



**PARK CITY COUNCIL MEETING MINUTES
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060**

June 12, 2023

The Council of Park City, Summit County, Utah, met in open meeting on June 12, 2023, at 2:30 p.m. in the City Council Chambers.

WORK SESSION

Planning Commission Interviews:

Mayor Worel and the Council interviewed the following candidates for two open Planning Commission seats: Christin Van Dine, Elyse Kats, Esteban Nunez, Frank Karoly, Matthew Nagie, Michael Fisher, Molly Louthan, Vicki Zgodny, Rick Shand, Jacob Dewey, Mark McClure, Michael Wong, and Michael Collins.

SPECIAL MEETING

I. ROLL CALL

Attendee Name	Status
Mayor Nann Worel Council Member Ryan Dickey Council Member Max Doilney Council Member Becca Gerber Council Member Jeremy Rubell Council Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
None	Excused

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Gerber thanked the Planning staff for their work on the childcare regulations. She asked if there could be some best practices that could be implemented to support childcare facilities and remove barriers to childcare. Council supported staff looking at code to add best practices. Council Member Gerber also noted staff was

looking at childcare internally and she asked to be a liaison. Matt Dias, City Manager, stated that would be helpful. He thought it would be a challenge to scope out the project and he welcomed one or two Council members volunteering as liaisons. The Council agreed to have Council Member Gerber be the liaison.

Staff Communications Report:

1. Child Care Land Use Regulations:

III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Mayor Worel opened the meeting for any who wished to speak or submit comments on items not on the agenda. No comments were given. Mayor Worel closed the public input portion of the meeting.

IV. CONSENT AGENDA

1. Request to Approve a Film Permit at the McPolin Barn in a Form Approved by the City Attorney:

Council Member Gerber moved to approve the Consent Agenda. Council Member Rubell seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

V. OLD BUSINESS

1. Consideration to Approve Ordinance No. 2023-17, An Ordinance Amending Land Management Code Section 15-6-8 Unit Equivalents and Section 15-15-1 Definitions Regarding Support Commercial and Residential and Resort Accessory Uses for Master Planned Developments Uses for the Recreation Open Space, General Commercial, and Light Industrial Zoning Districts:

Rebecca Ward, Interim Planning Director, reviewed this discussion would address some of Council's questions from the last discussion on this item held on April 29th. She indicated any development that had 10,000 of commercial use or 20,000 of residential use would go through the Master Planned Development (MPD) process. In that case, the density and uses were based on the underlying zoning, but the MPD code built in flexibility for those developments to achieve the best site planning, circulation, and protection of sensitive lands.

Ward stated within the MPD code, there were additional uses that could be approved with a project. One use was Support Commercial, which was intended for users already

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on a site. This was put in the code in the 1980s with limitations on total square footage allowed for support commercial, signage, and marketing to direct those already onsite. The code was amended in the early 2000s and the limitations were removed. The Planning Commission recommended putting some of the limitations back into the code. She noted when the code was amended in the 2000s, additional accessory uses/bonus densities were allowed, including Residential Accessory Uses for multi-unit dwellings and Resort Accessory Uses. These uses currently had no limitations and the Planning Commission recommended that limitations be established.

Ward referred to the recommended limitations for Support Commercial, and indicated they would limit signage to interior spaces, limit marketing to existing primary uses onsite, remove meeting space allowances, limit to a hotel, capture affordable housing obligations for employees generated, and prohibit conventional chain businesses. She noted a question raised by Council on April 29th was why the support commercial was limited to hotels and not to both hotels and nightly rental condominiums. She stated a hotel contained sleeping rooms for occupancies of guests on a nightly basis. An ownership could be on a condominium or a timeshare that was specific to a hotel. A dwelling use was a unit with a kitchen and living unit. The Planning Commission tried to distinguish a transient use to provide those services to guests for the community. One issue was multi-unit dwellings were adding support commercial uses in addition to residential accessory uses. Challenges were that some support uses were approved with restrictive conditions, usually on a plat, and over the years those uses, such as a restaurant, would not be allowed to survive over time because they couldn't open to the public because of the restrictions.

