



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 9, 2025**

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

EX OFFICIO: Rebecca Ward, Planning Director; Virgil Lund, City Planner; John Robertson, City Engineer; Mark Harrington, Senior City Attorney; Planner II, Jaron Ellers; Senior Planner Alexander Barton

1. ROLL CALL

Chair Sarah Hall called the meeting to order at 5:30 p.m.

2. MINUTES APPROVAL

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

MOTION: Commissioner Suesser moved to APPROVE the Planning Commission Meeting Minutes from March 26, 2025. Commissioner Frontero seconded the motion. The motion passed with the unanimous consent of the Commission.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward reported that there is an upcoming neighborhood Open House for the General Plan Project scheduled for Monday, April 14 for the Prospector Neighborhood. It will take place at the Sheraton in Ballroom Four at 5:00 p.m.

Director Ward reminded those present to sign in and state their names for the record, limit public comments to three minutes or less, and address the Planning Commission directly.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. REGULAR AGENDA

- A. 2685 Meadow Creek Drive – Modification to Plat Amendment –** The Applicant is Proposing to Modify the Smith Subdivision First Amended Plat Amendment Approved by the Planning Commission on March 13, 2024, to Shift the House and Barn Building Pads and Driveway Easement to Comply with an Updated Wetlands Delineation Located in the Single Family and Estate Zoning Districts and the Sensitive Land Overlay. PL-25-06415.

Chair Hall reported that there was a request for a continuation regarding the above matter to June 11, 2025.

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

MOTION: Commissioner Suesser moved to CONTINUE the Modification to the Plat Amendment for 2685 Meadow Creek Drive Public Hearing and Consideration to June 11, 2025. Commissioner Frontero seconded the motion. The motion passed with the unanimous consent of the Commission.

- B. 7900 Royal Street – Conditional Use Permit –** The Applicant Proposes to Construct a Vehicle Control Gate at the Double Eagle at Silver Lake Condominiums in the Residential Development Zoning District and Sensitive Land Overlay. PL-25-06392.

City Planner, Virgil Lund presented the Staff Report and reported that in March 1993, the Double Eagle Master Planned Development was approved. The surrounding gates have Conditional Use Permits (“CUP”) that have been approved. The Mill Estates vehicle control gate was approved in 1999 and the Sterlingwood Court vehicle control gate was approved in 2004. An overview image of where the gate will be located was presented in relation to the existing private road. A rendering showing where the proposed gate will be located was presented. Subsequent to the Sterlingwood Court and Mill Estates approvals, the Planning Commission requested a Land Management Code (“LMC”) amendment to establish specific criteria for vehicle control gates. In March of 2004, the City Council approved the LMC Amendment adding the vehicle control gate criteria. The proposal was found to comply with the Residential Development Zoning District requirements.

Planner Lund reported that the proposal was found to meet the criteria found in LMC 15.4.19 but specifically the criteria in item D. It states that “There is a major traffic or parking generator or use such as the ski area base at lower and upper Deer Valley Resort and Park City Mountain Resort within a 900-foot walking distance of the private street entrance and there is evidence of spillover parking or other vehicular activity on a regular basis throughout the season.” The proposed condition complies with all other criteria for vehicle control gates found in the LMC. Additional background for that specific criterion

was provided. Planner Lund referred to a map created by staff to show the walking distance from the proposed gate for Double Eagle to the Silver Lake Village Base Area which is approximately 958 feet. The applicant also provided a map calculating the walking distance in a slightly different manner by crossing Royal Street down to Silver Lake Village at a distance of 899 feet.

Planner Lund reported that there is an existing public ski access easement that will not be impacted or affected by the vehicle control gate. The map on the right shows the existing public access easement highlighted in yellow with the gate shown in red. It will not be affected and the public will still be able to access the easement off of Royal Street and the Deer Valley Ski Trail. A Public Utility Easement ("PUE") is located within the private road. The Engineering and Water Departments added Conditions of Approval numbers three and four. Finding of Fact 10(G)(2) was added to the Final Action Letter clarifying that the proposed vehicle control gate will not affect the existing public ski access easement. Staff recommended the Planning Commission review the proposal and consider approving the CUP based on the Amended Final Action Letter.

The applicant, Gus Sharry from Canyon Engineering, was present and available to answer questions. He acts as the Project's Civil Engineer and was accompanied by three owners who wished to comment.

Homeowners Association ("HOA") President, *Ann Finer-McCarthy* reported that she has been a homeowner since the project was built in 1993. Since then there have been many changes in the Deer Valley area. At that time, there was no Empire Canyon and much of Silver Lake was open. In the first 10 years, there were no instances of people coming onto the property and misusing it as they have in the past 10 to 15 years. There has been an instance of a live break-in when a family was present. People also seem to be able to access the main building through the garage and have been found inside looking for opportunities. There have been two significant robberies in the past few years. One was in the condominium next to Ms. Finer-McCarthy's. The garage door was opened and the various equipment stolen. One of the most serious problems takes place in the summer when people park in private driveways to avoid paying for parking. She has witnessed people dropping off bikes and bikers and pulling them up their private steps causing damage. As a homeowner, mother, and grandmother, Ms. Finer-McCarthy has noticed increased belligerence of people. Two summers ago she was in her garage when a trailer pulled up and began unloading bicycles. She asked the person to stop and informed them that they were on private property. The person became argumentative and Ms. Finer-McCarthy was frightened and went inside her home and observed through her back window. She urged the Planning Commission to grant the homeowners an easement to allow for a gate to avoid future problems.

Jerry Grenhoffer reported that he has owned property at Double Eagle for 26 years and a Park City resident for the past six years. Public comments have been received from homeowners. In one instance, a car ran into and destroyed his garage. Fortunately, the

Police Report states that the crash took place shortly after the Grenhoffers left their home. Mr. Grenhoffer reiterated that in the winter months, skiers walk up the stairs, which are on private property. On weekends, hundreds of people walk around the roundabout because all of the other HOAs are gated. He considered a gate to be essential for the safety of residents and to eliminate the nuisance that exists.

Commissioner Suesser asked if the driver who crashed into Mr. Grenhoffer's garage was visiting another resident. Mr. Grenhoffer was not provided with that information from the police.

Chair Hall opened the public hearing.

Mitchell Burns identified himself as Mr. Grenhoffer's neighbor and stated that he has owned his property since 1994. He lives in Park City year-round and has been concerned about trespassers using their property unlawfully. He commented that sometimes he cannot get out of his driveway. They have tried to be good neighbors but many people become combative. He supported making the proposed upgrades.

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

Commissioner Frontero reported that he visited the site earlier in the day with Planner Lund. He did not see a private property sign posted near the entrance. Ms. Finer-McCarthy responded that they have posted numerous signs to that effect but they have all been stolen. Commissioner Frontero stated that perhaps it is unclear that it is private property. He was surprised that bikers would consider the stairs to be accessible.

Commissioner Suesser questioned the complaint about the bicycle access since there are no bike trails immediately adjacent to the top of the steps. She was amazed to hear someone would consider that a convenient location to start a bike ride rather than going to the roundabout near Silver Lake. Commissioner Suesser asked if there was evidence of commercial outfitters dropping off clients. Ms. Finer-McCarthy suspected that that is who they are as they have flatbed trailers with bikes tied down with a van full of bikers. She did not believe they were private groups.

Commissioner Suesser appreciated the applicant's request to put up the gate and was sympathetic to the concerns of the residents. It was, however, clear that the Commission is concerned about additional gates similar to the ones erected in Sterlingwood and Knoll Estates. She explained that the Code was amended accordingly to include restrictions with respect to when gates are and are not appropriate across a right-of-way. She did not believe that the current request complies. There is no evidence of spillover parking and she did not consider the situation to be an ongoing health, safety, and welfare issue. In addition, there is no congestion or thru traffic on the streets in the neighborhood. She stated that the application fails to meet the two criteria required to grant the request for a gate. She referenced LMC 15-4-19(A) and (D).

Commissioner Sigg asked if the shared driveways are part of a limited common area into the cul-de-sac. Planner Lund clarified that it is common area. Commissioner Sigg stated that, therefore, there is no implied right to a driveway from a property owner because it is common area for the entire development.

Commissioner Frontero was sympathetic to the situation and stated that the Code makes it challenging for him to find the request to be compliant. His opinion was that the request fails to meet the standard required by the Code.

Commissioner Sigg concurred with his fellow Commissioners and agreed that the Commission must enforce the Code. He agreed that the request does not meet the Code requirements.

Mr. Grenhoffer failed to see how the request would hurt anyone and does not block access to any ski area. The residents are simply asking to be able to keep people from driving into their neighborhood, parking in driveways, and preventing residents from being able to get out. He wanted to have a conversation about what the residents can and cannot do to protect themselves.

Senior City Attorney, Mark Harrington, reported that the homeowners have a number of options. One is, as a group if they feel they have additional information in response to questions raised by the Commission, they can request a continuance and an opportunity to present additional evidence. With regard to additional rights, the applicants can work with staff or the Police Department to better understand what rights of exclusion they have on their private property. The Commission's job is to make findings specific to the criteria before them. They must make a decision based on the Code.

Mr. Grenhoffer got the impression that the Commission does not care about the residents and asked what can be done when people park in his driveway. Mr. Harrington offered to meet with him after the meeting. Mr. Grenhoffer preferred to have a discussion now, during the public meeting. Mr. Harrington explained that that is not appropriate and that the application is based on specific criteria that are to be considered by the Commission.

Chair Hall asked if the applicants would prefer to request a continuance as it seemed that there was a consensus for denial by the Commission.

Mr. Grenhoffer asked if the issue was that they exceed the 900 feet required. Commissioner Suesser stated that that is not the most significant issue in her mind in terms of Code compliance. She was most concerned about the lack of evidence presented regarding the frequency of people coming into the cul-de-sac and turning around or unloading bikes and bringing them up the stairs. She did not doubt it was happening but stated that the Commission must base its decision on significant evidence.

Commissioner Sigg echoed Commissioner Suesser's statements about providing empirical evidence. He empathized with the residents and understood their concerns but wanted more concrete evidence to back up the claim that there is constant traffic, parking, and unloading of bikes and bikers. With regard to burglaries and belligerent behavior, it was difficult for him to isolate that because they that can happen anywhere. He would like to see more support for the gate and look at health, safety, and welfare issues. He was, however, not convinced by the evidence provided.

Director Ward reported that the Commission's findings are based on LMC Section 15.4.19(A) with regard to the need to address ongoing health, safety, and welfare situations or to mitigate traffic and parking congestion. Criterion D addresses the impacts of major traffic or parking generation. It was noted that the public hearing could be continued to a later date to allow staff to work with the applicants to provide more information on the two criteria for Planning Commission consideration. Commissioner Suesser referenced the last phrase of LMC 15-4-19, which asks for evidence of spillover parking or other vehicle activity on a regular basis throughout the season.

