



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 28, 2025**

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

EX OFFICIO: Rebecca Ward, Planning Director; Virgil Lund, Planner II; Mark Harrington, City Attorney; Meredith Covey, Planner I; Elissa Martin, Planning Project Manager; Lillian Zollinger, Planner I

1. ROLL CALL

Chair Christin Van Dine called the Planning Commission Meeting to order at 5:30 p.m. All Commissioners were present with the exception of Commissioners Grant Tilson and Henry Sigg. Commissioner Laura Suesser participated virtually.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from May 14, 2025.

MOTION: Commissioner Shand moved to APPROVE the Planning Commission Meeting Minutes from May 14, 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, reminded those present that anyone interested in sharing public comment must state their full name and sign in. Comments should be limited to three minutes and matters should be directed to the Planning Commission. All comments should be civil and address relevant matters.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. CONTINUATION

- A. 1300 Park Avenue – Condominium Plat Amendment** – The Applicant Proposes a Condominium Plat Amendment to Accommodate a Remodel and Roof Extension in the Historic Residential - Medium Density Zone. PL-24-06180.

Director Ward reported that the applicant requested additional time to work through details of the proposed Condominium Plat Amendment. Staff recommended the Planning Commission open a public hearing and continue this to a date uncertain.

Chair Van Dine opened the public hearing. There were no comments. The public hearing was continued to a date uncertain.

MOTION: Commissioner Johnson moved to CONTINUE the Condominium Plat Amendment for 1300 Park Avenue and the public hearing to a date uncertain. Commissioner Frontero seconded the motion. The motion passed with the unanimous consent of the Commission.

6. WORK SESSION

- A. General Plan Update** – Consultants Design Workshop will Provide a Project Update.

Director Ward reported that Design Workshop consultants were participating in the meeting virtually. Jessica Garrow and Marianne Stuck introduced themselves and shared information about the General Plan Update process. Ms. Garrow reviewed the project timeline and stated that the work is currently between Phases 4 and 5. During the current Work Session, an update will be provided ahead of the draft plan release. The intention was to hear Commissioner feedback and share some of the sentiments from the community. In the summer, the adoption process will start.

There have been three different engagement windows. The first was Project Awareness Building and Values Identification, the second was Ideas and Alternatives Development, and the third was the Draft and Final Plan Sharing. The third engagement window was underway and an open house was held a few weeks prior. There had been a lot of engagement. Ms. Garrow reviewed the engagement process so far as follows:

- Community Interaction:
 - Open House (3);
 - Project Website;
 - Statistically Valid Survey;
 - Online Questionnaire;
 - Focus Groups; and

- Youth Council Work Session.
- Advisory Committees:
 - Technical Advisory Committee (2);
 - General Plan Advisory Committee (2); and
 - Neighborhood Advisory Committees (9 Neighborhoods and 2 Rounds of Meetings).
- Advisory Boards:
 - Historic Preservation Board;
 - Public Art Advisory Board; and
 - Recreation Advisory Board.
- City Council and Planning Commission:
 - City Council Interviews and Presentation; and
 - Planning Commission Presentation.

Ms. Stuck shared Engagement Window 1 summary information. The first engagement window took place last fall and there was a project launch, open house, and the first series of meetings. There was also a statistically valid survey where residents of Park City were invited to participate. There were over 450 survey responses and almost 70% of the survey respondents were full-time residents. The survey indicated what the community wanted to see and what some of the priorities were. During the initial survey, residents were asked about the values that represent Park City. The top five values were: community, uniqueness, environmental, preservation, and authenticity. Residents were also asked about the most valued characteristics of Park City, which are as follows:

- Access to parks, skiing, recreation, and trails;
- Quality of life;
- Preservation of natural environment;
- Historic character; and
- Sense of community.

Some of the challenges and concerns that were heard at the beginning include:

- Traffic and congestion;
- Balancing tourism and local quality of life;
- Growth and change in the area;
- Affordable housing options; and
- Fear that residents and their children will be unable to live in Park City.

Ms. Stuck explained that some of the challenges tied into the goals:

- Preserving a small-town feel;
- Preserving the natural setting;
- Making the town more affordable and equitable;

- Improving transportation options; and
- Preserving historic character.

Affordability was the top choice for several subgroups, such as those between the ages of 18 and 44, those renting homes, and those making less than \$100,000. Ms. Stuck next reviewed the land use priorities at a neighborhood scale, which include:

- Parks and Open Space;
- Conservation and Natural Space;
- Affordable Housing;
- Restaurants or Bars; and
- Medium-Density Housing.

During the Engagement Window 2 process, there was another set of meetings with the different groups. This started with a meeting with the Youth Advisory Council. There was an introduction to the General Plan and planning concepts. The participants were then split into two groups and were asked what they want to see in Park City in the future. Youth Advisory Council Members were asked two different questions:

- What do you love most about Park City?
- How do you envision Park City in 20 years?

There was an engaging conversation and it was interesting to hear the different perspectives. Participants stressed the importance of more mixed-use neighborhoods, more places to gather, more access to retail and commercial services that are easily accessed by public transit, and the need for small commercial nodes within residential neighborhoods. During the second engagement window, there were a number of focus group meetings and there were discussions with various groups. The takeaways were:

- Winter travel challenges identified as a concern and a need for more frequent, convenient public transit, especially for late-night workers;
- Broad support for adding housing to help workers, young people, and artists live in town;
- Worries about Park City losing its character and becoming overly commercial, with a push to support local businesses and affordable housing to maintain diversity;
- Concerns about rising costs, traffic, and tax revenue shifting to areas outside of the City; and
- Suggestions to incentivize private landowners to provide needed community amenities and create walkable, mixed-use neighborhoods.

Ms. Stuck reported that an open house was held in March. During that time, the draft vision statement was reviewed to see if there were any comments. In general, the community was supportive of the vision statement presented. Attendees were also asked about land use scenarios. There were three scenarios presented to the community.

Attendees were asked to choose one and provide feedback. There were also three transportation scenarios presented. Based on the open house and the online questionnaire, there was a lot of support for more transformational change when it comes to transportation. There were questions asked about historic preservation as well. In general, there is strong support for preserving the skiing and mountain resort heritage. When it comes to sustainability and resiliency, there is a lot of interest in waterwise landscaping, different sustainable energy measures, and wildfire protection.

Information about the online questionnaire was shared. Ms. Stuck reported that approximately 315 responses were received. The responses indicated strong overall support for the vision statement presented. Respondents highlighted the small-town character, natural environment, and open space and recreational opportunities. For the mission statements, the feedback highlighted that preserving open space and conservation areas is the top priority for Park City residents. There was also strong support for adopting more multi-modal transportation solutions as opposed to expanding road networks. The community does not want to expand the footprint of the road network but wants to work with what is already there and see what solutions can be implemented.

Ms. Stuck reminded Commissioners that there were three land use scenarios, but the strongest support was for Scenario 1: Neighborhood Infill Development. However, the other two scenarios also had fairly high levels of support. Residents were asked about development types that there would be support for in specific areas. There was support for mixed-use development, workforce housing, as well as transit and mobility hubs.

Ms. Garrow shared information about Engagement Window 3. She explained that all of the information was taken from the previous processes and some potential theme statements, action steps, and goals were drafted. There were meetings with all of the technical groups to determine what should be included when thinking about transportation, water, sustainability, community character, and moderate housing. The feedback was used to craft the open house that was held on May 13, 2025. At that event, there was a video shown. Some boards identified some of the specific recommendations by neighborhood based on feedback from neighborhood meetings.

The attendees engaged with the material and felt generally comfortable with the direction of the plan. Open house attendees felt it was reflective of the feedback offered previously. Ms. Garrow reported that there was feedback received on the Land Use Node Map as well. In Park City, many residents want minimal intervention and do not want to see significant change when it comes to land use. The approach has been to use existing zoning as a base for the map and identify specific areas where some type of change might be appropriate. For example, different housing typologies or different types of businesses. Comments were received on the Land Use Node Map.

Ms. Garrow reported that the following items are scheduled as part of the next steps:

- June:
 - Historic Preservation Board Presentation - June 4;
 - Final Round of Technical Meetings - Week of June 16;
 - Plan Draft and Feedback Questionnaire Opens - June 18; and
 - Joint Planning Commission and City Council Work Session - June 26.
- July:
 - Planning Commission Meeting for Plan Recommendation - July 9.
- August:
 - City Council Meeting for Adoption - August 14.

Ms. Garrow asked if there were any Commissioner questions about the feedback from the community so far or the next steps. Commissioner Bill Johnson wanted additional information about the meeting attendance for the board meetings and neighborhood meetings. Ms. Garrow reported that there was consistently high attendance at all of the focus groups throughout the process as well as with the Advisory Committees and Boards. Commissioner Johnson wondered whether there was a diversified group of participants. Director Ward shared information about the different meetings held. There was more attendance during the second round of the neighborhood meetings. As far as the focus groups, those have included local business owners, developers, non-profits, and regional partners. There was work done in the second round to provide clarity so residents were aware that it was possible to provide neighborhood-specific input. There was also encouragement to sign up to receive updates on the General Plan process.

Ms. Garrow explained that one of the reasons for the statistically valid survey was to make sure a wide variety of residents were included in the process. The survey consultant was able to perform detailed crosstabulations on questions related to housing and transportation. During the open house, attendees were asked to place a sticker on a board to indicate where they live. This highlighted where the feedback was coming from.

When it comes to community engagement, there are different methods that can be used. The open house is a method that allows anyone to come and provide feedback. It then becomes possible to consider how the open house feedback is different or similar to the results of the statistically valid survey. In many instances, the feedback has been consistent. Transportation is the number one issue that has been mentioned. There has been a focus on what was heard during the neighborhood meetings and in the statistically valid survey. That feedback takes a bit of a priority over the open houses because it is possible to clearly track those participants. Commissioner Johnson asked whether the Advisory Board has provided feedback consistent with the different outreach methods. Ms. Garrow confirmed this. The conversations were fairly consistent with what was heard in the broader community engagement processes. However, there have been some conversations about what small-town feel actually means and if it is the right term to use.

Commissioner Rick Shand wondered how long the respondents have lived in Park City. He was interested in knowing whether there is a discrepancy between the concerns of

residents who have lived in the area for less than five years versus those who have lived in the area for longer than that. He wanted to know whether preservation of the small-town feel is a concern across the board. Commissioner Shand asked if any data indicates how long respondents have lived in Park City. Ms. Garrow confirmed this. She offered to review the survey summary document and follow up with the Commission.

There were some choices in the survey related to different housing types. Ms. Garrow reported that renters and people interested in purchasing their first home were more focused on opportunities for housing stability than those who owned their home and had been in Park City for a long time. Ms. Stuck does not have the crosstabulation details available at this time, but in general, over 60% of the respondents of the statistically valid survey lived in Park City for more than 10 years and another 15% lived in Park City for more than five years. She noted that it is possible to do some additional crosstabulation.

The Vision Statement and Plan Framework information was reviewed. Ms. Stuck reported that the vision statement has been revised several times after feedback from the Planning Commission, City Council, and others. The latest version is as follows:

- Park City is a mountain community that preserves our small-town feel, unique character and history, natural environment, open space, and world-class recreation. We advance multi-model transportation and innovation for residents, workforce, and visitors, while fostering thoughtful planning and land uses for balanced growth, today and for future generations.

Ms. Stuck asked Commissioners about the small-town feel language and whether there is support for that to remain. Commissioner Shand thought that “sense of community” would be a strong replacement for a “small-town feel.” As for the second sentence of the vision statement, he thought everything after multi-modal transportation was generic. It might be best to keep all of the language there general and communicate that the intention is to foster thoughtful planning and land uses for balanced growth. Commissioner Johnson likes the reference to a small-town feel based on the community feedback received. He is not too concerned with the rest of the statement, as it is a general vision statement. There will be a transportation component of the plan that will include details.

Commissioner Suesser agreed with Commissioner Johnson that it makes sense to keep the reference to a small-town feel. She thinks that speaks for itself and people will understand what it means. Commissioner Suesser mentioned the box on the presentation slide, which asks: “Where do we want to be?” Instead of that question, she feels it is more appropriate to ask: “What do we want to be?” As for the vision statement reference to world-class recreation, she agrees that the mountain bicycle trails are world-class as well as the skiing. However, she does not know that there needs to be a specific reference to the world-class recreation offered. Access to recreation might be preferable.

Commissioner Frontero believes the vision statement is too lengthy. It is trying to be very descriptive and capture a lot of what was shared during the engagement process, but he feels it needs to be more concise. The vision statement, as written, is not inspiring or aspirational. Chair Van Dine agrees with the earlier comments from Commissioner Johnson. She does not have a problem with the first sentence, but the second sentence needs some additional work. It can be a little more condensed. Ms. Garrow noted that based on Planning Commission feedback, the reference to a small-town feel will likely remain moving forward. The team will look at the rest of the drafted vision statement.

The General Plan is structured around five themes, which includes the following:

- Transportation;
- Community Character;
- Moderate Housing;
- Water and Preservation; and
- Sustainability.

Ms. Garrow shared a slide related to transportation. The theme statement was read aloud: “We value a connected community with great access to recreation and open spaces and a variety of transportation options for its residents and visitors.” The plan document includes some of the key areas within transportation, such as transit improvements, traffic management, parking, and preserving the Park City small-town feel. She explained that the latter looks at preserving the small-town feel from a transportation perspective. Within each of the areas are more specific action items. Those action items will be finalized based on the feedback that has been received throughout the process. The chapter will also look at walkable and bikeable neighborhoods, special events, and emergency planning. An example of a special event is the 2034 Olympic Games.

The next slide pertained to the community character section. Ms. Garrow read the theme statement: “We value our unique community, our quality of life, and Park City's authentic character. We support a variety of housing options that create housing opportunities for all groups within the community. We preserve our historic buildings and cultural elements and celebrate the original character of Park City.” The key elements include the small-town feel, sense of community, land use and growth, and historic preservation.

Ms. Garrow discussed the moderate housing section and read the theme statement aloud: “We will provide housing for various groups, including workforce, seniors, and first-time home buyers.” The key elements listed include a variety of housing options and workforce housing. Since the City has a separate Moderate Income Housing Plan, there is no intention to duplicate that effort. The intention is to offer support to the existing document and bring in some of the key feedback that was heard from the community.

The presentation slide for water and preservation was shared. Ms. Garrow read the theme statement: “We protect our resources and plan for future generations, natural

hazards, and climate change. We strive to preserve our open and natural lands and create a green buffer around Park City.” The key elements include water preservation, open space conservation, and sensitive lands. There are some detailed action items related to how water is dealt with at a site level as well as at a regional level.

