



## **AGENDA**

**MEETING CALLED TO ORDER AT 5:30 PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF DECEMBER 14, 2011**

**PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda***

**STAFF/BOARD COMMUNICATIONS AND DISCLOSURES**

Deer Crest, St. Regis – Traffic/Parking Study update

**CONTINUATION(S) – *Public hearing and continuation as outlined below***

Land Management Code – Amendments to Chapter 10 for Special Exceptions      PL-11-01418      13  
and Chapter 15 for Definitions of Special Exceptions

*Public hearing and continuation to February 22, 2012*

**REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below***

60 Sampson Avenue – Conditional Use Permit      PL-11-01369      27

*Public hearing and possible action*

North Silver Lake, Lot 2B – Extension of Conditional Use Permit      PL-11-01392      43

*Public hearing and possible action*

**WORK SESSION – *Discussion and action items***

Legal training

**ADJOURN**

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.



## **MINUTES – DECEMBER 14, 2011**



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
DECEMBER 14, 2011

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel

EX OFFICIO:

Thomas Eddington, Planning Director; Kirsten Whetstone Planner; Francisco Astorga, Planner;  
Matt Evans, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

**ROLL CALL**

Chair Wintzer called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Pettit who was excused.

**ADOPTION OF MINUTES – November 9, 2011**

MOTION: Commissioner Strachan moved to ADOPT the minutes of November 9, 2011. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Eddington reported that Treasure Hill was still in negotiations with the City; and part of that was a continuation of a letter of Intent with the City Council to continue those negotiations. The City agreed to extend the pending CUP application through March 19<sup>th</sup>, 2011 because progress was being made.

Commissioner Strachan asked when the extension request for North Silver Lake would come before the Planning Commission. Director Eddington replied that it was scheduled for the next meeting on January 11<sup>th</sup>, 2012. Commissioner Thomas noted that he would need to recuse himself from that discussion due to his involvement with the project.

Commissioner Worel stated that she would be unable to attend the meeting on January 11, 2012.

Chair Wintzer was very impressed with the KPCW forum. He encouraged the Commissioners to contact KPCW with any issues they would like them to focus on if they hold another forum.

Commissioner Savage asked about the relationship between KPCW and the Park City Foundation in terms of the forum. He was unable to attend, but wanted to know if there was any coordination

related to progress on the General Plan. Commissioner Strachan, who sat on the panel, replied that the forum was not related to the General Plan. The forum was initiated by KPCW and they brainstormed the panelist and topics.

Commissioner Thomas suggested that the Planning Commission receive formal notice for the next forum. He was unaware of the forum and only heard about it the day before it took place. He was unable to attend on short notice.

## **PUBLIC INPUT**

There were no comments.

## **CONTINUATION(S) - PUBLIC HEARING AND CONTINUE AS OUTLINED**

### North Silver Lake, Lot 2B – Extension of Conditional Use Permit (Application #PL-11-01392)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE North Silver Lake, Lot 2B to January 11, 2012. Commissioner Hontz seconded the motion.

VOTE: The motion passed. Commissioner Thomas abstained from the vote.

### Land Management Code – Amendments to Chapter 10 for Special Exceptions and Chapter 15 for definitions of Special Exceptions

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

Planner Kirsten Whetstone remarked that the LMC Amendments relate to removing special exceptions from Section 15-10-8 of the Land Management Code, as well as the reference to them in Chapter 1. Based on input at the Staff level, the special exceptions were proposed to be removed because they are confusing as written in the LMC and do not comport with the State Code. However, the Staff would look at alternatives to replace the special exceptions to address unique situations within the City. The proposed alternatives would be presented to the Planning Commission during a work session.

The Staff recommended that the Planning Commission open the public hearing this evening and continue it to January 11, 2012.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the amendments to Chapter 10 and Chapter 15 of the Land Management Code to January 11, 2012. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

## **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

### **1. 44 Chambers Street, aka 44 Ontario Canyon Road - Subdivision (Application #PL-11-01387)**

Planner Francisco Astorga reviewed the request to subdivide two metes and bounds parcels into two lots of record at 44 Chambers Street in the HR-1 District.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval.

Planner Astorga noted that the existing historic landmark site would be located on Lot 1, as shown on page 34 of the Staff report. The historic structure itself meets the setbacks, but a small porch located on the north side would not meet the setbacks per Code. However, a provision in the LMC states that all historic structures are considered in legal compliance. Due to the historic status of the structure, there were no setback issues. Planner Astorga clarified that this application would not increase the level of non-compliance.

Commissioner Worel asked if this was the same owner who had previously applied and was approved, but the subdivision was never recorded. Planner Astorga answered yes, and noted that the owner could not recall why it was not recorded in 2007.

Chair Wintzer opened the public hearing.

Ruth Gezelius, the property owner to the west of the subject property, favored subdividing the parcel into two lots of record. Ms. Gezelius viewed the proposal as preferable to any type of 25' wide subdivision of the parcel because the lots are large. Out of approximately 25 lots on Prospect and Chambers, there are only five homes in the neighborhood that sit on 25' x 75' lots. She believes the larger lots fit into the template of her historic neighborhood.

Chair Wintzer closed the public hearing.

Commissioner Strachan asked if the lots Ms. Gezelius mentioned were platted larger or if they had been combined in the past. Mr. Astorga replied that in looking at the survey, the only lots that were platted were the ones directly north and south. The other lots would need to apply for a subdivision to make them lots of record if the owners intend an addition or expansion.

Ms. Gezelius explained that the property was still owned by the Mining Company in the 1970's and various parcels were transferred. There were actually four lots of record with the original transfer from the Mining Company, including her lot. It is irregular because the parcel was owned by the Mining Company longer than some of the other parcels in town.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for 44 Chambers Street based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Ontario Canyon Subdivision

1. The property is located at 44 Chambers Street.
2. The property is located in the Historic Residential (HR-1) District.
3. The property is two (2) metes and bounds parcels with an existing house on the northern parcel consisting of approximately 1,346 square feet in floor area.
4. The footprint of the structure is approximately 750 square feet.
5. The current metes and bounds parcels are approximately 0.20 acres (8,712 square feet) in area.
6. The proposed subdivision plat creates two (2) lots of 4,389 square feet and 4,292 square feet respectively.
7. The minimum lot area for a single family dwelling is 1,875 square feet.
8. The minimum lot area for a duplex 3,750 square feet.
9. A duplex is a conditional use that requires Planning Commission review and approval.
10. The proposed width of lot 1 is fifty-nine feet (59').
11. The proposed width of lot 2 is fifty-five feet (55').
12. The minimum width of a lot is twenty-five feet (25').
13. The proposed lots will meet the lot and site requirements of the HR-1 District.
13. The proposed lots will meet the lot and site requirements of the HR-1 District.
14. Water and sewer service is desirable for newly subdivided lots.
15. Currently the site contains a historic single family dwelling located towards the north of the property.
16. The site is currently listed as a Landmark on Park City's Historic Site Inventory.

17. The front and rear yard setbacks of the historic structure are consistent with the zone requirements.
18. The side yard setbacks of the historic structure are consistent with the zone requirements.
19. There are no other violations or non-compliances found on the site.
20. No remnant parcels of land are created with this subdivision.
21. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 44 Ontario Canyon Road

1. There is good cause for this Subdivision Plat.
2. The Subdivision Plat is consistent with the Park City Land Management Code, the General Plan, and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision 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 – 44 Ontario Canyon Road

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council 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 City Council.
3. A 10 foot wide public snow storage easement along the frontage will be required.
4. Modified 3D sprinklers are required for new or modified structures.
5. The existing sewer lateral for 57 and 59 Prospect Street utilize the sewer lateral stubs provided to them in Prospect Avenue. Rerouting these laterals around new construction on these lots may be required.

The Park City Planning Commission meeting adjourned at 5:55 p.m.

Planning Commission Meeting  
December 14, 2011  
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Approved by Planning Commission: \_\_\_\_\_

## **STAFF COMMUNICATION**





## Planning Commission Staff Memorandum

**Subject:** Deer Crest Hotel CUP– St. Regis Resort at Deer Crest  
**Date:** January 11, 2012  
**Project #:** PL-08-00546  
**Type of Item:** Staff Communications

### Summary Recommendations

Staff recommends the Planning Commission review the St. Regis Deer Valley Parking/Traffic Study update (attached) and provide any comments to Staff and/or the applicant during the Staff/Commissioner's communication portion of the meeting.

### Description

**Project Name:** Deer Crest Hotel CUP (Roosevelt Gap and Snow Park parcels of the Deer Crest Master Plan and Settlement Agreement) –St. Regis Resort at Deer Crest  
**Applicant:** Thomas Bennett, Ballard Spahr, LLP representing the owner  
**Location:** 2300 Deer Valley Drive East  
**Proposal:** Conditions of approval of the amended Deer Crest Hotel CUP (previously known as the Rosewood CUP) require submittal to the Planning Commission of an updated parking and traffic report.  
**Zoning:** RC-MPD and RD-MPD (subject to the 1995 Deer Crest Settlement Agreement/MPD)  
**Adjacent Uses:** Ski resort and related uses, hotels/condominium units, open space, single-family residences and lots.

### Update

On May 11, 2005, the Planning Commission approved the amended Deer Crest Hotel CUP. Condition # 18 required an updated parking and traffic study to be presented to the Planning Commission following one year of operation.

Condition#18 reads as follows:

18. A one-year review of the parking and traffic situation, one year after certificates of occupancy are issued for the hotel, shall be conducted by the staff and presented to the Planning Commission. Modifications to the parking and/or traffic plan may result from the review. Further annual reviews may be required. In addition, any change of unit configuration or form of ownership which increases parking demands or traffic, beyond that considered in the December 12, 2000, Sear-Brown traffic and parking study, and amended with the March 10, 2004 plans, shall require subsequent Planning Commission review and approval.

The Deer Crest Hotel CUP (now known as the St. Regis Resort at Deer Valley) received a final certificate of occupancy on July 12, 2010. The applicants prepared an updated parking and traffic study to satisfy condition of approval #18, listed above. Hales Engineering prepared an updated parking and traffic study for the St. Regis Resort (see attached) dated August 26, 2011. The study includes data for both traffic and parking collected during the low season in November 2010, the high season over Christmas 2010, and the high season during Sundance 2011. This is the first update to the St. Regis parking and traffic study that has been presented to the Planning Commission.

The study concludes the following:

1. During the busiest time period that parking data were collected, less than 50% of the available parking capacity was utilized.
2. The peak winter seasonal ADT (Average Daily Traffic) volumes on Deer Hollow Drive (west of Deer Crest Estates Drive) were approximately 440 vehicles per day (vpd). This is below the capacity of the road (estimated to be between 1,200 vpd and 2,000 vpd) as further described in the study.
3. No revisions to the approved parking or traffic plans/conditions are required for the Deer Crest Hotel CUP, at this time.

Staff concurs with the conclusions of the updated study. In addition, staff requested parking/traffic compliance/complaint information from the Park City Police Department and found that there were no complaints received regarding parking or traffic for this address, the St. Regis, or the St. Regis address off of Deer Crest Road.

The St. Regis Resort is in compliance with the approved Deer Crest Hotel CUP. This review completes the traffic review requirements, unless any change of unit configuration or form of ownership occur that increase parking demands or traffic, beyond that considered in the December 12, 2000, Sear-Brown traffic and parking study, in which case, as conditioned by the Conditional Use Permit, the traffic and parking situation would have to be reviewed again by the Planning Commission.

### **Exhibits**

Exhibit A- August 26, 2011 Hales Engineering Updated Parking/Traffic Report for St. Regis Deer Valley (Deer Crest Hotel CUP)

Exhibit B- Letter from Thomas G. Bennett

## MEMORANDUM

Date: August 26, 2011  
To: Tom Bennett, Ballard Spahr, LLP  
From: Hales Engineering  
Subject: **St. Regis Deer Valley Parking / Traffic Study**

UT10-245

### Purpose

The purpose of this memorandum is to summarize data collection efforts completed for parking at various parking areas associated with the St. Regis Deer Valley, as well as to quantify vehicle traffic on Deer Hollow Drive.

### PARKING

#### Parking Lot Descriptions

Three main parking areas were studied as part of the data collection efforts as follows:

##### Roosevelt Gap:

Roosevelt Gap is the location of the actual hotel site on Deer Crest Estates Drive and includes parking in a two level garage under the hotel, a loading dock area, entrance drop off area, and some maintenance stalls adjacent to the hotel. These parking facilities have a total of 146 parking stalls. The primary purpose of this lot is for guest parking. It also serves condominium owners, management employees, service vehicles and hotel shuttles.

##### Snow Park:

Snow Park, located at the base of the funicular, is essentially the "front door" of the hotel. Guests arrive at Snow Park and leave their vehicles to be valet parked, and then ride the funicular up to the hotel. Parking at Snow Park includes a valet lot behind the structure and two small lots to the south. Total parking at Snow Park includes 67 parking stalls. The primary purpose of the parking here is for hotel guests and visitors to the hotel, spa and restaurant.