It was noted that four Commissioners were present and the Chair does not vote unless there is a tie.

Commissioner Frontero questioned whether the 900-foot requirement is an issue. Commissioner Suesser did not consider it an issue. She felt that the HOA entrance is close enough to the Upper Deer Valley base for there to potentially be an issue and for the Code to apply. She felt they were close enough to the upper base to justify a gate if that were the only issue. She was not advocating for the applicants to install costly security equipment but felt that further evidence would be helpful.

Commissioner Frontero did not consider the 900 feet to be an issue. It was more the substance of the reported problem and the Commission being able to evidence that. Commissioner Sigg did not consider the 900 feet to be an issue because, as demonstrated, there are several methods to measure the 900 feet based on crossing Royal Street. It was reported that since the last gate was approved, there have been changes to the Code. The applicants made a decision to continue the matter.

MOTION: Commissioner Suesser moved to CONTINUE the 7900 Royal Street Conditional Use Permit and Public Hearing to a date uncertain. Commissioner Sigg seconded the motion. The motion passed with the unanimous consent of the Commission.

- C. 1750 Kearns Boulevard (Treasure Mountain Junior High School and Park City High School) – Conditional Use Permit –** The Applicant is Proposing Two Soccer Fields, Eight Tennis Courts, Eight Sets of Bleachers, Four Batting Cages, Three Accessory Structures, One Scoreboard, One

Baseball Field, and One Softball Field in the Recreation and Open Space
Zoning District and Sensitive Land Overlay. PL-24-06236.

City Planner, Jaron Ellers, presented the Staff Report and was joined by City Engineer, John Robertson. Ryan Blair of the Environmental Regulatory Department participated remotely and was available to answer questions regarding soils. Also present from the Park City School District were JD Simmons and Todd Hansen. It was reported that the application is a Conditional Use Permit ("CUP") for a Public Recreation Facility on the Park City School District Campus. It is to be in two locations on the campus with one in the area at and around Dozier Field near the high school and the other in the location of Treasure Mountain Junior High School, which is scheduled to be decommissioned and demolished. With Treasure Mountain, several things were being proposed such as a baseball court, sports field, batting cages, tennis courts, soccer fields, bleachers, dugouts, and two support buildings. There is a Condition of Approval that there be no time limit on the application as the school district intends to move forward with the baseball and softball fields. They have not yet set a date as to when Treasure Mountain will be razed. The proposed baseball field is 50 feet from the stream, which is on neighboring City property. There are also Conditions of Approval requiring no disturbances beyond the existing fence between the current Treasure Mountain Campus and the north 40 area that will not and has not been disturbed.

Within the Frontage Protection Zone ("FPZ") there is a proposal to widen an existing multi-use pathway to 12 feet in width. Staff recommended a Condition of Approval that would prohibit outdoor pickleball. If the district wishes to pursue that option, it can return to the Commission to consider specific mitigation measures. Furthermore, there is a Condition of Approval reiterating that all recreation lighting, parking lot lighting, and any other lights comply with the City's Dark Sky Ordinance. As part of that, the recreation lighting will have to be shut off by 11:00 PM.

Renderings of the interiors of the two accessory buildings proposed for the Treasure Mountain site were presented. One would contain storage, bathrooms, and team rooms. The other one will have concessions, larger bathrooms, more storage, an announcer booth, and scoreboards. Backstop netting is proposed behind home plate. The netting is proposed to be 40 feet in height, which exceeds the Recreation and Open Spaces Zone height of 28 feet. Staff recommended a Condition of Approval that either the school district comply with the zone height of 28 feet or seek a variance from the Board of Adjustment for the proposed height.

For Dozier Field, the proposal is to retract the track with a potential expansion of the larger bleachers on the home side of the football field. There is also a proposal for an entrance/gate where there will be a ticketing booth. There is a proposed two-story north building and a bus lane that would expand the existing emergency lane to allow school buses and emergency vehicles to go from the parking lot to Lucky John Road. The Conceptual Plan for the North Building was presented. The lower floor will contain the

team rooms and team facilities. The top floor will be for public facilities such as bathrooms, concessions, and the banquet room. A cross-section was presented of the proposal for the North Building. The building will not exceed the zone height of 28 feet. The applicant is proposing to create a landscaping berm behind to provide screening from neighboring properties.

The Conceptual Floor Plan was presented for the proposed Ticketing Booth. With regard to the bus lane, staff recommended that a Condition of Approval be added to ensure that it is limited to school buses and emergency vehicles. It will require the school district to install a vehicle control gate to prevent egress of any other vehicle besides school buses and emergency vehicles. All other vehicles in the Park City School District lot will have to enter and exit from Kearns Boulevard. The proposed Conditions of Approval were reviewed. The public comments received were to be provided to the Commissioners. Staff recommended the Commission hold the public hearing and consider approving the application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval set forth in the Draft Final Action Letter, as amended.

Commissioner Susser asked staff to describe the circulation of the buses and whether they will circulate through the new bus lane for emergency purposes only or if it will be a regular bus byway. Mr. Simmons responded that currently, that is just an option. They are currently conducting a Traffic Study. It was designed to be an emergency vehicle lane for Fire and EMS. It is already designed for heavy trucks and has become a clear option for buses to exit to mitigate problems on Kearns Boulevard.

Commissioner Suesser asked if the new proposed bus lane connects to an existing parking lot so that buses can go from Kearns Boulevard through the parking lot and then out onto Lucky John. Mr. Simmons confirmed that there is a parking lot there. It is designed only for emergency vehicles. There are gates and security measures in place to prevent other vehicles from passing through. That, however, was identified as an option. Circulation issues were discussed.

It was clarified that there is an existing access point onto Lucky John Drive that they will tie into. The proposal is for the gates to be on Lucky John Drive to prevent egress as well as from the parking lot of Park City High School. Part of the consideration is the addition of 400 students at the high school. The district is currently evaluating the increased traffic flow as well as bus traffic. The study Mr. Simmons mentioned involves evaluating that as a potential so that the drive lane can be used as a dual purpose during pick up and drop off for bus traffic. A Traffic Study was not triggered because there will be a gate and it is for emergency vehicles only. Planner Ehlers stated that as drafted, it will be for school buses and emergency vehicles. The Condition of Approval could be amended to make it clear that currently it is only for emergency vehicles. The applicant would have to return to the Commission for a review of an expansion for buses.

Commissioner Sigg had a clarifying question regarding the buses. It was confirmed that the buses are for students of the school and not for team buses that transport athletes to the facility.

Chair Hall reported that Commission VanDine was unable to be present but provided Staff with preliminary input related to ensuring that the lighting will not impact the neighbors. She also wanted to ensure that the Conditions of Approval protect the wetlands during construction.

Chair Hall inquired about lighting and referenced the public comment that was submitted. She asked that the bike parking be highlighted as well. Mr. Simmons responded that it is proposed that lighting be on the Treasure Mountain sports field similar to the existing Dozier Field site. The masts are 80 feet. He recalled that there is a requirement in the Staff Report that they be at 70 feet for the new improvements at Treasure Mountain. Mr. Simmons and his team feel they can comply with that requirement. The limited window and daylight opportunity for teams to practice is exacerbated in this area so the sports lighting adds a great feature for the school and patrons to be able to use it after hours. They had no concerns with the proposed recommendations in terms of times and requirements for foot candles. He explained that the sports lighting will be shut off by 11:00 PM per the Staff Report. There could be a valuation if that needed to be adjusted.

Director Ward explained that for the parking lot lighting, a Condition of Approval could be added that they be on a timer. There could also be a requirement that they be on a sensor so that the impacts of the lighting in the parking area are mitigated. It was suggested that all of the lighting be on a timer. Director Ward explained that for recreation lighting the Code specifies that it be within 30 minutes of the event ending but no later than 11:00 PM. For the service area parking, there could be additional Conditions of Approval that those only be triggered if there is a motion sensor or similar that reduces the amount of time that the outdoor lights are on.

Bike parking was next discussed. Mr. Simmons explained that in the original Conditional Use Permit for the expansion of the high school, one of the conditions was to provide bike parking. They discussed adding it here as well but it did not show up on the drawings. He explained that they are very willing to provide bike parking.

Director Ward clarified that the trigger for the bike parking is based on new parking spaces. In this case, they are reducing that. They would add an additional Condition of Approval with respect to bike parking associated with the recreation fields that would be in addition to what was required for the addition at Park City High School and McPolin Elementary School.

Commissioner Sigg asked about the size of what appears to be the baseball fields and if there is enough distance to keep home runs off of Kearns Boulevard. Mr. Simmons

explained that the north field is specifically used for baseball. The South Field will be dedicated to softball.

Commissioner Suesser asked about the location of the tennis courts. Her understanding was that pickleball will not be permitted where it is proposed. She reported that the tennis courts abut the Nature Conservancy wetlands to the north. She wondered if consideration was given to placing the courts on the south side of the property closer to Kearns Boulevard where there is more noise. She commented that if pickleball is ever allowed on the courts it would be very disruptive to the sanctuary in the rear.

Mr. Simmons explained that baseball and softball drive much of the real estate use for the site and there are limited locations for the multi-use sports fields and the tennis courts. A number of studies were conducted that evaluated pushing it closer to Kearns Boulevard, however, they found that the potential for the sports fence was, from an aesthetic standpoint, invasive and creates more open space. He supported having the open fields back the tennis courts. He was sympathetic to the concerns regarding the adjacency to the wetland area and neighbors, which was why pickleball was not being considered. It was noted that the fields will be for school use and not open to the public.

Chair Hall opened the public hearing.

Gina Rossi gave her address as 1760 Lucky John Drive and stated that she is the Vice President of the Holiday Ranch HOA Board. She was joined by several neighbors and board members. She felt that consideration of Lucky John Drive in the planning process was lacking. She referenced comments that noise from pickleball could disrupt neighbors and potentially birds yet she had heard nothing about commercial lights, a 13,200-square-foot recreational banquet facility, a parking lot, and concession stands. She lives on Lucky John Drive behind the high school and when she moved in, there was open space in front of her home. She now has the back of the new addition, which violates the Code as there is commercial equipment that is not screened. They are now proposing to take another part of Lucky John Drive and create more traffic, noise, and disruption to the neighborhood. She stated that there has been very little reference to Lucky John Drive but much to 1750 Kearns Boulevard. She noted that Kearns Boulevard is a commercial thoroughfare. Lucky John Drive is a residential street with full-time homeowners and residents.

