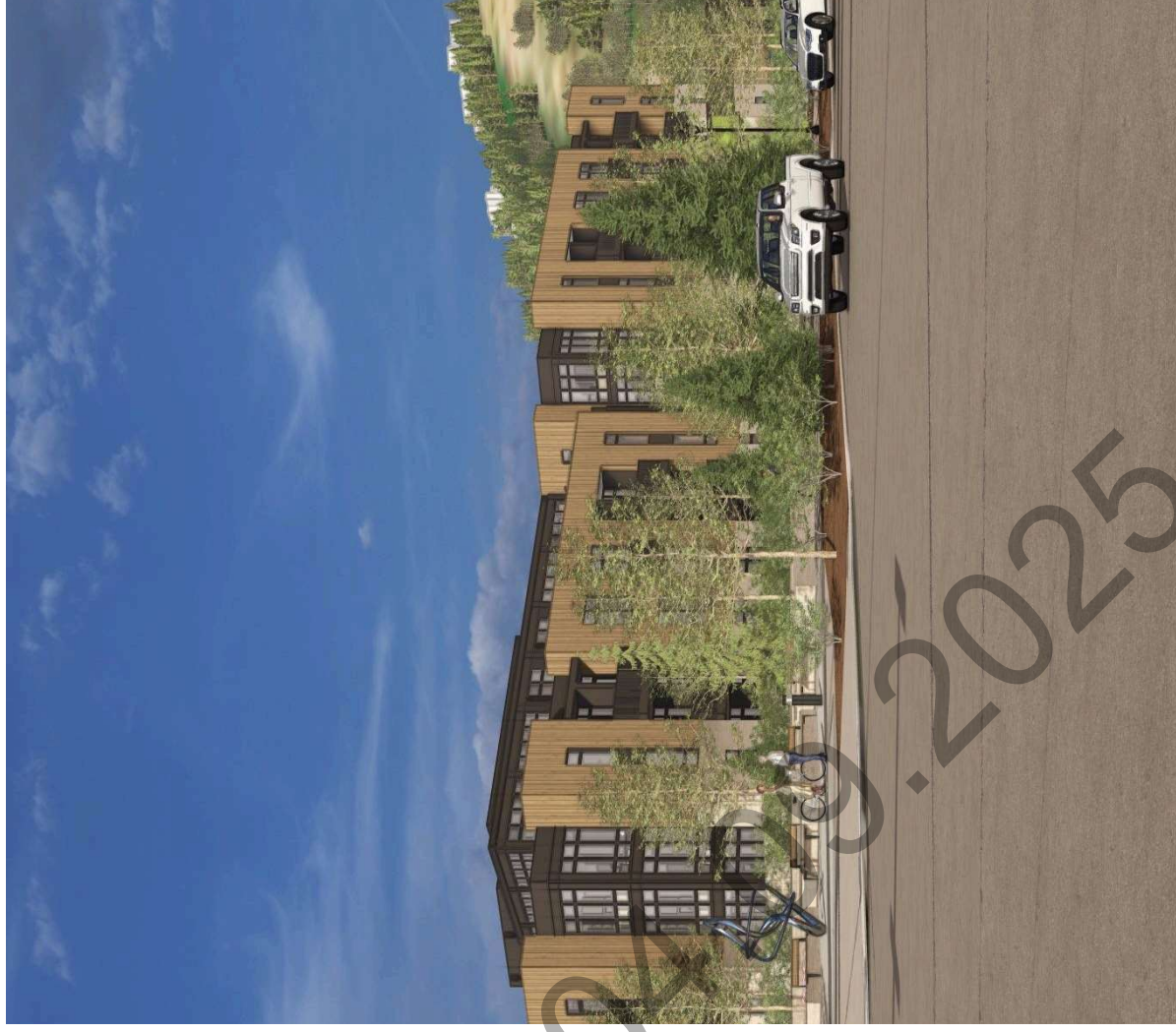
MOTION: Commissioner Van Dine moved to ADJOURN.

The meeting adjourned at approximately 9:15 p.m.