Jordanelle Parking Lot:

As required in the Park City CUP, an off-site parking lot for the St. Regis Deer Valley hotel has been provided on Parcel D, Jordanelle Village 2, which fronts on Deer Hollow Drive near US-40 (Mayflower Interchange). The parking lot contains 185 parking stalls which are for the primary purpose of employee parking and overflow guest parking. Employees are shuttled between the St. Regis Deer Valley hotel and the Jordanelle lot at regular intervals. Some parking of day skiers occurs at the Jordanelle Parking Lot that is not related to the hotel use.

**Parking Data Collection**

Hales Engineering collected comprehensive parking lot counts during three distinct periods, including a weekday and a weekend, over the last several months including:

- Low Season (Typical Fall Week)
  - Saturday, November 20, 2010
  - Tuesday, November 23, 2010
- High Season (Christmas/New Year's Week)
  - Sunday, December 26, 2010
  - Tuesday, December 28, 2010
- High Season (Sundance Film Festival Week)
  - Wednesday, January 26, 2011
  - Saturday, January 29, 2011

During each data collection period, parking lots were counted on a weekday and a weekend day, and each lot was visited once per hour over a 24-hour time period. Table 1 shows the data for the November (Low Season). Although some construction activity was occurring during the data collection periods, construction vehicles were omitted from the results as this usage is deemed temporary in nature.

As shown in Table 1, the highest hourly demand for parking during the November (Low Season) occurred on a weekday and accounted for 22 percent (86 vehicles) of the available capacity at 10:00 am.

During the high season including Christmas & New Year's week the busiest hour was on a weekday and used approximately 44 percent (175 vehicles) of the available capacity; see Table 2 at 2:00 p.m.

For the Sundance Film Festival the parking demand during the busiest hour was on the weekend and used approximately 46 percent (182 vehicles) of the available capacity, see Table 3 at 12:00 p.m.

Figure 1 shows the parking demand for all six counted periods as well as the parking supply (capacity). As shown in Figure 1, the peak parking demand tends to occur in the middle of the day and was highest on the weekend during the Sundance Film Festival and nearly as high on a weekday between Christmas and New Year's Day.



Table 1: November (Low Season)

Time of Day	NOVEMBER - LOW SEASON									
	WEEKDAY					WEEKEND				
	Jordanelle Lot Capacity: 185	Snow Park Capacity: 67	Roosevelt Gap Capacity: 146	Stalls Occupied	% Occupied	Jordanelle Lot Capacity: 185	Snow Park Capacity: 67	Roosevelt Gap Capacity: 146	Stalls Occupied	% Occupied
0:00	5	7	19	31	8%	3	10	46	59	15%
1:00	5	7	19	31	8%	4	10	46	60	15%
2:00	5	7	19	31	8%	3	9	45	57	14%
3:00	5	7	19	31	8%	3	9	44	56	14%
4:00	5	7	18	30	8%	3	9	45	57	14%
5:00	3	4	18	25	6%	3	6	44	53	13%
6:00	9	5	17	31	8%	1	6	43	50	13%
7:00	20	6	21	47	12%	5	7	45	57	14%
8:00	35	5	24	64	16%	13	6	43	62	16%
9:00	37	18	24	79	20%	17	11	39	67	17%
10:00	39	20	27	86	22%	20	12	32	64	16%
11:00	41	17	24	82	21%	19	7	28	54	14%
12:00	37	17	22	76	19%	16	7	24	47	12%
13:00	36	19	26	81	20%	18	15	25	58	15%
14:00	33	21	22	76	19%	22	22	23	67	17%
15:00	28	17	25	70	18%	23	24	23	70	18%
16:00	22	15	18	55	14%	16	19	25	60	15%
17:00	18	15	19	52	13%	9	23	30	62	16%
18:00	8	9	20	37	9%	12	29	28	69	17%
19:00	8	7	21	36	9%	10	25	32	67	17%
20:00	7	9	19	35	9%	10	30	36	76	19%
21:00	10	7	20	37	9%	8	26	38	72	18%
22:00	7	8	18	33	8%	4	22	37	63	16%
23:00	7	9	20	36	9%	1	19	33	53	13%

Table 2: December (High Season)

Time of Day	CHRISTMAS/NEW YEAR WEEK - HIGH SEASON									
	WEEKDAY					WEEKEND				
	Jordanelle Lot Capacity: 185	Snow Park Capacity: 67	Roosevelt Gap Capacity: 146	Stalls Occupied	% Occupied	Jordanelle Lot Capacity: 185	Snow Park Capacity: 67	Roosevelt Gap Capacity: 146	Stalls Occupied	% Occupied
0:00	12	11	58	81	20%	4	13	49	66	17%
1:00	6	10	56	72	18%	2	12	46	60	15%
2:00	6	10	55	71	18%	1	12	46	59	15%
3:00	4	9	57	70	18%	1	12	46	59	15%
4:00	4	9	57	70	18%	3	9	41	53	13%
5:00	10	9	56	75	19%	6	8	40	54	14%
6:00	22	11	54	87	22%	17	8	39	64	16%
7:00	39	12	57	108	27%	22	11	42	75	19%
8:00	40	13	55	108	27%	26	9	42	77	19%
9:00	54	14	67	135	34%	33	11	42	86	22%
10:00	57	18	64	139	35%	38	13	41	92	23%
11:00	60	22	66	148	37%	41	18	40	99	25%
12:00	65	33	71	169	42%	42	34	38	114	29%
13:00	63	43	65	171	43%	45	35	35	115	29%
14:00	75	37	63	175	44%	55	30	44	129	32%
15:00	71	33	59	163	41%	53	28	42	123	31%
16:00	63	34	60	157	39%	50	27	44	121	30%
17:00	52	29	56	137	34%	37	30	30	97	24%
18:00	47	34	45	126	32%	36	30	33	99	25%
19:00	37	35	51	123	31%	32	34	37	103	26%
20:00	38	33	50	121	30%	29	32	41	102	26%
21:00	34	24	51	109	27%	26	29	39	94	24%
22:00	25	17	57	99	25%	21	16	46	83	21%
23:00	13	12	59	84	21%	10	17	51	78	20%



Table 3: January (High Season)

Time of Day	SUNDANCE WEEK - HIGH SEASON									
	WEEKDAY					WEEKEND				
	Jordanelle Lot Capacity: 185	Snow Park Capacity: 67	Roosevelt Gap Capacity: 146	Stalls Occupied	% Occupied	Jordanelle Lot Capacity: 185	Snow Park Capacity: 67	Roosevelt Gap Capacity: 146	Stalls Occupied	% Occupied
	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total
0:00	7	12	38	57	14%	15	10	64	89	22%
1:00	6	12	39	57	14%	6	12	64	82	21%
2:00	5	12	40	57	14%	5	11	65	81	20%
3:00	5	11	40	56	14%	5	11	64	80	20%
4:00	5	11	43	59	15%	4	10	65	79	20%
5:00	6	9	42	57	14%	15	7	65	87	22%
6:00	22	10	43	75	19%	32	7	65	104	26%
7:00	32	9	41	82	21%	40	10	66	116	29%
8:00	36	8	39	83	21%	49	12	73	134	34%
9:00	51	11	49	111	28%	62	17	70	149	37%
10:00	55	14	50	119	30%	62	18	61	141	35%
11:00	56	10	47	113	28%	84	20	61	165	41%
12:00	60	14	44	118	30%	85	42	55	182	46%
13:00	62	17	45	124	31%	81	43	56	180	45%
14:00	62	18	42	122	31%	88	38	50	176	44%
15:00	60	19	46	125	31%	86	37	55	178	45%
16:00	42	19	41	102	26%	60	31	53	144	36%
17:00	42	23	43	108	27%	52	37	55	144	36%
18:00	33	25	34	92	23%	42	46	57	145	36%
19:00	29	25	37	91	23%	40	44	55	139	35%
20:00	28	32	33	93	23%	30	50	54	134	34%
21:00	26	28	33	87	22%	23	46	57	126	32%
22:00	19	26	34	79	20%	21	32	52	105	26%
23:00	15	18	35	68	17%	16	31	60	107	27%



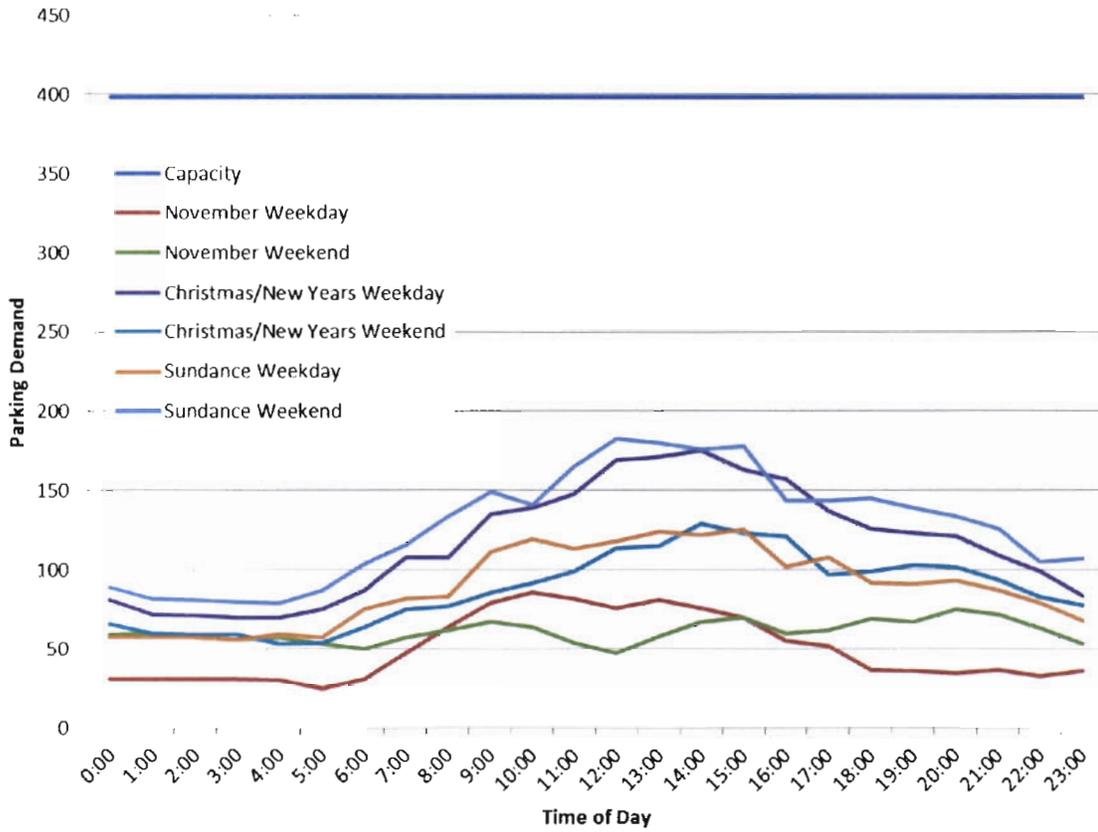


Figure 1 Parking demand for the St. Regis Deer Valley by time of day.



## TRAFFIC

### Street Network

The primary east/west road between the St. Regis Deer Valley and the Jordanelle parking Lot is Deer Hollow Road. This street has a paved cross section width of approximately 24 feet.