The last element is sustainability and the theme statement is: “We value our natural environment and preserve and protect natural areas.” The key elements include environmental leadership, wildfires, and energy efficiency. Ms. Garrow reported that one of the priorities of the community relates to wildfires, so an awareness campaign is listed.

Ms. Stuck reviewed the Land Use Node Map. Instead of having a traditional Future Land Use Map, there were discussions about what would make more sense based on the community feedback. The Land Use Node Map identifies neighborhoods where infill nodes might make sense. Any infill that happens in Park City should be context-sensitive and respect the character, scale, architecture, use, and aesthetics of the neighborhood. In the background of the map is the current zoning. On top are the following node types:

- Quinn's Junction Community Mixed-Use Node;
- Quinn's Junction Mobility Hub;
- Quinn's Junction Institutional Hub;
- Bonanza Park Mobility Hubs/Corridor Infill;
- Resort Center Mobility Hub/Corridor Infill;
- Old Town Mobility Hub/Corridor Infill; and
- Neighborhood Transit Hubs.

Commissioner Shand asked what the difference is between a mixed-use node, a mobility hub, and an institutional hub. Ms. Stuck explained that an institutional hub is tied to those types of services. A mobility hub is thinking from the transportation perspective, such as a larger collector lot tied into a BRT stop or some other micro-mobility system or bus route. A mixed-use node is somewhere there is some level of infill with retail and commercial uses tied to that. Commissioner Suesser wanted some clarification on the Old Town Corridor Infill. Ms. Stuck stated that it was identified as a potential bus stop or transportation hub in Old Town. There could also be some infill next to that to support the use. Infill in this case would mean residential. The intention is to look at whether there are vacant lots, underutilized parcels, or underutilized parking lots. Commissioner Johnson stated that additional clarity is needed on the Old Town item shown on the map.

Commissioner Suesser asked about the transportation slide and the reference to preserving Park City's small-town feel. She believes preserving the small-town feel goes beyond Main Street circulation and efficiency in Old Town. Preserving the small-town feel is about connecting Old Town, Lower Deer Valley, Park Meadows, and Thaynes together. She believes the language that has been presented could use some work. Ms. Garrow clarified that the information on the presentation slides are highlights from the plan. The slides do not include all of the information from the plan, as there is more detail.

Ms. Garrow reported that Design Workshop will present to the Planning Commission and City Council at the Joint Meeting scheduled for June 26, 2025. The draft plan should be available for review on June 18, 2025. There will also be a companion questionnaire so community members can read the plan and then provide feedback. Chair Van Dine thanked Ms. Garrow and Ms. Struck for their presentation on the General Plan process.

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

7. REGULAR AGENDA

- A. 7955 Red Tail Court – Plat Amendment** – The Applicant Proposes to Amend the Building Envelope for Unit 44 of the Bald Eagle Club at Deer Valley to Allow for the Construction of a Single-Family Dwelling. PL-25-06422.

Planner II, Virgil Lund, presented the Staff Report and explained that this is a Plat Amendment application for 7955 Red Tail Court. It is part of the Bald Eagle Club development and relates to Unit 44. He shared some background information about the Bald Eagle Club. On May 3, 1989, the Planning Commission approved a Master Planned Development ("MPD") for 53 single-family dwellings at Bald Eagle. In 1990, the Building Department issued a Building Permit for a single-family dwelling on Unit 44. In 2022, the City approved a permit to demolish the single-family dwelling on Unit 44. He clarified that Unit 44 is currently vacant. Planner Lund shared images of the current conditions. He next reviewed an image that shows the proposed building envelope in blue. The trees that are proposed to be removed are highlighted in the image in yellow. There is no change in square footage proposed, but an adjustment to the building envelope.

An image was shared to illustrate the setbacks from the existing building envelope. When the plat was first recorded, the setbacks were shown as 15 feet for the zoning district, but subsequent changes to the Land Management Code ("LMC") have increased the setbacks to 20 feet. The proposed building envelope is approximately 33 feet from the front lot line. Planner Lund shared an image of the adjusted building envelope.

Commissioner Suesser noted that the analysis talks about shifting the building envelope to reduce the amount of steep slope, but it appears while some steep slope is lost in the upper lefthand corner, there is another steep slope section that is gained. Planner Lund confirmed this. He clarified that it is a difficult lot and the whole lot slopes downward. The adjustment does include some additional steep slopes but also avoids setback areas.

Commissioner Johnson asked about the placement of the driveway. He believed it would need to be placed in the area that the envelope had been shifted away from. Planner Lund is not certain how the applicant plans to do the driveway. Commissioner Suesser noted that the shift is to increase the setbacks which she supports. She does not feel the

shift is to avoid the steep slopes because it avoids one but impacts another. Planner Lund reiterated that this is a difficult site based on how this was platted in the late 1980s.

The Plat Amendment complies with the Deer Valley MPD, Residential Development ("RD") Zoning District requirements, and the Sensitive Land Overlay. Staff finds Good Cause for the Plat Amendment due to the setback compliance and additional slope protection. Staff recommends the Commission review the proposed Plat Amendment and consider approving the adjusted building envelope based on the Draft Final Action Letter.

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

Chair Van Dine asked about Finding of Fact #13 and whether that should be amended. Director Ward reviewed the steep slope map and explained that the red is greater than 40% and the yellow is between 30% and 40%. As a result, the language still applies.

Commissioner Suesser feels it is a bit misleading to state that it avoids steep slopes greater than 30% when very steep slopes are not being avoided. In the Staff Report, it states that there is Good Cause because it avoids steep slopes greater than 30% for the construction of a single-family dwelling, but she does not find that statement to be accurate. City Attorney, Mark Harrington, asked whether there is a desire to change Finding of Fact #13 (C) to state that it "reduces the impact on steep slopes greater than 30%." Chair Van Dine believes that is a more reasonable Finding of Fact to include.

MOTION: Commissioner Johnson moved to APPROVE the Plat Amendment for the Bald Eagle Club at Deer Valley Unit 44, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended:

Findings of Fact:

1. On May 3, 1989, the Planning Commission approved the Bald Eagle Club at Deer Valley Master Planned Development (MPD). The MPD approved the construction of 53 Single-Family Dwellings.
2. When the Bald Eagle Club at Deer Valley MPD was approved in 1989, Land Management Code (LMC) Section 7.5.3(c) at that time established Planning Commission requirements to reduce the Front Setback in the RD Zoning District. The Front Setback for the Bald Eagle Club at Deer Valley Unit 44 Building Envelope is 15 Feet, which is 5 feet less than required under today's LMC.
3. 7955 Red Tail Court is Unit 44 of the First Amended Bald Eagle Club at Deer Valley Condominium Plat recorded April 20, 1990 (Summit County Recorder Entry No. 323408).

4. On August 9, 1990, the Building Department issued permit #5296-90 for the construction of an SFD on Unit 44.
5. On May 12, 2022, the City issued permit #22-430 to demolish the SFD on Unit 44.
6. The Applicant proposes to shift the Bald Eagle Club at Deer Valley Platted Building Envelope for Unit 44 for the construction of a new Single-Family Dwelling (SFD).
7. The proposed Building Envelope is 10,022 square feet. The Plat Amendment does not increase the Building Envelope square footage.
8. The Applicant proposes to shift the 10,022-square-foot Building Envelope to comply with current Residential Development (RD) Zoning District Front Setback requirements and to reduce construction of an SFD on Steep Slopes.
9. On February 7, 2025, the Bald Eagle Club Homeowners Association (HOA) approved the proposed amendment to the Building Envelope.
10. The proposed Plat Amendment complies with the RD Zoning District requirements in LMC Chapter 15-2.13.
11. LMC § 15-2.13-3 outlines the Lot and Site requirements for the RD Zoning District:
 - a. Front Setback – 20 feet, Side Setback – 15 feet, Rear Setback – 15 feet.
 - i. The proposed Building Envelope is greater than 30 feet from the Front and Rear Lot Lines, exceeding the required Setbacks, and is 15 feet from all side Lot Lines, meeting the required Setbacks.
 - b. LMC § 15-2.13-10 outlines requirements for vegetation protection:
 - i. “The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches in diameter or greater measured four and one-half feet above the ground.”
 - ii. The Applicant proposes to remove two coniferous trees in the proposed Building Envelope measuring 15 and 18 inches in diameter.
 - iii. On May 1, 2025, the Forestry Board reviewed the proposed tree removal and determined the Applicant is not required to

replace the trees due to the Wildland Urban Interface requirements and wildfire mitigation.

12. The proposed Plat Amendment complies with the Sensitive Land Overlay requirements in LMC Chapter 15-2.21 and the Deer Valley MPD.
 - a. The Bald Eagle community is part of the Deer Valley Resort 12th Amended and Restated Large Scale MPD. Section E of the Large Scale MPD states: "For projects within the Deer Valley Large Scale MPD, the density limitations of the Sensitive Area Overlay Zone do not apply because MPDs approved prior to the adoption of the Sensitive Area Overlay Zone are vested in terms of density. Site planning standards can be applied only to the extent that they do not equivocally reduce vested density. Limits of disturbance, vegetation protection, and building design standards do apply."
 - b. The 12th Amended Deer Valley MPD allows 58 Units for the Bald Eagle Club Development, and 58 Units have been platted. No additional Units are proposed or approved as part of this Plat Amendment.
 - c. LMC § 15-2.21-4 outlines development restrictions for Steep Slopes: No Development is allowed on or within 50 feet, map distance, of Very Steep Slopes. Very Steep Slopes are defined as any slope greater than 40 percent.
 - d. The proposed Building Envelope reduces the impacts to Steep Slopes.
 - e. There are no Wetlands or Streams within 50 feet of the proposed Building Envelope.
13. The proposal complies with LMC § 15-7.1-3(B), Plat Amendment.
 - a. Changes to platted elements including adjustments to Building Envelopes require a Plat Amendment. Plat Amendments shall be reviewed according to the requirements of LMC § 15-7.1-3(B) and approval shall require a finding of Good Cause.
 - b. LMC § 15-15-1 defines Good Cause as "Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community."
 - c. There is Good Cause for this Plat Amendment because the proposed Building Envelope complies with the Deer Valley MPD, does not

amend any easements, platted trails, or private roads, corrects Front Setback non-conformities of the existing Building Envelope, and reduces the impact on steep slopes greater than 30% for the construction of an SFD.

14. The Development Review Committee reviewed the proposal on April 15, 2025, and confirmed the proposal conforms to their requirements.
15. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on May 14, 2025. Staff mailed courtesy notice to property owners within 300 feet on May 14, 2025. The Park Record published courtesy notice on May 14, 2025.

Conclusions of Law:

1. There is Good Cause for this Plat Amendment.
2. The plat amendment is consistent with LMC Chapter 15-2.13 Residential Development District and LMC § 15-7.1-3 Subdivision Procedures.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval.
2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. Conditions of Approval from the Bald Eagle Club at Deer Valley Master Planned Development and the Deer Valley 12th Amended and Restated Large Scale Master Planned Development shall apply.

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

B. 233 Norfolk Avenue – Plat Amendment – The Applicant Proposes to Combine Lot 26, Lot 27, and Lot 34 of Block 78 of the Millsite Reservation to Park City to Create a 4,335.17 Square-Foot Lot in the Historic Residential - 1 Zoning District to Construct a Duplex Dwelling. PL-25-06448.

Planner I, Meredith Covey, presented the Staff Report and explained that this is a Plat Amendment application for 233 Norfolk Avenue. 233 Norfolk Avenue is a parcel containing three lots located in the Historic Residential -1 (“HR-1”) Zoning District. There was previously a single-family dwelling constructed around 1980 that straddled the lots. It was demolished in 2024, but portions of the 1980 single-family dwelling foundation remain on the site. Planner Covey shared an image of the previous dwelling as well as the existing conditions survey. The applicant now proposes to create one lot from the three lots, which is 4,335 square feet in size, to construct a duplex dwelling unit.

In the HR-1 Zoning District, the minimum lot size for a duplex is 3,750 square feet and the maximum lot size is 7,500 square feet. The use of a duplex in this zoning district is conditional. The applicant has submitted a Conditional Use Permit (“CUP”) for the duplex as well as a Steep Slope Conditional Use Permit (“SSCUP”), which will be reviewed by the Planning Commission. There is also a Historic District Design Review (“HDDR”) that will be reviewed by the Planning Department. Staff finds Good Cause for the Plat Amendment because it creates a lot that complies with the requirements of the HR-1 Zoning District. In addition, the Plat Amendment requirements will bring the existing and prior construction into compliance, addresses the partial remnant lot, and result in two smaller duplex units on a lot width that is compatible with the existing streetscape. No public street, right-of-way, or easement is vacated or amended, as proposed in this Plat Amendment. The Staff analysis is that the proposal, as conditioned, complies with the HR-1 Zoning District regulations as well as the Plat Amendment regulations in the LMC. Planner Covey highlighted some of the proposed Conditions of Approval.

Commissioner Shand asked about the access road that goes to the lots. He wanted to know if it is a private road. The applicant representative, Doug Ogilvy, clarified that it is part of the Norfolk Avenue right-of-way. Due to the steep slope, it splits into an upper and lower paved section. Commissioner Suesser wanted to further review the proposed Conditions of Approval. She asked for clarification about Condition of Approval #3:

- The Final Plat shall include a Plat Note stating future development is limited to a Duplex Use.

Commissioner Suesser asked what would happen if the CUP for the duplex was not approved. Planner Covey reported that the lot size is larger than the maximum allowable lot size for a single-family dwelling in this zoning district. Based on the lot size, there would need to be a duplex as the use rather than a single-family home.

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

Commissioner Johnson wondered whether there are snow storage easements for the other properties in the area. Planner Covey noted that she would need to look at the recorded plats to determine that, but there is a 10-foot snow storage easement shown on this plat. Commissioner Suesser stated that this is an example of how useful it is to visit a site. Although the Staff Report was well done, it was harder to get a sense of the lot without a visit. She expressed her support for the application before the Commission. Commissioner Frontero also supports this application. He finds that the application cleans up the lot lines. The duplex is a great solution and eliminates the remnant lot.

MOTION: Commissioner Frontero moved to APPROVE the Plat Amendment for 233 Norfolk Avenue according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. 233 Norfolk Avenue (PC-718-B) consists of Lots 26, 27, and 34 of Block 78 of the Millsite Reservation to Park City.
2. There was previously a Single-Family Dwelling (SFD) constructed circa 1980 at 233 Norfolk Avenue that straddled the Lots and was demolished in 2024 (permit 24-990). Portions of the 1980 SFD foundation remain on the site.
3. The Applicant proposes to combine the Lots to create one Lot that is 4,335.17 square feet to construct a Duplex.
4. The property is in the Historic Residential – 1 (HR-1) Zoning District.
5. Land Management Code (LMC) § 15-2.2-2(B)(1) requires a Conditional Use Permit (CUP) for Duplexes in the HR-1 Zoning District.
6. The Applicant submitted a CUP application for the Duplex for Planning Commission review (PL-25-06453).
7. The property contains Steep Slopes. The Applicant submitted a Steep Slope Conditional Use Permit (SSCUP) to be reviewed by the Planning Commission (PL-25-06455).
8. The Applicant submitted a Historic District Design Review (HDDR) application for construction in the Historic District to be reviewed by the Planning Department (PL-24-06324).