Approved 04.09.2025

1800 Park

March 26, 2025



Overview



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1800 Park



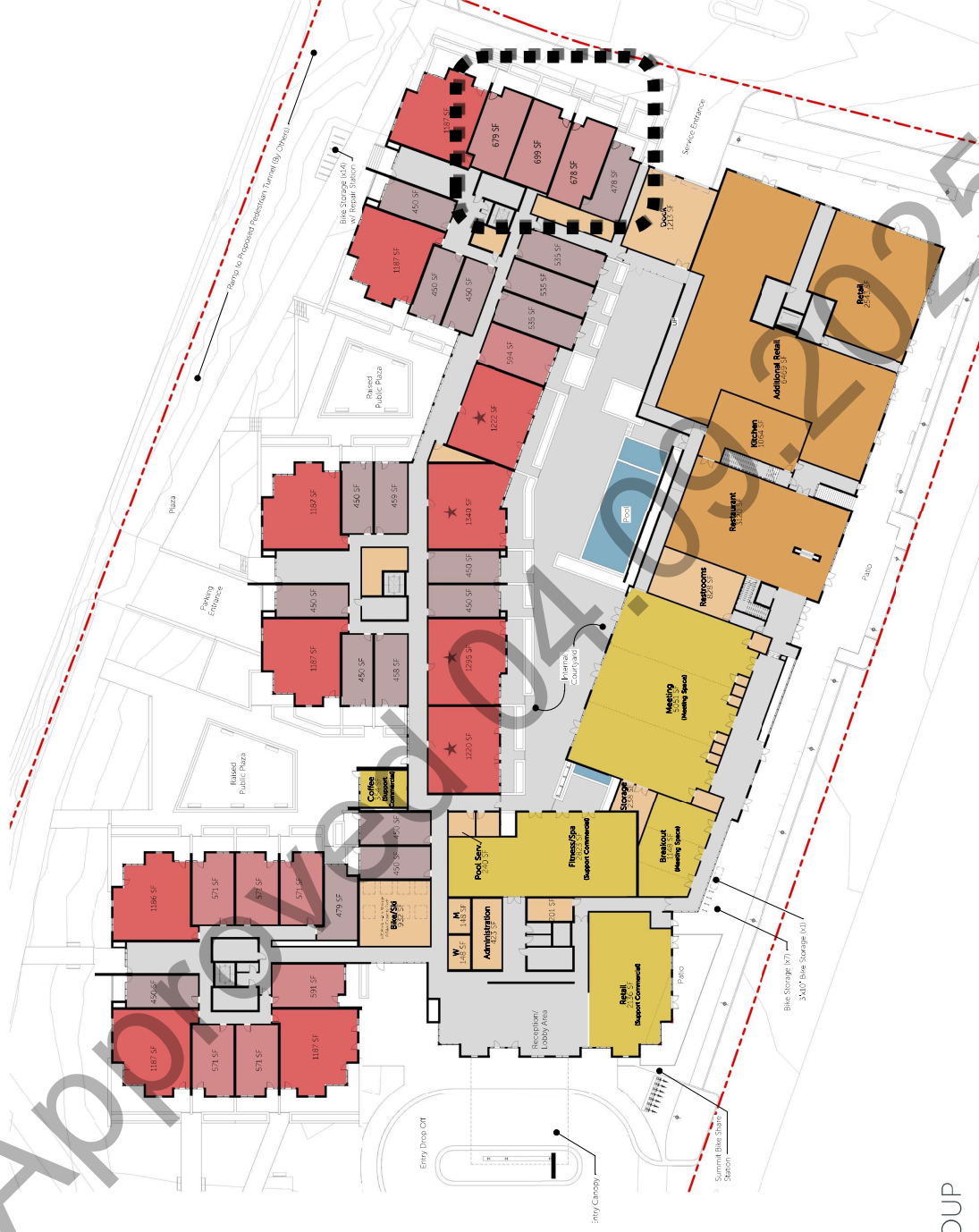
Affordable Housing Options



1800 Park



AC



1800 Park



1800 Park Ave - Hotel Room Key Calculation

3/26/2025

Use	Studio	1 Bed	2 Bed	Lockout	3 Bedroom	Total
A. Residential Development						
First Floor	17	7	11	4	0	39
Second Floor						
Third Floor	25	16	14	4	0	59
Fourth Floor	5	4	3	0	9	21
Totals	72	43	42	12	9	178

1800 Park Ave - Multi Family Area Calculation

Use	Studio	1 Bed	2 Bed	Lockout	3 Bedroom	Total
A. Residential Development						
First Floor	7,934	4,040	13,252			25,226
Second Floor						
Third Floor	11,502	9,016	16,931			37,449
Fourth Floor	2,247	2,307	3,561	17,523		25,638
Totals	33,185	24,379	50,675	0	17,523	125,762

1800 Park Ave - Proposed Affordable Housing Area Calculation

Use	Studio Area	Studio #s	1 Bed Area	1 Bed #s	Total
A. Residential Development					
First Floor	478	1	685.33	3	2,534
Second Floor					
Third Floor	332	6	435	14	8,082
Fourth Floor	332	6	435	14	8,082
Totals		19		45	24,246
Totals		19	1,990.33	45	26,779.99
AUEs Provided by the Project					
				64	900
					2976