### Traffic Data Collection

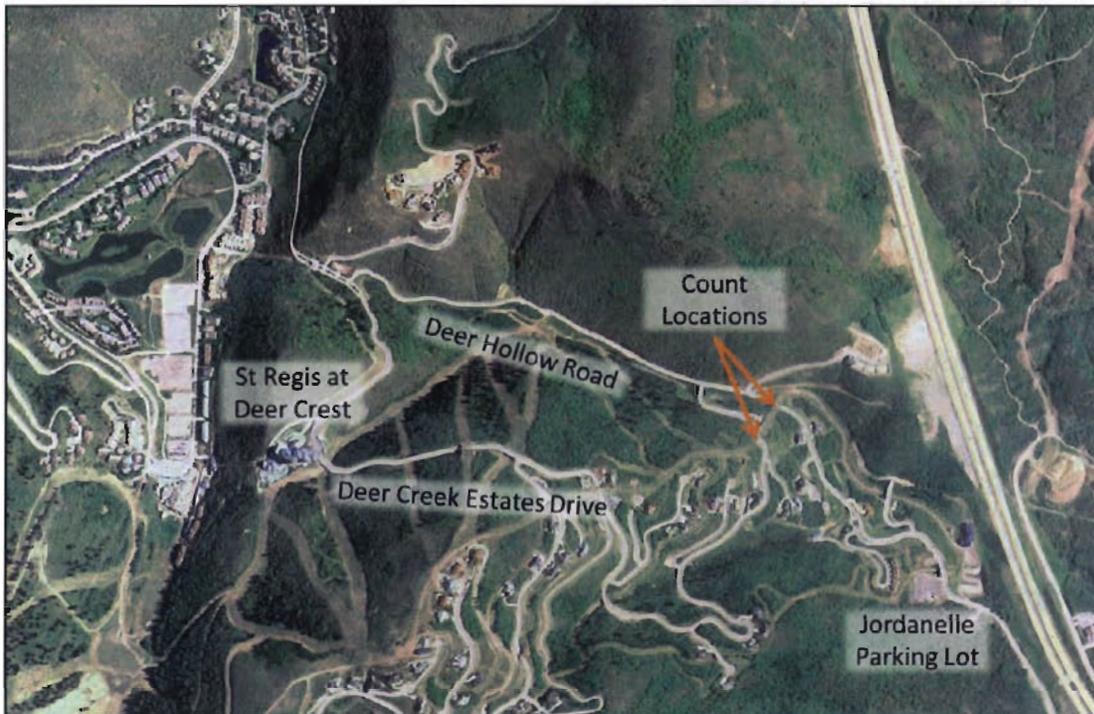
Hales Engineering conducted vehicular traffic counts on Deer Hollow Road during the same data collection periods that the parking lots were counted. These counts were conducted using pneumatic counters and included the employee shuttle trips. Because of snow fall and the risk that the tubes could be destroyed by snow plows, the location of these counts were conducted underneath the ski bridge located approximately 750 feet east of the intersection of Deer Hollow Road and Deer Crest Estates Drive. A second count was also collected on Deer Crest Estate Drive underneath the ski bridge approximately 750 feet southeast of the intersection of Deer Hollow Road and Deer Crest Estates Drive. The purpose of this second count was to identify the traffic going to and from homes on Deer Crest Estates Drive that used Deer Hollow Road. Figure 2 shows the location of the counts. Because Hales Engineering personnel were driving between parking lots once per hour, their trips were subtracted from the total vehicle trips so as not to skew the data.

The following are the estimated average daily traffic (ADT) volumes on Deer Hollow Drive during each of the six count periods:

- Low Season (Typical Fall Week)
  - Saturday, November 20, 2010                      220 vehicles per day (vpd)
  - Tuesday, November 23, 2010                      330 vpd
- High Season (Christmas/New Year's Week)
  - Sunday, December 26, 2010                      350 vpd
  - Tuesday, December 28, 2010                      440 vpd
- High Season (Sundance Film Festival Week)
  - Wednesday, January 26, 2011                      430 vpd
  - Saturday, January 29, 2011                      400 vpd

The data show that despite the recreational nature of the St. Regis Deer Valley and surrounding residential uses, the roads typically carry more traffic on weekdays than on weekend days. Figure 3 shows the ADT for each time period studied compared to the theoretical capacity of the road (discussed in greater detail later in this memorandum).





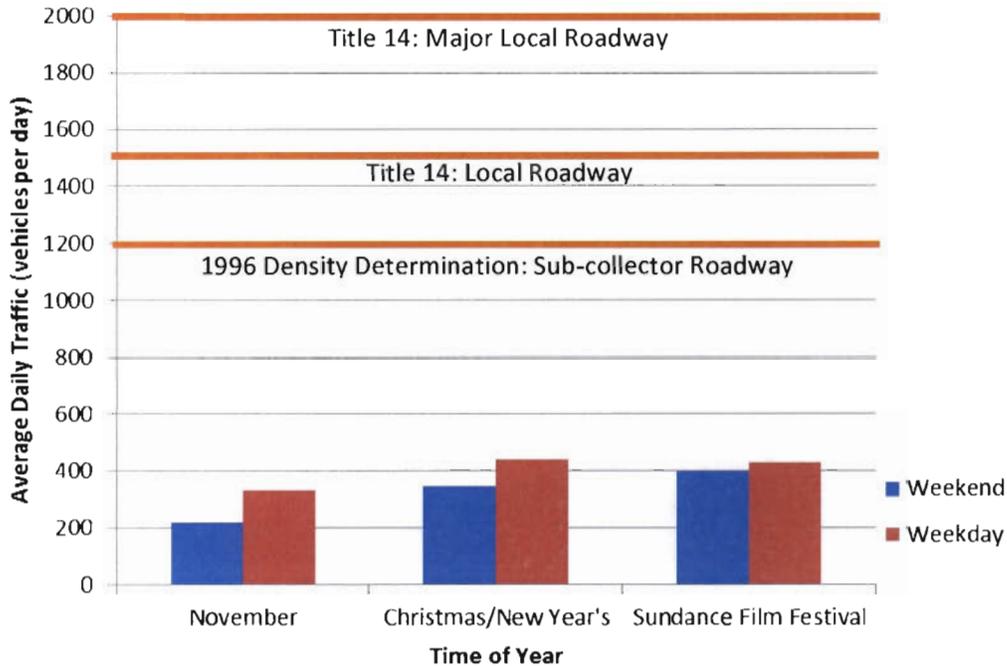
**Figure 2 Count locations on Deer Hollow Road and Deer Creek Estates Drive.**

As part of the data collection efforts, Hales Engineering asked the security personnel to track the type of trip of each entering vehicle at both the Jordanelle Gate (east gate) and the Queen Esther Gate (west gate). The methods of collecting these data were refined throughout the process; consequently, these data are not available for November. In December, approximately 30 to 40 percent of the combined gate traffic was bound for the St. Regis Deer Valley. In January, approximately 40 to 60 percent of the Jordanelle Gate traffic was bound for the St. Regis Deer Valley.

**Daily Capacities on Deer Hollow Drive and Deer Crest Estates Drive**

As indicated in the Amended 1996 Density Determination, Deer Hollow Drive (Keetley Road) west of the guard gate has been identified as a sub-collector with a capacity of up to 1,200 vpd. Roadway capacities are based on the physical geometric conditions, e.g., roadway pavement width, grade, shoulders, etc. As discussed with Wasatch County, previous versions of the Wasatch County Code, Title 14, did not address the roadway capacity levels as early as 1997 and possibly earlier. Therefore, it is unclear how the documented threshold ADT values have been derived, specifically for the internal private roads. The most recently adopted Title 14 identifies major local roads as having a roadway capacity of up to 2,000 vpd and the local roadway designation as up to 1,500 vpd.





**Figure 3 ADT on Deer Hollow Drive for each analysis period compared to roadway capacities.**

As previously discussed, the actual ADT on Deer Hollow Road to the west of Deer Crest Estates Drive was at its peak winter condition only 440 vpd (weekday between Christmas and New Year's). Therefore, even using the most restrictive capacity threshold (1,200 vpd), sufficient excess capacity exists on the road.

**Conclusions**

1. During the busiest time period that parking data were collected, less than 50 percent of the available parking capacity was utilized.
2. The peak winter seasonal ADT on Deer Hollow Drive (west of Deer Crest Estates Drive) was approximately 440 vpd. This is well below the capacity of the road (estimated by various sources to be between 1,200 vpd and 2,000 vpd).
3. Based on our findings, we do not see any reason to make changes to either the parking or traffic plans for the St. Regis Deer Valley.

If you have any questions about this memorandum, please contact us.



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September 1, 2011

*By Federal Express*

Kirsten Whetstone  
Park City Municipal Corporation  
445 Marsac Avenue  
P.O. Box 1480-445  
Park City UT 84060

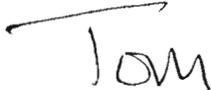
Re: St. Regis Deer Valley Updated Parking and Traffic Study

Dear Kirsten:

Attached are two copies of the report prepared by Hales Engineering, examining the parking use and traffic impacts of the St. Regis Deer Valley Hotel. This report is being submitted in satisfaction of a requirement of the Conditional Use Permit for the St. Regis Deer Valley, which provided that an updated parking and traffic study be prepared after the St. Regis had been open and operated for at least a year. The results of the study show that there is significantly more than adequate parking for the St. Regis and that the additional traffic generated by the hotel is well below the capacity of the roads that were built to serve the Deer Crest area.

Should you have any questions regarding the report, please do not hesitate to call.

Very truly yours,



Thomas G. Bennett

TGB/mje

cc: Michael Zaccaro  
Ryan Hales

DMWEST #8470663 v1





## **REGULAR AGENDA**



# Planning Commission Staff Report



**Subject:** 60 Sampson Avenue Nightly Rental  
**Project #:** PL-11-01369  
**Author:** Mathew W. Evans, Senior Planner  
**Date:** January 11, 2012  
**Type of Item:** Administrative – Conditional Use Permit

## Summary Recommendations

Staff recommends that the Planning Commission conducts a public hearing and consider approving the Conditional Use Permit for nightly rental of a single family house located at 60 Sampson Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

## Description

Applicant: Jan Maltby  
Location: 60 Sampson Avenue  
Zoning: Historic Residential Low Density (HRL)  
Adjacent Land Uses: Single-family/detached single-family residences  
Reasons for Review: Conditional Use Permit for Nightly Rentals requires Planning Commission review and approval.

## Proposal

This application is a request for a Conditional Use Permit to allow for the nightly rental of an existing 3,800 square foot single-family home located at 60 Sampson Avenue. The home has four bedrooms, and four and a half bathrooms, including two legal off-street parking spaces in the form of an attached single-car (oversized) garage and a single-car driveway.

## Background

On October 10, 2011, a complete application was received by the City for a Conditional Use Permit (CUP) to allow nightly rental use of an existing 3,800 square foot single family house located at 60 Sampson Avenue. The property is located within the Historic Residential Low Density (HRL) zoning district. A Conditional Use Permit is required for nightly rental in this zoning district. The house, which is a historic home listed as "Significant" on the Park City Historic Homes Site inventory was originally constructed in 1909. The original 1909 home was approximately 800 square foot single-story home. In 1995 the home was raised and the basement and garage were added. In 2007 approval was granted for a 1,953 square foot expansion to the rear of the existing house. The home now has four bedrooms with five full bathrooms. The house was completed and a Certificate of Occupancy granted in 2008.

## Analysis

The applicant is requesting approval of a CUP to allow nightly rental use of an existing 3,800 square foot, four bedroom, four and a half bathroom, single-family home with an

attached single-car garage and .

The home is has frontage onto both Sampson Avenue and King Road, with the main access and driveway taken from the Sampson Avenue side with direct stair access to King Road from the rear-yard. The lot which is approximately 6,500 square feet (0.15 acres) exceeds the minimum lot size of 3,750 square feet currently required in the HRL zoning district for a single family house.

The home meets all of the current setback requirements with exception to the historic portion of the home. The front yard setback of the historic portion of the existing home from the recorded right-of-way (Utah Avenue as platted) varies from 1 foot to 15 feet. The minimum front-yard setback in the HRL Zone is 15 feet. Although the setbacks to current standards are not met for the front yard, the setback is considered legal-nonconforming.

There are two legal parking spaces available at the home, one oversized space in the garage, and one oversized space on the driveway. Access to the home can also be achieved from King Road; however the only legal off-street parking is available from Sampson Avenue.

All nightly rentals require a business license to allow them to rent the house for periods of less than 30 days

According to the Land Management Code, Section 15-2.1-2, Nightly Rental is a Conditional Use in the HRL zoning district. Staff has reviewed the proposed Conditional Use Permit with respect to the conditional use review criteria as outlined in LMC 15-1-10 as follows:

**Criteria 1: Size and location of the site. No unmitigated impacts.**

The project is located on the 6,500 square foot lot at 60 Sampson Avenue. The site is large enough to accommodate the proposed use of nightly rental within an existing structure. The 3,800 square feet structure is large relative to surrounding houses and buildings and meets the LMC height and footprint requirements. The structure is located within walking distance of the Upper Norfolk ski runs at PCMR, Old Town and Main Street, and the bike trails at King Road and Daly Avenue. According to the business license records there are 11 existing nightly rental uses in the surrounding neighborhood on King Road, Sampson, and Ridge Avenue. The house is 3,800 square feet in area and contains 4 bedrooms and 4.5 bathrooms. The house has a non-conforming front-yard setback and conforms to the current setbacks on all other sides.

**Criteria 2: Traffic considerations. No unmitigated impacts.**

The project could likely contribute some traffic to the neighborhood. However, the trip generation for long term rentals, seasonal work force rental, and/or housing for permanent residents, is generally greater than that of short term vacation rentals. This is

primarily due to the location in close proximity to vacation amenities. Nightly rentals are required to be rented to one person or entity (family, group, etc.) increasing the likelihood of the entire family or group arriving in a single vehicle, with fewer overall daily trips generated. The property has 2 legal parking spaces including the oversized single-car garage and the oversized single-car driveway. The applicant has indicated that she intends to limit the amount of people she rents the home to at one time, which if implemented by the applicant, could help to reduce additional traffic impacts to and from the neighborhood. However, there is nothing in the code that suggests that the City could limit the amount of guests who stay in the home. It would be up to the applicant to self-regulate the amount of guests as they have indicated that they will do.