9. LMC § 15-2.2-3 requires that the minimum Lot Area for a Duplex in the HR-1 Zoning District is 3,750 square feet and the maximum Lot Area is 7,500 square feet. The proposed Lot size is 4,335.17 square feet and is compliant for the use as a Duplex.
10. LMC § 15-2.2-3 requires that the minimum width of a Lot in the HR-1 Zoning District is 25 feet when measured 15 feet back from the Front Lot Line. The existing Lot is a minimum width of 50 and is compliant.
11. Plat Amendments are reviewed according to the requirements of LMC § 15-7-1.6 and approval requires a finding of Good Cause.
12. LMC § 15-15-1 defines Good Cause as “Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”
13. Since the 1980s, the 4,335.17-square-foot Parcel has contained a single structure, previously an SFD that straddled the Lot lines. The Plat Amendment allows for a Duplex on the 4,335.17-square-foot Lot, retaining the single structure on the property. Regardless of the use as an SFD or Duplex, the Building Footprint for future development is regulated by the HR-1 Zoning District Maximum Building Footprint formula outlined in LMC § 15-2.2-3(E) and is 1,698.95.
14. The proposed Plat Amendment is in an area of Old Town with Lots of varying sizes. 233 Norfolk Avenue is accessed by the upper portion of Norfolk Avenue that splits to the west to access seven properties. Of these seven properties, five have undergone plat amendments and these Lots range from 2,812 square feet to 3,750 square feet. The two remaining properties include 209 and 233 Norfolk Avenue. 209 Norfolk Avenue is a single parcel with four Lots that are each 1,875 square feet (the parcel is 7,500 square feet in total). There is a pending plat amendment application to combine the four Lots to create two 3,750-square-foot Lots (PL-24-06189).
15. The Lots directly to the west of 233 Norfolk Avenue exceed 7,500 square feet and the proposed 4,335.17-square-foot Lot at 233 Norfolk Avenue is substantially smaller.

16. The proposed Lot width of 50 feet is compatible with adjacent Lots along the upper portion of Norfolk Avenue that range from 40 to 100 feet.
17. There is Good Cause for this Plat Amendment because it creates a Lot that complies with the requirements of the HR-1 Zoning District and Plat Amendment regulations, brings the existing/prior construction across lot lines into compliance, addresses the partial remnant lot which is separately non-developable, and results in two smaller Duplex units on a lot width compatible with the existing streetscape. No Public Street, Right of Way, or easement has been vacated or amended. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
18. The Development Review Committee reviewed the proposal on May 6, 2025, and confirmed the proposal complies with the required standards.
19. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on May 14, 2025. Staff mailed courtesy notice to property owners within 300 feet on May 14, 2025.

Conclusions of Law:

1. The Plat Amendment complies with the requirements of LMC Chapter 15-2.2 *Historic Residential – 1 Zoning District*.
2. The proposal complies with LMC § 15-7.1-3(B) *Plat Amendment*, as conditioned.
3. There is Good Cause for this Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval:

1. The Applicant must obtain Planning Commission approval of a CUP and SSCUP prior to submitting a Building Permit for the Duplex.
2. The Applicant must obtain Planning staff approval of an HDDR prior to submitting a Building Permit for the Duplex.
3. The Final Plat shall include a Plat Note stating future development is limited to a Duplex Use.

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

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

- C. 3995 Quinns Drive – Plat Amendment** – The Applicant Proposes Amending the Studio Crossing Subdivision Lot 1 to Create Lot A for Phase III of the Studio Crossing Master Planned Development, to Develop 50 Condominium Townhome Units in the Community Transition Zoning District, Regional Commercial Overlay, Sensitive Land Overlay, and the Entry Corridor Protection Overlay. PL-25-06541.

Chair Van Dine explained that Item 7C and Item 7D will be presented at the same time, but there will be two separate motions made. Planning Project Manager, Elissa Martin, presented the Staff Report and explained that this is an application for 3995 Quinns Drive. She reiterated that the presentation will cover Item 7C and Item 7D, which is the Plat Amendment to create Lot A and the Condominium Plat for 50 condominium townhome units. The Studio Crossing MPD is in the Community Transition ("CT") and Regional Commercial Overlay ("RCO") Zones, Sensitive Land Overlay, and the Entry Corridor Protection Overlay. This is Phase III for 50 market-rate townhome condominium units.

Manager Martin reported that in 2022, the Studio Crossing Subdivision was recorded. That created Lot 1A, which was the Film Studio MPD, and Lot 1B was the Studio Crossing MPD. In 2024, the Studio Crossing Subdivision created the building pods for the mixed-use commercial, which includes affordable housing. Lot 1 is for the Phase III and Phase IV market rate units. She shared the Studio Crossing Subdivision Lot 1 Amended, which is Item 7C on the Planning Commission Meeting agenda. This amendment to the plat creates Lot A for the Phase III townhome condominiums. Lot 1 is being reduced slightly and that will be the future Phase IV condominiums. Item 7D on the agenda is the Condominium Plat for the 50 condominium units. Those were originally considered townhomes, but the developer decided to plat these as condominium units instead.

Manager Martin presented the Studio Crossing Condominium Plat with the Commission. She pointed out that there are 10 units per building and there are five buildings. The

phasing was reviewed and she explained that Phase III is what the Commission is looking at during the current meeting. Phase IV will be discussed by the Commission in the future. The Anytime Phase has the remaining 104 affordable units that will be created.

The applicant proposes several improvements related to Phase III, which include:

- Multi-modal trail infrastructure and grading, crosswalks, and sidewalks planned for Lot A;
- Begin construction of the connection to the Rail Trail;
- Construct an alternative access point for Highway 248, referred to as Big Willow Trail;
- Sewer, water, and utilities for the townhomes, including connection for utilities on the horizontal boring underneath Kearns.

The proposed Plat Amendment and Condominium Plat comply with the CT and RCO Zoning District requirements because the buildings are set back 25 feet from the property boundary. The building height is 25 feet, which is under the zone height of 28 feet. The townhomes also meet the Entry Corridor Protection Overlay setbacks of 150 feet and 200 feet. The Plat Amendment and Condominium Plat are both compliant with the Studio Crossing MPD that was approved in 2024. The MPD specifies that there would be 50 market-rate units in Phase III and five clusters of 10, with a total of 82,000 gross square feet. The gross square feet definition excludes garages and decks from that calculation. As for Good Cause, the Plat Amendment and Condominium Plat are both consistent with the Studio Crossing MPD Development Agreement and the plan for Phase III. No public street, right-of-way, or easement has been vacated or amended because of the plat.

Manager Martin highlighted some of the Conditions of Approval, including Condition of Approval #3 and Condition of Approval #11. The Studio Crossing MPD Development Agreement requires that a minimum of the 65 required affordable Phase I units must receive a Certificate of Occupancy prior to any market rate unit. In order for the Phase III condominium units to receive a Certificate of Occupancy, at least 65 of the affordable units from Phase I must have a Certificate of Occupancy first. Another condition is that the Covenants, Conditions, and Restrictions ("CC&R") recorded against the market rate units shall include measures to mitigate negative impacts associated with nightly rentals. The market rate units were approved to have overnight rentals as part of the MPD.

Two recommendations were shared with the Planning Commission:

- Review the Studio Crossing Subdivision 1st Amended Plat, creating Lot A for development of a 50-unit market rate condominium development and amending Lot 1 for future Phase IV condominium development, conduct a public hearing, and consider approving the Plat Amendment based on Findings of Fact Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter.

- Review the Studio Crossing Condominium Plat for 50 market rate townhome units on Lot A of the Studio Crossing Subdivision 1st Amended Plat, conduct a public hearing, and consider approving the Condominium Plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter.

Manager Martin explained that she can answer Commissioner questions. Additionally, the applicant representatives are attending the meeting virtually. Commissioner Shand asked how many affordable housing units are under construction. He also wanted to know the anticipated timeline for the Certificate of Occupancy. Manager Martin reported that 104 units are currently under construction as part of Phase I, but she is not sure about the timeline. The applicant representative, Justin Keys, introduced himself to the Commission. There are 104 units underway currently and the work is on time and on budget. There is a commitment that there will be a ribbon cutting on the first mixed-use phase, which includes those 104 units, by November of this year. The units should be completed in 2025. Commissioner Suesser asked how many affordable units are planned for the Anytime Phase. Manager Martin stated that there are 104 units planned there.

There was discussion about the Anytime Phase. Commissioner Suesser wanted to know when the affordable units are anticipated to be delivered. Mr. Keys believes a Building Permit has already been submitted for that building. There is no intention to put that work off. Under the Development Agreement, those 104 units have to be delivered before a Certificate of Occupancy on the condominium building can be received for Phase IV, but he does not anticipate it will take that long. He reiterated that a Building Permit has already been submitted for the Anytime Phase affordable units. Commissioner Suesser expressed concern about the switch from townhomes to condominium units. She wants to understand what the product will be. Manager Martin explained that the design of the homes has not changed and will still look like townhomes, but they are platted differently. The shared wall is treated slightly differently in the Building Code in terms of the fire requirements and how the utilities run through the buildings. Mr. Keys clarified that the decision was made in consultation with Staff after reviewing the different alternatives. He added that it will look like a single product from the exterior. If each individual unit owner owned the exterior of their units, it would be possible for the owner to make modifications.

Commissioner Frontero believes the MPD requires 185 affordable housing units, which was confirmed. This is the first time he recalls seeing the applicant propose 104 units in the initial phase and 104 units in the Anytime Phase, bringing the total to 208 units. He asked if it is the same square footage spread out over more units or if there is more square footage of affordable. Mr. Keys reported that it is the same allocated gross floor area under the development. The numbers were conservative previously because a commitment was being made. As a result, language stated that at least 185 affordable housing units would be built, but during conversations, it was noted that it was likely there could be 200. There was not a desire to commit to a number that might not be possible.

At the Development Agreement stage, there are no final floor plans, so the number was created based on estimates. Ultimately, there will be 208 affordable housing units.

Chair Van Dine opened the public hearing for the Plat Amendment. There were no comments. The public hearing was closed.

Chair Van Dine opened the public hearing for the Condominium Plat. There were no comments. The public hearing was closed.

MOTION: Commissioner Johnson moved to APPROVE the Plat Amendment for 3995 Quinns Drive, 3957 Front Street, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. On May 24, 2012, the City Council adopted Ordinance No.12-12 approving the Quinn's Partnership Annexation, annexing 29.55 acres of land at the southwest corner of SR248 and the US40 Interchange in the Quinn's Junction Area, and zoning the property Community Transition (CT) and Regional Commercial Overlay (RCO), within the Sensitive Land Overlay (SLO) and Entry Corridor Preservation Overlay (ECPO).
2. In June of 2012, the City Council approved the Development Agreement for the Quinn's Junction Partnership Annexation Master Planned Development (MPD) for the purpose of constructing 374,000 square feet of a motion picture studio and media campus.
3. On November 9, 2022, the Planning Commission approved amendments to the Quinn's Junction Partnership Annexation Master Planned Development Agreement to allow for a mixed-use project on Lot 1B of the Park City Film Studios First Amended Subdivision and forwarded a recommendation to the City Council to amend Ordinance 12-12 approving the Quinn's Partnership Annexation to allow exceptions to the Zone Height for development on Lot 1B.
4. On December 15, 2022, the City Council adopted Ordinance 2022-47, amending Ordinance 12-12 to allow a mixed-use development and exceptions to the Zone Height for Lot 1B of the Park City Film Studios First Amended Subdivision.
5. December 15, 2022, the City's Housing Authority approved the Applicant's Housing Mitigation Plan for a mixed-use development on Lot 1B, per Ordinance 2022-47.

6. October 25, 2023, the Planning Commission ratified the Quinn Capital Partners' Studio Crossings Annexation and MPD Development Agreement for Lot 1B of the Park City Film Studios First Amended Subdivision.
7. January 12, 2024, the Mayor and Applicant signed the Quinn Capital Partners' Studio Crossings Annexation and MPD Development Agreement, which includes an approved phasing plan.
8. On April 19, 2024, the Studio Crossing Subdivision Plat was recorded with Summit County (Recorder Entry No. 1218425), amending Lot 1B to create two Lots, Lot 1 (site of Phase III and IV townhomes/condominiums) and Lot 2, in which five Building Pods are platted for the mixed-use and commercial retail buildings.
9. Section 2.1 of the Studio Crossing Development Agreement requires an Administrative Conditional Use Permit (ACUP) prior to any construction activity.
10. On June 13, 2024, the Planning Director approved an ACUP for Studio Crossing Phase I 60,000 square feet of mixed-use development, including 104 deed-restricted affordable dwelling units distributed across Building Pods 2 and 3.
11. On November 7, 2024, the Planning Director approved an ACUP for Studio Crossing Phase II 30,000 square feet of commercial retail distributed across Building Pods 1 and 4.
12. On March 5, 2025, a Plat Amendment and Condominium Plat Application as well as an ACUP Application were submitted for Phase III of the Studio Crossing MPD.
13. The Community Transition Zoning District does not require a minimum Lot size.
14. The proposed plat amendment creates a 3.14-acre Lot (Lot A) and amends Lot 1, reducing its size from 11.97 acres to 8.73 acres.
15. The Studio Crossing MPD met the Regional Commercial Overlay District minimum five-acre Lot requirement at the time of approval.
16. The proposed Plat Amendment is within the Entry Corridor Protection Overlay (ECPO) and is consistent with the approved Studio Crossing Site Plan (Exhibit C of the Studio Crossing MPD Development Agreement), which indicates the ECPO 100-foot Setback is a no-build Zone, the 150-foot

Setback requires a max building height of 20 feet and the 200-foot Setback requires a max building height of 25 feet. The ECPO setbacks are indicated on the proposed plat.