Building Areas with Calculations

Use	Net Floor Area/ Rooms Keys	Use Type from Housing Resolution	Full Time Equivalents per (1,000 sf Net Leasable)/ per (Room)	Total FTEs
B. Commercial Development				
Hotel Restaurant	4,184	Restaurant / Bar	6.5	27.20
Rooftop Bar	916	Restaurant / Bar	6.5	5.95
Rooftop Bar Deck	1,793	Restaurant / Bar	6.5	11.65
Retail	2,543	Commercial / Retail	3.3	8.39
Additional Retail	6,469	Commercial / Retail	3.3	21.35
Lobby Retail (Exempt)	2,136	Commercial / Retail	3.3	7.05
Spa & Fitness (Exempt)	2,823	Other Professional Services	3.7	10.45
Breakout Rooms (Exempt)	1,148	Other Professional Services	3.7	4.25
Meeting Hall (Exempt)	5,051	Other Professional Services	3.7	18.69
Coffee Shop (Exempt)	254	Other Professional Services	3.7	1.31
Hotel Rooms	178	Lodging / Hotel	0.6	106.80
Totals	27,417	6.47244		223.08

Total FTEs (by Calculation)

223.08

Mitigation Rate

20%

Workers per Household - Total AUE Required

1.5

Net SF Livable Space

900

26,770.09

AUE Provided by the Project

26,779.99

29.76



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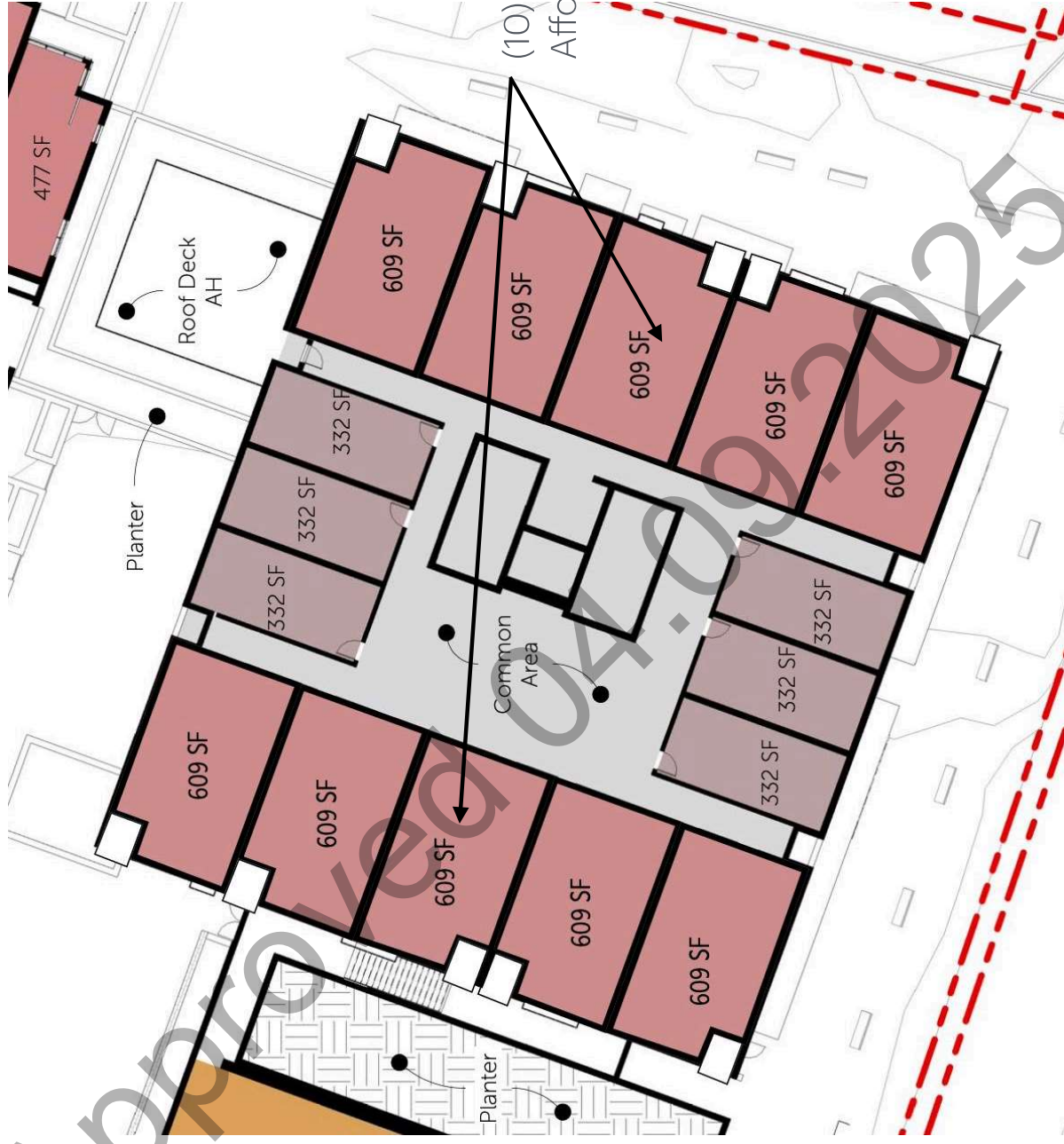
1800 Park

