

Ordinance No. 2020-51

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE FIRST AMENDED AND RESTATED DEER CREST ROOSEVELT GAP RESORT, DEER CREST ROOSEVELT GAP RESIDENCES CONDOMINIUM PROJECT, DEER CREST ROOSEVELT GAP CONDO SUITES CONDOMINIUM PROJECT CONDOMINIUM PLAT AT 2300 DEER VALLEY DRIVE EAST

WHEREAS, the owner of the property located at 2300 Deer Valley Drive East have petitioned the City Council for approval of a Plat Amendment; and

WHEREAS, on October 14, 2020, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 14, 2020, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on October 28, 2020, to receive input on the Plat Amendment; and

WHEREAS, the Planning Commission, on October 28, 2020, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 19, 2020, the City Council held a public hearing to receive input on the Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended and Restated Deer Crest Roosevelt Gap Resort, Deer Crest Roosevelt Gap Residences Condominium Project, Deer Crest Roosevelt Gap Condo Suites Condominium Project Condominium Plat at 2300 Deer Valley Drive East.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The First Amended and Restated Deer Crest Roosevelt Gap Resort, Deer Crest Roosevelt Gap Residences Condominium Project, Deer Crest Roosevelt Gap Condo Suites Condominium Project Condominium Plat, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The First Amended and Restated Deer Crest Roosevelt Gap Resort, Deer Crest Roosevelt Gap Residences Condominium Project, Deer Crest Roosevelt Gap Condo

Suites Condominium Project Condominium Plat is located at 2300 Deer Valley Drive East.

2. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended in December of 1998 and also in April 6, 2001, by the City Council.
3. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, April 22, 2009, and April 23, 2014, and April 13, 2016. The City Council denied an appeal of the April 22nd approval on June 18, 2009.
4. The density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130 unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07 acre development site is consistent with the Deer Crest Settlement, as amended.
5. The Hotel is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD. The funicular building is located in the RD zone.
6. A total of 105 overnight parking spaces, and up to 41 day use spaces, are allowed at the Roosevelt Gap site. Eight of these spaces are provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.
7. A total of 374 parking spaces are required for the entire Hotel, with a maximum of 157 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The applicant expects to have 444 parking stalls available upon completion of the project and 430 stalls available upon completion of Phase 2.
8. A Traffic and Parking Study by Hales Engineering as part of the 2019 expansion of the Deer Crest Amenity Club at the St. Regis determined that the Hotel has sufficient parking for all of the existing and proposed uses.
9. It is the desire of the applicant to build out the St. Regis in three phases. The first phase is complete and consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking.
10. This application is for the conversion of interior space in order to create an additional affordable housing unit required as part of the Phase 2 AUE obligation.
11. Phase 2 consists of the south parking structure at Snow Park (35 stalls) with nine (9) condominium units above (approximately 12.2 UE's).
12. Phase 3 consists of the north parking structure and condominium units above (approximately 17 UE's). The total density approved for Snow Park is 30.5 UEs.

13. Staff finds Good Cause for this Plat Amendment as it allows for the satisfaction of the applicant's AUE obligation for Phase 2 and is consistent with the density, maximum height, location and uses identified in the approved Deer Valley Settlement Agreement, the Deer Valley Master Planned Development and the most recently amended Hotel CUP.
14. The project is in keeping with the goals of the General Plan for the Deer Valley neighborhood and allows for the construction of an additional deed restricted employee unit within the existing funicular building.
15. All Conditions of the Hotel CUP's shall continue to apply and remain in full force and effect.
16. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law:

1. There is good cause for this Plat Amendment as it will allow for the construction of an additional deed restricted employee unit within the existing funicular building and will satisfy the applicant's AUE obligation for Phase 2.
2. The Plat Amendment is consistent with the Park City Land Management Code including Sections 15-4-12, 15-7.1-3(C) and 15-12-15(B)(9) and applicable State Law regarding Condominium Plats.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer 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 will record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the Plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
4. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), April 23, 2014; and April 13, 2016, shall continue to apply.
5. The new deed restricted housing unit in the funicular building shall be a minimum of 459 sf (0.574 AUE). An additional AUE of 449 sf (0.561 AUE) is located in the Phase 2 building and combined, these two units meet the requirement of 1.135 AUE, consistent with the 1st Amendment to the Housing Mitigation Plan for Phase 2 of the St. Regis. One AUE is equivalent to 800 sf according to the Development Agreement.