**Criteria 3: Utility capacity. No unmitigated impacts.**

No additional utility capacity is required for this project. Utilities for a nightly rental use are consistent with the available utilities.

**Criteria 4: Emergency vehicle access. No unmitigated impacts.**

The nightly rental business license triggers an inspection of the house by the Park City Building Department and all IBC and Fire Code requirements have to be met prior to issuance of a business license. Nightly rental use does not change the requirement for emergency vehicle access which exists on Sampson Avenue and King Road. The double-frontage of the home allows emergency access from two sides, Sampson Avenue and King Road. Although Sampson Avenue is a narrow street, the location of the home is close to the intersection with King Road, thus making it easier to gain access to.

**Criteria 5: Location and amount of off-street parking. No unmitigated impacts.**

Pursuant to LMC 15-3-6 parking for the first 6 bedrooms of a Nightly Rental is based on the parking requirement for the unit. In this case the parking requirement is the same as that required for the existing home which would be two (2) legal off-street parking spaces. As previously addressed herein, the site has a two existing oversized off-street parking spaces available, 1 space in the large oversized single-car garage, and one space on the driveway leading to, and beyond the garage. The driveway entrance is approximately 20 feet wide and tapers down to about 10 feet wide at its most narrow point. The driveway is approximately 30 feet long with an average width of about 17 feet wide. It would be possible to park two-cars towards the front of the driveway, providing a total of 3 spaces, but depending upon the size of the vehicles, 3 cars would be tight, and neither would meet the legal requirement for two separate spaces. The current code requires two 9' by 18' spaces to be located on-site and generally to be perpendicular to the street. In this case the applicant has one legal space within the garage and one legal space on the driveway. Both spaces are "oversized" meaning they exceed the minimum width and depth requirements.

**Criteria 6: Internal circulation system. No unmitigated impacts.**

Sampson Avenue and King Road are steep and narrow streets. There is however, area on the lot for limited circulation. Vehicles will need to utilize King Road and Sampson Avenue for ingress and egress. During heavy snow fall or bad road conditions, access to the lot may be limited or may require a four-wheel drive vehicle in order to gain access. There may be times when renters need to park off-site in an approved overnight public parking lot and walk to the property. Staff recommends as a condition of approval that the nightly rental lease include information to this effect, and that alternative access to the property and alternative locations for parking may become necessary during heavy snow events.

**Criteria 7: Fencing, screening and landscaping to separate uses. No unmitigated impacts.**

Fencing is not proposed at this time. No changes to the exterior landscaping are part of this application. The property is landscaped and appears to be well kempt and in good condition.

**Criteria 8: Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots. No unmitigated impacts.**

The size of the existing house, relative to surrounding buildings, mitigates impacts from building mass, bulk, orientation, and location on the site. The home, which was finished in 2008, meets current LMC and code requirements. Other homes within close proximity are of the same size and scale as the applicants home.

**Criteria 9: Usable open space. N/A**

The use is not required to provide open space in excess of that provided by typical single family houses. However, the home is located on a 6,500 square foot lot and there are patios, decks, and other outdoor spaces available for use by renters.

**Criteria 10: Signs and lighting. No unmitigated impacts.**

No signs are proposed. All exterior lighting was previously approved. Any lighting installed after the home was constructed would need to conform to current standards. There are no known violations of the lighting standards within the LMC at this property.

**Criteria 11: Physical design and compatibility with surrounding structures in mass, scale and style. No unmitigated impacts.**

The existing home is compatible with surrounding structures in mass, scale, and style.

**Criteria 12: Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site. No unmitigated impacts.**

No noise, vibration, odors, steam or mechanical factors are anticipated. There is an

outdoor deck in the front of the house and there are two patio areas. There is also a hot tub on the rear patio of the home. The tub does not face the street or adjacent properties, and it is not anticipated that the amount of steam generated from its use is would require mitigation. The hot tub is also covered when not in use.

**Criteria 13:** Control of delivery and service vehicles, loading and unloading zones, and screening. **No unmitigated impacts.**

No deliveries are anticipated. Residential trash pickup for the Lot will be from Sampson Avenue as it is with all houses in the area. A trash dumpster is not proposed or required.

**Criteria 14:** Expected ownership and management of the property. **No unmitigated impacts.**

The house is owned by the applicants as a second home, and only plan to rent the home out for short period of times to help supplement their income (off-set expenses). The property owners intend to be the managers of this nightly rental use and will obtain the necessary business licenses upon approval of the CUP.

**Criteria 15:** Sensitive Lands Review. **No unmitigated impacts.**

The house is not located within the Sensitive Lands Overlay zone. The use is within an existing structure and no external changes are proposed.

**Process**

Approval of this application constitutes Final Action that may be appealed to the City Council following the procedures found in LMC 1-18.

**Department Review**

This item was reviewed by the Planning, Building, Legal, and Engineering Departments. The Building Department will require an additional inspection of the home prior to the issuance of the business license.

**Public Input**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record. As of this date no public input has been offered.

**Alternatives**

- The Planning Commission may approve the CUP for nightly rental use at 60 Sampson Avenue, as conditioned or amended, or
- The Planning Commission may deny the CUP for nightly rental use at 60 Sampson Avenue and direct staff to make findings of fact for this decision; or
- The Planning Commission may continue the discussion and request additional information on specific items.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application.

### **Consequences of not taking the Suggested Recommendation**

The applicant would not be issued a City Business License to allow for nightly rentals of the existing home.

### **Recommendation**

Staff recommends that the Planning Commission conduct a public hearing and consider approving the Conditional Use Permit for nightly rental of a single family house located at 60 Sampson Avenue based on the findings of fact, conclusions of law, and conditions of approval listed below for the Commission's consideration..

### **Findings of Fact**

1. The property is located at 60 Sampson Avenue. The property is improved with a 3,800 square foot, four bedroom, five full-bath, single family house.
2. Two legal off-street parking spaces are required for homes with nightly rentals. There are two legal parking spaces available, including one (1) 12X33 square foot single-car parking space within the attached garage, and one (1) single sized space on the driveway which is approximately 10-20 wide by 30 feet in depth. Although the home is located on a double-frontage lot with access to both Sampson Avenue and King Road, no on-street parking is anticipated or proposed.
3. The house at 60 Sampson Avenue is located an approximately 6,500 square feet (.15 acres) lot. Minimum lot size in the HRL district is 3,570 square feet.
4. The historic portion of the home is 1,818 square feet and was constructed in 1909 with a 1,953 square foot addition completed in 2008.
5. The subject property is located within the Historic Residential Low Density (HRL) zoning district.
6. Nightly rental uses are subject to a Conditional Use Permit in the HRL district.
7. Access to the subject property is off of Sampson Avenue with frontage onto King Road, both are public streets.
8. According to the City's business license records, there are currently 11 existing nightly rental uses in the surrounding neighborhood on King Road, Sampson, and Ridge Avenue.
9. The applicant stipulates to the conditions of approval.

### **Conclusions of Law**

1. The proposed nightly rental use as conditioned is compatible with surrounding structures in use, scale and mass, and circulation.
2. The proposed nightly rental use as conditioned is consistent with the Park City General Plan.
3. Any effects in difference in use of the nightly rental use have been mitigated through careful planning and conditions of approval.

## Conditions of Approval

1. All standard project conditions shall apply.
2. A business license and inspection of the property by the building department are necessary to ensure that the business owners are verified and the property meets all applicable fire and building codes.
3. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of business license application is required as a condition precedent to issuance of a business license.
4. No exterior commercial signs are approved as part of this CUP. All signs are subject to the Park City Sign Code.
5. All lease agreements for nightly rental of 60 Sampson Avenue shall include the following language: *“Both Sampson Avenue and King Road are narrow, steep streets. During snow storms and other abnormal weather events, including construction projects in the area, King Road, Sampson Avenue and streets leading to or away from the rental unit may become impassable. Snow removal in Park City is on a priority basis and it maybe several days before snow is removed from streets leading to, or away from the rental unit. During these times you may be required to park your vehicle in an approved overnight parking lot, such as the China Bridge parking structure, and you will be required walk to, or find alternative transportation to the rental unit. An annual permit may be required to park in a municipal lot.”*
6. Nightly rental leases for 60 Sampson Avenue shall only be allowed to one person or single entity. Nightly rental does not include the use of the dwelling unit for Commercial uses.
7. Renters shall be required to park either in the garage or on the driveway. Both parking spaces shall be made available. No on-street parking is permitted on either Sampson Avenue or King Road.

## **Exhibits**

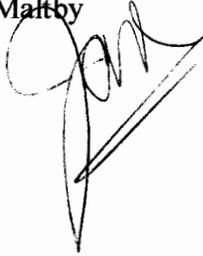
- Exhibit A- (Site plan and photos)
- Exhibit B- Standard Conditions
- Exhibit C- Applicant’s letter

To Whom it May Concern:

We are interested in using our home for Nightly Rentals. We have a large garage and driveway that will accommodate any vehicles. We would limit the number of individuals in the home. We would screen renters. We still consider this to be our home, but are interested in renting for small periods to off-set our expenses. We do not see any ways this will cause any inconvenience or unnecessary hardship on Park City or our immediate surroundings. We are not aware of other "Nightly Renters" in the area, but do know of other "Long-Term Renters" in our zone.

Thank you,

Jan and John Matby

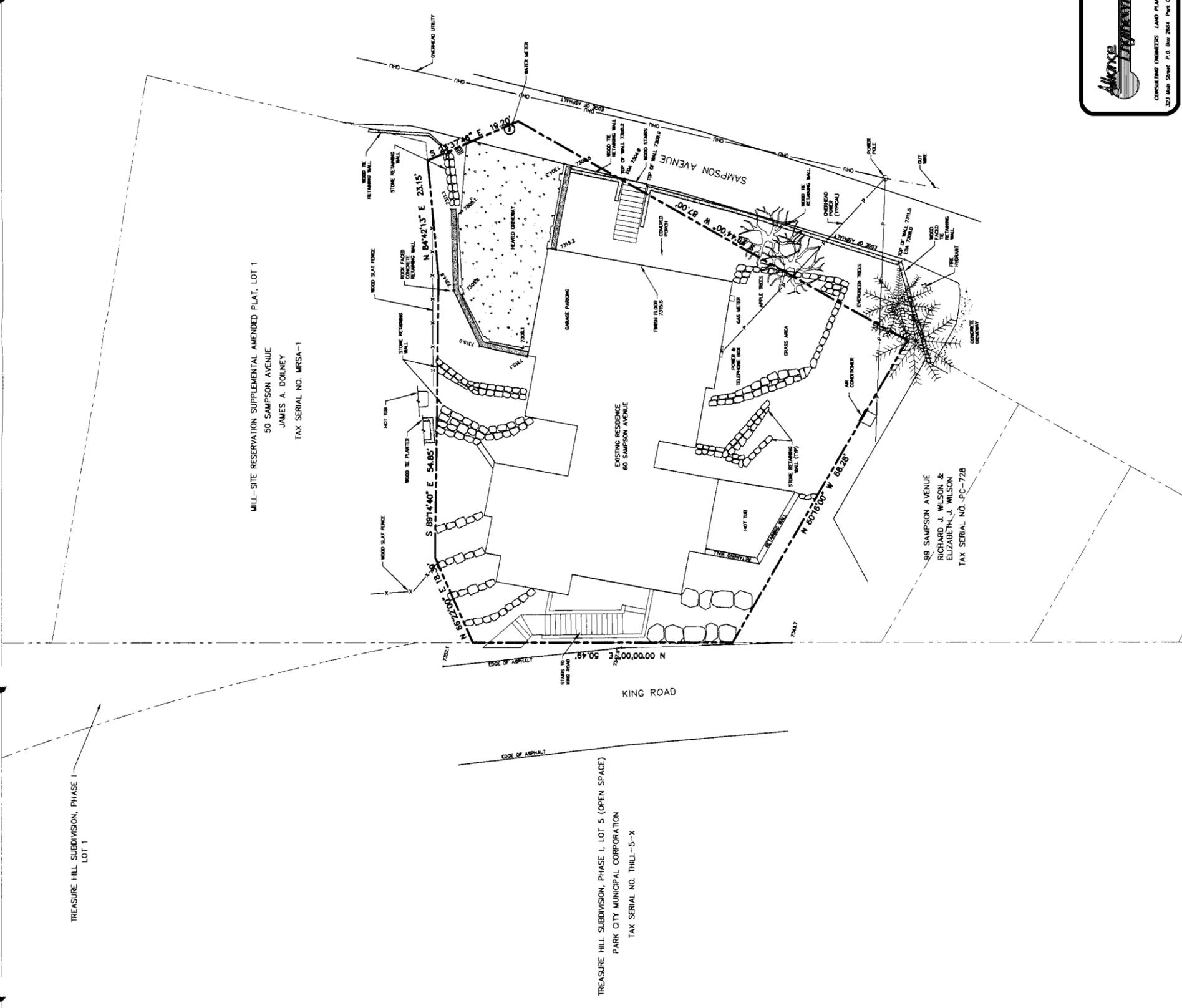
A handwritten signature in black ink, appearing to be 'Jan and John Matby', written over the printed name.