17. The Planning Commission's November 9, 2022, Final Action Letter approving the Studio Crossing MPD includes a Conclusion of Law that the MPD "meets the Sensitive Lands requirements of the LMC and is designed to place development on the most developable land and least visually obtrusive portions of the Site.
18. Pursuant to LMC § 15-7.1-3, a Plat Amendment shall be reviewed according to the requirements of § 15-7.1-6, Final Subdivision Plat, and approval shall require a finding of Good Cause and a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

Conclusions of Law:

1. There is Good Cause for this Plat Amendment as it is consistent with the Studio Crossing MPD Development Agreement, and the plan for Phase III development of the Studio Crossing MPD.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.
4. No Public Street, Right-of-Way, or easement has been vacated or amended as a result of the Plat Amendment.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the Plat Amendment within one year from the date of Planning Commission approval. If recordation has not occurred within one year, this approval will be void, unless the applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the Planning Commission.

3. The property is not within the Soils Ordinance. However, if the property owner encounters mine waste or mine waste-impacted soils, they must handle the material in accordance with State and Federal law.
4. The undulating berm required by Conditions of Approval of Ordinance No.12-12 shall be constructed and maintained, consistent with the original Quinn's Junction Partnership Annexation MPD.
5. The Applicant shall install sanitary sewer facilities in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD) construction standards and specifications, SBWRD shall review and approve plans prior to the issuance of any utility or Building Permits; all items required under the Line Extension Agreement must be completed prior to the issuance of any Building Permits.
6. The Applicant shall coordinate all utility connections and ensure APWA and Park City Supplemental Standards and Specifications are followed for all Water connections.
7. Improvements shall be designed to meet all Engineering Department requirements.
8. The Park City Fire District shall review and approve final plans prior to the issuance of any utility or Building Permits.
9. The applicant shall construct a trail connection from the site to the Park City Rail Trail, upon review and approval of a plan by the City's Trails and Open Space Division and within the timeline in the approved Phasing Plan. The alternative access point for SR 248, referred to on the Studio Crossing Condominium plat as Big Willow Trail, shall be constructed according to the approved Phasing Plan.
10. Conditions of Approval included the November 9, 2022 Planning Commission Final Action Letter, and Ordinance No. 2022-47, approving the Studio Crossing MPD, as well as Ordinance No. 2023-43, approving the Studio Crossing Subdivision continue to apply.
11. All development on Lot 1 and newly created Lot A of the Studio Crossing Subdivision 1st Amended plat shall comply with the terms of the Studio Crossing MPD Development Agreement, County Recorder Entry No. 01214657.

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

- D. 3995 Quinns Drive – Condominium Plat** – The Applicant Proposes the Studio Crossing Condominium Plat for 50 Condominium Townhome Units as Part of Phase III of the Studio Crossing Master Planned Development in the Community Transition Zoning District, Regional Commercial Overlay, Sensitive Land Overlay, and the Entry Corridor Protection Overlay. PL-25-06460.

It was noted that Item 7D was discussed at the same time as Item 7C.

MOTION: Commissioner Johnson moved to APPROVE the Condominium Plat for 3995 Quinns Drive, 3957 Front Street, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. On May 24, 2012 the City Council adopted Ordinance No.12-12 approving the Quinn's Partnership Annexation, annexing 29.55 acres of land at the southwest corner of SR248 and the US40 Interchange in the Quinn's Junction Area, and zoning the property Community Transition (CT) and Regional Commercial Overlay (RCO), within the Sensitive Land Overlay (SLO) and Entry Corridor Preservation Overlay (ECPO).
2. In June of 2012, the City Council approved the Development Agreement for the Quinn's Junction Partnership Annexation Master Planned Development (MPD) for the purpose of constructing 374,000 gross square feet of a motion picture studio and media campus.
3. On November 9, 2022, the Planning Commission approved amendments to the Quinn's Junction Partnership Annexation Master Planned Development Agreement to allow for a mixed-use project on Lot 1B of the Park City Film Studios First Amended Subdivision and forwarded a recommendation to the City Council to amend Ordinance 12-12 approving the Quinn's Partnership Annexation to allow exceptions to the Zone Height for development on Lot 1B.
4. On December 15, 2022, the City Council adopted Ordinance 2022-47, amending Ordinance 12-12 to allow a mixed-use development and exceptions to the Zone Height for Lot 1B of the Park City Film Studios First Amended Subdivision.
5. December 15, 2022 - The City's Housing Authority approved the Applicant's Housing Mitigation Plan for a mixed-use development on Lot 1B, per Ordinance 2022-47.

6. October 25, 2023 - The Planning Commission ratified the Quinn Capital Partners' Studio Crossings Annexation and MPD Development Agreement for 282,575 gross square feet of development for Lot 1B of the Park City Film Studios First Amended Subdivision.
7. January 12, 2024, the Mayor and Applicant signed the Quinn Capital Partners' Studio Crossings Annexation and MPD Development Agreement, which includes an approved phasing plan.
8. On April 19, 2024, the Studio Crossing Subdivision Plat was recorded with Summit County (Recorder Entry No. 1218425), amending Lot 1B to create two Lots, Lot 1 (site of Phase III and IV townhomes/condominiums) and Lot 2, in which five Building Pods are platted for the mixed-use and commercial retail buildings.
9. Section 2.1 of the Studio Crossing Development Agreement requires an Administrative Conditional Use Permit (ACUP) prior to any construction activity.
10. On June 13, 2024, the Planning Director approved an ACUP for Studio Crossing Phase I 60,000 square feet of mixed-use development, including 104 deed-restricted affordable dwelling units distributed across Building Pods 2 and 3.
11. On November 7, 2024, the Planning Director approved an ACUP for Studio Crossing Phase II 30,000 square feet of commercial retail distributed across Building Pods 1 and 4.
12. On March 5, 2025, a Plat Amendment and Condominium Plat Application as well as an ACUP Application were submitted for Phase III of the Studio Crossing MPD.
13. The proposed Condominium Plat complies with the Community Transition Zoning District and Regional Commercial Overlay District based on the following findings:
 - a. The proposed Building Height of the Condominium Buildings in the Studio Crossing Condominium Plat is 25 feet, consistent with the November 9, 2022, Planning Commission Final Action Letter Findings of Fact and the CT Zone Height of 28 feet.
 - b. Proposed townhome condominium buildings are sited at least 25 feet from front, rear, and side property boundaries.

- c. The Studio Crossing MPD supersedes the CT base density requirement of one unit per 20 acres.
 - d. Pursuant to the Studio Crossings MPD Development Agreement, Section 2.6, the Phase III market-rate residential units shall consist of no more than 50 market-rate townhomes in five clusters of 10 units totaling 82,000 square feet.
 - e. The Quinn's Junction Partnership Annexation Development Agreement describes the total development activity for the property being limited to 374,000 square feet of Gross Floor Area.
 - f. The proposed townhomes are clustered in five condominium buildings with 10 dwelling units each, totaling 82,000 square feet of Gross Residential Floor Area consistent with the Studio Crossing MPD Development Agreement.
 - g. The Studio Crossing Phase III condominium plat does not include commercial uses that would be regulated under the RCO standards.
14. The proposed Condominium Plat is within the Entry Corridor Protection Overlay (ECPO) and meets the minimum required setback for buildings, as depicted in the Studio Crossing Site Plan, which indicates the ECPO 100-foot Setback is a no-build Zone, the 150-foot Setback requires a max building height of 20 feet and the 200-foot Setback requires a max building height of 25 feet.
15. The Planning Commission's November 9, 2022, Final Action Letter approving the Studio Crossing MPD includes a Conclusion of Law that that the MPD "meets the Sensitive Lands requirements of the LMC and is designed to place development on the most developable land and least visually obtrusive portions of the Site.
16. Studio Crossing Development Agreement Section 6.1, Project Phasing, requires "if any phases of the project are not issued Building Permits within 6 years of the issuance of the first Building Permit, the applicant shall be required to return to the Planning Commission to re-permit any remaining Density to ensure that the remaining development is still in the best interest of Park City and immediate neighborhood".
- a. The first Building Permits issued for the Studio Crossing MPD were in 2024, for Phase I mixed-use commercial and affordable housing units.
17. The Affordable Housing Mitigation plan (dated 12/15/2022) for the Studio Crossing MPD requires a total of 185 affordable housing units, 65 of which are required to be completed in Phase I and the remaining in a later phase; Condition of Approval 6 of the Affordable Housing Mitigation plat requires

the 65 affordable Phase I units must receive Certificate of Occupancy prior to any market-rate unit.

18. At the time of this application, 104 affordable housing units are under construction as part of Phase I; pursuant to the Studio Crossing MPD, no affordable housing units are required for Phase III of the development.
19. Utah Code Chapter 57-8 requires Common areas and facilities be identified in a declaration and maintained by an association of unit owners and Utah Code § 57-8-13 outlines specific requirements for Condominium Plats including the condominium declaration must be recorded with the Condominium Plat, and the plat must include diagrammatic floor plans of the building that identify each convertible space and physical unit contained within a building:
 - a. The Studio Crossing Condominiums HOA is responsible for the common facilities within Lot A of the proposed plat.
 - b. The proposed plat includes floor plans delineating each individual unit in the 10-unit condominium buildings.
20. The Applicant has submitted a construction mitigation plan, utility plan, stormwater drainage and grading plan, and a landscape plan to the Engineering Department.
21. The Studio Crossing MPD Development Agreement (Recorder Entry No. 01214657) Section 2.6 requires that any negative impacts such as parking or noise caused by the nightly rental allowance for the market-rate units are mitigated through the CC&Rs recorded against the market-rate units.

Conclusions of Law:

1. There is Good Cause for this Studio Crossing Condominium Plat as it is consistent with the Studio Crossing MPD Development Agreement, and the plan for Phase III development of the Studio Crossing MPD.
2. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
3. Approval of the Condominium Plat, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the Condominium Plat at the County within one year from the date of Planning Commission approval. If recordation has not occurred within one year, this approval will be void, unless the applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the Planning Commission.
3. Pursuant to the Studio Crossing MPD Development Agreement, a minimum of the 65 required affordable Phase I units must receive Certificate of Occupancy prior to any market-rate unit.
4. If any phases of the project are not issued Building Permits within 6 years of the issuance of the first Building Permit, the applicant shall be required to return to the Planning Commission to re-permit any remaining Density to ensure that the remaining development is still in the best interest of Park City and immediate neighborhood.
5. The property is not within the Soils Ordinance. However, if the property owner encounters mine waste or mine waste-impacted soils, they must handle the material in accordance with State and Federal law.
6. The undulating berm required by Conditions of Approval of Ordinance No.12-12 shall be constructed and maintained, consistent with the original Quinn's Junction Partnership Annexation MPD.
7. The Applicant shall install sanitary sewer facilities in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD) construction standards and specifications, SBWRD shall review and approve plans prior to the issuance of any utility or Building Permits; all items required under the Line Extension Agreement must be completed prior to the issuance of any Building Permits.
8. The Applicant shall coordinate all utility connections and ensure APWA and Park City Supplemental Standards and Specifications are followed for all Water connections.

9. Where a Guarantee has been required for a Subdivision, no Certificate of Occupancy for any Building in the Subdivision shall be issued prior to the completion of the Public Improvements.
10. The Park City Fire District shall review and approve final plans prior to the issuance of any utility or Building Permits.
11. The CC&Rs recorded against the market rate units shall include measures to mitigate negative impacts of nightly rentals, such as noise, and parking impacts, and the Studio Crossing Condominiums HOA shall ensure enforcement of the nightly rental mitigation measures recorded in the CC&Rs.
12. The condominium buildings shall adhere to the standards outlined in the Architectural Design Guidelines approved in the 2012 Annexation Agreement.
13. Rooftop mechanical equipment shall be architecturally screened from public view.
14. Trash and recycling enclosures shall be screened with landscaping or fencing.
15. The applicant shall construct a trail connection from the site to the Park City Rail Trail, upon review and approval of a plan by the City's Trails and Open Space Division and within the timeline in the approved Phasing Plan. The alternative access point for SR 248, referred to on the Studio Crossing Condominium plat as Big Willow Trail, shall be constructed according to the approved Phasing Plan.
16. Development of the Studio Crossing Condominiums Plat shall conform to the approved plans included as Exhibit F to the recorded Studio Crossing MPD Development Agreement (Recorder Entry No. 01214657).
17. Conditions of Approval included the November 9, 2022 Planning Commission Final Action Letter, and Ordinance No. 2022-47, approving the Studio Crossing MPD, as well as Ordinance No. 2023-43, approving the Studio Crossing Subdivision continue to apply.
18. All development on newly created Lot A shall comply with the terms of the Studio Crossing MPD Development Agreement, County Recorder Entry No. 01214657.

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

- E. 36 Prospect Avenue – Conditional Use Permit** – The Applicant Requests a Setback Exception to Construct a Basement Addition In the Footprint of the Existing Landmark Historic Structure in the Historic Residential -1 Zoning District. PL-25-06490.

Planner Covey presented the Staff Report and explained that this is a CUP application for 36 Prospect Avenue. She explained that 36 Prospect Avenue is a Landmark Historic Site located in the HR-1 Zoning District. The existing historic structure was constructed sometime around 1889. The applicant, as part of the CUP, is proposing to construct a basement addition and a new foundation underneath the footprint of the existing historic structure, a portion of which encroaches into the front and side setbacks. Planner Covey shared an image with the Commission. The portion in blue is what is outside of the setback and the portion highlighted in purple is located inside the front and side setbacks.

LMC 15-2.2-4(A) – Exceptions for Existing Historic Buildings and/or Structures outlines some of the exceptions. It allows for a CUP for an exception to the setback requirements for any improvements to a historic structure. The following criteria need to be met:

- Approval of a Conditional Use Permit;
- The scale of the addition is compatible with the historic structure;
- The addition complies with all other provisions of this chapter;
- The addition complies with the adopted Building and Fire Codes;
- The addition complies with the Design Regulations for Historic Districts and Historic Sites.

Staff has found that as conditioned, the proposal complies with LMC 15-2.2-4(A) - Exceptions for Existing Historic Buildings and/or Structures, LMC Chapter 15-2.2 - Historic Residential - 1 Zoning District Regulations, and LMC 15-1-10(E) - Conditional Use Permit Criteria. Planner Covey reviewed some of the proposed Conditions of Approval. There is an Access and Snow Shed Agreement that will need to be obtained with the neighboring property prior to Building Permit submittal. In addition, the applicant will be required to obtain a Geotechnical Report that indicates the site stability and the shoring of the structure. A representative of the Geotechnical Engineer will need to be on-site to observe the excavations. Additional Conditions of Approval were shared.

Staff recommends the Planning Commission consider approving the CUP to construct a basement addition under a Landmark Historic Structure at 36 Prospect Avenue that encroaches into the front and side setbacks, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter.

Commissioner Johnson expressed support for the proposed Conditions of Approval. He asked if the existing structure is encroaching onto an adjacent property. Planner Covey denied this and explained that the property line juts out around where the existing historic structure is located. She shared example images for clarity. The entirety of the historic structure is located on the subject property. Commissioner Johnson asked about the access. Planner Covey explained that if the applicant needs access through the neighboring property, then some sort of Access Agreement will need to be worked out.