Ms. Rossi explained that the neighbors were all aware that they would living near a school but the development taking place across from them is absurd considering there was a meeting the previous night talking about how people are upset that large 5,000-square-foot homes are being built in Park Meadows. What is being built is damaging property values and decreasing the quality of life. She noted that pickleball was eliminated because it would "bother the residents" but a 13,200-square-foot 28-foot high support building would be very close to Lucky John Drive. She questioned why they would not locate traffic-causing, light-impacting, noise-impacting, quality-of-life-impacting structures

closer to Kearns Boulevard. Ms. Rossi was concerned that very little consideration had been given to Lucky John Drive. Residents have been involved in the process but have gotten no response. They are concerned that there will be a significant impact.

Jonathan Wilson gave his address as 1650 Lucky John Drive and stated that the plan is to place a very tall building on a built-up grade. This means that the 28-foot building will be much higher. Mr. Wilson reported that he is the President of the Holiday Ranch HOA. In November, he attended a School Board Meeting and spoke to Mike Tanner when the plans were approved. Mr. Tanner informed him that it is just a sketch and the building can be built anywhere on the site. Since then, he has called and emailed Mr. Tanner multiple times as well as the architectural firm and received no response. On March 18th when the School Board met, he was unable to attend. He commented that the process feels inappropriate.

Mr. Wilson reported that the buses should remain on Kearns Boulevard. Lighting was also of concern and is currently across the street from Lucky John Drive, which is at a higher grade and shines into people's windows. It did not appear to be Dark Sky compliant. He was concerned that a Traffic Study was not conducted and wanted to get more involved in that.

Brian Wheeling gave his address as 1730 Lucky John Drive and stated that he continues to hear that what is proposed is conditional. This is a neighborhood that seems to have been completely disregarded in order to turn it into a back street egress for the school, which is unacceptable. The building began as a low-level structure so he was not sure why it needs to be on Lucky John Drive. Making it 28 feet was unacceptable. Mr. Wheeling stated that the neighbors proposed alternative locations for the concession stand at less than 28 feet either to the east or west. The buses coming in were of concern due to people living nearby. As a neighbor, he considered what is proposed to be completely unacceptable. The neighbors spoke the previous night with the school board and would like to meet with the architect, planning, and engineering to visit Lucky John Drive and see what the impact would be.

Mike Engle gave his address as 1700 Lucky John Drive and stated that his driveway is directly across from the area in question. On three or four occasions buses and construction vehicles have knocked over his mailbox. The situation is very invasive. The construction that has taken place has been sloppy and will only get worse. He questioned why it cannot be placed on the west or east side of the stadium. He has heard from his fellow HOA board members but they have gotten no response from the district. He wanted to be involved. Noise will be an issue and he asked that they be given some consideration.

Todd Coleman reported that he lives on the corner of Lucky John and Monitor Drives. He noted that since construction began at the high school they have seen exponential growth in traffic in the neighborhood. That has been the case throughout Park Meadows. That

is because much of the parking has been moved to the high school. Earlier in the day there were at least 150 cars at the church on Lucky John Drive and Monitor Drive. Everyone understands that students have to park somewhere while construction is underway. When the school was originally built, there was an agreement about not having access through the neighborhood. His recollection was that the neighborhood gifted the land to the school district. The parking has since spread through the church parking lot. A great deal of traffic has been seen at that intersection, which is near his home. He considered what was being proposed to be unnecessary due to the proximity of the school. He supported the sports fields but not a bus lane or future access. They are already experiencing a lot of construction, school, delivery, and mechanical traffic and they need to complete the construction project. He noted that this problem impacts not only Lucky John Drive but all of Park Meadows.

Chair Hall reported that the Commission received the written comments submitted prior to the meeting, which will be made part of the record.

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

Commissioner Suesser referenced the image depicting the football field and the new structures and noted that on the north side of the image, there is a light gray line outside the new red structure. She asked if it depicts the balcony described. Mr. Simmons stated that it is a retaining wall or mitigation of the grade that is adjacent to Lucky John Drive. There is a slope so the intent is to add rock retaining, trees, or vegetation there. In the existing site from Lucky John Drive to the track surface, there is a seven to eight-foot berm. He referred to the cross-section and stated that the support functions for the track facility for the field would be at the lower level. The berm on the Lucky John Drive side will be to mitigate some of the height that will be visible from the street. The 28 feet will likely be less than that.

Commissioner Suesser asked about the proposed uses in the new structure on the north side of Dozier Field and asked if the Team Rooms are Locker Rooms. Mr. Simmons stated that they are to be used by the team during games and seasons. The spaces are multi-functional. Space is also provided for visiting teams. The current existing high school is woefully inadequate for those types of spaces. The addition that was added to the east side will accommodate the 400 additional students that were brought onto campus. It did not address any of the sports or athletic needs identified in the previous Master Plan. The proposal is to add team rooms, concessions, and support spaces that a typical high school in the State of Utah would have. These are sized at a smaller scale than are normally seen for a high school of 1,600 students. The Banquet Rooms will also be multi-functional spaces that will allow for events during or after school.

In response to a question raised by Commissioner Johnson, Planner Ehler confirmed that Treasure Mountain is in the Sensitive Lands Overlay ("SLO"). A question was raised regarding why the City did not require an SLO analysis with the application. Planner

Ehlers displayed that the zoning map and identified the SLO. Director Ward stated that it is proximate to the stream and wetlands and not steep slopes. It is not near a ridge line area. The applicant went through the process with the SLO and submitted the letter from the Army Corps of Engineers. The visual assessment pertains to the ridge line area.

Commissioner Johnson suggested an additional Condition of Approval requiring a Fugitive Dust Control Plan for the entire project to mitigate any potential impacts on the adjacent wetlands, residential, and elementary school. It is required for any disturbance of one acre and over and needs to be included in the Conditions of Approval. He also clarified the Condition of Approval requiring the Stormwater Pollution Prevention Plan ("SWPPP") per State Code.

Commissioner Johnson asked about the timeline for the current construction to be complete. Mr. Simmons stated that it will be completed in time for the upcoming school year in July or August. Commissioner Johnson recalled a Condition of Approval for the sidewalk along Lucky John Drive to be widened and graded as part of that plan. Mr. Robertson confirmed that to be the case. He suggested that the Condition of Approval be adjusted for the bus lane to specify that it should be for emergency vehicle access only. He noted that they do not know if a Traffic Study is required or how many buses will go in there. He considered requiring a Traffic Study to be common sense.

It was recommended that Condition of Approval #15 be modified to strike "a school bus" from the fourth line. A sentence should then be added at the end to state "If additional bus use is proposed, the applicant shall return with a Traffic Study for modification to the CUP." Commissioner Johnson asked that, based on the public comments received, that all mechanical equipment be screened using sound-dampening materials along the north side of the property.

Mr. Harrington reminded the Commission that special rules limit what the City can and cannot do. The school district has been a great partner but this is a gray area in terms of suggested language for a Condition of Approval regarding aesthetic shielding. If the school district finds it acceptable, it can be added. If they have an issue with it, they can study it further. Commissioner Johnson clarified that he was speaking to this application and not the previous one.

Commissioner Johnson clarified that the request would be that generator installation at either field be screened along with any other mechanical equipment. The applicant had no objection to that. A consensus of the Commission Members agreed.

Commissioner Suesser recalled that the previous proposal submitted by the school district rejected and locker rooms were included in that proposal. She asked if the current construction taking place at the high school includes gyms and locker rooms. She recognized the necessity of the two-story building on the north side of Dozier Field.

Mr. Simmons explained that in 2020, a Master Plan was completed that evaluated an entire expansion or rebuild of the high school. At that time, it was determined that the athletic facilities were inadequate. The current expansion on the west side of the building does not have any additional athletic or locker room spaces. It is merely a classroom edit. Athletics were pushed into an additional funding package that was approved by the school board last year and focuses on the improvements to Dozier Field and Treasure Mountain. Mr. Simmons explained that there is a distinction between the Physical Education ("PE") lockers that are used daily. What is proposed will be used for after-school activities and events or visiting teams.

Commissioner Suesser expressed concern about the lighting and recalled that they would be subject to the Park City Dark Skies Ordinance. She noted that City Field does not need to comply with that requirement. Director Ward explained that the Dark Sky Code includes regulations for outdoor lights specific to recreation facilities. What is proposed will be conditioned to comply with those. She stated that some outdoor recreation lights are Dark Sky compliant. With the recreation lights, there are additional requirements. How the recreation lighting is measured pertains to the average horizontal foot candle. There are also additional requirements regarding when those must be turned off. The lights over City Park were recently updated as were the lights at the Sports Complex at Quinn's Junction and are Dark Sky compliant for recreational field lighting.

Commissioner Sigg inquired about the noticing requirements and was concerned with some of the comments about residents of Lucky John Drive being kept in the dark. He asked for background information on the school board's noticing procedure for property owners within close proximity to the proposed development. He also asked what steps were taken by the school board to engage the public.

Mr. Simmons explained that it was part of a Master Plan that was presented in August and every month thereafter until they got to a final plan. The regular notice would be with the school board similar to any other meeting that gets published. It was reported that there were a number of board discussions at the school board level that were broadcast per their regulations. Scott Later from MHTN Architects reported that their contractual relationship is with the district with their primary contact being Mike Tanner. Mr. Tanner is no longer with the district, which could have led to some of the conversations falling short. They followed the noticing requirements per Park City Municipal Code.

Director Ward clarified that there is a process that the Planning Commission follows. Mr. Later recalled that a normal meeting notice was provided per the applicable requirements. Commissioner Sigg stated that there have been comments from the public who did not feel that there had been proper communication with the applicant. It was clarified that the proper procedure was followed with confirmation from staff. Mr. Later stated that it predated this application when the school board was formulating a plan. He questioned the consideration given to the public.

Commissioner Johnson reported that there is no sunset clause. Planner Ellers commented that the Code provision is tied to the Building Permit and the applicant does not need to receive the Building Permit from the City. In addition, it is to be phased in different segments and not all at once. For that reason, staff recommended there be no sunset provision. Commissioner Suesser clarified that the reference was to Condition of Approval #4 that states there is no time limit to the lifespan of the Conditional Use Permit. Planner Ellers stated that the applicant is applying for a Conditional Land Use Permit with the City. Per State Law, they are not required to obtain a Building Permit from the City.

A question was raised as to whether the Commission could condition a time span on the CUP. Director Ward stated that they could and indicated that there are examples in the Code where the applicant would be required to obtain a Building Permit within one year of the CUP issuance. As long as they have an active Building Permit and are moving forward with the project, the CUP will remain valid. As a result, the Planning Commission could include a timeline so that the matter is reviewed periodically if they have not started work on the next phase. As conditioned, if there were modifications proposed from what was outlined, they would need to return to the Commission to modify the proposal. Because it is not tied to a Building Permit, support was expressed by the Commission for the wording of Condition of Approval #4.