- Support Commercial
- BMeeting Space
- Commercial
- Service / Accessory Use
- Circulation
- 1. Bed
- 2. Bed
- 3. Bed
- Studio
- ★ Lockout Units



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1800 Park



1800 Park Ave - Hotel Room Key Calculation

3/26/2025

Use	Studio	1 Bed	2 Bed	Lockout	3 Bedroom	Total
A. Residential Development						
First Floor	17	7	11	4	0	39
Second Floor	25	16	14	4	0	59
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Totals	33,185	24,379	50,675	0	17,523	125,762

1800 Park Ave - Proposed Affordable Housing Area Calculation

Use	Studio Area	Studio #s	1 Bed Area	1 Bed #s	Total
A. Residential Development					
First Floor	478	1	685.33	3	2,534
Second Floor	332	6	609	10	8,082
Third Floor	332	6	609	10	8,082
Fourth Floor	332	6	609	10	8,082
Totals		19		33	24,246
Totals		19	2,512.33	33	26,779.99

AUEs Provided by the Project

52 900

2976



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Building Areas with Calculations

Use	Net Floor Area/ Rooms Keys	Use Type from Housing Resolution	Full Time Equivalents per 1,000 sf Net Leasable/ per (Room)	Total FTEs
B. Commercial Development				
Hotel Restaurant	4,184	Restaurant / Bar	6.5	27.20
Rooftop Bar	916	Restaurant / Bar	6.5	5.95
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Meeting Hall (Exempt)	5,051	Other Professional Services	3.7	18.69
Coffee Shop (Exempt)	354	Other Professional Services	3.7	1.31
Hotel Rooms	178	Lodging / Hotel	0.6	106.80
Totals	27,417	6,47244		223.08

Total FTEs (by Calculation)