Commissioner Suesser asked how the basement work will be done. The owner of the property, Erin Kryszak, explained that the structure will be lifted. It was noted that the Historic Preservation Board approved the lifting of the house last year. Commissioner Suesser asked whether it is the house or the porch that violates the setback. Planner Covey reported that the house and porch are located within those setbacks. Commissioner Suesser noted that the historic home could be repositioned outside of the setback on the lot, but then that would not allow for the construction of the detached garage. Planner Covey clarified that moving the historic structure has not been proposed.

Director Ward shared the code that the Historic Preservation Board reviews for requests of relocation. It states that it is the intent of the section to preserve the historic and architectural resources through limitations on the relocation of historic structures. Due to the way that many of the historic structures were built in Old Town, where there are encroachments onto adjacent lots or there is non-compliance with setbacks, there is a CUP process for proposals along these lines where it is going below the existing historic structure. Commissioner Suesser thanked Director Ward for providing clarification.

Chair Van Dine opened the public hearing.

Michael McGinley stated that he is the property owner of 32 Prospect Avenue and lives in the house to the north of the property line. In general, he is supportive of the effort to preserve the existing historic structure, but he has some concerns based on the published information. Mr. McGinley expressed appreciation to Staff for their willingness to answer his questions. Based on the information he has, the proposed Conditions of Approval, and assurances from the property owners, he has no objection to approval of the project. He submitted written comments ahead of the meeting, which Chair Van Dine confirmed were received. Mr. McGinley has information about the building plans for 32 Prospect Avenue. He is willing to provide that information to the architect and applicant.

Bill Hummer owns the property at 28 Prospect Avenue. He has concerns about the accessory building that is planned to be built. Looking at the Building Code, he is concerned, because that is going to be used as a portion of the dwelling. He does not understand how this can be approved when it is against the code. Mr. Hummer has had a lot of experience with the drainage and slope of the property along Prospect Avenue. 10 years ago, he built a wall because of the erosion issues, which is a 45 foot wall that covered both 28 Prospect Avenue and a significant portion of 32 Prospect Avenue. There

is a significant erosion problem on the southwest corner of Mr. McGinley's property. At that time, he had suggested to the other nearby owners that the erosion continue to be monitored and that supports on the backside continue to be constructed. He is concerned about the erosion issues in the area as well as the setbacks. It is his understanding that the five-foot setback required on the north side would need to be added to the south side to obtain approval for the addition. Mr. Hummer is concerned about the proposed work.

Leonard Pearson stated that he lives at 44 Prospect Avenue, which is to the south of the subject property. His concern relates to the removal of the rubble wall that exists between the two properties. Once that wall is removed and construction is done, he is worried that there may be damage to 44 Prospect Avenue. There are no conditions to protect the property owners on either side of this major construction project.

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

Commissioner Suesser asked Staff to address the concern about adjacent properties potentially being compromised during the construction process. She knows that there is a Geotechnical Report for the SSCUP, but one has not been seen for this application. The public input received seems fair as far as concerns that the work might disrupt adjacent properties. Planner Covey reported that there are Conditions of Approval that require the Geotechnical Report to encompass the proposed work on the north side of the property. That is put in place to make sure that there are no negative impacts and that the house is stabilized during construction to minimize impacts on the property to the north. The Geotechnical Engineer would also need to be on-site during construction. There is also a Condition of Approval listed in the Draft Final Action Letter for the Access Agreement that would need to be entered into with the adjacent property owner.

Commissioner Suesser noted that the current conditions are legal non-conforming, but when the historic home is raised, there is an opportunity for it to come into compliance with the setbacks. She cannot find Good Cause for a substantial renovation to take place underneath this home while allowing it to remain in violation of the setback. The proposal is sound, but she believes the historic home should be placed on the property appropriately given the extensive renovation that has been proposed. Commissioner Suesser stated that she does not support the application as has been presented.

Attorney Harrington clarified that Good Cause is not a standard for this application. The criteria for the setback exception are outlined on Pages 9 through 11. The findings should be framed as they relates to those rather than to Good Cause. Commissioner Suesser noted that the Commission is being asked to accept the historic structure remaining non-compliant with the setbacks. The fact that the historic structure encroaches 4 feet 6 inches into the front setback and 8 feet 6 inches into the side setback is substantial. Pursuant to LMC 15-2.2-4, she does not believe the Planning Commission should grant an exception. She believes the design regulations can be achieved without providing the setback exception. Planner Covey stated that the existing historic structure is valid and

non-complying. The applicant is requesting a CUP to build further into the setback than what is typically allowed. It is not the historic structure, but the addition that the Planning Commission is looking at approving or denying based on the criteria that are listed.

Commissioner Frontero shared comments about the Geotechnical Report. He is not comfortable with leaving some of the future Geotechnical Reports under the Condition of Approval section. The proximity of this home to the neighboring home is closer than normal setbacks. Given that, he feels the Geotechnical Report should be completed on the excavation portion and reviewed by the internal Engineering Staff. That would need to be done in order for him to support a positive recommendation on this application. Commissioner Frontero suggested continuing the item until that report is completed and there is a positive recommendation from the Engineering Staff regarding the excavation.

Ms. Kryszak stated that she was under the impression that the one Geotechnical Report for both the SSCUP and the CUP was enough. It is the same property and is a small lot. Doing two Geotechnical Reports on the lot does not make sense. Her house was built first and other properties have encroached. Even if she were to move the house, it would still be encroaching into the setbacks. It is due to the excavation that was done at 32 Prospect Avenue that her home is leaning. Ms. Kryszak has the legal right to maintain this historic house. It is leaning towards 32 Prospect Avenue, so the house needs work.

Commissioner Frontero commented that a separate Geotechnical Report might not be needed, but he would like the internal Engineering Staff to provide some comments. He wants to make sure they are comfortable that an excavation in this area will not compromise the neighboring homes. Director Ward clarified that the Geotechnical Report was provided and reviewed by both the Engineering and Building teams, who helped craft the Conditions of Approval.

Commissioner Johnson expressed support for the conditions that have been proposed. While he understands some of the concerns expressed, for this CUP the Commission should focus on Conditions of Approval that address those concerns as much as possible. The Historic Preservation Board has approved the lift of the building in its existing location. It will be placed in the same position no greater than two feet from the existing building grade. Planner Covey clarified that the proposed addition in the basement is separate from the accessory structure. That is part of the SSCUP that will be presented after this item.

Commissioner Suesser stated that pursuant to LMC 15-2.2-4, additions must comply with building setbacks. The proposal to put a basement underneath the existing structure is an addition and must comply with the building setbacks unless an exception is granted to achieve construction consistent with the design regulations. She does not believe the Commission needs to grant the exception to achieve construction consistent with the design regulations. It is possible to retain the historic look and feel of the home without granting the exception to the setbacks. Commissioner Johnson understands the

perspective of Commissioner Suesser that it is possible to shift the building over slightly on the parcel to assist with the setbacks. However, based on comments from the applicant, even if it was shifted slightly, it would still be non-conforming with the setbacks.

Additional discussions were had about setbacks. Attorney Harrington pointed out that there are some competing interests. The preservation policies disfavor relocation, even to become compliant with setbacks, which is the reason the exception language exists. The criteria listed do not ask the Planning Commission to make the Historic Preservation Board determination. Staff has indicated that those approvals have been obtained. The Commission has the authority to look at the discretionary exception based on the criteria in the section. He feels the impact of the encroachment into the setback from the new construction should be the focus. Attorney Harrington does not believe the Commission wants to second guess the Historic Preservation Board's determination. Commissioner Suesser noted that the Board might have allowed the lift in an effort to preserve the home. She does not know whether the setback issue was considered.

Commissioner Shand respects the review process that occurred ahead of the Planning Commission Meeting. As far as the lift is concerned, he sees this as an opportunity to improve a historic structure. There is a desire to preserve the character of Old Town. As far as an addition, he agrees with Commissioner Suesser that this is technically an addition since there is an increase in livable square footage, but it does not increase the footprint of the building. Commissioner Shand likes that the foundation will be improved and that there will be a minimal impact on the streetscape. Moving the home to gain a foot or two for the setback is a lot of effort on the part of the applicant. He pointed out that doing so would only bring the home slightly more into compliance with the setbacks.

Commissioner Suesser made a motion to deny the CUP for 36 Prospect Avenue and directed Staff to draft findings for the denial. There was no second to the motion. Chair Van Dine suggested that an alternate motion be made. The proposed Conditions of Approval were reviewed. Commissioner Johnson asked to review the exhibit that shows the property boundary. The retaining walls on the adjacent property were noted. It was stated that there is an Encroachment Agreement for the historic site and retaining wall.

MOTION: Commissioner Johnson moved to APPROVE the Conditional Use Permit for an exception to the front and side setback for a basement addition at 36 Prospect Avenue, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. 36 Prospect Avenue, constructed circa 1889 on a 4,169-square-foot Lot, is a Landmark Historic Site in the Historic Residential – 1 (HR-1) Zoning District. The Historic Structure was constructed over 3 lot lines.

2. On November 29, 2023, the Planning Commission approved the 36 Prospect Avenue Plat Amendment.
3. On September 4, 2024, the Historic Preservation Board approved the lifting of the Historic Structure to construct basement foundation upgrades.
4. Additions to Historic Structures must comply with LMC regulations. However, LMC § 15-2.2-4(A) establishes a Conditional Use Permit process with Planning Commission review wherein an Applicant may propose a basement addition under a Historic Structure.
5. The Applicant proposes constructing a basement addition under the footprint of the Landmark Historic Structure that encroaches 4 feet 6 inches into the Front Setback and 8 feet 6 inches into the Side Setback.
6. LMC § 15-2.2-3(F) requires that the Front and Rear Setbacks on the Lot be either 12 or 13 feet but total 25 feet.
7. LMC § 15-2.2-3(G) states, “the Front Setback must be open and free of any Structure.” Pursuant to LMC § 15-2.2-4, Landmark Historic Sites that do not comply with Setbacks are valid Non-Complying Structures.
8. LMC § 15-2.2-3(I) requires a 5-foot Side Setback in the HR-1 Zoning District for a lot of this size as LMC § 15-2.2-3(J) states the “Side Setback must be open and free of any Structure.”
9. Pursuant to LMC § 15-2.2-4, Landmark Historic Sites that do not comply with Setbacks are valid Non-Complying Structures. The Historic Structure and Historic Porches encroach eight and a half feet into the Side Setback and are allowed pursuant to LMC § 15-2.2-4.
10. The proposed plans follow the Footprint of the existing Historic Structure. Pursuant to LMC § 15-2.2-4, additions must comply with Building Setbacks, unless the Planning Commission grants an exception to the Setbacks to achieve construction consistent with the Design Regulations.
11. LMC § 15-2.2-4 *Exceptions for Existing Historic Buildings and/or Structures* states that additions to Historic Sites may be granted a Setback exception from the Planning Commission if the proposal complies with the following:
 - a. Approval of a Conditional Use Permit.
 - i. Please see CUP analysis in the below section.
 - b. The scale of the addition and/or driveway is Compatible with the Historic Building and/or Structure.

- i. The proposed basement addition is compliant with LMC § 15-2.2- 4(A)(2) Exceptions for Existing Historic Buildings and/or Structures. The proposed basement is not visible from the primary public right- of-way and does not increase the height of the Landmark Historic Structure. The proposed addition does not increase the footprint of the existing Historic Structure and is compatible with the Historic Structure.
- c. The addition complies with all other provisions of this Chapter.
 - i. Please see the Steep Slope Conditional Use Permit (PL-25-06469) Staff Report for additional in-depth analysis.
- d. When the addition complies with the adopted Building and Fire Codes.
 - i. The Building Department and Fire Marshall require the following Conditions of Approval:
 - 1. Access and Snow Shed Agreements will need to be obtained and completed by the Homeowner and the applicable neighboring properties prior to Building Permit submittal.
 - 2. A geotechnical soils report indicating site stability and temporary shoring and drainage will need to be submitted and approved prior to Building Permit submittal.
 - 3. A representative of the geotechnical engineer shall observe footing excavations prior to structural fill or concrete placement and provide an excavation observation letter.
 - 4. Exterior wall fire resistance rating and separation distance to comply with Table R302.1(1) of the 2021 IRC.
 - 5. Landscaping of the Ignition Zones and Home Hardening must comply with the Park City Wildland Urban Interface Code.
- e. The addition complies with the Design Guidelines for Historic Districts and Historic Sites.
 - i. The Applicant submitted a Historic District Design Review (HDDR) Application (PL-24-06186). The proposed basement addition must comply with LMC § 15-13-2, Regulations For Historic Residential Sites.
 - ii. Basement additions without a garage are regulated by LMC § 15- 13-2(B)(5)(a) Regulations for a Basement Addition Without a Garage, the proposed addition has been reviewed and is compliant with LMC § 15-13-2(B)(5)(a).

12. There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
13. The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards.
 - a. The proposed exception to the Front and Side Setbacks for the basement addition do not alter the size or location of the site. The proposed basement addition is to be located within the same Building Footprint as the existing Structure.
 - b. The proposed basement addition will not impact the traffic or capacity of the existing Streets.
 - c. On April 25, 2025, DRC reviewed the proposed basement addition and confirmed utility capacity. The Engineering Department requires that the City Engineer review all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards prior to Building Permit issuance.
 - d. The proposed basement addition will not impact emergency vehicle access.
 - e. LMC § 15-3-6(A) requires two parking spaces for an SFD. Pursuant to LMC § 15-2.2-4, "[a]dditions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment." The proposed basement addition does not create a Lockout Unit or Accessory Apartment.
 - f. The proposed basement addition does not impact vehicular or pedestrian circulation.
 - g. The proposed basement addition is located within the Side Setback and is adjacent to the neighboring property. The proposed addition is located in the same footprint as the existing Historic Structure and will not further encroach into the Side Setback or be located closer to the adjacent property.
 - h. The proposed basement addition is subordinate to the Historic Structure. It is located under the existing Historic Site Footprint and is not visible from the primary public right-of-way. The proposed basement addition will be visible from adjacent properties, primarily the property to the north. The primary visual impact will occur on the

- rear of the Structure which is visible from the rear (west) of the property. The visual impact on the side (north) elevation of the Structure is not substantially larger than what is visible currently.
- i. The proposed basement addition is located within the same Building Footprint as the Historic Structure. There are no changes in usable open space.
 - j. There are no signs or lighting proposed as part of this application.
 - k. The proposed basement addition is subordinate to the Historic Structure. Condition of Approval 9 requires that the addition and any new construction on site comply with LMC § 15-13-2. Please see Section II of this Staff Report for an analysis of the proposed basement addition's compliance with LMC § 15-13-2(B)(5) Regulations for a Basement Addition Without a Garage. Additional details on the design and architectural detailing will be reviewed by the Planning Department during the Historic District Design Review process.
 - l. There are no impacts from noise, odors, steam, or other such factors from this proposal.
 - m. There are no impacts on delivery, unloading zones, or screening of trash as part of this application.
 - n. The proposed basement addition is associated with the Primary Structure. Nightly Rentals are allowed in the HR-1 Zoning District subject to Business License approval and compliance with Park City Municipal Code § 4-5-3 Regulation of Nightly Rentals.
 - o. 36 Prospect Avenue contains Steep Slopes to the south of the property. The proposed basement addition is to the north of the property and is not on a Steep Slope.
 - p. Goal 15B of the General Plan is to maintain the character, context, and scale of local Historic Districts with compatible infill development and additions. The proposed basement addition is under the existing Historic Structure Footprint and does not increase the Building Footprint or Height.
14. The proposed basement addition has been reviewed for substantial mitigation of the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards and is compliant with LMC § 15-1-10(E).
15. The analysis of the Staff Report is incorporated herein.
16. Staff published notice on the City's website and posted notice to the property on May 14, 2025. Staff mailed courtesy notice to property owners within 300 feet and posted notice to the property on May 14, 2025. The Park Record published notice on May 14, 2025.