A member of the public wished to speak. Chair Hall indicated that typically the Commission does not reopen public hearings, however, because she was not present in Chambers, she asked if the Commission felt it was appropriate to do so. The public hearing was reopened.

Jonathan Wilson reported that he was not notified by the school of anything happening. He attended a school board meeting in November and spoke to Mike Tanner afterward to get details on the plan and then received no return calls. He also contacted the architectural firm who also did not respond. He did not receive notice of the March meeting where approval was granted. He expressed frustration with the process.

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

Chair Hall referenced Condition of Approval #8 regarding a maximum width of 12 feet and asked why that was included. Planner Ellers stated that staff wanted to memorialize the size of the path because there will not be a Building Permit review. Director Ward addressed why it is limited and stated that under the multi-use path, the recommended width would be at least 12 feet. The existing multi-use path is not 12 feet so there could be an update to reflect that the multi-use path in the FPZ may be expanded or increased to 12 feet in width.

Chair Hall asked about the bike parking and for clarification on where it will be located and Treasure Mountain and Dozier Field. It was noted that at Treasure Mountain, it has not been fully evaluated but the applicant assumed that space would be provided between

the soccer, baseball, and softball fields. An emergency lane needs to be maintained in that path but that is the main public entrance. At the Dozier Field site, the current proposal associated with the previous approval is to place bike racks between the addition and the existing building. They could also evaluate whether there is additional space associated with the entry pavilion piece when entering Dozier Field. It was noted that originally, covered bike parking was proposed. Chair Hall felt that a Condition of Approval would be appropriate to ensure that there is adequate bike parking. A consensus of the Commission Members expressed support.

Commissioner Suesser asked about the parking that is required at the Treasure Mountain Sports Complex. It was confirmed that no Traffic Study was submitted. Director Ward explained that what is proposed will be a reduction.

Commissioner Johnson had concerns about the noticing of the project and found that there could be a scenario given the recent turnover of Mr. Tanner leaving the district if he was in charge of providing public notice. He felt there could be a scenario where this was not noticed properly. Consideration should be given before taking a vote and perhaps allow for additional public notice and discussion on the plans.

Mr. Harrington remarked that they have to distinguish between school district notice and City notice. The only thing that is properly before the Commission is the City notice. It was confirmed that it was done properly. As a result, it would be inappropriate to delay action based on a presumed concern of another process. That would be a bad precedent to set. It is not within the Commission's power to delay action based on what another jurisdiction did or did not do because it is not germane to the Commission's decision and involves a separate approval process. He was, however, happy to relay the Commission's concerns but they have no legal bearing on tonight's proceedings.

Chair Hall recalled that on the other plan, a landscaped area was shown in light green. She hoped to see a Condition of Approval with regard to using the north end along Lucky John Drive. She hoped to see a visual shield along that north end and require a landscape buffer between the sidewalk and the structures.

Commissioner Sigg commented that since no Building Permit will be sought, he wanted to see more data. He noted that what is proposed is essentially a berm and a sloping hillside with landscaping. Earlier in the day he heard about the potential for a retaining wall which he would like details on. Because there is no Building Permit required, he would be concerned and would want specifics on the rules that would apply to the landscaping component as it relates to the potential for any wall work. He asked that more detail be provided. Commissioner Suesser agreed and stated that the width of the landscape buffer zone is not indicated.

Mr. Simmons remarked that it varies along the length of Lucky John Drive. He offered to provide the dimensions and the quality and type of landscaping to be installed. He noted

that they continue to work through the grading issues in the area. It was not expected that there would be retaining walls of the magnitude discussed. They are anticipating two to three-foot rock walls that will help create a 3:1 slope against the building. The intent of the buffer zone is to blend in with the residential neighborhood to the north. It was anticipated that the building would be placed against the hillside with no space between the hillside and the building to the rear. The entire first level of the building will be obscured or underground.

Chair Hall commented on the proposed lighting and felt that was a lot to be on Lucky John Drive potentially until 11:00 PM. She felt that a 10:00 PM cutoff time would be preferable. Director Ward explained that the Code specifies that lights be shut off 30 minutes after an event ends or no later than 11:00 PM. Mr. Simmons stated that the lights can be turned off immediately by staff remotely from their phones. They first dim the lights to let people know that they are closing down.

Commissioner Suesser referenced the use of the Treasure Mountain Sports Complex and asked if any consideration was given to allowing the public to use the fields, particularly in the summer months when school is not in session or providing it for municipal purposes. Mr. Simmons stated that there was consideration for that but no one had yet expressed enough interest to start a conversation. They would, however, consider it.

Commissioner Suesser was concerned about the configuration and where the tennis courts are to be located. If they are quasi-public and used for pickleball, she did not feel they were in the right location given the sensitivity of the north property.

Commissioner Sigg added that although the Commission has seen a letter from the US Army Corps of Engineers regarding siltation into the creek to the east, he asked if there were any habitat issues to the property to the north. It seemed to him that it was specifically left out of the Army Corps letter. He asked if there are any wildlife considerations in the wetland area. Mr. Simmons explained that the Sensitive Lands Overlay is not an established wildlife corridor according to research he has done with the Army Corps. There is also no delineation of wetlands that are recorded. They show up on the National Wildlife Service Maps but do not count in the jurisdiction of the US Army Corps of Engineers. That is why the letter exists. The intent is to replace what is there with artificial turf and demolish Treasure Mountain and the other fields. A Consultant will do a delineation there so that they can get Corps jurisdiction on wetlands if they exist. Mr. Simmons explained that the US Army Corps of Engineers will determine if they have jurisdiction over the wetlands.

Director Ward reviewed the conditions and findings.

In response to a question raised, Mr. Simmons stated that the lights will be on a motion sensor with an override at 10:00 PM or 11:00 PM. If the lights turn off, for example, at 9:30 PM and someone comes at 10:00 PM, the lights will not turn back on.

Commissioner Sigg referenced Conditional of Approval 14 and stated that he did not see any stormwater retention associated with the playing fields. With the redevelopment of Treasure Mountain, he suggested that the City Engineer review sheet flow and stormwater management coming from those areas onto City streets and Kearns Boulevard.

Commissioner Suesser asked that a Condition of Approval be added to state that the retaining wall shall not exceed three feet behind the new proposed structure on the north side of Dozier Field. Director Ward suggested that be added to Condition of Approval 18 regarding the landscape buffer and screening.

City Engineer, John Robertson suggested a modification to clarify that emergency vehicles have ingress and egress into the site.

Commissioner Suesser asked if there was a consensus among the Commission to add a Condition of Approval specifying that public use of the Treasure Mountain Recreational Complex will be considered. Mr. Harrington stated that as the applicant referenced, the City Council is negotiating an amendment to the existing Shared Use Agreements with the school district and it is appropriate in that venue. He did not understand what regulatory authority the Commission would have to mandate public access. He suggested it remain in that arena. Commissioner Suesser recommended tying it to public benefit for approval. Mr. Harrington explained that for a Conditional Use Permit, it would be a permitted use subject to mitigation. There is no public benefit requirement with the application. The Commission can, however, forward that policy advice to the City Council to prioritize the existing Shared Use Agreement renegotiation.

Commissioner Suesser asked that a Condition of Approval be added to state that the retaining wall shall not exceed three feet behind the new proposed structure on the north side of Dozier Field. Director Ward suggested that be added to Condition of Approval 18 regarding the landscape buffer and screening.

MOTION: Commissioner Johnson moved to APPROVE the Conditional Use Permit at 1750 Kearns Boulevard for the Park City School District Campus Recreation Facility improvements subject to the following:

Findings of Fact:

1. The Applicant proposes:

- a. A Public Recreation Facility, Accessory Buildings greater than 600 square feet, and Recreation Sports Facilities at Dozier Field at Park City High School (PCHS); and
 - b. Demolishing Treasure Mountain Junior High (TMJH) and replacing it with an athletic support building, recreation fields, and courts, at least 98 surface Parking Spaces, a multi-use pathway, and associated amenities.
2. Both schools are part of the Park City School District (PCSD) Campus.
3. The PCSD Campus includes PCHS (1750 Kearns Boulevard), McPolin Elementary School (2270 Kearns Boulevard), TMJH (2530 Kearns Boulevard), Park City Learning Center (2400 Kearns Boulevard), and PCSD offices (2700 Kearns Boulevard) on 83.92 acres north of S.R.224 and east of Monitor Drive.
4. PCHS and TMJH are in the Recreation and Open Space (ROS) Zoning District. TMJH is also in the Sensitive Land Overlay (SLO) and Frontage Protection Zone (FPZ). PCHS and Dozier Field are in the Park City Soils Ordinance Boundary.
5. PCSD proposes to replace TMJH with:
 - i. A 6,500-square-foot athletic support building including team rooms.
 - ii. A 3,400-square-foot press box, concession area, and support facility.
 - iii. Visitor and home dugouts.
 - iv. Eight tennis courts.
 - v. Two soccer fields.
 - vi. Four batting cages.
 - vii. Bleachers at each of the sports facilities.
 - viii. At least 98 Off-Street Parking Spaces.
 - ix. A 12-foot wide multi-use pathway
6. The proposal also includes new baseball and softball fields to replace existing fields. The new fields include scoreboards.
7. The single-story athletic support building at the northern end of the Site contains bathrooms, storage, and team rooms.
8. The two-story press box near the baseball and softball fields contains a concession area, storage, bathrooms, and the announcer booth.
9. The proposed Dozier Field complex includes:

- a. A 13,200-square-foot “North Building”.
 - b. Re-surfaced track.
 - c. A 4,600-square-foot “Entrance/Gateway Building”.
 - d. Expanded bleachers
10. The North Building is adjacent to the track and a landscaped buffer.
11. The two-story North Building contains bathrooms, storage, team rooms, a balcony, and banquet rooms.
12. The Entrance/Gateway Building contains a ticket office, athletic storage, and maintenance facilities.
13. The Park City School Board (“School Board”) considered a potential additional Phase 3, which would have replaced the fields between PCHS and McPolin Elementary.
14. The potential Phase 3 is neither proposed nor being considered as part of this CUP application.
15. The Applicant proposes a new north-south emergency ingress/egress lane, outlined in Finding of Fact 20.
16. On August 13, 2024, PCSD applied for a CUP for recreation upgrades at PCHS and to replace TMJH with recreation facilities and additional parking.
17. On March 18, 2025, the School Board approved the Site Plan for the recreation facilities and additional parking.
18. The Applicant submitted an updated Site Plan to the Planning Department the following day.
19. Staff deemed the application complete on March 27, 2025.
20. The proposal to build a Public Recreation Facility complies with the Recreation and Open Space Zoning District requirements outlined in Land Management Code Chapter 15-2.7.
 - a. A Public Recreation Facility is a Conditional Use in the ROS Zoning District (LMC § 15-2.7-2(C)(4)).
 - b. A Recreational Sports Field is a Conditional Use in the ROS Zoning District (LMC § 15-2.7-2(C)(9)). The Applicant is not proposing to use the tennis courts as Pickleball Courts. If PCSD wishes to use these