223.08

Mitigation Rate

20%

44.62

Workers per Household - Total AUE Required

1.5

29.74

Net SF Livable Space

900

26,770.09

AUE Provided by the Project

26,779.99

900

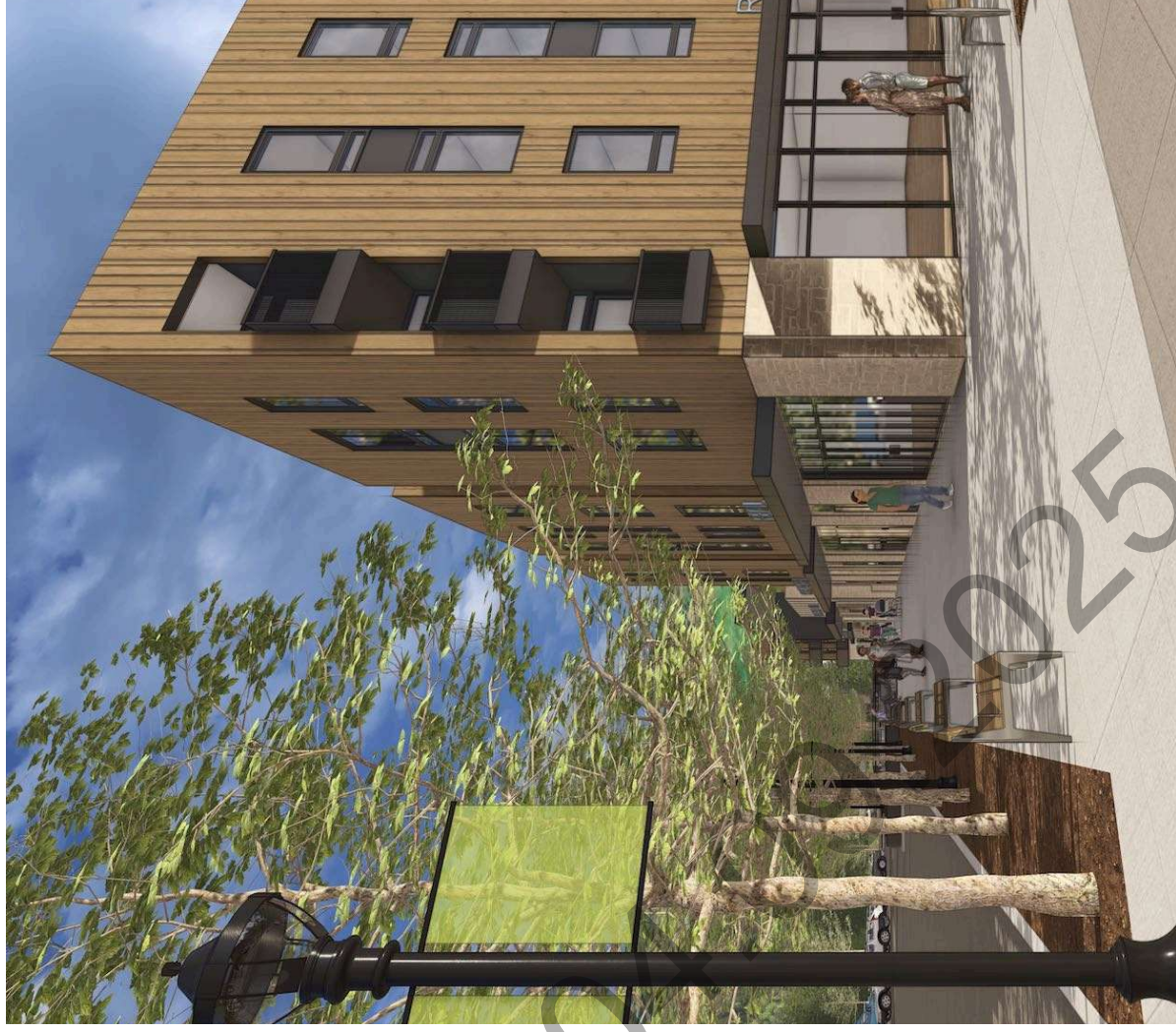
29.76



Parking Along Perimeter



1800 Park



1800 Park



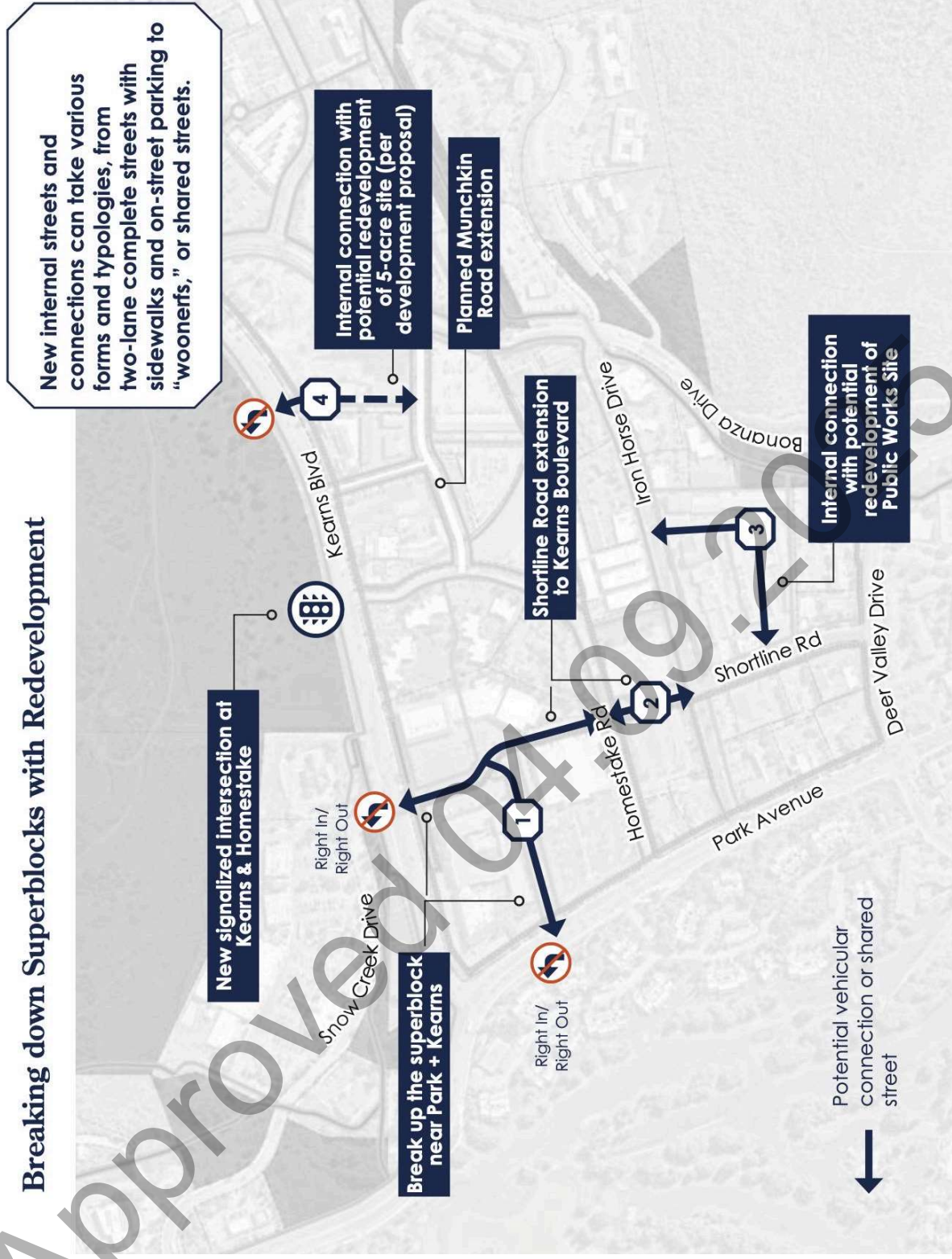
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Approved 04.02.2025