Conclusions of Law:

1. The proposal complies with the LMC requirements in Chapter 15-2.2, Historic Residential - 1 (HR-1) Zoning District.
2. The proposal complies with the LMC requirements in Chapter 15-2.2-4(A) *Exceptions for Existing Historic Buildings and/or Structures*.
3. The proposal complies with the criteria outlined in LMC § 15-1-10(E) *Conditional Use Permit Criteria*.

Conditions of Approval:

1. Final building plans and construction details shall reflect substantial compliance with the plans reviewed on May 28, 2025, by the Planning Commission, pending design modifications required for Historic District Design Review compliance. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
2. The Applicant shall receive approval of a Historic District Design Review prior to submitting a Building Permit application.
3. If the Applicant does not obtain a Building Permit within one year of the date of this approval, this CUP approval will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Director approves an extension.
4. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
5. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
6. Residential fire sprinklers are required for all new construction on this lot, per the requirements of the Chief Building Official.
7. Any areas disturbed during construction surrounding the proposed work shall be brought back to their original state. The Final Grade shall be within four feet of Existing Grade.

8. Access and Snow Shed Agreements will need to be obtained and completed by the Homeowner and the applicable neighboring properties prior to Building Permit submittal.
9. A geotechnical soils report indicating site stability and temporary shoring and drainage will need to be submitted and approved prior to Building Permit submittal.
10. A representative of the geotechnical engineer shall observe footing excavations prior to structural fill or concrete placement and provide an excavation observation letter.
11. Exterior wall fire resistance rating and separation distance to comply with Table R302.1(1) of the 2021 IRC.
12. Landscaping of the Ignition Zones and Home Hardening must comply with the Park City Wildland Urban Interface Code.
13. All construction shall comply with LMC § 15-13-2 *Regulations for Historic Residential Sites*.
14. The basement addition shall not raise the Historic Structure more than 2 feet from its original floor elevation above grade.
15. The Historic Site shall be returned to original grade following construction of a foundation, if original grade cannot be achieved no more than 2 feet of the new foundation shall be visible above grade.
16. The site shall be re-graded to the grading prior to construction of the addition.
17. The City Engineer reviews all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards prior to Building Permit issuance.

The motion was seconded by Commissioner Shand. The motion passed with a vote of 3-to-1 with Commissioner Suesser voting Nay.

F. 36 Prospect Avenue – Steep Slope Conditional Use Permit – The Applicant Proposes to Construct a Detached Accessory Building on a Steep Slope on a Landmark Historic Site in the Historic Residential-1 Zoning District. PL-25-06469.

Planner I, Lillian Zollinger, presented the Staff Report and explained that the application is for an SSCUP at 36 Prospect Avenue. She shared images of the property with the Commission. In the right image, there are some trees and vegetation to the south of the structure. That is where the applicant is proposing to construct an accessory building on the lot. The basement addition that was discussed previously under the CUP is not over a steep slope and is not part of this review. Planner Zollinger referenced the right image and noted that there is an existing accessory structure and deck in the rear. Those are proposed to be removed as the project moves forward. She shared the Site Plan. As conditioned and proposed, the accessory structure complies with the front and rear setbacks. In the HR-1 Zoning District, accessory structures are allowed to encroach up to 2 feet into the side setback, which is 5 feet. This leaves a three-foot side setback minimum so long as the accessory structure is no greater than 18 feet in height. The proposed structure does not exceed 18 feet in height and has a 3.5-foot setback on the south side.

As conditioned, Staff finds the proposal complies with the SSCUP requirements. The applicant currently does not propose any structures in the rear setback and is only constructing on the south side steep slope. The rear is also a steep slope. Planner Zollinger reported that the applicant is proposing a garage as part of this, which allows for one parking space on the site. The applicant proposes six retaining walls around the site, all less than 4 feet in height. She reiterated that the proposal complies with the height requirement. Several of the proposed Conditions of Approval were highlighted, including conditions related to the height of the retaining walls, the Landscape Plan for the front yard, and on-site parking. The last four conditions shown on the presentation slides were proposed by the Building Department and the Engineering Department.

Commissioner Shand believed the only on-site parking would be in the garage, which was confirmed. Staff recommends that the Planning Commission review the proposal for the SSCUP, hold a public hearing, and consider approving the SSCUP for the accessory building on 36 Prospect Avenue. Planner Zollinger offered to answer questions.

Commissioner Johnson stated that the south side of the historic structure is a very steep slope. He feels there needs to be some justification so he can understand why an accessory structure should be allowed on a very steep slope adjacent to a historic structure. Commissioner Shand referenced Page 14 of the Staff Report and asked the architect to address the retaining walls. Commissioner Johnson added that he would like to know what the height of the shoring wall will be on the south side of the property line. Dave Brock introduced himself as an architect from Brock Design. The reason for the

retaining walls is to keep everything under a four-foot grade change from the original grade.

Commissioner Shand asked whether the walls go down to the footings. He pointed out that one of the neighbors had a concern about the steep slope, erosion, and the condition of the existing retaining wall. Mr. Brock clarified that the retaining walls do not go down to the footings, but there is a basement space where the retaining walls are seen. The dashed line shown along the basement of the house corresponds to the lower level of the house as well as the space on the lower level of the accessory structure. There is a basement space on the western side of the accessory structure. Mr. Brock stated that the Excavation Plan and professionally designed Shoring Plan have not been done yet. There is a Geotechnical Report and there will be a Shoring and Excavation Plan done in the future with a Civil Engineer involved. Mr. Brock shared an image of the proposed west elevation with the Planning Commission to provide additional clarity.

Commissioner Johnson asked the City Attorney about requiring a Shoring and Excavation Plan at this stage. He wanted to know how this is generally handled. Attorney Harrington reported that a complete application has been filed, which includes a Geotechnical Report but does not include the full building set plans. It is possible to consider an additional Condition of Approval to make sure there is no subsequent development in the rear yard. The Staff Report points out that this proposal is not maximizing the building pad.

Chair Van Dine opened the public hearing.

Michael McGinley clarified that he does not have objections to the Plat Amendment, given the conditions contained in the Draft Final Action Letter, but has serious concerns about the construction plans. Approval of each of these applications does not grant approval for construction. Many of his concerns are based on the Geotechnical Report included for Item 7F. He believes the drainage and foundation will be impacted at 32 Prospect Avenue. Previously, he was assured that all of the Conditions of Approval would need to be addressed and met prior to issuance of a Building Permit. With respect to the Geotechnical Report, he referenced the information for Item 10, Item 12, and Item 19.

Donna Hummer noted that there have been references made to an accessory building. The Accessory Building definition under the Municipal Code states that it is a building on the same lot as the principal building that is clearly incidental. She wanted to know how the proposal falls into the definitions included in the code. Chair Van Dine clarified that questions are not answered during the public hearing, but thanked her for the comment.

Leonard Pearson stated that there is not an Easement Agreement between 44 Prospect Avenue and 36 Prospect Avenue. He is still concerned about what type of wall will be on the south side of the property and what the impacts will be to the neighbors.

Sarah Coughtrie submitted a comment online about parking and the accessory apartment in the back. On the applicant plans in Exhibit B, it is not labeled as an accessory building, but as an accessory apartment. She feels that is relevant to the discussion. In the Staff Report, there was a comment about parking being exempt from a Landmark Historic Structure so long as there is not an increase to the dwelling area or provide some sort of living space. However, based on the Staff Report information, it appears to do so.

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

Chair Van Dine asked for clarification about an accessory building versus dwelling space. She pointed out that it is listed as a bedroom and bathroom. Director Ward reported that in the defined terms in the code, there is a reference to an Accessory Building that is incidental. That could include a detached garage or a similar structure that requires a Building Permit, but it cannot include a Dwelling Unit. She explained that Dwelling Unit is a defined term. A Dwelling Unit is designed for use as a residence or sleeping place for one or more persons or families that includes a kitchen but excludes hotel, motel, lodge, or nursing home uses. There have been discussions with the applicant to clarify that this cannot be a Dwelling Unit with a kitchen and cannot be a separately rented or leased area within the home. It must remain accessory to the single-family use. Chair Van Dine believes that should be added as a Condition of Approval for clarity.

Commissioner Suesser asked for the definition of Accessory Building. Director Ward reported that there is a four-part definition in the code. It is a building on the same lot as the principal building, which in this case would be the single-family dwelling. The Accessory Building must be incidental to and customarily found in connection with the single-family building. That can include a detached garage or similar structures, but it does have to be operated and maintained for the benefit of the single-family use. Accessory Buildings cannot be a Dwelling Unit. Accessory Buildings also include structures that do not require a Building Permit, such as a shed or something similar.

Commissioner Suesser asked what is in the code about an Accessory Building that is one story. Director Ward explained that there is a separately defined term for an Ancillary Structure, which is one story and can be attached or detached. These are 250 square feet or smaller and include uses such as sheds, greenhouses, and play equipment. It is a type of Accessory Building. Commissioner Suesser referenced Page 18 of the Staff Report, which mentions the proposed detached accessory building is one story and low profile as viewed from Prospect Avenue. She wanted to understand the significance of that. It was clarified that it indicates a similar streetscape will be maintained.

Commissioner Johnson wondered whether the proposed Conditions of Approval are enough to mitigate potential impacts on the adjacent property owner. He also has a concern about the proposed retaining wall for the trash enclosures to the left of the accessory building. The proposed trash enclosure bumps out and looks like it is

approximately 6 feet tall based on the visual depiction. He wondered whether there are any additional mitigation measures other Commissioners feel should be put in place.

Commissioner Shand asked the City Attorney how to best ensure that the shoring is going to be done correctly and the property to the south will not be negatively impacted. He wanted to know what the responsibility of the Planning Commission is. Attorney Harrington stated that there is safety and adverse impact language. He shared comments about the process and the proposed Conditions of Approval, which are intended to mitigate potential issues. The Commission can ask for more information from the City Engineer or Building Official about the conditions to make sure that the proposed Conditions of Approval are appropriate. Alternatively, the Commission can trust that the current conditions, as drafted, mitigate the anticipated impacts of the construction activity on the narrow lot line and setback. Commissioner Shand understands the concerns that have been expressed and has questions about how this work will be executed safely.

Planner Covey asked what additional information the Commission is looking for outside of what has already been provided. She reiterated that the Building Department and Engineering Department have both reviewed the proposed plans and Geotechnical Report. The development of a final Shoring Plan is normally submitted by the applicant at the Building Permit stage rather than the SSCUP stage of the process.

Commissioner Johnson asked what would happen if this process moved ahead and there was a landslide that impacted the adjacent home. He noted that Park City Municipal Corporation might be liable for issuing the Building Permit. There is a desire to do the best job possible during the review process. Attorney Harrington reminded the Commission that it is important to focus comments on the criteria that have been outlined. He cautioned Commissioners from going beyond the plain language of the statute. Most of the geotechnical and slope details are in the visual analysis section rather than safety. There is a presumption that the geotechnical safety will be handled by the professionals at the time of the Building Permit issuance. He reiterated the need to focus on the criteria.

Commissioner Shand acknowledged that this has been reviewed by different departments, but noted that the Planning Commission is trying to make sure the right decision is made. Director Ward addressed the earlier comment from Commissioner Johnson about the additional carve out for trash enclosure. Planner Covey noted that on one of the elevations, the height of the retaining wall for the trash enclosure is called out.

Commissioner Johnson stated that he feels comfortable with Conditions of Approval #12, #13, and #14, and allowing the City Engineer and team to vet this application. He suggested there be a reference in the condition language to the trash enclosure height. Ms. Kryszak referenced Page 14 of the Staff Report and explained that the wall for the trash enclosure is 3 feet and 11 inches. Commissioner Johnson still thought it made sense to include that specificity in the Condition of Approval language.

Discussions were had about amendments to the Conditions of Approval. An amendment was made to Condition of Approval #1 to reference the height of the trash enclosure retaining walls. Condition of Approval #23 was added to reference the accessory building use. Commissioner Suesser stated that she was voting in opposition to the application because she feels the Commission should have required increased setbacks for the accessory building given the adjacent home to the north of the applicant property.

MOTION: Commissioner Frontero moved to APPROVE the Steep Slope Conditional Use Permit for a Detached Accessory Building at 36 Prospect Avenue, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended:

Findings of Fact:

1. 36 Prospect Avenue is a 4,169-square-foot Lot.
2. The site is in the Historic Residential – 1 (HR-1) Zoning District.
3. The Landmark Historic Structure on the Site was constructed circa 1889.
4. On November 29, 2023, the Planning Commission approved the 36 Prospect Avenue Plat Amendment.
5. On September 4, 2024, the Historic Preservation Board approved the lifting of the Historic Structure to construct basement foundation upgrades.
6. The Applicant proposes to construct a detached Accessory Building on a Steep Slope at 36 Prospect Avenue, a Landmark Historic Structure.
7. The Applicant applied for the SSCUP in conjunction with a Conditional Use Permit (CUP) for an exception to the Building Setback for the addition.
8. The applicant proposed constructing an Accessory Building approximately 525 square feet on an existing Slope of thirty percent (30%) or greater. Therefore, pursuant to § 15-2.2-6, an SSCUP application is required.
9. In conjunction with the SSCUP, the Applicant submitted a Historic District Design Review (HDDR) Application (PL-24-06186). The HDDR Application approval is subject to the approval of this SSCUP.
10. The minimum Lot size in the HR-1 Zoning District is 1,875 square feet. The Lot is 4,169 square feet and complies.