OCT 10 2011



**NOTES**

1. The uses within 100' feet of the property are all residential with the exception of the open space parcel west of King Road.
2. The property contains 6,631.8 square feet = 0.15 acres.



MILL-SITE RESERVATION SUPPLEMENTAL AMENDED PLAT, LOT 1  
50 SAMPSON AVENUE  
JAMES A. DOLNEY  
TAX SERIAL NO. MRSA-1

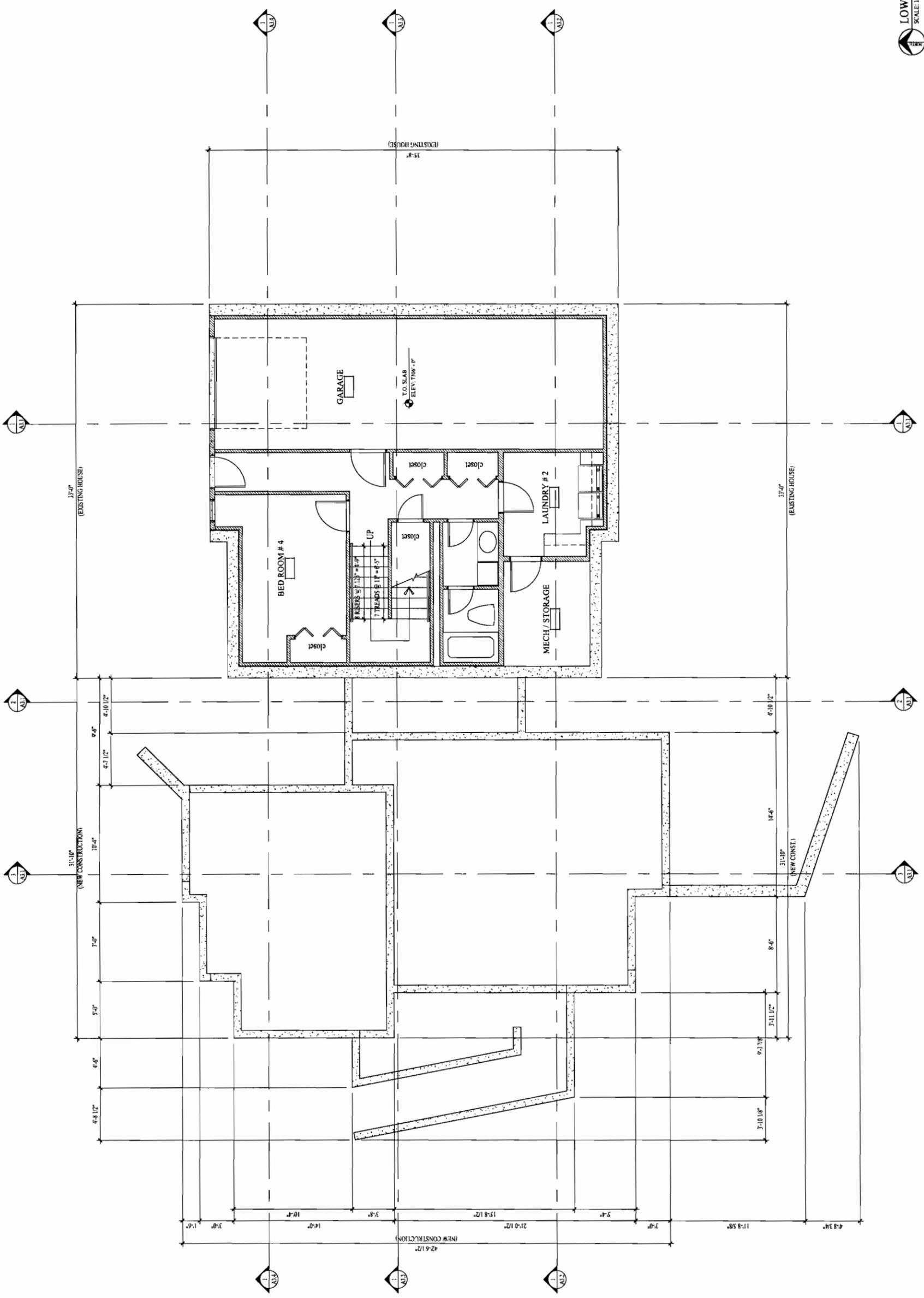
89 SAMPSON AVENUE  
RICHARD J. WILSON &  
ELIZABETH J. WILSON  
TAX SERIAL NO. PC-728

TREASURE HILL SUBDIVISION, PHASE 1, LOT 5 (OPEN SPACE)  
PARK CITY MUNICIPAL CORPORATION  
TAX SERIAL NO. THILL-5-X

TREASURE HILL SUBDIVISION, PHASE 1  
LOT 1

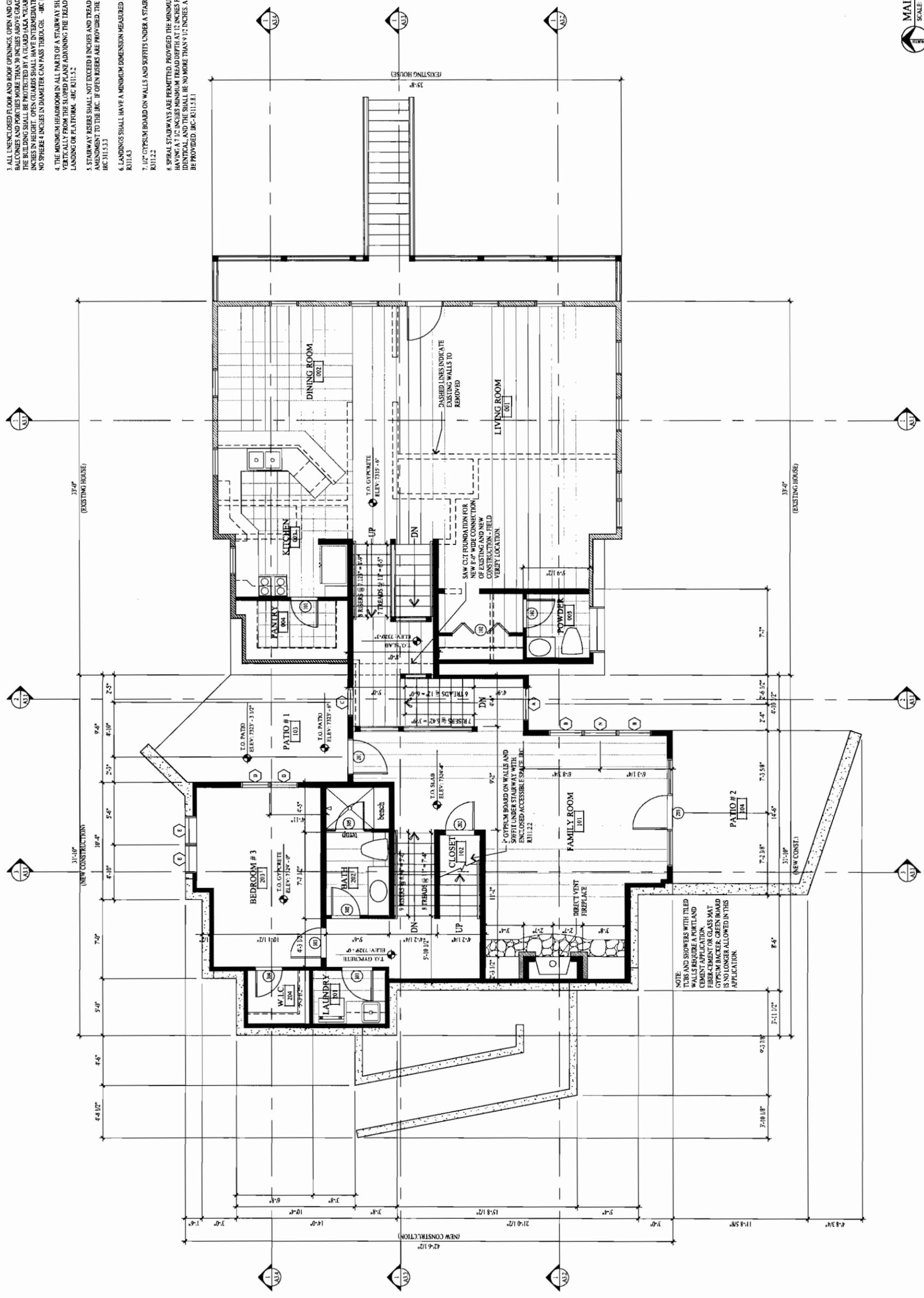
OCT 10 2011

LOWER LEVEL PLAN  
SCALE: 3/4" = 1'-0"  
EXISTING LIVING AREA: 1141 SQ. FT.



**STAIRWAY HANDRAILING GUARDRAILING NOTES:**

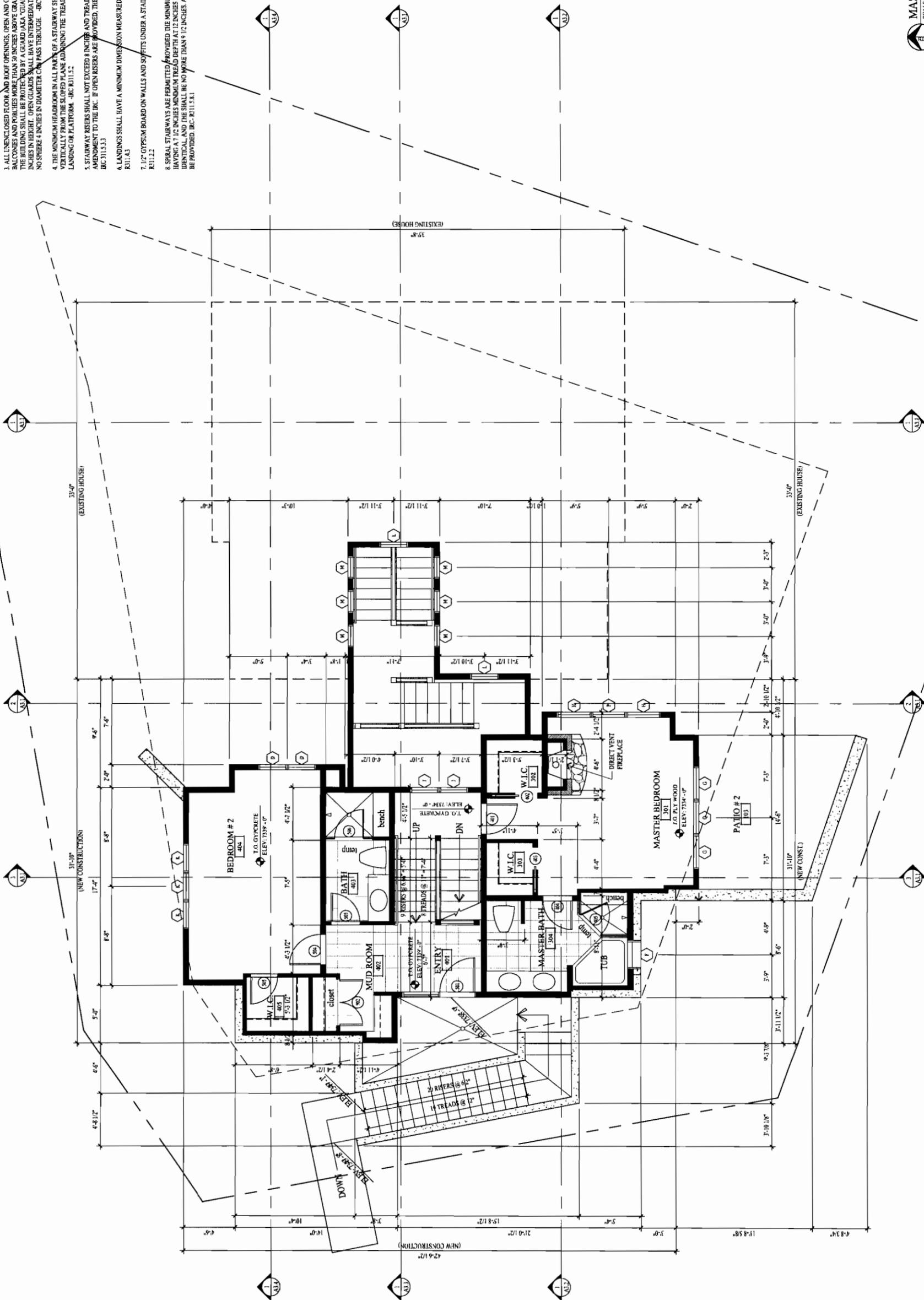
1. STAIRWAYS SHALL NOT BE LESS THAN 36 INCHES IN CLEAR WIDTH AT ALL POINTS ABOVE THE PERMITTED HANDRAIL HEIGHT. HANDRAILS SHALL NOT PROTECT MORE THAN 4.5 INCHES ON EITHER SIDE. -IRC 311.5.1
2. THE TOPS OF HANDRAILS SHALL BE PLACED BETWEEN 34 INCHES AND 38 INCHES ABOVE THE NOSING OF THE TREADS. THEY SHALL BE CONTINUOUS THE FULL LENGTH OF THE STAIRS. ENDS SHALL BE RETURNED OR SHALL TERMINATE IN NEWEL POSTS OR SAFETY TERMINALS. THE HANDRAIL PORTION OF HANDRAILS SHALL BE NOT LESS THAN 1-1/4 INCHES NOR MORE THAN 2-5/8 INCHES IN CROSS-SECTIONAL DIMENSION OR THE SHAPE SHALL PROVIDE AN EQUIVALENT GRIPPING SURFACE. HANDRAILS PROJECTING FROM A WALL SHALL HAVE A SPACE OF NOT LESS THAN 1.5 INCHES BETWEEN THE WALL AND THE HANDRAIL. -IRC 311.5.3
3. ALL UNENCLOSED FLOOR AND ROOF OPENINGS, OPEN AND GLAZED SIDES OF LANDINGS AND STAIRS, BALCONIES AND PORCHES MORE THAN 30 INCHES ABOVE GRADE, AND ROOFS USED FOR OTHER THAN SERVICE OF THE BUILDING SHALL BE PROTECTED BY A (GUARD) (A.K.A "GUARDRAIL"). GUARDS SHALL NOT BE LESS THAN 36 INCHES IN HEIGHT. OPEN GUARDS SHALL HAVE INTERMEDIATE RAILS OR AN ORNAMENTAL PATTERN SUCH THAT NO SPHERE 4 INCHES IN DIAMETER CAN PASS THROUGH. -IRC R312
4. THE MINIMUM HEADROOM IN ALL PARTS OF A STAIRWAY SHALL NOT BE LESS THAN 6'-8" MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING OR FROM THE FLOOR SURFACE OF THE LANDING OR PLATFORM. -IRC R311.5.2
5. STAIRWAY RISERS SHALL NOT EXCEED 8 INCHES AND TREADS SHALL NOT BE LESS THAN 9 INCHES. STATE AMENDMENT TO THE IRC. IF OPEN RISERS ARE PROVIDED, THE OPENINGS SHALL BE LESS THAN 4". -IRC 311.5.3.1
6. LANDINGS SHALL HAVE A MINIMUM DIMENSION MEASURED IN THE DIRECTION OF TRAVEL OF 36 INCHES. -IRC R311.4.3
7. 1/2" GYPSUM BOARD ON WALLS AND SUFFITS UNDER A STAIRWAY WITH ENCLOSED ACCESSIBLE SPACE. -IRC R311.2.2
8. SPIRAL STAIRWAYS ARE PERMITTED PROVIDED THE MINIMUM WIDTH SHALL BE 36 INCHES WITH EACH TREAD 18 INCHES MINIMUM AND WITH 4 INCHES FROM THE NARROW EDGE. ALL TREADS SHALL BE IDENTICAL AND THE SHALL BE NO MORE THAN 1/2 INCHES. A MINIMUM HEADROOM OF 6 FEET 6 INCHES SHALL BE PROVIDED. -IRC R311.5.3.1