Ward listed the uses under Residential Accessory Uses and noted they allowed for density bonuses. The Planning Commission recommended limiting these to functional spaces to serve the functioning of the building. They also recommended adding childcare facilities. They also recommended that enclosed bike storage be exempt from density as well. She listed Resort Accessory Uses, and indicated the Planning Commission recommended evaluating the requests on a site-by-site basis and establishing a maximum square footage, capturing affordable housing obligations and parking and traffic impacts, removing uses required for business operations, including information, lost and found, storage facilities, ski school, and ticket sales, and replacing the term Daycare Facilities with Childcare Facilities.

Council Member Gerber stated that during the previous discussion, it was noted the City allowed more accessory uses than other cities, and she asked if the amendments brought the City in line with other resort communities. Ward stated the amendments were still more permissive than other resort cities. Council Member Gerber asked if there was a taskforce used to analyze the amendments or if there was outreach with the hotels. Ward indicated staff was working with a few hotels that were changing a use, but there wasn't a taskforce with developers.

Council Member Toly asked about parking at the childcare facilities. Ward stated for larger developments, parking was evaluated as part of the development. Through the MPD or the CUP, the reduced parking was a factor the Planning Commission could consider. Council Member Toly asked if a turnaround would have to be part of the master plan, to which Ward indicated it would have to be looked at by the Planning Commission.

Council Member Doilney asked if the developments that used the old code would be nonconforming uses going forward. He asked what the problem was that was being fixed. Ward stated historically, there were limitations on what could be built. Then those limitations were removed, and the Planning staff received applications for much larger projects. Existing developments would adhere to plat restrictions and development agreements and as they evolved, they would have to come to the Planning Commission. These amendments were for projects moving forward. Council Member Doilney stated some uses had changed already, and he asked if staff had seen negative impacts. He also asked if the City was solving a problem that had been seen, to which Ward affirmed. She noted there were some projects approved with an underlying density and then they used it to increase for uses that were intended on site but that could change over time. For uses that had changed over time, they were required to go back to the Planning Commission for review and approval to change the use. Council Member Doilney asked if the gray area had been eliminated. He indicated the current applications and the Planning Commission weighed in, but he wasn't sure this was completely thought out before a decision was made.

Council Member Rubell asked if the City was covered under the pending ordinance rule, to which Ward stated it was in effect until September. Council Member Dickey referred to residential accessory uses that were removed, and asked what the status of those would be. Ward stated everything was still allowed, it would just be calculated differently. He asked how this would affect the parking calculation. Ward stated the Planning Commission recommended parking and traffic would be taken into consideration with the project as a whole. The Planning Commission could choose to reduce parking, but the employees generated would be included in the affordable housing obligations and in the parking and traffic analysis.

Council Member Toly referred to the ski lockers, and asked if the Planning Commission looked at lockers for guests versus lockers for the public. Ward stated lockers were still allowed but would count for density.

Mayor Worel opened the public hearing.

Peter Tomaj asked Council to continue this item to give staff additional time for the study of these code amendments. He stated the changes were massive and they were solving for a problem that didn't exist. The accessory use was being converted to a public use and he hoped analysis would be given to see how it would fit. He thought the

characterization of a density bonus was a mischaracterization. There were residential units, but there were other spaces that were intended to minimize trip generation. When there were definitive height limits and setbacks and a set density, he didn't want hallways and stairwells to count for density. He felt the amendments as drafted were dramatic and he thought there would be unintended consequences. He suggested forming a taskforce to work through the issues.

John Sale, Park City Mountain Planning Director, indicated they would appreciate Council continuing the item so they could analyze the amendments.

Mayor Worel closed the public hearing.

Mayor Worel stated it might be prudent to continue the item. Council Member Rubell asked when this item was first presented, to which Ward stated the first public hearing was in March. Council Member Rubell asked if people were contacted about the amendments and they didn't like them, or if staff hadn't heard from the people the amendments would impact. Council Member Gerber stated the City had a good history of working with businesses on issues like this and she thought it would be worthwhile to communicate with hotels and resorts on the proposed amendments.

The Council members supported continuing the item. Council Member Rubell stated he would not support continuation if people knew about this and just didn't like it. Ward explained the outreach efforts, including mailing postcards with the explanation of the amendments. She indicated there were no stakeholder meetings. Council Member Toly suggested presenting this information to the Lodging Association.