- courts for Pickleball in the future, they must return to the Planning Commission for additional review (Condition of Approval 5).
- c. An Accessory Building greater than 600 square feet is a Conditional Use in the ROS Zoning District (LMC § 15-2.7-2(C)(14)). Accessory Uses including locker rooms, team rooms, concessions, ticket sales, and team banquet areas are all “customarily incidental and subordinate” to school sports complexes.
 - d. LMC §15-2.7-3 establishes that the Front, Rear, and Side Setbacks in the ROS Zoning District are 25 feet. Subsection A establishes “Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, approved Parking Areas, and Screened mechanical and utility equipment are allowed as exceptions in the Front, Side and Rear Setbacks.” Nothing but Parking Areas, drive access, and the multi-use pathway is proposed within these Setbacks.
 - e. LMC § 15-2.7-4 establishes a maximum height of 28 feet in the ROS Zoning District. Nothing is approved (except for the Lighting, see Finding of Fact 24(J)) to exceed that Height, and Condition of Approval 6 would require all Structures to be under allowable Height.
 - f. The Applicant proposes a 40-foot high backstop netting for the Baseball and Softball fields. Netting is considered a Fence under the LMC and must comply with the Zone Height. This exceeds the 28 feet of height that is allowed. Staff recommends Condition of Approval 6 which requires that all Structures comply with the 28-feet in Zone Height unless a Variance from the Board of Adjustment is applied for and granted.
21. The proposal to build a Public Recreation Facility complies with Off-Street Parking requirements outlined in Land Management Code Chapter 15-3.
- a. TMJH currently is 136,320 square feet. LMC § 15-3-6(B) establishes an Off-Street Parking requirement of 1 space per 1,000 square feet for Schools, which makes the existing requirement 137 Parking Stalls. LMC §15-3-6(B) then establishes for Public Recreation Facilities a Parking requirement of 5 spaces per 1,000 square feet.
 - b. As outdoor fields are not considered when calculating the Fire Code requirements, and participants are accounted for by the dugouts and team rooms in the Accessory Buildings, Staff confined the square footage calculation to the Accessory Buildings, dugouts, and bleachers. We found a total square footage proposed of 19,600 square feet, making the required parking 98 stalls, which Condition of Approval 7 requires the construction of at least 98 Parking Spaces.
 - c. When adding together existing spaces, those included in the 2022 Addition, and the EV Charging stations, PCHS has 568 Parking

Spaces available. The 2022 CUP analysis found the parking requirement under LMC § 15-3-6(B), following construction of the addition to be 351 Parking Spaces, leaving PCHS overparked by 217 Parking Spaces.

- d. When adding together the square footage proposed for the North Building, the Gateway Building, and the proposed expansion of the west Bleachers, Staff found a total of 25,200 proposed square feet, creating a parking requirement of 126 Parking Spaces. PCHS remains in compliance, as it has more Parking Spaces built than the increase that is added by this application.
22. The proposal to build a Public Recreation Facility complies with the Frontage Protection Zone requirements outlined in Land Management Code Chapter 15-2.20.
- a. A portion of TMJH falls within the FPZ along Kearns Blvd (LMC § 15-2.20-2(C)). LMC § 15-2.20-4(A) prohibits Structures within 30 feet of the nearest highway Right-of-Way. No Structures are proposed within the 30-foot FPZ.
 - b. LMC § 15-2.20-4(B) requires a CUP for any Construction Activity between 30 and 100 feet from the Right-of-Way. The only Construction Activity proposed within the 100-foot FPZ is widening an existing multi-use pathway to 12 feet (Condition of Approval 8).
23. The proposal to build a Public Recreation Facility complies with the Sensitive Land Overlay Zone Regulations outlined in Land Management Code Chapter 15-2.21.
- a. TMJH is within the SLO. Known Stream corridors and wetlands are present. The Stream Corridor is located on the neighboring City-owned parcel at 2780 Kearns Blvd. LMC § 15-2.21-6(F) establishes a 50-foot setback from Stream Corridors and wetlands. The proposed baseball field is 50 feet away from the Stream Corridor (Condition of Approval 9).
 - b. The northern part of the Lot (the "North 40") includes wetlands. The Applicant is not proposing and has not received approval to build beyond the existing disturbed area, which is demarcated by a fence (Condition of Approval 10).
 - c. USACE issued a letter stating the project, as conditionally approved, does not require a separate permit from the agency.
 - d. Condition of Approval 9 requires that all Structures must be 50 feet away from any Wetlands.

24. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in Land Management Code Section 15-1-10(E).

a. Size and location of the Site: Conditions of Approval recommended.

- i. The proposed facilities at Dozier Field are improvements to existing uses at the Site. New methods of access and additional parking are not proposed or approved with this application. The proposed two-story "North Building" is no more than 28 feet in height and is visually subordinate to PCHS.
- ii. The TMJH complex is much larger in scale. Proposed work includes replacing the school building with an upgraded and expanded number of sports fields, an expanded multi-use pathway, as well as support buildings. The proposed athletic support building and press box are smaller in size and height than the school they are replacing as well as the adjacent McPolin Elementary School and PCSD offices.
- iii. No Structure may exceed 28 feet in Height from Existing Grade(Condition of Approval 6).

b. Traffic considerations including capacity of the existing Streets in the Area:

No unmitigated impacts.

- i. Traffic Impact Studies are required when 25 or more trips are generated. New trips will not be generated as a school is being replaced by a sports complex. Every day during the school year, there is a large amount of traffic at peak times as children are dropped off both by parents and by school buses. Then, at the end of the school day, this traffic pattern repeats as the children are picked up.
- ii. The proposed recreation uses are relatively less intensive as the primary users of this facility will be students who are already on-site for classes and will not need individualized drop-off. Students coming in from schools not located on the PCSD Campus will be bused in, meaning a minimal amount of trips will be generated by them.
- iii. While the proposed Uses are intensive, they must be considered in the context of what already exists. Dozier Field is already used for football games and track and field events that draw in crowds and away teams. Most of the proposed improvements, with the exception of the larger bleachers, are

- designed to enhance the experience of existing users, such as rooms for away teams, providing banquet facilities for PCHS' existing teams, and providing concessions for game attendees. The people who will use most of these new facilities already use Dozier Field.
- iv. Improvements at TMJH will replace the intensive use of a school with comparatively less intensive recreational uses. During the school year, a large daily volume of drop-offs and pickups involving vehicles and school buses occur in this location. These traffic patterns will be replaced by more intermittent traffic when the Public Recreation Facilities are in use, which likely will not be at capacity at a daily rate. The primary users will be students who are already on-site for classes.
 - c. Utility capacity, including Storm Water run-off: Condition of approval recommended.
 - i. The Applicant shall submit Storm Water plans for Engineering Department review and shall retain all Storm Water on-site (Condition of Approval 14).
 - d. Emergency Vehicle Access: No unmitigated impacts.
 - i. Emergency vehicle Access and Site circulation is not proposed to change.
 - e. Location and amount of off-street parking: No unmitigated impacts.
 - i. See Finding of Fact 21.
 - f. Internal vehicular and pedestrian circulation system: Condition of approval recommended.
 - i. At TMJH, the vehicular circulation will be more spread out than what currently exists, as the Recreation Facility will likely not see a large number of drop-offs and pickups at peak times that we currently see during the school year. For pedestrian circulation, there is a large concrete pad that connects all the buildings and sports fields which will allow easy internal circulation.
 - ii. At Dozier Field, the vehicular and pedestrian circulation system is proposed to change with a north-south connection

- from Kearns Boulevard to Lucky John Drive. PCSD indicates this is for emergency vehicle ingress egress only.
- iii. Staff recommends Condition of Approval 15, "The Applicant proposes a north-south emergency vehicle lane east of Dozier Field in between the field and Park City High School. The Applicant shall install a vehicle control gate and operate such vehicle control gate to prohibit ingress and egress of any vehicle other than an emergency vehicle on this north-south bus lane. No additional ingress and egress on Lucky John Drive is approved as part of this CUP. All other vehicles must exist onto Kearns Boulevard. If additional bus use is proposed, the Applicant shall return with a traffic study included in a CUP application."
 - iv. Additional changes include the proposed Entrance Gateway for attendees with the ticket booth and storage a new ADA-compliant pathway around the field, and the creation of the North Building.
- g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses: No unmitigated Impacts.
- i. Utah Code § 10-9a-305(3)(a) preempts regulation of Fencing, Screening, and landscaping.
- h. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots: No unmitigated impacts.
- i. The entrance gate and North Building at Dozier Field are of a much smaller mass and scale when compared to PCHS and its Addition.
 - ii. At the TMJH site, the existing fields will be replaced, and the proposed buildings are of a much smaller mass and scale than the existing school and the adjacent McPolin Elementary School. The new buildings are comparable in size to the PCSD offices.
- i. Usable Open Space: Condition of approval recommended.
- i. The Applicant shall not disturb the TMJH site north of the existing Fence the "North 40";(Condition of Approval 10).
- j. Signs and lighting: Condition of approval recommended.

- i. No Signs are proposed with this project.
- ii. All lighting in the Parking Areas must comply with LMC § 15-3-3(C)(Condition of Approval 11).
- iii. All lighting that is proposed at or around the recreation fields and courts must comply with LMC § 15-5-5(J)(12).
- iv. All Recreation Lighting is required by LMC § 15-5-5(J)(12) to meet the following requirements:
 - 1. The height of outdoor recreational posts shall not exceed seventy feet (70') above Natural Grade. The average Horizontal Foot Candle shall not exceed 3.6 across the Area boundary with a uniformity ratio of 4:1.
 - 2. All fixtures shall be Fully Shielded or be designed or provided with sharp, cutoff capability to minimize up-light, spill light, and glare.
 - 3. Recreational lighting shall be turned off within thirty minutes of the completion of the last game, practice, or event. In general, recreational lighting shall be turned off by 11:00 p.m., unless an exception is granted by the Planning Director for a Special Event, permitted under Municipal Code Title 4A.
 - 4. Private sports court facilities shall use Fully Shielded fixtures. Lighting shall be turned off by 11:00 p.m.
- v. Condition of Approval 12 requires compliance with these regulations.
- vi. Any lighting that is not Recreation Lighting or Lighting in an Approved Parking Area must comply with the City's outdoor lighting and dark sky requirements in LMC § 15-5-5(J) (Condition of Approval 3).
- k. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing: No unmitigated impacts
 - i. Utah Code § 10-9a-305(3)(a) preempts regulation of aesthetic considerations and construction methods or materials.
- l. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site: Conditions of approval recommended.