OCT 10 2011

STAIRWAY HANDRAILING/HANDRAILING NOTES:

1. STAIRWAYS SHALL NOT BE LESS THAN 36 INCHES IN CLEAR WIDTH AT ALL POINTS ABOVE THE PERMITTED HANDRAIL HEIGHT. HANDRAILS SHALL NOT PROJECT MORE THAN 45 INCHES ON EITHER SIDE. -IRC 311.5.1
2. THE TOPS OF HANDRAILS SHALL BE PLACED BETWEEN 34 INCHES AND 38 INCHES ABOVE THE NOSING OF THE TREADS. THEY SHALL BE CONTINUOUS THE FULL LENGTH OF THE STAIRS. ENDS SHALL BE RETURNED OR SHALL TERMINATE IN NEWLY POSTS OR SAFETY TERMINALS. THE HANDRIP PORTION OF HANDRAILS SHALL BE NOT LESS THAN 1-1/4 INCHES NOR MORE THAN 2-5/8 INCHES IN CROSS-SECTIONAL DIMENSION OR THE SHAPE SHALL PROVIDE AN EQUIVALENT GRIPPING SURFACE. HANDRAILS PROJECTING FROM A WALL SHALL HAVE A SPACE OF NOT LESS THAN 15 INCHES BETWEEN THE WALL AND THE HANDRAIL. -IRC 311.5.2
3. ALL UNENCLOSED FLOORS AND ROOF OPENINGS, OPEN AND GLAZED SIDES OF LANDINGS AND STAIRS, BALCONIES AND PORCHES MORE THAN 30 INCHES ABOVE GRADE, AND ROOFS USED FOR OTHER THAN SERVICE OF THE BUILDING SHALL BE PROTECTED BY A GUARD (A.K.A. "GUARDRAIL"). GUARDS SHALL NOT BE LESS THAN 36 INCHES IN HEIGHT. OPEN GUARDS SHALL HAVE INTERMEDIATE RAILS OR AN ORNAMENTAL PATTERN SUCH THAT NO SPHERE 4 INCHES IN DIAMETER CAN PASS THROUGH. -IRC 311.5.3
4. THE MINIMUM HEADROOM IN ALL PARTS OF A STAIRWAY SHALL NOT BE LESS THAN 6'-8" MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING OR FROM THE FLOOR SURFACE OF THE LANDING OR PLATFORM. -IRC 311.5.4
5. STAIRWAY RISERS SHALL NOT EXCEED 9 INCHES AND TREADS SHALL NOT BE LESS THAN 9 INCHES. STATE AMENDMENT TO THE IRC. IF OPEN RISERS ARE PROVIDED, THE OPENINGS SHALL BE LESS THAN 4". -IRC 311.5.5
6. LANDINGS SHALL HAVE A MINIMUM DIMENSION MEASURED IN THE DIRECTION OF TRAVEL OF 36 INCHES. -IRC R311.4.3
7. 1/2" GYPSUM BOARD ON WALLS AND SOFFITS UNDER A STAIRWAY WITH ENCLOSED ACCESSIBLE SPACE. -IRC R311.2.2
8. SPIRAL STAIRWAYS ARE PERMITTED PROVIDED THE MINIMUM WIDTH SHALL BE 36 INCHES WITH EACH TREAD HAVING A 7/8 INCH CLEARANCE FROM THE TREAD TO THE RAIL OR WALKWAY EDGE. ALL TREADS SHALL BE UNIFORM IN WIDTH AND TREAD DEPTH AND RISES SHALL BE UNIFORM IN HEIGHT. A MINIMUM HEADROOM OF 6 FEET 6 INCHES SHALL BE PROVIDED. -IRC R311.5.1



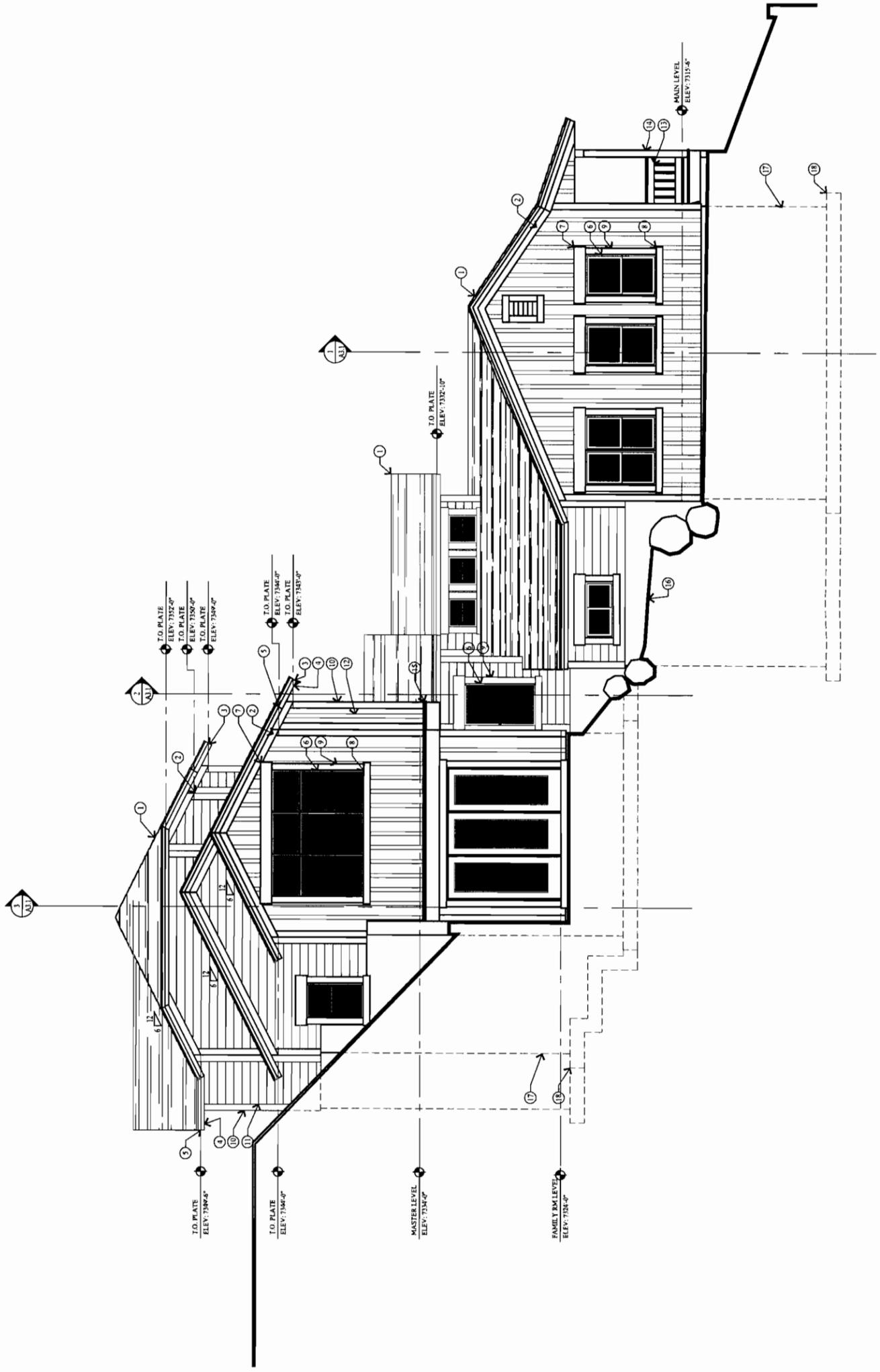
OCT 10 2011

MASTER LEVEL PLAN  
SCALE: 1/4" = 1'-0"



KEY NOTES

- 1 ARCHITECTURAL GRADE COMPACTUM SHINGLE 5/8" THICK PRESIDENTIAL TL 1209 PER SQUARE. MIN. ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE.
- 2 2x6 CEDAR TRIM BOARD - STAINED
- 3 2x4 FASCIA - STAINED
- 4 T & G CEDAR SHIPIT - STAINED W/ CONTINUOUS SOFFIT VENT.
- 5 1 1/2" CONTINUOUS METAL DWP EDGE
- 6 ALUMINUM CLAD WOOD WINDOWS & SID DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE.
- 7 2x10 WINDOW/DOOR HEAD - STAINED W/ FLASHING.
- 8 2x4 WINDOW/DOOR JAMB - STAINED.
- 9 2x6 WINDOW SILL - STAINED.
- 10 2x6 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED
- 11 1x1 CEDAR REVELL 1x4 SILING ON TYPICAL HOMEWARP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
- 12 2x4 BATTEN ON 1x12 BOARD FINDER SOLID BLOCKING/2x4 STUDS @ 16" O.C. W/ 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
- 13 3/4" EGH RAILING, 6x6 SHAPED TOP RAIL W/ 2x2 BALLAST @ 3 1/2" O.C. W/ 3/4" SHAPED BOTTOM RAIL.
- 14 6x6 NEWL POST
- 15 BRPELED 2x4 ON 2x12 CEDAR TRIM BOARD - STAINED.
- 16 FINISH GRADE TO SLOPE AWAY FROM HOUSE A MIN. OF 6" WITHIN THE FIRST 10' (IC 901.3)
- 17 FOUNDATION LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 18 FOOTING LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.