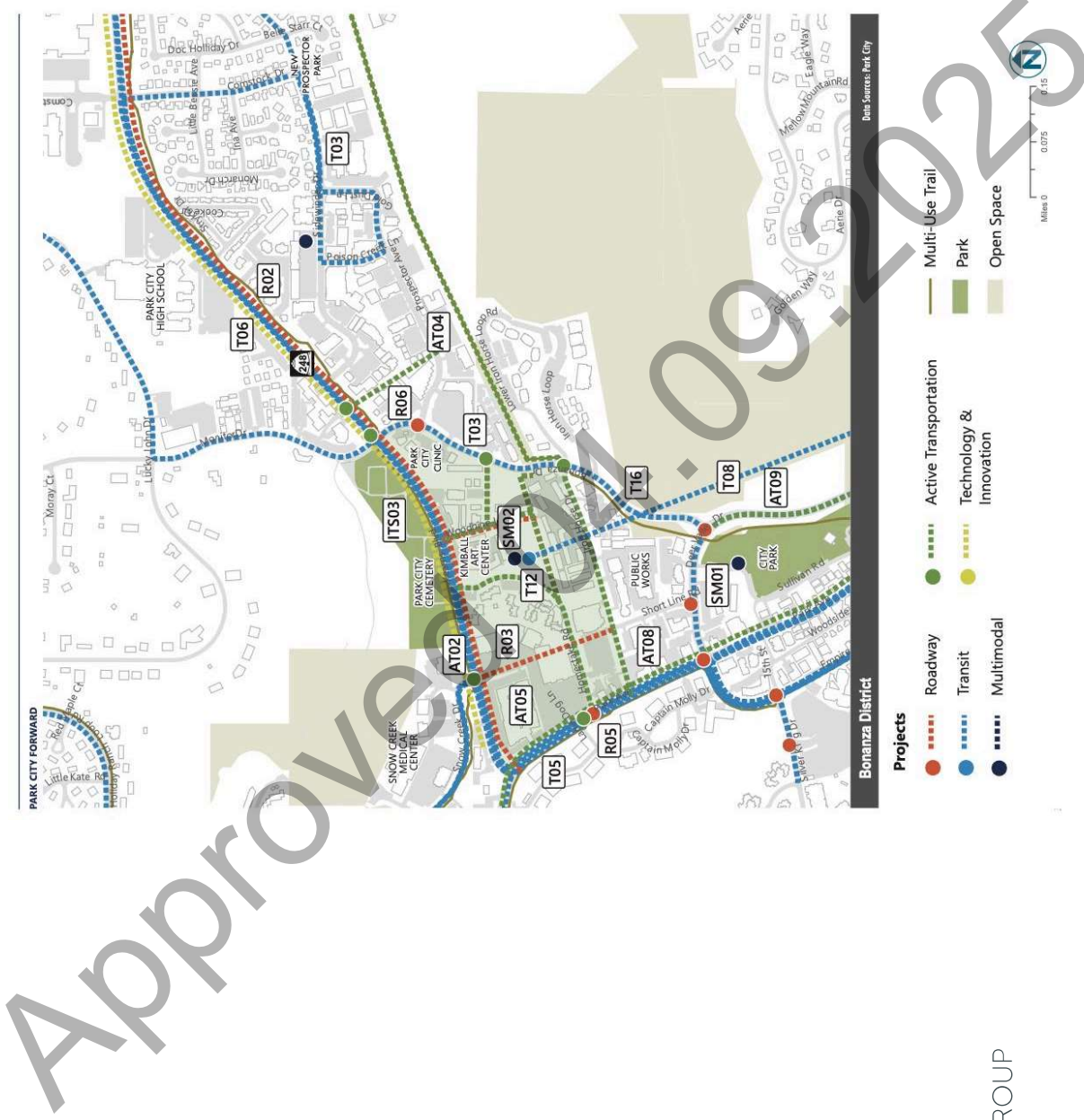


SCALE: 1" = 30'-0"

Breaking down Superblocks with Redevelopment



1800 Park



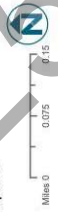
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Bonanza District

Projects

- Roadway
- Transit
- Multimodal
- Active Transportation
- Technology & Innovation