11. The maximum Lot size in the HR-1 Zoning District is 3,750 square feet. The Lot is 4,169 square feet and is Existing Non-Complying pursuant to LMC § 15-2.2-4.
12. The minimum Lot width in the HR-1 Zoning District is 25 feet. The Lot is 53 feet in width and complies.
13. The maximum Building Footprint in the HR-1 Zoning District for a Lot that is 4,169 square feet is 1,649 square feet. The proposed Building Footprint is 1,276 square feet and complies.
14. The minimum Front and Rear Setbacks for Lots 75 feet up to 100 feet depth in the HR-1 Zoning District is 12 or 13 feet minimum, totaling 25 feet. The Applicant proposes a 13-foot Front Setback and a 12-foot Rear Setback.
15. Minimum Side Setbacks for Lots up to 62.5' in width are three feet each in the HR-1 Zoning District. The Applicant proposes a nine-foot north Side Setback and a five-foot south Side Setback.
16. The maximum building height is 27 feet from Existing Grade in the HR-1 Zoning District. The proposed maximum building height is 22' from Existing Grade and complies. The proposed Accessory Building is 18 feet tall at its highest point above Existing Grade.
17. The HR-1 Zoning District requires a ten-foot minimum horizontal step in the downhill façade, at 23 feet or less. The entire Existing Historic Structure is a maximum of 22 feet tall above Existing Grade and compliant.
18. Structures cannot exceed 35 feet from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters in the HR-1 Zoning District. The Landmark Historic Structure's addition will have an interior height of approximately 24 feet. The Accessory Building will have an interior height of approximately 20 feet.
19. The roof pitch for the Contributing Roof Form must be between 7:12 and 12:12 in the HR-1 Zoning District and occupy a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building, as viewed from the primary public right-of-way. The Historic roof form is 12:12. The Accessory Structure's roof pitch is 9:12. The roof pitches extend beyond 20 feet and are compliant.
20. Per Land Management Code (LMC) § 15-2.2-6, SSCUP applications are subject to the following criteria:

- **LOCATION OF DEVELOPMENT** – *Development is located and designed to reduce visual and environmental impacts of the Structure.*
 - **Complies:** The proposed detached garage and Accessory Building are closer to Prospect Avenue to avoid the steeper slope at the rear of the site and step down the south side slope, to follow the contour of the site.
- **VISUAL ANALYSIS** – *The Applicant must provide a visual analysis of the project from key Vantage Points: To determine potential impacts of the proposed Access and Building mass and design; and to identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.*
 - **Complies:** Due to the steep slope and proposed vegetation, 36 Prospect Avenue is not very visible from Old Town. The Applicant provided cross-canyon images which show the proposed height in a similar pattern to the existing structures on Prospect Avenue. Some existing vegetation will be removed that is dead, dying, or in the location of the proposed Accessory Building. The Applicant proposes to replace and plant vegetation in the rear (west side) of the Lot, where they are not disturbing the slope for structure construction. Due to the downhill slope, the vegetation will not initially screen the structures, but as the vegetation grows, more of the structure will be screened.
- **ACCESS** – *Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Shared Driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible.*
 - **Complies:** The front of the site is currently paved for parking. Historic Structures are exempt from Parking requirements and the proposed work includes building a garage. Parking shall be limited to the garage (see Condition of Approval 18 and Section III of this report), and the paved parking area in front of the Historic Structure must be landscaped as proposed. Parking within the landscaped area is prohibited. The Applicant proposes a 10-foot-wide driveway. The amount of impervious surface in the front of the structure will be limited to the driveway and paths leading to the structures. Pursuant to LMC § 15-2.2-5, the Final Grade must be within four vertical feet of Existing Grade. The plans show Final Grade within four feet of Existing Grade, as shown on the plans.
- **TERRACING** – *The project may include terraced retaining Structures if necessary to regain Natural Grade.*
 - **Complies:** The Applicant proposes five concrete retaining walls and one stone retaining wall, all less than four feet in height, around the site. The concrete walls range from four to fourteen feet in length. The longest portion of the stone wall is 19 feet in length. The structures themselves will retain most of the grade. The terraced retaining walls are not visible from Prospect Avenue. The retaining walls allow the grade to stay within four feet of existing grade, as show in the plans above.

- **BUILDING LOCATION** – *Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.*
 - **Complies:** The detached garage and Accessory Building are set back from the front facade of the Landmark Historic Structure by approximately 11 feet. The detached garage has a limited driveway. The proposed location for the Accessory Building is on a Steep Slope to the south, however, it avoids Steep Slopes on the west and is set back at least 21 feet from the rear property line. Vegetation on the Steep Slope is proposed to be removed to construct the Accessory Building, but there is open space proposed in the Front, Side, and Rear for new plantings.
- **BUILDING FORM AND SCALE** – *Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. To decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main structure or no garage.*
 - **Complies:** The Applicant proposes a smaller Building Footprint than the maximum allowed. The detached garage and Accessory Building step down towards the west side, as the grade steps down. The detached garage is a part of the Accessory Building and is separate from the Historic Building. The proposed detached Accessory Building is one-story and low profile, as viewed from Prospect Avenue. The Accessory Building is less wide than and simple and subordinate in design to the Historic Structure.
- **SETBACKS** – *The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.*
 - **Complies:** The proposed detached garage and Accessory Building are set apart and back from the front facade of the Landmark Historic Structure to reduce the wall effect. The detached garage and Accessory Building are proposed to be constructed closer to Prospect Avenue to avoid the steeper slopes at the rear of the property.
- **DWELLING VOLUME** – *The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.*
 - **Complies:** As seen from Prospect Avenue, the structure is viewed as a one-story structure. The proposed final external and internal structural

heights are equal to or less than the maximum allowed, and compliant as conditioned with the HR-1 Zoning District requirements as outlined above.

- **BUILDING HEIGHT | STEEP SLOPE** – *The Maximum Height for Detached Accessory Buildings is 18 feet. The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and the Historic character of the neighborhood's existing residential Structures.*
 - **Complies:** The proposed maximum height of the Accessory Building is 18 feet. The tallest portion of the structure is at the rear of the Lot, not visible from Prospector Avenue, and steps down the hillside like the adjacent properties.
21. The analysis of the Staff Report is incorporated herein.
 22. Staff published notice on the City's website and posted notice to the property on May 14, 2025. Staff mailed courtesy notice to property owners within 300 feet and posted notice to the property on May 14, 2025. The Park Record published notice on May 14, 2025.

Conclusions of Law:

1. The proposal complies with the LMC requirements in Chapter 15-2.2, Historic Residential - 1 (HR-1) Zoning District.
2. The proposal complies with the LMC requirements in Chapter 15-2.2-6, Development on Steep Slopes in the HR-1 Zoning District.
3. The proposal complies with the LMC requirements in Chapter 15-3, Off-Street Parking.

Conditions of Approval:

1. Final building plans and construction details shall reflect substantial compliance with the plans reviewed May 28, 2025, by the Planning Commission, pending design modifications required for Historic District Design Review compliance. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order. The trash enclosure retaining walls shall be no taller than 4 feet from Final Grade and Existing Grade cannot be modified more than 4 feet to reduce the visual impact from the street.
2. The Applicant shall receive approval of a Historic District Design Review prior to submitting a Building Permit application.

3. If the Applicant does not obtain a Building Permit within one year of the date of this approval, this SSCUP approval will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Director approves an extension.
4. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
5. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
6. Residential fire sprinklers are required for all new construction on this lot, per requirements of the Chief Building Official.
7. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste-impacted soils they must handle the material in accordance with State and Federal law.
8. Any areas disturbed during construction surrounding the proposed work shall be brought back to their original state. The Final Grade shall be within four feet of Existing Grade.
9. City approval of a Construction Mitigation Plan (CMP) is a condition precedent to the issuance of any Building Permits. The CMP shall include language regarding the method of protecting adjacent structures.
10. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to Building Permit issuance.
11. All outdoor lighting must be down-directed, fully shielded, with bulbs 3000 degree Kelvin or less. A fully shielded light is installed in such a manner that all light emitted either directly from the bulb, or indirectly by reflection or refraction, is below the horizontal plane through the fixture's lowest light-emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture. Final lighting details shall show compliance with this condition and shall be reviewed by the Planning Staff prior to installation.

12. The Applicant shall submit final slope stability prior to submitting a Building Permit, subject to City Engineer approval.
13. The Applicant shall provide soil stabilization and drainage details documenting how the disturbed area will be restored and stabilized prior to submitting a Building Permit, subject to City Engineer approval.
14. Prior to submitting a Building Permit, the Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction, subject to City Engineer approval.
15. Retaining walls cannot exceed the height approved as part of this SSCUP without modifying the SSCUP.
16. The Applicant shall obtain an Encroachment Agreement for driveway access with the Engineering Department for the heated driveway.
17. If the Applicant proposes additional retaining walls not approved under this SSCUP, the Applicant must file a modification application and return to the Planning Commission for review and approval prior to submitting a revised Building Permit.
18. The front yard landscape plan shall not include additional impervious surfaces than what is outlined on the May 28, 2025 plans. Onsite parking is limited to the garage. Landscaping of the Ignition Zones and Home Hardening must comply with the Park City Wildland Urban Interface Code.
19. Access and Snow Shed Agreements will need to be obtained and completed by the Homeowner and the applicable neighboring properties prior to Building Permit submittal.
20. A geotechnical soils report indicating site stability and temporary shoring and drainage will need to be submitted and approved prior to the Building Permit submittal.
21. A representative of the geotechnical engineer shall observe footing excavations prior to structural fill or concrete placement and provide an excavation observation letter.
22. Exterior wall fire resistance rating and separation distance to comply with Table R302.1(1) of the 2021 IRC.

23. The Accessory Building may only be used incidental to the Single-Family Dwelling Use and shall not be used as an Accessory Apartment, Dwelling Unit, or rented separately from the primary residence.

The motion was seconded by Commissioner Shand. The motion passed with a vote of 3-to-1 with Commissioner Suesser voting Nay.

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

- G. 3672 West Deer Crest Estates Drive – Conditional Use Permit** – The Applicant Proposes to Construct a Private Recreation Facility Including Two Pickleball Courts, One Tennis Court, a Playground, Four Parking Spaces, a 375-Square-Foot Building for Storage and Restrooms, a Ten-Foot-Tall Fence Surrounding the Tennis Court, and an Eight-Foot-Tall Retaining Wall in the Front Setback in the Recreation and Open Space Zoning District and Sensitive Land Overlay. PL-24-06308.

Planner II, Virgil Lund, presented the Staff Report and explained that the application is for a CUP at 3672 West Deer Crest Estates Drive. The applicant proposes to construct a Private Recreation Facility. Planner Lund shared some background information with the Commission. In December 1998, the City Council annexed 253 acres of the Deer Crest area into Park City. The proposed development is located on a parcel owned by the State of Utah School and Institutional Trust Lands Administration (“SITLA”). The Lease Agreement with SITLA allows for the proposed uses on the parcel. Some photographs of the site were shared. Currently, it is used for construction staging and other parking for the Deer Crest Master Association. It is located just past the vehicle control gate.

The park will be open for members of the Deer Crest Master Association. Planner Lund shared a rendering and reviewed what the Private Recreation Facility will have:

- Two pickleball courts;
- One tennis court;
- A 450-square-foot stage for covered picnics and private events;
- A 500 square-foot playground;
- Four parking spaces;
- A 375-square-foot building for storage and restrooms;
- A 10-foot tall sound mitigating AcoustiFence surrounding the tennis court and pickleball courts;
- An eight-foot tall retaining wall in the front setback.

An overhead view of the rendering was shared. The proposal complies with all requirements from the Recreation and Open Space (“ROS”) Zoning District regarding setbacks, building height, and vegetation protection. The proposal also complies with the Sensitive Land Overlay criteria for fences and retaining walls, off-street parking

requirements, and the CUP criteria. Planner Lund reported that the pickleball criteria in the LMC do not apply to this specific parcel since the parcel is not a residential lot. He shared some details from the Sound Mitigation Plan that was submitted by the applicant.

Staff recommends that the Planning Commission review the proposed CUP and consider approval based on the Draft Final Action Letter. Planner Lund reviewed the Conditions of Approval, including ones recommended by Bio-West Inc. Those conditions are reflected in Conditions of Approval #4, #5, and #6. The use of the pickleball court shall be limited from 8:00 a.m. to 8:00 p.m. Representatives are available to answer questions.

Information was shared about the Homeowners Association ("HOA"). It was noted that the St. Regis residences are not participants in this park. Those residents opted not to participate in the funding or use of the amenity. Commissioner Frontero asked if this park will have lighting. It was noted that no exterior lighting has been proposed.

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

Commissioner Shand pointed out that there is a mountain bike trail that comes down in this general area. He asked if that will be impacted at all with the proposal. This was denied. The Solamere Trail comes down at the intersection of Deer Crest Estates and Snow Top. There is also one to the west of the park itself. Chair Van Dine appreciates the noise mitigation that is included in the plans. This is placed well to minimize impacts.

Commissioner Johnson referenced the Bio-West Inc. conditions. He asked if pre-construction surveys are recommended. Planner Lund does not recall seeing a specific requirement for a survey prior to construction, but that language could be added. Discussions were had about language to add to the Conditions of Approval. Attorney Harrington suggested a new condition be drafted and another sentence be added to Condition of Approval #1. Condition of Approval #4 was drafted and the conditions were reordered. Commissioner Suesser requested another condition about the bike racks.

MOTION: Commissioner Shand moved to APPROVE the Conditional Use Permit at 3672 West Deer Crest Estates Drive, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended:

Findings of Fact:

1. The Applicant proposes to construct a Private Recreation Facility with:
 - a. Two pickleball courts.
 - b. One tennis court.
 - c. A 450-square-foot stage for covered picnics and private events.
 - d. A 500-square-foot playground.