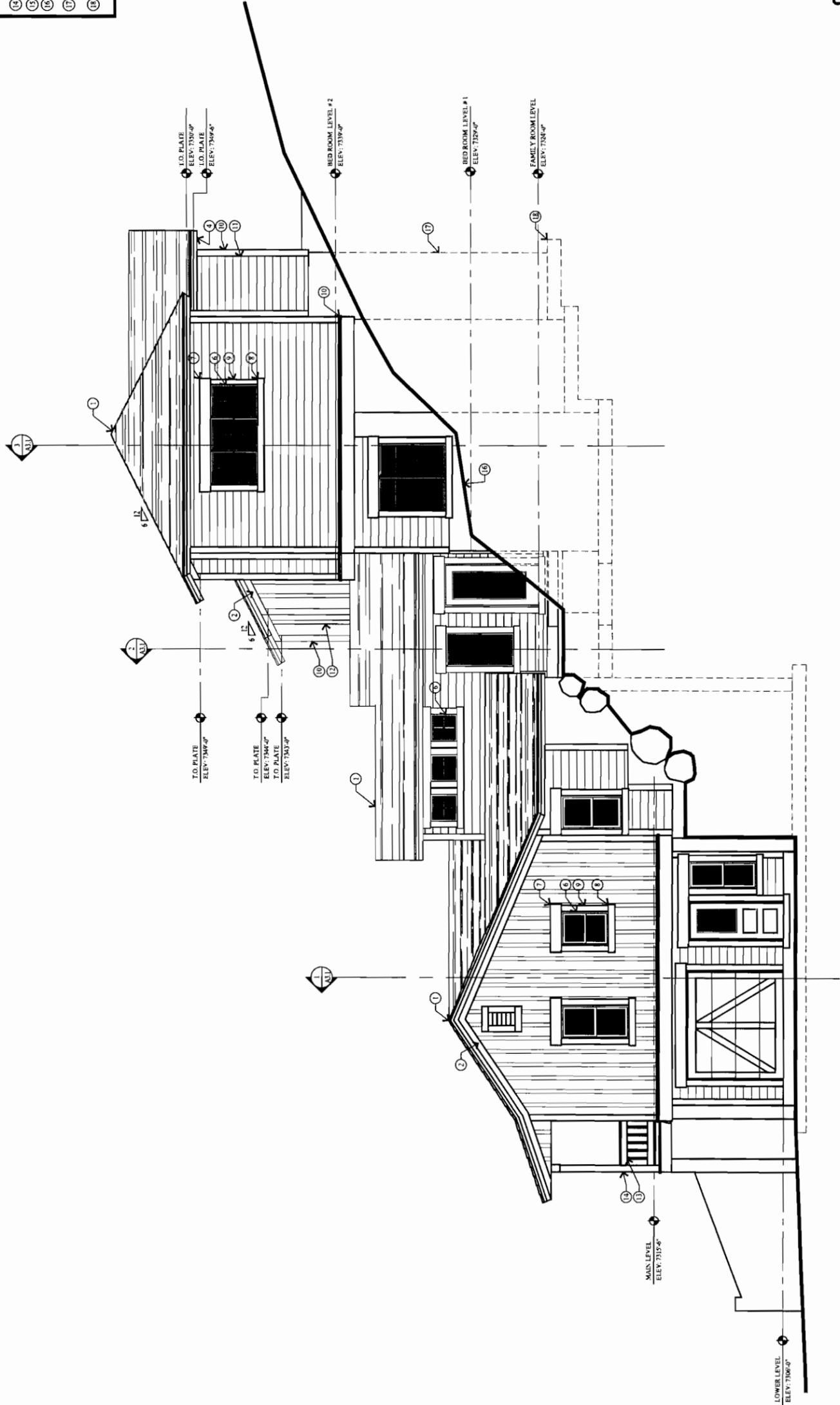


OCT 10 2011

1 SOUTH ELEVATION  
SCALE 1/8" = 1'-0"

KEY NOTES

- 1 ARCHITECTURAL GRADE COMPACTED SHINGLE 50 YEAR PRESIDENTIAL T.I. 1559 PER SQUARE MIN. ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE.
- 2 2x6 CEDAR TRIM BOARD - STAINED.
- 3 2x4 FASCIA - STAINED.
- 4 T & G CEDAR SHROTT - STAINED W/ CONTINUOUS SOFFIT VENT.
- 5 1/2"X7" CONTINUOUS METAL DRIP EDGE
- 6 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE.
- 7 2x10 WINDOW/DOOR HEAD - STAINED W/ FLASHING.
- 8 2x4 WINDOW/DOOR TAMB - STAINED.
- 9 2x4 WINDOW SILL - STAINED.
- 10 2x4 CEDAR OUTSIDE CORNER BOARD, 2x4 CEDAR INSIDE CORNER BOARD - STAINED.
- 11 1x4 CEDAR INSIDE LATHING ON 1/2"X4 SHIMMER BOARD ON 1/2" EXT. SHEATHING ON 2x4 STUDS @ 16" O.C.
- 12 2x4 BATTEN ON 1x12 BOARD PROVIDE SOLID BUCKENICK SPLICER ON 1/2"X4 SHIMMER BOARD ON 1/2" EXT. SHEATHING ON 2x4 STUDS @ 16" O.C.
- 13 3" HIGH BALDING 6x6 SHAPED TOP RAIL W/ 2" BALLAST @ 5 1/2" O.C. W/ 3/4 SHAPED BOTTOM RAIL.
- 14 6x6 NEWL POST
- 15 BEVELED 2x4 ON 2x12 CEDAR TRIM BOARD - STAINED.
- 16 FINISH GRADE TO SLOPE AWAY FROM HOUSE A MIN. OF 5' WITHIN THE FIRST 10' OF RAIL.
- 17 FOUNDATION LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 18 FOOTING LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.



OCT 10 2011

1 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



# Planning Commission Staff Report



**Subject:** North Silver Lake Lot 2B Subdivision  
**Author:** Mathew W. Evans, Senior Planner  
**Project #:** PL-11-01392  
**Date:** January 11, 2012  
**Type of Item:** Administrative – Extension of Conditional Use Permit

ENT

## Summary Recommendation

Staff recommends that the Planning Commission review the request, conduct a public hearing, and consider approving the North Silver Lake Conditional Use Permit Extension to July 21, 2013.

## Topic

**Applicant:** North Silver Lake Lodge, LLC  
**Location:** Lot 2B subdivision of Lot 2, North Silver Lake  
**Zoning:** Residential Development (RD)  
**Adjacent Land Use:** Ski resort area and attached/detached residential  
**Reason for Review:** Conditional Use Permit – One Year Extension of Time

## Request

The applicant is requesting an additional one-year extension to a Conditional Use Permit originally approved on July 8, 2009 for the North Silver Lake Lodge. The applicant applied for and received an administrative one-year extension of approval as provided by Land Management Code Section 15-1-10(G), which allows the Planning Director to grant a one-year extension if certain criteria are met, and then allows the applicant to seek a second extension from the Planning Commission so long as the same criteria are met. The first extension was granted by the Planning Director and then appealed by a neighbor. After an appeal to the Planning Commission and then the City Council, the first extension was granted. The current extension is set to expire on July 21, 2012. The new extension would allow the Conditional Use Permit to expire on July 21, 2013.

## Background

Under the Deer Valley Resort Master Plan Development (MPD) the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space. The Deer Valley MPD requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC Section 15-1-10.

The original CUP application was before Planning Commission on five different occasions (August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009). During the July 8, 2009 review, the Planning Commission approved the application with a three to one vote. One Commissioner abstained.

On July 17, 2009, the neighboring property owners submitted an appeal of the Conditional Use Permit (CUP) approval for development of the North Silver Lake Subdivision Lot 2B. The City Council reviewed the appeal on October 15, 2009 and again on November 12, 2009. During the November 12, 2009 meeting, the City Council remanded the CUP application to the Planning Commission with specific items to be addressed.

The Planning Commission reviewed the remand during two work sessions on November 11, 2009 and January 13, 2010 and two Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010 to address specific findings of the City Council. The Planning Commission approved the revised conditional use permit with a four to one vote on April 28, 2010.

The approval was appealed by two separate parties. On May 7, 2010, Eric Lee submitted an appeal on behalf of property owners in the neighborhood and on May 10, 2010, the City received an additional appeal from Ms. Lisa Wilson. The City Council reviewed both appeals on June 24, 2010. All parties stipulated to additional condition of approval #19 that "no lockouts are permitted within this approval". The Council did not find merit in the notice issues, the compatibility of revised design or other issues raised in Ms. Wilson's appeal. The Council added an additional requirement of an opportunity for neighborhood input prior to approval of the phasing plan(s), but found that the Planning Commission adequately addressed the issues of the remand. Accordingly, the City Council affirmed and denied in part the Planning Commission's decision to approve the North Silver Lake Lot 2B Conditional Use Permit. The City Council findings were ratified on July 1, 2010.

The conditional use permit approval included a condition that the approval would expire on July 1, 2011 if no building permits are issued within the development. On March 3, 2011, the Planning Department received a Request for Extension of the Conditional Use Permit approval. The Planning Director reviewed the extension request, staff analyzed the application as provided within the administrative staff report, and the public input was considered (Exhibit B: April 18, 2011 Staff Report). On April 28, 2011, the Planning Director approved the Extension of the Conditional Use Permit for an additional year as conditioned.

The Planning Director's approval of the extension was appealed by Ms. Lisa Wilson and on June 8, 2011 the Planning Commission held a public hearing to consider the appeal. After hearing testimony from the appellant, the property owner, and staff, the Planning Commission, reviewed the matter de novo and rendered a decision to uphold the Planning Director's decision and grant the extension of the Conditional Use Permit to July 1, 2012.

On June 20, 2011, the City Council received a written appeal of the Planning Commission's final action of June 8, 2011, upholding the Planning Director's decision to approve an extension of the Conditional Use Permit for the North Silver Lake Lot 2B development. On July 21, 2011, the appeal was heard by the City Council, who held a quasi-judicial hearing before voting unanimously to uphold the Planning Commission's

decision to uphold the Planning Director's issuance of an extension of time for the July 1, 2010 Conditional Use Permit. Because the appeal to upholding the Planning Directors Decision was approved on July 21, 2011, the extension of the Conditional Use Permit is now July 21, 2012.

On October 27, 2011, Staff received a complete application to extend the CUP for an additional year. Pursuant to LMC 15-1-10(G), the Planning Commission reviews such a request.

### **Analysis of the CUP extension application**

Within the Land Management Code Section 15-1-10(G), **"The Planning Commission may grant an additional one (1) year extension (of the Conditional Use Permit) when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings":**

#### **1. No change in circumstance that would result in an unmitigated impact.**

**Complies.** There is no new submittal of plans. The previously submittal matches the approved July 1, 2010 set of plans. There has been no change in circumstances to the site or the plans that would result in unmitigated impacts.

**2. Would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request.** **Complies.** The applicable sections of the Land Management Code and the Park City General Plan have not been modified since the July 1, 2010 approval; therefore there are no new findings of non-compliance with either document.

Landscaping was completed prior to July 1, 2011 and condition of approval #18 of both the July 1, 2010 CUP and the Planning Director's decision to extend the expiration date one year have been met. Staff has visited the site periodically over the past few months and has confirmed that this. There is still bonding in place to fill in the area that was previously excavated. If no building permit is issues prior to the extension of the original Conditional Use Permit, the applicant will be required to fill in the previously excavated area, and the bond monies would be released once the work is completed. If the work is not completed by the applicant, the City would hire someone to perform such work and use the bond monies deposited with the City for that purpose.

### **Notice**

The noticing requirements of LMC Section 15-1-21 have been met. The property was posted fourteen (14) days prior to the hearing date, notice was sent to all required parties, and a legal notice regarding the public hearing for a CUP extension was published in a newspaper of local circulation.

### **Public Input**

No public comment has been received at this time for the second extension.

## **Alternatives**

- The Planning Commission may approve the North Silver Lake Lot 2B CUP extension as conditioned or amended; or
- The Planning Commission may deny the North Silver Lake Lot 2B CUP extension and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the North Silver Lake CUP extension and request specific additional information deemed necessary to make a final decision.

## **Recommendation**

Staff recommends that the Planning Commission review the request, conduct a public hearing, and consider approving the North Silver Lake CUP extension to July 21, 2013.

## **Findings of Fact**

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space.
4. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
5. The Deer Valley Master Planned Development (MPD) requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.
6. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
7. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
8. I agree with Kirsten – just state what the original CUP is for.
9. The Planning Commission held public hearings on the original CUP on August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009 and approved the CUP on July 8, 2009.
10. The Planning Commission approval of the CUP was appealed to the City Council and on November 12, 2009, the City Council remanded the Conditional Use Permit back to the Planning Commission with three specific items to be addressed within the order.
11. The Planning Commission approved the revised Conditional Use Permit on April 28, 2010.
12. The revised CUP was appealed to the City Council and on July 1, 2010, the City Council approved the North Silver Lake Lot 2B Conditional Use Permit
13. On March 17, 2011, the Planning Department received a complete application for an extension of the Conditional Use Permit. The extension request was submitted prior to the expiration of Conditional Use Permit. On April 28, 2011 the Planning Director approved the one year extension to July 1, 2012.