- Multi-Use Trail
- Park
- Open Space



Data Source: Park City

Parking

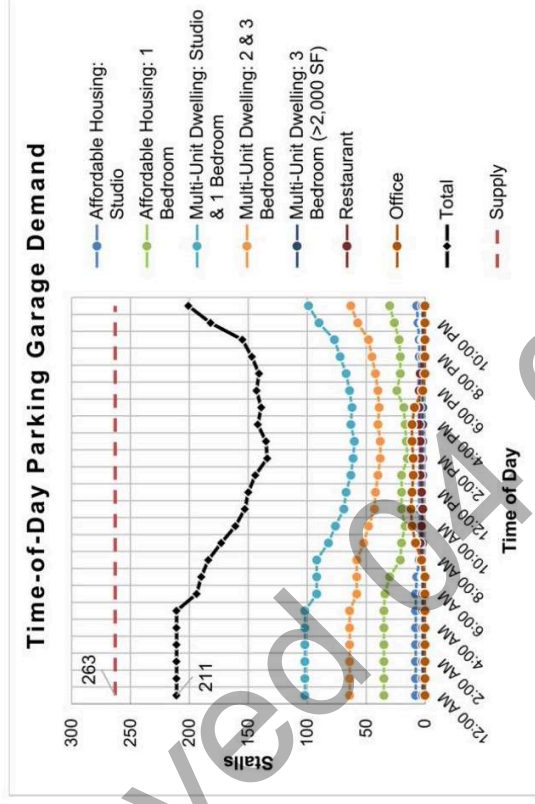
Shared Parking Analysis



1800 Park



Figure 2: Time-of-Day Parking Garage Demand



Comparison and Recommendation

A comparison of the proposed supply, Park City's parking requirement, and the recommended supply based on the ITE time-of-day parking demand rates are shown in Table 4. Based on the information provided, it is anticipated that the proposed parking in the site plan will accommodate the anticipated parking demand. In the event of an unexpected surge in demand larger than has already been discussed, the valet parking service is able to double-park vehicles in the parking garage.

Table 4: Parking Comparison

Source	# of Stalls
Proposed Site Plan	288 (263 garage + 25 storefront)
City Requirement	287
Parking Reduction	251
Time-of-Day Parking Garage Analysis	211

Traffic Response



1800 Park



Table ES-1: Peak Hour Level of Service Results

	Intersection	Level of Service											
		Existing (2024)						Future (2029)					
		BG		+P		BG		+P		BG		+P	
		AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
1	Kearns Boulevard / Park Avenue	B	C	B	C	B	C	B	C	B	C	B	C
2	East Reid Access & North Access / Kearns Boulevard	b	b	a	c	b	b	b	b	c	e	b	f
3	Snow Creek Drive / Kearns Boulevard	c	d	c	d	c	d	c	d	c	f	c	f
4	Homestake Road / Kearns Boulevard	a	b	a	b	a	c	a	c	a	f	a	f
5	Bonanza Drive & Monitor Drive / Kearns Boulevard	c	c	c	c	c	D	C	D	D	F	D	F
6	Comstock Drive / Kearns Boulevard	A	B	A	B	B	C	B	C	C	C	C	C
7	West North Access / Park Avenue	b	f	-	-	b	f	-	-	c	f	-	-
8	West South Access / Park Avenue	d	f	e	f	b	f	f	f	b	f	f	f
9	Homestake Road / Park Avenue	b	f	f	f	f	f	f	f	f	f	f	f
10	Deer Valley Drive & Empire Avenue / Park Avenue	C	E	C	E	C	F	C	E	C	F	C	F
11	Bonanza Drive / Deer Valley Drive	B	C	B	B	B	C	B	B	B	D	B	D

1. Intersection LOS values represent the overall intersection average for roundabout, signalized, and all-way stop-controlled (AWSC) intersections (upper case letter) and the worst movement for all other unsignalized intersections (lower case letter).

2. BG = Background (without project traffic), +P = Plus Project (with project traffic)

Source: Heles Engineering, October 2024



Additional Mitigation Considerations

Park City favors future travel demand management strategies to reduce traffic volumes on the roadway in place of widening roadways to encourage personal vehicle travel. Vehicles will likely learn to reroute when undue delays and queues are observed. However, if the travel demand model projections are accurate, significant innovative mitigation measures may be needed to maintain traffic at an acceptable LOS during peak hours on Park Avenue between Kearns Boulevard and Deer Valley Drive and Kearns Avenue between Park Avenue and Bonanza Drive.

Transportation Demand Management (TDM) Strategies

The development is deploying multiple TDM strategies, including:

- Car share and e-bike share
- Employee carpool/vanpool incentives
- Ample supply of bike parking and lockers
- Wide trail adjacent to building

A bus shelter with a pullout is located near the edge of the property, which provides access to free transit services.