- i. Pickleball is not approved to be played on the tennis courts. If the Applicant wishes to accommodate Pickleball on these courts, they must return to the Planning Commission for additional review and mitigation considerations (Condition of Approval 5).
 - ii. The Applicant must comply with the City's noise regulations in the Municipal Code of Park City (MCPC) Chapter 6-3.
- m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas: No unmitigated impacts.
 - i. Screening is an aesthetic consideration and Utah Code § 10-9a-305(3)(a) preempts regulation on this.
 - ii. Current access to Kearns Blvd remains unchanged, allowing for the same routes to be used by the delivery and service vehicles.
- n. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities: No unmitigated impacts.
 - i. PCSD will continue to own and maintain these facilities and they will be used primarily by students.
- 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: Condition of approval recommended.
 - i. Dozier Field is within the Park City Soils Ordinance. Staff recommends Condition of Approval 13 stating, "All work shall comply with the signed Certificate of Compliance and shall maintain compliance with the Park City Soils Ordinance."
 - ii. Although TMJH is not within the Soils Ordinance Boundary there is historic mine waste on the property, the Applicant has indicated they are working with the proper State and Federal Authorities to properly handle those materials as part of this project.
 - iii. The property does not include Steep Slopes or Physical Mine Hazards.

- iv. 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: No unmitigated impacts.
 - i. The PCSD Campus is in the Park Meadows Neighborhood. The General Plan goal 2.3 identifies Park Meadows as “a primary resident neighborhood [where] community amenities should be planned to meet daily needs”.
 - ii. The PCSD Campus and its sports fields are specifically called out as community amenities by General Plan Goal 2.3.
 - iii. The proposal improves the quality of the community amenities by providing a greater number of fields, allowing a greater diversity of sports to be played, and improving the overall experience with new restrooms, amenities, and team facilities.
- 25. The Development Review Committee reviewed the proposal on February 4, 2025, and requires Conditions of Approval.
 - a. The Environmental Sustainability team requires Condition of Approval 13, “All work shall comply with the signed Certificate of Compliance and shall maintain compliance with the Park City Soils Ordinance.”
 - b. The Engineering Department requires Condition of Approval 14, “The Applicant shall obtain Engineering Department approval for drainage and storm water management plans. 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.”
- 26. Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on March 26, 2025. Staff mailed courtesy notice to property owners within 300 feet on March 26, 2025. *The Park Record* published courtesy notice on March 26, 2025.

Conclusions of Law:

- 1. The proposed CUP, as conditioned, complies with the requirements of the Land Management Code.
- 2. The proposed CUP for a Public Recreation Facility is compatible with the surrounding structures in use, scale, mass, and circulation.

3. The proposed CUP for a Public Recreation Facility is compatible with the Park City General Plan.
4. The effects of the difference in use or scale of the CUP for a Public Recreation Facility have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval:

1. The final construction of the site shall reflect substantial compliance with the final plans submitted to the Planning Department and reviewed on April 9, 2025, 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. All exterior lighting shall comply with the City's outdoor lighting and dark sky requirements in LMC § 15-5-5(J).
4. There is not a time limit set to the lifespan of this CUP.
5. No Outdoor Pickleball is proposed or approved as part of this project. If the Applicant wishes to receive accommodate Outdoor Pickleball on these courts they must return to the Planning Commission for additional review and mitigation considerations.
6. No Structure shall exceed 28 feet in Height from Existing Grade unless a Variance from the Board of Adjustment is applied for and granted.
7. At least 98 Parking Spaces must be provided at the Treasure Mountain Sports Complex.
8. The Applicant may expand the existing multi-use path in the Frontage Protection Zone but to no more than 12 feet in width.
9. All Structures, including Fences and Lighting, must be 50 feet away from the Stream Corridor on 2780 Kearns Boulevard. All Structures, including Fences and Lighting, must be 50 feet away from any Wetlands, including but not limited to those located on the North 40.

10. The Applicant may not disturb the Site north of the existing fence line demarking the North 40.
11. All lighting in the Parking Areas must comply with LMC § 15-3-3(C). Lighting shall be programable fixtures, dimmable lights, and motion fixtures.
12. All lighting that is proposed at or around the Recreation Fields and Courts must comply with LMC § 15-5-5(J)(12) including all lights being turned off by 11:00 PM and being fully shielded. Lights shall go off 30 minutes after an event and in no case later than 11:00 PM.
13. All work shall comply with the signed Certificate of Compliance and shall maintain compliance with the Park City Soils Ordinance.
14. The Applicant shall obtain Engineering Department approval for drainage and storm water management plans. Drainage and storm water management shall comply with the Municipal Code of Park City Chapter 13-5, Regulation and Enforcement of Storm Water Discharges Associated with Post-Construction Activities. The applicant shall also submit the Fugitive Dust Plan and SWPPP Plan to the City prior to submitting the State Building Permit.
15. The Applicant proposes a north-south emergency vehicle lane east of Dozier Field in between the field and Park City High School. The Applicant shall install a vehicle control gate and operate such vehicle control gate to prohibit ingress and egress of any vehicle other than an emergency vehicle on this north-south lane. No additional ingress and egress on Lucky John Drive is approved as part of this CUP. All other vehicles must exit on Kearns Boulevard. If additional bus use is proposed, the Applicant shall return with a traffic study for a Modification to this CUP.
16. Mechanical equipment associated with this Conditional Use Permit will be screened according to the requirements of Land Management Code Section 15-5-5.
17. The bike parking the applicant shall install will be covered bike parking at the Park City High School location between Dozier Field and the high school addition as well as along the recreation fields proposed at Treasure Mountain Junior High.
18. The applicant will install the landscaped buffer between the accessory structure and Lucky John Drive with sufficient screening. The retaining wall shall not exceed three feet behind the new proposed structure on the north

side of Dozier Field. If necessary, the retaining wall may be stepped with each segment not exceeding three feet.

The motion was seconded by Commissioner Frontero. Vote on motion: Commissioner Suesser-No; Commissioner Frontero-Yes; Commissioner Johnson-Yes; Commissioner Sigg-Yes. The motion passed 3-to-1.

The Commission took a short recess.

- D. Bonanza Park – Land Management Code Amendments** – The Planning Commission Will Discuss Recommended Land Management Code Amendments to Implement the Bonanza Park Small Area Plan through a New Mixed-Use Zoning District to Create a Vibrant and Pedestrian-Oriented Mixed-Use Neighborhood. PL-24-06302 (120 mins.) (A) Public Hearing; (B) Recommendation for City Council Consideration on April 24, 2025; The draft ordinance will then return to the Planning Commission on May 14, 2025, for final review and formal recommendation to the City Council

Director Ward acknowledged the presence of Senior Planner, Alec Barton and Eric Daenitz from Zions Public Finance who has been assisting with the Feasibility Analysis of the Code Amendments. What was presented for review was the vision of the Bonanza Park Small Area Plan (“BPSAP”) that was adopted by the City Council to create a vibrant, walkable, livable neighborhood and establish the following goals:

1. Create a mixed-use district through increased densities with project enhancements.
2. Create a place for local businesses and housing options for residents.
3. Connect the disconnected network for vehicles but especially for pedestrians and cyclists.
4. Incentivize underground parking to help transform the surface-level parking.
5. Create something with green space and connectivity.
6. Allow for allowances for arts and culture.

Director Ward reported that based on previous Planning Commission discussions, staff addressed a recommended phased approach and shared the numbers of the increased residential units. All 200 acres are rezoned and a phased approach was recommended beginning with a rezone of the area of Bonanza Park with the connectivity challenges between Park Avenue, Kearns Boulevard, Bonanza Drive, and Deer Valley Drive. Staff

received questions about what the adoption of a new zone would mean for existing properties. Director Ward explained that it requires no changes for the existing properties. There is an incentive in the Code Conditional Use Permit process, which would allow current property owners to come before the Planning Commission for a parking reduction to transform some parking uses to provide trail connections or increase green space to better support the connectivity goals of the plan. There would be no modifications required to the built environment or changes to uses. Some uses will become non-conforming and some structures non-compliant. However, for the most part, many structures within the neighborhood were built under the current allowable density of one to two stories.

Director Ward explained that with the critical connections identified in the plan and the establishment of street types there have been requests for potential modifications. The adopted plan includes a continuation of the Rail Trail from Bonanza Drive to Park Avenue and staff has received a request to reconsider that alignment along Iron Horse Drive for a portion of the East-West Connection. In terms of the incentives for redevelopment in the current Code, substantial parking reductions are established through shared parking and reductions by right as well as a menu of items that developers can propose that would reduce the demand for parking to help mitigate traffic and create a more walkable transit-oriented neighborhood. Currently, under the Code, the height is 35 feet, which would allow for increased height. While applicants can currently request that the Planning Commission approve increased height, it is limited under the criteria and cannot increase the square footage or the volume. The Draft Code would change that to increase the density. The Draft Code allows for flexibility with Affordable Master Planned Development (“AMPD”) because of the 10,000-square-foot cap on commercial uses. There are limitations with the AMPD Code and the Draft Code built in some of the flexibility through project enhancements with an average Area Median Income (“AMI”) for affordable housing that exceeds what would otherwise be required under the current housing resolution.

With regard to setbacks, the proposed draft ordinance reduces the setbacks for Master Planned Development (“MPD”). An MPD perimeter setback is established at 25 feet. The Draft Code protects the FPZ and maintains the 30-foot setback. It does, however, allow for reductions to setbacks along streetscapes to support the recommended street types. The Code requirements with a minimum of 10 residential units per acre will require the MPD process for redevelopment. A question raised with the Draft Code was whether it is feasible to redevelop under what is proposed.

Mr. Daenitz was tasked with preparing an analysis of the future potential Code amendments channeled through a lens of economic feasibility for redevelopment. He believed it was feasible for certain conditions. It is a progression that will add feasibility. He stated that there are a variety of tools under consideration that would allow new building forms and increases in height and density support for additional open space or connections, and potential parking reductions. He identified the key updates that become

critical for feasibility. The first is the potential for the MPD setbacks to be reduced. The FPZ is not changing but the potential for lower setbacks relative to current MPD conditions is a positive in terms of feasibility.

Mr. Daenitz explained that his study does not contemplate any statements of the additional benefits that will come from increased walkability but it is reasonable to believe that increased connectivity, more potential open areas, and improved walkability will add value to the district over time. The changes for the additional potential height are important but it is more critical is the potential for increased floor area ratios. He noted that improved floor area generates cash flows.