Mayor Worel summarized staff should form a taskforce. Council Member Rubell requested that staff be aware of the pending ordinance and not let it expire. He wanted the item to return to Council before that time. Ward asked if Council would like this to come back on August 22. Council Member Doilney asserted the Planning Commission did their job. He wanted a few stakeholders to weigh in before this item returned to Council.

Council Member Doilney moved to continue Ordinance No. 2023-17, an ordinance amending Land Management Code Section 15-6-8 Unit Equivalents and Section 15-15-1 Definitions regarding support commercial and residential and resort accessory uses for Master Planned Developments, uses for the Recreation Open Space, General Commercial, and Light Industrial Zoning Districts to August 22, 2023. Council Member Dickey seconded the motion.

RESULT: CONTINUED TO AUGUST 22, 2023

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

Council Member Gerber moved to close the meeting to discuss personnel and advice of counsel at 7:45 p.m. Council Member Dickey seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

VI. CLOSED SESSION

Council Member Toly moved to adjourn from Closed Meeting at 8:15 p.m. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

VII. ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

ACCESSORY USES

MASTER PLANNED DEVELOPMENTS

LAND MANAGEMENT CODE AMENDMENTS

PL-22-05447



CITY HALL

ACCESSORY USES IN MPDs

Master Planned Development (MPDs)

- 10,000+ square feet – commercial
- 20,000+ square feet – residential

Density is based on underlying zoning

ACCESSORY USES IN MPDs

The Land Management Code establishes Support Commercial Uses intended for those on site with no limitation.

Additional types of bonus density to incentivize certain uses include Residential Accessory Uses and Resort Accessory Uses. These also have no limitation.

The proposed amendments establish limitations.



ACCESSORY USES IN MPDs

Planning Commission liaisons

Laura Suesser and Henry Sigg provided initial input.

The Planning Commission conducted work sessions on December 14, 2022 and February 8, 2023.

On March 6, 2023, the planning team mailed 8,920 post cards to property owners to provide notice of a public hearing for reductions to bonus density for Support Commercial, Residential Accessory, and Resort Accessory Uses for MPDs.

On March 22, 2022, the Planning Commission opened a public hearing and continued the hearing to April 12, 2023. On April 12, 2023, the Planning Commission unanimously forwarded a positive recommendation to Council.

ACCESSORY USES IN MPDs

Support Commercial

Limit signage to interior spaces

Limit marketing to existing primary uses on site

Remove meeting space allowances

Limit to a hotel

Capture affordable housing obligations for employees generated



ACCESSORY USES IN MPDs

Hotel – a building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis ownership of units may be by a condominium or timeshare instrument.

Dwelling Unit – for use as the residence . . . Includes a kitchen, but does not include a hotel, motel, lodge . . .

RESIDENTIAL ACCESSORY USES. Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:

Ski/Equipment lockers

Lobbies

Registration

Concierge

Bell stand/luggage storage

Maintenance Areas

Mechanical rooms and shafts

Laundry facilities and storage

Employee facilities

Common pools, saunas and hot tubs, and exercise areas not open to the public

Telephone Areas

Guest business centers

Public restrooms

Administrative offices

Hallways and circulation

Elevators and stairways

ACCESSORY USES IN MPDs

Residential Accessory Uses

Limit to functional spaces

Add Child Care Facilities

Add Enclosed Bicycle Storage that exceeds the requirements of the code



RESORT ACCESSORY USES. The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information

Lost and found

First Aid Mountain patrol

Administration

Maintenance and storage facilities

Emergency medical facilities

Public lockers

Public restrooms

Employee restrooms, employee locker rooms, employee break rooms, and employee dining areas

Ski school/day care facilities

Instruction facilities

Ticket sales

Equipment/ski check

Circulation and hallways for these Resort Accessory Uses

ACCESSORY USES IN MPDs

Resort Accessory Uses

Require Planning Commission review and approval to establish a maximum square footage

Capture affordable housing obligations and parking and traffic impacts

Remove uses required for business operations, including information, lost and found, storage facilities, ski school, and ticket sales

Replace the term day care facilities with Child Care Facilities



ACCESSORY USES IN MPDs

Recommendation

Open a public hearing and consider approving Ordinance No. 2023-17