Community Benefits Follow Up



1800 Park



Discretion

Follow Up

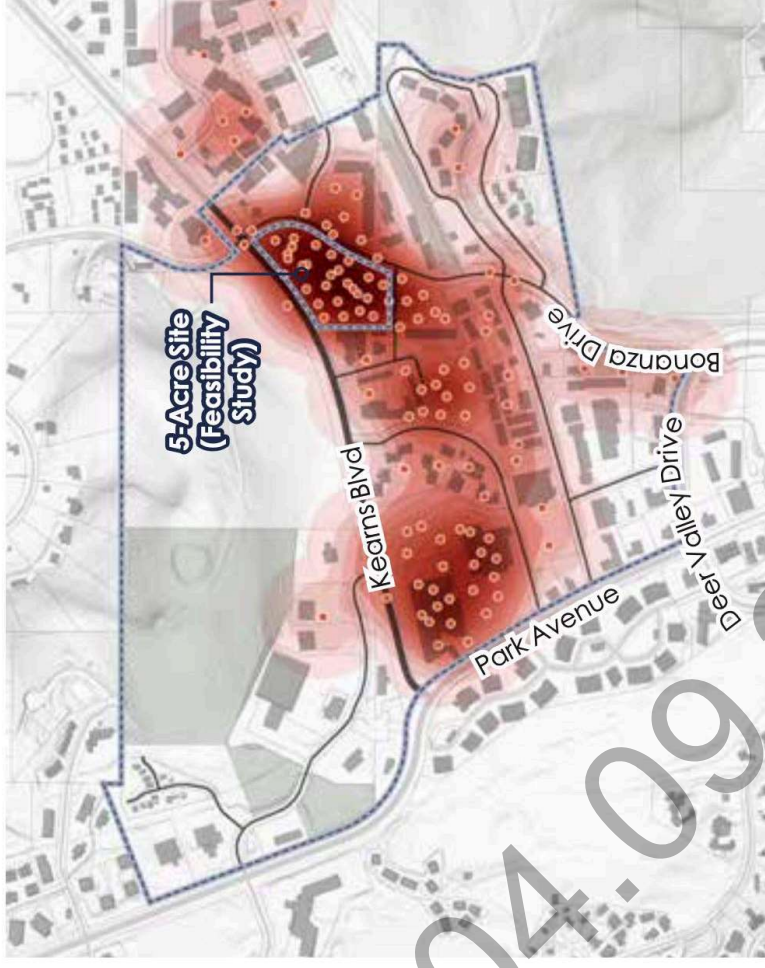


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1800 Park



Community Meeting:
Places Parkites Want Changed or Improved



The top 3 improvements included (1) Finding a new home for the Kimball Art Center, (2) adding more affordable housing, and (3) improving multi-modal connectivity

Community Meeting: Places Parkites Love



The top 3 favorite places included (1) Kimball Art Center, (2) Restaurants/Shops on Iron Horse Drive, and (3) the Rail Trail.



ELLIOTT WORKGROUP

1800 Park

1800 Park

March 26, 2025





Child Care Land Use

LMC Amendments

PL-24-06006
March 26, 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
- January 8, 2025: Planning Commission Work Session



Child Care Land Use

Changes since January 8

- Administrative Permit remains where currently allowed in non-Residential Zones (RC, RCO, GC, and LI).
- Removing provision for Planning Commission to require in MPDs.
- Parking exemption for existing Historic Buildings and Structures.
- Planning Director annual review of issued Permits to mitigate any outstanding issues if there are any complaints.



Child Care Land Use

Summary

- Eliminates Family Child Care definition outlined in LMC and expands In-Home Babysitting definition to include provision of Child Care for up to eight children
- Changes level of review for Child Care facilities that currently require CUP reviewed by Planning Commission to ACUP review before the Planning Department
- Revises review criteria for Family Group Child Care and Child Care Centers to remove potential regulatory barriers for prospective Child Care providers
- Amends LMC to align with state regulations, including a provision that allows Child Care providers to operate a facility in one additional location outside of their primary residence



Child Care Land Use

Summary

- Provides more flexibility for alternative parking arrangements for Child Care facilities
- Requires applicants seeking approval for a Child Care facility to provide notice to property owners within a 300-foot radius of the proposed facility
- Removes provisions that allows the Planning Commission to require Applicants for MPDs and AMPDs to designate and plan a site for a Child Care Center if the Commission determines that the project will create additional demands for Child Care



Child Care Land Use

Recommendation

- (I) Review the draft ordinance outlining Land Management Code Amendments relating to Child Care land use regulations, (II) conduct a public hearing, and (III) consider forwarding a positive recommendation for City Council consideration on June 5, 2025.