Mr. Daenitz stated that the additional potential for parking reductions is a significant cost saver to an expensive asset and among the lowest yielding in terms of revenue assets in development. The additional benefit of parking underground is that it allows more site area to satisfy the requirements for open space, which allows for more improved floor area. The three scenarios staff asked to be analyzed were presented. There were three primary scenarios that they expected to see.

The first was a mixed-use housing and retail scenario. The total site area would be approximately three acres in size. All were configured to satisfy the two Tier A requirements of affordable housing and underground parking when offering mixed uses. In each case, they configured the affordable housing at 60% AMI to satisfy greater than 25% of the total project square footage. The distinctions between the scenarios was as follows:

1. Mixed-use housing and retail.
2. Mixed-use housing, grocery, and retail.
3. Looking at housing, a boutique hotel, and potential retail.

Mr. Daenitz explained that a major driver in density is the difference in site area. It is reasonable to see a larger land area that Scenario 2 can accommodate more units of varying types. He noted that the hotel scenario is capped at the maximum definition of a boutique hotel in the zone, which is 75 units. He configured it at approximately 450 square feet per unit. Scenario 1 envisions commercial units that satisfy an activated ground floor requirement but from the unit count, you can see that it is primarily a housing development.

Mr. Daenitz touched on the key highlights and stated that the number of parking spaces entertains a requested parking reduction but none go up to the maximum potential that the Code would allow a developer to request. In each case, by providing the mix of uses, a developer could aggregate a potential request for a parking reduction that caps out at about 25%. In all three examples, it is likely possible to not have to ask for all of that.

Mr. Daenitz believed that redevelopment is feasible for existing landowners and any partners of the City that have access to land at a nominal cost. In the model, they configured the assumed land acquisition cost at \$0.00 to reflect that. Construction costs were based on their knowledge of some existing Park City and Wasatch Front projects they have worked on with other cities. Some of those costs are inflated from Wasatch Front prices. They also look at three key metrics. The first is instantaneous profit on cost. This is the notion that at the time the building is constructed, the project is finished and determines the expected cash flows to come from that building the worth relative to the construction cost of the building. With Wasatch Front projects, they see developers screening for 20 to 30 percent. In Park City, they feel it is reasonable for that number to be slightly lower because the developer has access to a strong cash flow profile that is slightly different from the Wasatch Front.

They also screen for annualized return on equity. Currently, the market is seeking 10 to 15 percent. The annual rate of return measures a project's invested equity and all future cash flows assuming an exit at a defined period in the future. They would like that to be double digits in most cases. Because the pure housing project is loaded on affordable housing, it will be slightly lower but they believe the return on equity will satisfy that tradeoff. He mentioned that they did not include tech funding in the calculations. Mr. Daenitz clarified that the debt funding model is at 6.35% for a 30-year term and an LTC of 72%. That is what commercial banks are currently lending at.

A summary chart was displayed showing the three key metrics used to screen for feasibility. In general, the scenarios are quite strong under the assumption that an existing landowner might be seeking to redevelop.

The average rate of inflation is approximately \$5.3 million per acre, which was considered a reasonable estimate for land acquisition costs. Mr. Daenitz explained that when land acquisition costs are factored in, the cash flows for the most part are still positive but likely not enough to draw investment in to take risks of this type. The price to buy in is significant and the density that would be required to cash flow is quite high. He noted that these numbers do not generally satisfy the criteria they would be looking for in a hotel scenario because Park City has such exceptional daily rates on its hotels. Mr. Daenitz configured the hotel daily rate at \$445 per night, which he considered to be conservative. He noted that he used a City-wide average.

Mr. Daenitz reported that Scenarios 2 and 3 allowed for more density in the affordable units because of the cost savings in the parking garage and being able to provide less parking. He also pointed out that the AMI in Summit County is quite high so 60% AMI equates to a higher monthly rent. He urged the Commission to keep in mind that while feasibility for future investors appears to be low, there are additional tools that are not land use related that the City might be able to entertain and provide in the zone. A very small corner of the Bonanza Park Area is in the Lower Park Redevelopment Agency but

a significant part is not in any Redevelopment Agency. It still requires the participation of other governmental agencies so the City would need to present a compelling case as to why those agencies should participate.

Also in the zone are public infrastructure districts. An existing landowner can choose to tax himself at a higher rate and unlock additional funding capacity for infrastructure at lower rates than would be offered in the private market. He mentioned a Home Ownership Promotion Zone that is required to be less than 10 contiguous acres. It is geared toward high density but the homes have to be for sale. It is a potential additional tool the City could consider to help future or current landowners close funding gaps.

A question was raised as to why the parking reduction was maximized. Mr. Daenitz explained that the parking reduction is meaningful and was not maximized to demonstrate that projects might still be feasible without requesting that. For about 60 parking stalls, there is a savings of \$4 million.

Commissioner Suesser commented that they have heard from the public that the contemplative rezoning of the district will drive up rents for locally owned businesses. Mr. Daenitz was not prepared to present a rental income analysis based on historical data from Park City but for all projects they work on in the Wasatch Front, new development or redevelopment is coupled with higher rents per square foot than existing. He has worked with several municipalities on mixed-use developments and in every case the revenue model proves higher lease rates per square foot. It is unclear whether that leads to negative conditions for local businesses.

Planner Barton reported that the underlying zoning district for the core of Bonanza Park consists of a 70-acre area that will be phased first for the mixed-use district, which is currently zoned General Commercial. A wide range of commercial and retail uses are allowed in this zoning district with limited residential uses. It is expected to transition into a vibrant mixed-use neighborhood that is pedestrian-oriented. The use table was displayed that shows some of the current uses in the General Commercial Zoning District compared to the proposed allowed and conditional uses and prohibited uses in the new zoning district. They would transition from allowing uses like hotels, nightly rentals, and intensive offices while allowing uses that are currently only conditionally allowed such as multi-unit dwellings.

During the first phase of potential redevelopment, the Draft Code creates a significant potential increase in the number of residential units. If build-out is assumed at three stories, the increase would be 1,900 additional units. At four stories, the estimate was nearly 2,500 units. Planner Barton presented recent updates to the Code. The input received from the Planning Commission and the City Council was to add a third Tier A project enhancement related to critical street connections. This would be one of three ways a developer could potentially fulfill a Tier A requirement to achieve additional density. There was also additional detail related to the Tier B project enhancements,

including specific requirements for car share and bike share programs, childcare facilities, and public transit improvements. The input received with respect to encouraging local businesses was to shift attention away from potentially providing reduced rent for businesses and encouraging incubator spaces for local businesses while restricting or prohibiting conventional chain businesses within a development.

Planner Barton explained that the input staff received was that it is important for local businesses to have smaller format or incubator spaces to succeed in the neighborhood. The Code does not define what that space would be like from a size perspective but it is referenced as a possible project enhancement. To qualify for an increased building height up to 45 feet outside of the FPZ, a project must provide either two Tier A project enhancements or one Tier A and at least two Tier B project enhancements. Additional enhancements can be provided to achieve reduced setbacks. The financial analysis described found that reducing open space is not needed to achieve feasibility and has been removed as a potential benefit that a developer could attain through the project enhancement process.

Planner Barton reported that the City Council supports a four-step process where the Commission reviews an application that proposes project enhancements and forwards a recommendation to the City Council.

In response to a question raised, Planner Barton stated that the Commission would review the project and project enhancements and forward a recommendation to the City Council who would then decide of whether to approve or deny and return the project to the Planning Commission for final review. Director Ward explained that it would be a rough site plan before an applicant invests the time in finalizing the site plan. The project enhancement component would be with the preliminary site plan, the volume metrics, and high-level renderings. It would include the volume, the proposed square footage, and the project enhancements.

Commissioner Suesser had concerns about the Commission being restricted and giving only a partial recommendation.

Planner Barton presented questions related to project enhancements and asked if the Commission would like additional clarity. He explained that the value of project enhancements would require a third Tier C to better reflect the level of contribution or community priority. Staff sought input from the Commission.

Commissioner Frontero referenced project enhancement criteria question one. He was generally in favor of how it was proposed. He was concerned that when the fourth MPD comes before the Commission with three or four Tier Bs having previously been utilized. He suggested a mechanism be in place to ensure that they do not see the same requests from developers on the same requests and use them over and over again. He did not

consider Tier C to be necessary but may be if there is friction going forward. He preferred to start with a simpler, two-tier process.

Commissioner Sigg added that if they find that they are overusing a tier, a third could offer an alternative. If someone is determined to obtain certain Tier B enhancements as part of their project, the incentive is to get going. He asked what the alternative would be if they run out of Tier Bs.

Commissioner Susser commented on whether the Commission needs additional clarity on the project enhancement criteria and would like to see more specificity in the Parking Transportation Demand Management Plan. With regard to critical connections, she suggested an applicant be required to dedicate a right-of-way as identified in the New Street Connections Plan. She felt that the applicant should only get a project enhancement if the dedication leads to the ability to utilize the right-of-way in conjunction with redevelopment. She did not think it would be helpful to incentivize developers to dedicate rights-of-way. They should only get an enhancement if other developers also dedicate rights-of-way and the City can use the street.

In response to a question raised, Director Ward stated that the Code recommends that the review take place every two years based on the enhancements that are implemented. The Code should consistently be updated to reflect market conditions. She acknowledged the concerns raised about Tier B. They could consider a buffer for some project enhancements such as the Bike Share program that is a certain distance from an existing Bike Share installation. The Sustainability Plan could apply to all projects. A limitation on conventional chain businesses could apply as well. There could be updates to address the concern of saturation or too many Bike Share installations.

Commissioner Frontero liked the suggestion to prevent oversaturation. He asked what would garner a Tier B enhancement. Planner Barton explained that the current language in the Code with respect to a childcare facility would require a developer to provide a facility that can accommodate at least 25 children and execute a minimum 10-year lease with a certified childcare provider offering reduced rent in order to obtain that enhancement. The number associated with the reduction would be 50%.

Planner Barton stated that the next area that received a lot of discussion was the FPZ. The proposed Code would both preserve the requirements of the FPZ and strengthen them in some cases or make them more restrictive. There has been discussion about whether the FPZ is too restrictive and whether the City's corridor views could be protected if height allowances begin at 50 to 75 feet as opposed to the current 100 feet. Renderings were provided to show what that could look like. Director Ward explained that the current Code starts at the 30-foot FPZ setback but can go up 35 feet. There is no step-back requirement so the proposed Code is more restrictive than what is allowed in the current Code.