- e. Four Parking Spaces.
 - f. A 375-square-foot Building for storage and restrooms.
 - g. A 10-foot-tall sound-mitigating AcoustiFence surrounds the tennis court and pickleball courts.
 - h. An eight-foot-tall retaining wall in the Front Setback.
- 2. The proposed Site is McKinley Parcel 1C, 0.4 acres located in Wasatch County, owned by the State of Utah School and Institutional Trust Lands Administration (SITLA).
 - 3. The Deer Crest area was originally within unincorporated Wasatch County. Developers started the land use review process with Wasatch County in the late 1980s. In 1991, the Wasatch County Commissioners approved a Density Determination outlining future development and use for what was then called the Telemark Park Resort. However, due to the project's location and impacts on several jurisdictions, a lawsuit ensued regarding development and services.
 - 4. On December 29, 1995, Park City Consolidated Mines Company, Trans-Wasatch Company, and Park City Municipal Corporation entered into a Settlement Agreement. The Settlement Agreement outlined annexation and future development of Deer Crest projects in Park City.
 - 5. Section 5.3.10 of the Settlement Agreement mentions the parcels owned by SITLA and that all proposed uses of these State-owned parcels must comply with the recorded lease agreements between SITLA and Deer Crest.
 - 6. On June 20, 1996, an Amended and Restated Special Use Agreement was recorded with Wasatch County outlining financial terms and use restrictions for this parcel. Section 2 of the Lease Agreement, Permitted Uses, outlines the Uses:
 - a. "The Premises shall be used as part of a year-round destination ski and recreational resort (the "Resort"). The Resort will have commercial, residential, and recreational uses, and may include, without limitation, skiing, golf, racquet sports, swimming, hiking, bicycling, sports training, and other recreational activities."
 - 7. On December 17, 1998, the City Council approved Ordinance No. 98-53, annexing 253 acres of the Deer Crest property into Park City. Also on December 17, 1998, Park City Municipal Corporation and Wasatch County signed the Deer Crest Interlocal Agreement. The agreement outlined

requirements for infrastructure and utility services to the Deer Crest annexation area.

8. Land Management Code (LMC) § 15-4-22 Outdoor Pickleball Courts in Residential Areas does not apply to this CUP Application. LMC § 15-4-22 is required when a pickleball court is proposed on a residential Lot, and the subject Lot is not residential.
9. The proposal complies with the requirements of the ROS Zoning District.
 - a. LMC § 15-2.7-3 outlines the Lot and Site requirements.
 - b. Setbacks: All Structures must be no less than 25 feet from the boundary line of the Lot, district, or public Right-of-Way.
 - c. LMC § 15-2.7-3(A) outlines Setback exceptions: 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.
 - i. The proposed courts, stage, and play areas are located outside of all required Setbacks. The Applicant proposes four Parking Spaces and an eight-foot-tall retaining wall in the Front Setback.
 - d. LMC § 15-2.7-4 outlines Building Height requirements: No Structure may be erected to a height greater than 28 feet from Existing Grade.
 - i. The bathroom/storage building is 13 feet in height from Existing Grade, the stage is 14 feet in height from Existing Grade, and the shade Structure and playground equipment are approximately 12 feet in height from Existing Grade.
 - e. LMC § 15-2.7-6 outlines requirements for vegetation protection: The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches in diameter or greater measured four and one-half feet above the ground.
 - i. The Applicant proposes to remove six Engelmann spruce and Douglas Fir trees that are greater than six inches in diameter and will replace them on-site with six Engelmann spruce and Douglas Fir trees that are equivalent in diameter.
10. The proposal complies with the Sensitive Land Overlay.
 - a. Slope Protection: No Development is allowed on or within 50 feet, map distance, of Very Steep Slopes, Areas subject to landslide activity, and other high-hazard geologic Areas. An Area of Very Steep Slopes must cover a topographic Area at least 25 feet

vertically, upslope, or downslope, and 50 feet horizontally in any direction to be subject to this prohibition.

- i. The Applicant's slope map shows the proposed Development is not on or within 50 feet of a Very Steep Slope. No Very Steep Slope within 50 feet of the proposed Development Site covers a large enough topographic Area to impact Development.
- b. Ridge Line Area Protection: LMC § 15-15-1 defines "Ridge Line Area" as the top, ridge, or Crest of Hill or Slope plus the land located within 150 feet on both sides of the ridge. No Structure or other appurtenant device, including mechanical equipment, may visually intrude on the Ridge Line Area from any of the designated Vantage Points depicted in LMC § 15- 2.21-5(B).
 - i. The proposed Development is greater than 150 feet from the Designated Ridgeline.
 - ii. The proposed Development site is approximately 20 feet below the ridgeline on the east side situated between the two mountain peaks and is not visible from any Designated Vantage Points.
- c. Wetlands and Stream Protection.
 - i. The nearest wetlands and streams are approximately 1,500 feet from the proposed Development.
- d. Wildlife and Wildlife Habitat Protection.
 - i. LMC § 15-2.21-8(B)(1) requires the following:
 - ii. Protection of wildlife habitat and ecological character:
 - iii. CONSTRUCTION TIMING. Construction shall be organized and timed to minimize disturbance of Sensitive or Specially Valued Species occupying or using on-site and adjacent natural Areas.
 - iv. SENSITIVE AND SPECIALLY VALUED SPECIES. If the Development Site contains or is within five hundred feet (500') of a natural Area or habitat Area, and the wildlife and habitat report shows the existence of Sensitive or Specially Valued Species, the Development plans shall include provisions to ensure that any habitat contained in any such natural Area shall not be disturbed or diminished, and to the Maximum Extent Feasible, such habitat shall be enhanced.
 - v. CONNECTIONS. If the Development Site contains existing natural Areas that connect to other Off-Site Natural Areas, to the Maximum Extent Feasible the Development plan shall preserve such natural Area connections. If natural Areas lie adjacent to the Development Site, but such natural Areas are not presently connected across the Development Site, then the Development plan shall, to the extent reasonably feasible,

provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between natural Areas and to enhance the opportunity for the establishment of new connections for the movement of wildlife.

- vi. WILDLIFE CONFLICTS. If wildlife that may create conflicts for future occupants of the Development is known to exist in Areas adjacent to or on the Development Site, then the Development plan must include provisions to minimize these conflicts to the extent reasonably feasible.
 - vii. Bio-West Inc. prepared a wildlife habitat report for the proposed Development, and recommendations from the report are included as Conditions of Approval.
 - viii. The recommended Conditions of Approval mitigate wildlife conflicts, construction disturbances, and preserve wildlife connections at the Site.
11. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in Land Management Code Section 15-1-10(E).
- a. Private Recreation Facilities and Fences over six feet in Height from Final Grade require a CUP in the ROS Zoning District.
 - b. Size and Location of Site:
 - i. The proposed Development complies with all Setback and Building Height requirements for the ROS Zoning District. The park is located where members of Deer Crest Master Association can access from Deer Crest Estates Drive, a private road.
 - c. Traffic Capacity:
 - i. The Applicant states that a maximum of 10-12 patrons will use the park at any given time throughout the day. Members of Deer Crest Master Association may reserve the park for private events and gatherings. The pickleball and tennis courts will be available for members on a first-come first-serve basis. The Applicant states that the overflow parking near the gatehouse can be used for additional member-only parking. The overflow parking is on the private street next to the gatehouse and can accommodate approximately four vehicles.
 - d. Utility Capacity:
 - i. On April 2, 2025, the Park City Development Review Committee (DRC) reviewed the proposal and confirmed the proposal conforms to all utility capacity requirements.

- ii. On May 1, 2025, the Wasatch County DRC reviewed the proposal and confirmed the proposal conforms to all utility capacity requirements.
- e. Emergency Vehicle Access:
 - i. On April 2, 2025, the Park City DRC reviewed the proposal and confirmed the proposal conforms to all emergency vehicle access requirements.
 - ii. On May 1, 2025, the Wasatch County DRC reviewed the proposal and confirmed the proposal conforms to all emergency vehicle access requirements.
- f. Off-Street Parking:
 - i. See Finding of Fact 8.
- g. Internal Vehicular and Pedestrian Circulation System:
 - i. Vehicles will pull into the four Parking Spaces and access the Private Recreation Facility from Deer Crest Estates Drive. The Applicant proposes pedestrian paths around the park.
- h. Fencing, Screening, and Landscaping:
 - i. See Finding of Fact 12.
- i. Structure Mass, Bulk, and Orientation:
 - i. The proposed Structures are not visible from any Designated Vantage points and are oriented in a way that blends with the existing topography of the Site, situated between the two mountain peaks and below the designated ridgeline.
- j. Useable Open Space:
 - i. The proposal creates additional useable Open Space for members of the Deer Crest Master Owners Association.
- k. Signs and Lighting:
 - i. No signs or exterior lighting are proposed or approved with the CUP application.
- l. Physical Design and Compatibility with Surrounding Structures:
 - i. The proposed Structures are not visible from any Designated Vantage points and are oriented in a way that blends with the existing topography of the Site, situated between the two mountain peaks and below the designated ridgeline.
- m. Noise, Vibration, Odors, Steam, or Other Mechanical Structures:
 - i. The Applicant proposes to install an eight-foot rock retaining wall and Significant Vegetation surrounding the tennis and pickleball courts to help mitigate noise from the pickleball courts. Also, the Applicant proposes to install a sound attenuation screen AcoustiFence mounted on a chain-link fence surrounding the tennis and pickleball courts. The Applicant states that the proposed Fence can reduce pickleball sounds by 50%. The closest residential Lot is approximately 400 feet to the east of the proposed pickleball

- courts. All proposed Uses at the park must comply with Municipal Code Chapter 6-3 Noise.
- n. Control of Delivery and Service Vehicles; Loading and Unloading; Screening of Trash and Recycling Pickup Areas:
 - i. Any delivery or service vehicles will use the proposed Parking Spaces and existing pull-out area near the gatehouse for any deliveries. The Applicant proposes to install one trash can and one recycling can at the park near the bathrooms. Pickup of trash and recycling will be managed by the Deer Crest Master Association.
 - o. Expected Ownership:
 - i. The Applicant, the Deer Crest Master Association, leases the parcel from SITLA. The proposed uses for the site are consistent with the permitted uses outlined in the Lease Agreement.
 - ii. In August 2024, the Deer Crest Master Association voted in favor of the proposed Private Recreation Facility.
 - p. Environmentally Sensitive Lands, Physical Hazards, Historic Mining Waste, Park City Soils Ordinance, or Steep Slopes:
 - i. See Finding of Fact 6. The Site is not within the Soils Ordinance boundary.
 - q. General Plan Consistency:
 - i. The Lower Deer Valley section of the General Plan (p. 238) states that future improvements within the area should be directed toward maintaining the world-class resort experience.
12. The proposal complies with the Off-Street Parking requirements in LMC Chapter 15-3.
- a. Private Recreation Facilities require a minimum of one Parking Space per four persons maximum rated capacity. According to the Applicant, the proposed Private Recreation Facility will have a rated capacity of 12 patrons. Pursuant to LMC § 15-3-6(B) the proposal requires a minimum of three Parking Spaces. The Applicant proposes four Parking Spaces in the Front Setback.
 - b. LMC § 15-3-9(A)(2) states that outdoor bicycle parking shall be provided for 10 percent of the required Off-Street parking for the temporary storage of bicycles. Per the required Off-Street Parking Spaces, the Applicant is required to install bike parking for two bikes. The Applicant proposes to construct bike parking for 12 bikes. Prior to Building Permit issuance, the Applicant must submit details for the proposed bike rack demonstrating compliance with the requirements in LMC § 15-3-9(A)(1).

13. The proposal complies with LMC § 15-4-2 Fences and Retaining Walls.
 - a. LMC § 15-4-2(A)(1) states that retaining walls may exceed six feet in height in the Front Setback when approved through a CUP. The Applicant proposes a rock retaining wall that ranges from two feet to eight feet in height from Final Grade encroaching two feet into the Front Setback.
 - b. LMC § 15-4-2(B) outlines restrictions on materials for fencing. LMC § 15-4-2(B)(1) allows chain-link fencing for recreational facilities and courts. Fences greater than six feet in height from Final Grade require a CUP in the ROS Zoning District pursuant to LMC § 15-2.7-2(C)(25). The Applicant proposes a 10-foot-tall vinyl-coated chain link AcoustiFence surrounding the tennis courts, and a five-foot-tall vinyl-coated chain link AcoustiFence surrounding the pickleball courts that will prevent tennis balls and pickleballs from travelling into the adjacent roadway.
14. The Development Review Committee reviewed the proposal on April 2, 2025, and the Wasatch County DRC reviewed the proposal on May 1, 2025. Neither DRC requires Conditions of Approval.
15. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on May 14, 2025.
16. Staff mailed courtesy notice to property owners within 300 feet on May 14, 2025. The Park Record published courtesy notice on May 14, 2025.

Conclusions of Law:

1. The proposal complies with the LMC requirements pursuant to Chapter 15-2.7 *Recreation and Open Space Zoning District*, Chapter 15-2.21 *Sensitive Land Overlay*, Section 15-4-2 *Fences and Retaining Walls*, Chapter 15-3 *Off-Street Parking* and Section 15-1-10 *Conditional Use Review Process*.
2. The Use will be compatible with surrounding Structures in Use, scale, mass, and *circulation*.
3. The *effects* of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. Final building plans and construction details shall reflect substantial compliance with the final plans dated April 9, 2025, submitted to the Planning Department and reviewed May 28, 2025, by the Planning Commission. A construction mitigation plan shall incorporate these Conditions of Approval.
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 the applicable standards by the Planning Director prior to construction.
3. The Applicant shall adhere to the Municipal Code of Park City Chapter 6-3, Noise.
4. Construction management shall be responsible for implementing the recommendations of the Deer Crest Wildlife Habitat Report, shown as Exhibit G and dated March 1, 2025.
5. No clearing of nesting vegetation during the typical nesting/brood-rearing period from April 1 through August 31. If vegetation clearing is required during the nesting/brood-rearing period a qualified wildlife biologist must perform a nest-clearance survey within three days prior to construction activities.
6. If actively nesting and/or brood-rearing birds are found within the direct footprint of the clearing area, the clearance and construction should be postponed until breeding activity is completed and the nestling birds have fledged and the nest is no longer active (as assessed by a qualified wildlife biologist).
7. If nesting bird species are located outside of the direct footprint of the clearing area but within a 300-foot buffer, a biologist should monitor those nests and determine if construction disturbance has the potential to cause nest abandonment.
8. Disturbed areas must be revegetated with native forbs, grasses, and shrubs.
9. All noxious weeds, as identified by the State of Utah or Wasatch County, shall be removed from the Property in a manner acceptable to the City and

Wasatch County. All noxious weeds shall be removed prior to issuance of Certificate of Occupancy.

10. Any Outdoor Event or Music at the Site that is open to guests outside of the Deer Crest Master Association must receive an Administrative Conditional Use Permit approved by the Planning Department, pursuant to LMC § 15-2.7-2(B)(7).
11. The Use of the Pickleball Courts shall be limited from 8 a.m. to 8 p.m.
12. No signs or exterior lighting are proposed or approved.
13. The Applicant shall install Electric Vehicle charging station infrastructure for two future Electric Vehicle charging stations.
14. The applicant proposes parking for 12 bicycles. The bike racks must comply with the criteria found in LMC Section 15-3-9.

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

8. ADJOURNMENT

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

The meeting adjourned at approximately 9:20 p.m.