6. Deed Restrictions for the AUE's, approved by the City in accordance with the applicable Housing Resolution shall be recorded prior to plat recordation, and a Certificate of Occupancy shall be issued for this 0.574 AUE prior to the issuance of Certificates of Occupancy for the final or last market rate unit as part of Phase 2.
7. The CCRs or Deed Restrictions for the AUE's shall comply with the provisions of the applicable Housing Resolution in order to ensure the units remain affordable. The Deed Restrictions shall be submitted with the Condominium Plat amendment for review and approval by the City prior to final Plat recordation.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 19th day of November 2020.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

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Andy Beerman, MAYOR

ATTEST:



DocuSigned by:

E5F905BB533F431...

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

DocuSigned by:

B7478B7734C7490

Mark Harrington, City Attorney

FOR REFERENCE ONLY

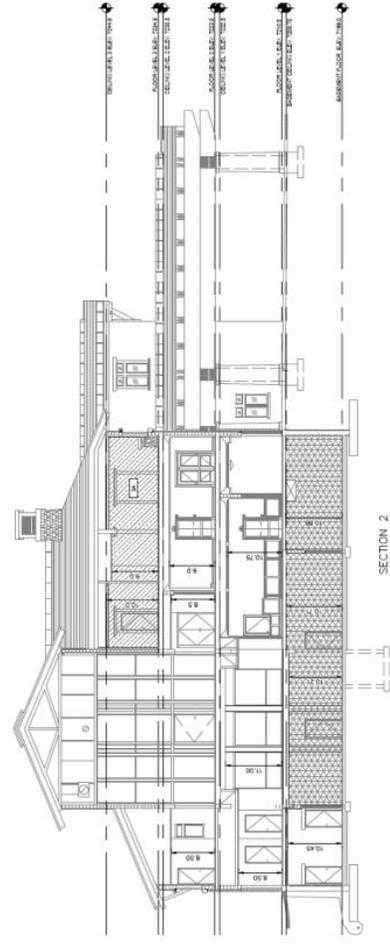
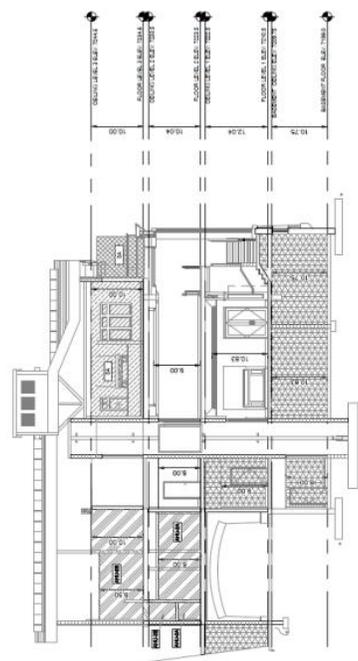
FIRST AMENDMENT TO FIRST AMENDED AND RESTATED
DEER CREST ROOSEVELT GAP RESORT
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 SNOW PARK SECTIONS



DATE: SEPTEMBER 2020
 SHEET NO. 03 OF 03

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- Owner Access Areas / Common Easements
- Restricted Areas / Non-Condominium Property / No common Easement
- Balcony Areas / Limited Common Easements
- Residence Unit / Private Condominium Area
- Commercial Area / Affordable Housing / Non-Condominium Property



NOTE: ALL EXTERIOR WALLS, STRUCTURAL COLUMNS, BUILDING PLUMBING AND MECHANICAL SYSTEMS SHALL BE SHOWN WITHIN THE RESTRICTED AREA UNLESS OTHERWISE NOTED. PROPERTY EVEN IF NOT CROSS-HATCHED.

THIS SHEET REFLECTS AN AMENDMENT TO SNOWPARK BUILDING LAYOUT AND A PREVIOUSLY SHOWN ON A PORTION OF SHEET 1675 RECORDED IN STANFORD COUNTY RECORDS.

LET THE CONTRACTOR BE RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS AND THE LOCATION OF ALL UTILITIES AND STRUCTURES BEFORE CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.