Commissioner Suesser explained that the model was based on going 45 feet outside of the 100-foot setback. As a result, it is still feasible to build 45 feet beyond the FPZ. It was clarified that the financial modeling that was done only shows 45 feet outside of the 100-foot FPZ. It also satisfies all other setbacks on all other sides of the lot. It demonstrates that there are other buffers in addition to height, including some of the goals of reducing traffic and cars through reduced parking. The parking setbacks inside the garage are a benefit along with the potential to request a reduction. Commissioner Johnson supported leaving it as written in terms of height and consistent with the BPSAP. It was his opinion that the financial models are working.

Commissioner Frontero hoped to spend more time reviewing the proposal. Chair Hall stated that the matter will next go to the City Council for review and come back to the Planning Commission for review in May for the next round of consideration. She considered that to be a significant amount of time. Commissioner Frontero found the 75-foot setback with multiple step-backs to be reasonable. Commissioner Johnson was comfortable forwarding it to the City Council as written. The Commission could expand on the discussion if it comes back at 75 feet in the future. He was pleased that the modeling showed that it could work despite the comments received.

Mr. Daenitz entertained the question of what going into the FPZ would do and stated that based on a quick calculation and on a three-acre example, he got 7,000 to 10,000 square feet more. It is useful and adds feasibility but balancing the 7,000 to 10,000 square feet of greater density does not make or break the analysis.

Commissioner Suesser asked Mr. Daenitz what he modeled the 35-foot height after. Mr. Daenitz explained that what he modeled was consistent with the Draft Code. They do not build in the first 30 feet of the FPZ and at 40 feet they increase to 25 feet in height. Further back they increase to 35 feet. They only go to 45 feet 100 feet from the front of the site. The financial modeling and buildable volumes yield the leases and are what it is based on.

Commissioner Sigg remarked that this makes a broad brush assumption that all of the lots will have the same depth. When looking at the step-backs and the no-build zones in the modeling, he questioned an instance where someone has a lot that is only 120 feet deep, for example. In that case, the modeling will change dramatically compared to someone who has a lot that is 300 feet deep. He commented that none of these analyses looked at horizontal spacing and side yard setbacks between dwellings. He questioned a situation with an increased setback that would normally be 10 or 12 feet that is expanded to 20 feet in exchange for a certain height exception. If there were no buildings there may not be the benefit of the view.

Chair Hall commented that most of the properties along the FPZ are 350 to 400 feet although there are a couple of outlier properties that would be close to 100 feet. She noted that the majority of the sites have adequate depths.

Planner Barton reported that the Commission requested an update on the status of conventional chain businesses at some of the shopping centers within the City. Both Park City Plaza and Snow Creek Shopping Center are within Bonanza Park but outside the core area that would be prioritized in the first phase. Each shopping center has one conventional chain business under the parameters of the Draft Code. There are more chain businesses at Snow Creek but most would be exempt from the requirements that apply to Conventional Chain Businesses ("CCB"). Currently, the Draft Code would require a conventional chain business within the district to obtain a Conditional Use Permit, which is administrative and not a discretionary tool. As a result, staff has had discussions about the regulatory tools that are recommended in the BPSAP. Two are already within the Draft Code and were identified as limiting a conventional chain business to 5,000 square feet and prohibiting a CCB from occupying more than 30% of the total commercial space within a development.

Staff also recommended that the Commission consider requiring at least 50% of the total square footage for mixed-use buildings be dedicated to residential or office uses. This was another tool that could be used to limit the impacts of CCBs in the zoning district. Director Ward reported that there was previous discussion about how the cap was established for the Main Street area. In 2017, they did the analysis and showed how they came up with the number. There are a couple of similarities and differences. On Main Street, CCBs are regulated in storefronts, which are the first 50 feet from Main Street. Beyond the 50 feet, there could be CCBs outside or on upper floors. They took the total linear square footage of the storefront and limited it to 17. There could be more than 17 CCBs but not in the storefront. The Draft Code is written to create a similar limitation with a 30% maximum of the total commercial space within the development. The cap is drafted in the Code on a site-by-site basis rather than a comprehensive cap for the neighborhood. She explained that one of the challenges of establishing a cap neighborhood-wide is that the first to build would secure those approvals. The Staff Report outlines some of the limitations and specifies that CCBs will have limitations in terms of how they are reviewed. She asked for feedback from the Commission on whether they should approach the situation through objective square footage, a limit within a development, or imposing a neighborhood cap.

Commissioner Frontero wanted to better understand what would be allowed within the 5,000-square-foot limit. Planner Barton reported that staff reached out to the Finance Team for information about the square footage of existing CCBs in the Bonanza Park area. He recalled that some existing businesses are operating within the neighborhood that is under the 5,000 square foot cap. Commissioner Frontero commented that rather than imposing a cap they could craft language to be self-limiting.

Director Ward explained that it is drafted to be evaluated per development or site rather than neighborhood. She explained that Windy Ridge Cafe is approximately 5,500 square feet in size. Chase Bank is 6,200 square feet. Commissioner Sigg suggested that the cap be reduced to better achieve what is desired.

Planner Barton referenced language related to non-conforming uses in the Code. He commented that excluding the Copperbottom Inn and DoubleTree from the calculations, three businesses are currently operating with licenses for nightly rentals in Bonanza Park. That was something the Commission asked staff to look into. He reiterated that a non-conforming use would be allowed to operate as long as they maintain a valid business license and the use is not abandoned. He stated that staff continues to look at clear and predictable criteria to clarify what would be regulated in relation to the vantage points discussed in previous meetings. Staff was also evaluating an appropriate threshold for right-of-way dedication. Additional information in that regard would be available at the next meeting.

Chair Hall opened the public hearing.

Daniel Solander identified himself as an owner of Right at Home Designs located at 1745 Bonanza Drive along with Melissa O'Brien and Christina Pignatelli. They have been in their current location for approximately 23 years. They submitted a letter regarding the potential impact of the Code changes to existing small businesses like theirs and wanted to reiterate the points made in that letter and make sure that it is included in the record. Mr. Solander thanked Commissioner Frontero for visiting their business to see first-hand the concerns they have regarding the proposed changes to the Code, especially the cost of underground parking and surface access to their business. In response to comments from staff, Mr. Solander stated that there is no amount of "increased demand" that could cover the potential increased rent associated with the cost of underground parking. They are well above the 5,000-square-foot limit discussed earlier regarding chain businesses and if the impact of increased rents occurs, only chain businesses will be able to afford it.

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

Commissioner Suesser liked the proposed language and did not support staff exploring a cap at this time.

Chair Hall commented on the Commercial Recreational Facility in terms of incentivizing public recreational uses and envisioning that those areas may need larger square footage.

Planner Barton reported that non-conforming uses would be permitted to operate within the neighborhood unless that use is abandoned.

Planner Barton asked the Commission to specify whether the language pertaining to non-conforming uses is sufficient or if they would like to evaluate the nightly rental prohibition. Commissioner Johnson felt it was sufficient. His understanding was that everyone who has an existing nightly rental can continue to maintain it. Planner Barton stated that it

would maintain the existing non-conforming use requirements and be consistent with the current discussions.

Commissioner Suesser asked for clarification on what was being proposed and if there would be any nightly rental prohibition for new development. Planner Barton explained that the existing Code prohibits nightly rentals. The only nightly rentals that would be permitted in the zoning district would be non-conforming rentals that maintain a valid Business License. Commissioners Frontero and Sigg were satisfied with how the Code is currently written.

Planner Barton asked if the Commission would like to consider potential rezone boundaries to reflect the hotel use that will become a non-conforming use as part of the rezone. It would be in reference to the current hotel uses within the neighborhood. He asked if the Commission would like to consider different boundaries to prevent non-conformities for existing hotel uses. A consensus of the Commission did not consider that to be necessary.

Planner Barton stated that the framework that staff presented tonight is looking at a phased approach regarding where improvements would be focused in the core of the neighborhood where there are street network issues and looking in the future at sub-zones in other areas of the Bonanza Park neighborhood that would help maintain the character of the zone.

Commissioner Johnson thought it made sense. He noted that doing so would incentivize certain areas to redevelop faster compared to those that are currently developed. Planner Barton explained that it would be prioritizing redevelopment within the core where the most significant connectivity issues exist. That seemed to make sense to the Commissioners because it will be important to establish a grid here before applications are received. Commissioner Sigg liked the notion of phasing in the important rights-of-way to establish the framework for the entire neighborhood. Commissioner Suesser was unsure that that approach would phase in the important rights-of-way. It seemed to her like a phased approach that is disjointed. It seemed to her to be the opposite of establishing a grid system. Commissioner Sigg commented that a phased approach would establish a road from Kearns Boulevard to Deer Valley Drive potentially at the front end versus doing it piecemeal from north to south. Having important rights-of-way would be important.

Commissioner Johnson asked Planner Barton what the negative effects would be to that approach. Planner Barton stated that the intent of the phased approach is to focus on improvements in the core of the neighborhood. Some issues that came up in the BPSAP included neighborhood connectivity and missing connections. He was aware of no negatives.

Director Ward explained that the pending areas where there is an interest in redeveloping in the core and the project enhancements are geared toward the connections. The phased approach would focus on the project enhancements in certain areas. Staff recommended starting within this core. Commissioner Frontero supported the notion of focusing on this phase.

Planner Barton reiterated the timeline and stated that the staff recommendation was for the Planning Commission to forward the draft ordinance for the City Council's preliminary consideration on April 24. The draft ordinance would then return to the Planning Commission in May for further review.

Commissioner Johnson referred to the comment made earlier by the small business owner. If the landlord decides not to redevelop, the business could continue to operate as it has been. Planner Barton explained that the same non-conforming use provisions contained in the Code would apply as long as the use is not abandoned and can continue to operate in perpetuity. It was clarified that the change would need to come from the landowner who would need to make application and ultimately redevelop. If the property owner wanted to develop on the property and not seek a height exception, they could have street-level parking in certain areas. Planner Barton explained that there are greater restrictions on surface-level parking in the Draft Code relative to the General Commercial Zoning District. A landowner could choose not to redevelop. The Code has ways to incentivize landowners to redevelop because the BPSAP seeks to transform the neighborhood into a mixed-use, walkable neighborhood. The landowner, however, would be under no obligation to redevelop.

Director Ward reported that the goal of the BPSAP is to support limited vehicle access to commercial storefronts and on-street parking will be recommended. The parking that is associated with the development would be encouraged to be underground with some available on-street parking.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation of the Draft Code to the City Council for preliminary consideration on April 24, 2025, and continue the public hearing to May 14, 2025. The motion was seconded by Commissioner Frontero. The motion passed with the unanimous consent of the Commission.

6. ADJOURNMENT

MOTION: Commissioner Frontero moved to adjourn. The motion passed with the unanimous consent of the Commission.

The meeting adjourned at approximately 9:50 PM.