14. An appeal of the Planning Director's approval was heard on June 8, 2011 by the Planning Commission. The Planning Commission voted to uphold the Planning Director's decision to grant the extension of time as requested by the applicant.
15. The Planning Commission's decision was appealed to the City Council and on July 21, 2011 the City Council voted to uphold the Planning Commission's decision and approve the extension until July 21, 2012.
16. Within the July 1, 2010 approval, Condition of Approval #18 states "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released." This condition was met prior to the first extension request and the applicant has since capped the rock area with soil and has re-vegetated the area with new landscaping along the perimeter entrance as required.
17. The building department collected a bond to ensure that the existing impacts of the site will be repaired at the time of CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses, planting eighteen (18') new trees that vary in height from 10 to 12 feet, and installing an irrigation system for the establishment of the grass and ongoing watering of the new trees. This work has been completed, and the Building Department has released the bond.
18. On October 27, 2011 the applicant submitted a request for an additional one year extension of the Conditional Use Permit to which is currently set to expire on July 1, 2012. The new extension will expire on July 21, 2013.
19. The Conditional Use Permit Criteria within LMC section 15-1-10 has not changed since the July 1, 2010 City Council approval.
22. The Conditional Use Permit application for North Silver Lake Lot 2B has not changed since the July 1, 2010 City Council Approval. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
23. There have been no changes to the application or the approved plans since the first extension of time was granted on June 8, 2011 by the Planning Commission (and upheld by the City Council on July 21, 2011).

#### Conclusions of Law

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.

#### Conditions of Approval

1. All conditions of approval of the City Council's July 21, 2011 order continue to apply.
2. This approval will expire July 21, 2013, 12 months from the first extension of the CUP, if no building permits are issued within the development. Continuing

construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.

3. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

**Exhibits**

Exhibit A – April 18, 2011 Staff Report with exhibits for Planning Director action

Exhibit B – Action Letter to appeal of Planning Director Decision

Exhibit C – July 21, 2011 Ratified City Council Findings and Conditions of Approval.

# Planning Director Determination Staff Report



**Subject:** North Silver Lake Lot 2B  
**Author:** Katie Cattan  
**Application #:** PL-11-01210  
**Date:** April 18, 2011  
**Type of Item:** Administrative – CUP Extension

## **Summary Recommendations**

Staff recommends that the Planning Director review the Conditional Use Permit (CUP) extension request and consider approving the extension based on the finding of fact, conclusions of law, and conditions of approval in the staff report.

## **Topic**

**Applicant:** SR Silver Lake LLC  
**Location:** Lot 2B North Silver Lake Subdivision  
**Zoning:** Residential Development (RD)  
**Adjacent Land Uses:** Residential and Ski Area  
**Reason for Review:** Conditional Use Permit extensions require Planning Director review and approval

## **Proposal**

- This is a request to for an extension of the North Silver Lake Lot 2B CUP which was approved by the City Council on July 1, 2010.
- The application is the exact same as the approved July 1, 2010 plans.

## **Background**

Under the Deer Valley Resort Master Plan Development (MPD) the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space. The Deer Valley MPD requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC Section 15-1-10.

The original CUP application was before Planning Commission on five different occasions (August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009). During the July 8, 2009 review, the Planning Commission approved the application with a 3 – 1 vote. One Commissioner abstained.

On July 17, 2009, the neighboring property owners submitted an appeal of the Conditional Use Permit (CUP) approval of the North Silver Lake Subdivision Lot 2B. The City Council reviewed the appeal on October 15, 2009 and November 12, 2009. During the November 12, 2009 meeting, the City Council remanded the CUP application to the Planning Commission with specific items included in the order to be addressed.

The Planning Commission reviewed the remand during two work sessions on November 11, 2009 and January 13, 2010 and two Planning Commission regular

agenda meetings on March 10, 2010 and April 28, 2010 to address the order and findings of the City Council. The Planning Commission approved the revised conditional use permit with a four to one vote on April 28, 2010.

The approval was appealed by two separate parties. On May 7, 2010, Eric Lee submitted an appeal. On May 10, 2010, Lisa Wilson submitted an additional appeal. The City Council reviewed the appeal on June 24, 2010. All parties stipulated to additional condition of approval #19. The Council did not find merit in the notice issues, the compatibility of revised design or other issues raised in Ms. Wilson's appeal. The Council added an additional requirement of an opportunity for neighborhood input prior to approval of the phasing plan(s), but found that the Planning Commission adequately addressed the issues of the remand. Accordingly, the City Council affirmed and denied in part the Planning Commission's decision to approve the North Silver Lake Lot 2B Conditional Use Permit.

On March 3, 2011, the Planning Department received a Request for Extension of the Conditional Use Permit approval.

### **Analysis**

Within the Land Management Code Section 15-1-10(G), "The Planning Director may grant an extension of a Conditional Use permit for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original Conditional Use permit approval per Section 15-1-12. Extension requests must be submitted prior to the expiration of the Conditional Use permit."

#### **1. No change in circumstance that would result in an unmitigated impact.**

**Complies.** The submitted plans match the approved July 1, 2010 set of plans. There has been no change in circumstances to the site or the plans that would result in unmitigated impacts.

#### **2. Would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request.**

**Complies.** The Land Management Code and the Park City General Plan has not been modified since the July 1, 2010 approval, therefore there are no new findings of non-compliance with either document.

There is one condition of approval that must be completed prior to the extension of the Conditional Use Permit extension. Condition of Approval #18 states "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released." A bond was collected for re-vegetation and new landscaping

along the perimeter entrance. This landscaping must be completed by July 1, 2011. Due to snowpack, this work will not be done until June 2011. To enforce this, condition of approval #18 states

“The approved extension will be void if Condition of Approval #18 from the July 1, 2010 City Council approval is not completed by July 1, 2011. The condition states “A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released.”

Questions have been raised by the public regarding Condition of Approval #18 regarding the “capping of the rock area” rather than filling the entire site then capping the area. The conclusion specifically required that the “existing rock area of the site shall be capped with soil and re-vegetated. Staff reviewed the City Council minutes from the June 24, 2010 and July 1, 2010 City Council meeting and did not find any evidence of discussion on filling the existing hole. Capping was discussed.

The following comments made by Planner Cattan are from the City Council Minutes from the June 24, 2010 meeting:

“To address Construction Phasing and additional bonding referred to in remand item 3, additional conditions were approved to require that the Building Department approve a phasing and bonding plan to ensure site restoration in conjunction with building phasing beyond the public improvement guarantee; and, collection of a bond at the time of CUP approval to ensure that existing impacts of the site will be repaired at the time of CUP expiration or extension. These conditions specify that financial guarantees include revegetation of the perimeter enhancement, capping for new disturbances and previous disturbances, and cleanup of all staging areas on the site.

Planner Cattan Katie explained she had listened to recordings of the November 19, 2009 City Council meeting which clarified that Council had not asked for a completion bond. Council members specified that the intent was to ensure that throughout the stages of construction, if it were to be abandoned, the City would be able to restore the site to a visually acceptable level. Additionally, Council wanted to make sure that the project would be staged and that the Building Department should manage bonding to ensure site restoration with phasing stages. The Chief Building Official also recommended that a condition be added to mitigate existing impacts on the site. Conditions of Approval 17 and 18 addressed these issues.”

The term “fill” was not present in the June 24, 2010 City Council meeting minutes or within the conditions of approval. (Exhibit A: Minutes June 24, 2010 and July 1, 2010 City Council meetings.)

Two minor typing errors were identified within finding of fact #4 and finding of fact #9.

Finding of Fact #4 identified 14,552 square feet of commercial and support space. There are 14,525 square feet of commercial and support space. The application utilized 5102 square feet of commercial area. There is not change in circumstance from this typing error that would result in unmitigated impacts. Finding of Fact #4 has been modified to state 14,525 square feet.

Finding of Fact #4 incorrectly identifies Lot 2B rather than Lot 2D as the open space lot within the North Silver Lake Subdivision. Finding of fact #9 stated:

“Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2B towards the 60% open space requirement. The Bellemont Subdivision utilized ¼ acre of the Lot 2B parcel to comply with the open space requirement.”

The dedicate open space lot within the North Silver Lake Subdivision is Lot 2D. This finding of fact has been changed for accuracy. The open space calculation was not affected by this change. The open space calculation remains 70.6% as stated in finding of fact #10. There is not change in circumstance from this error that would result in unmitigated impacts. The modified finding of fact #9 states

“Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2D towards the 60% open space requirement. The Bellemont Subdivision utilized ¼ acre of the Lot 2D parcel to comply with the open space requirement.”

### **Department Review**

The Planning Department has reviewed this request. The request was discussed at internal Staff meetings where representatives from local utilities and City Staff were in attendance. No issues were raised during this meeting.

### **Notice**

Notice of this hearing was sent to property owners within 300 feet and the property was posted fourteen days in advance of the Planning Directors determination. Legal notice was also placed in the Park Record.

### **Public Input**

Several letters have been submitted to the Planning Department regarding this application (Exhibit B).

### **Consequences of not taking the Suggested Recommendation**

The applicant would have to submit a new application for a CUP to be reviewed by the Planning Commission.

### **Exhibits**

Exhibit A – Minutes June 24, 2010 and July 1, 2010 City Council meetings  
Exhibit B – Public Comment

## **Recommendation**

Staff recommends that the Planning Director review the requested extension and consider approving the extension according to the findings of fact, conclusions of law, and conditions of approval:

### **Findings of Fact**

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5102 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley Master Planned Development (MPD) requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel room or lodge room shall constitute one-half a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.
8. Within the Deer Valley MPD development parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2D towards the 60% open space requirement. The Bellemont Subdivision utilized  $\frac{1}{4}$  acre of the Lot 2D parcel to comply with the open space requirement.
10. The current application site plan contains 70.6% of open space on the site including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit, with the allowance of five feet for a pitched roof.

14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.
15. The Planning Commission held public hearings on August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009.
16. The Planning Commission approved the CUP on July 8, 2009.
17. An appeal of the CUP approval was received July 17, 2009 within ten days per LMC 15-1-18.
18. The City Council reviewed the appeal of North Silver Lake lot 2B on October 15, 2009 and on November 12, 2009.
19. On November 12, 2009, the City Council remanded the Conditional Use Permit back to the Planning Commission with three specific items to be addressed within the order.
20. The Planning Commission reviewed the North Silver Lake Conditional Use Permit remand on November 11, 2009 and January 13, 2010 and two Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010. The Planning Commission approved the revised Conditional Use Permit on April 28, 2010.
21. The Conditional Use Permit was appealed by two separate parties within ten days of the Planning Commission approval.
22. The design for Building 3 decreased the overall square footage of the Building 3 twenty-five percent (25 %), reoriented the building on the site, and divided the original single building into two interconnected buildings of smaller scale and size than the original single building.
23. The landscape plan was modified to comply with the Wild Land Interface regulations.
24. Construction phasing and additional bonding beyond a public improvement guarantee has been required.
25. On July 1, 2010, the City Council approved the North Silver Lake Lot 2B Conditional Use Permit. The approval is scheduled to expire on July 1, 2011 if no building permits are issued within the development.
26. On March 17, 2011, the Planning Department received a complete application for an extension of the Conditional Use Permit. No permits for development have been issued or applied for at time of application. The extension request was submitted prior to the expiration of Conditional Use Permit.
27. The Conditional Use Permit Criteria within LMC section 15-1-10 has not changed since the July 1, 2010 City Council approval.
28. The Conditional Use Permit application for North Silver Lake Lot 2B has not changed since the July 1, 2010 City Council Approval. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
29. Within the July 1, 2010 approval, Condition of Approval #18 states "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year,

this bond shall be released.” This requirement has not been completed at the time of extension submittal. The approved extension will be void if this condition is not met prior to July 1, 2011.

30. The building department collected a bond to ensure that the existing impacts of the site will be repaired at the time of CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses, planting eighteen (18') new trees that vary in height from 10 to 12 feet, and installing an irrigation system for the establishment of the grass and ongoing watering of the new trees. This work must be completed by July 1, 2011 to comply with the July 1, 2010 City Council conditions of approval.

1.

2. Conclusions of Law

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use, scale, mass, and circulation.
3. The Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or scale have been mitigated through careful planning.
5. No change in circumstance is proposed within the extension that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code.

3.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on April 28, 2010.
6. The developer shall mitigate impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild

- Land Interface Code. A thirty foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the urban wild land interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.
  9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(l) are required prior to the issuance of an electrical permit.
  10. This approval will expire July 1, 2011, 12 months from July 1, 2010, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
  11. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
  12. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
  13. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.
  14. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on April 28, 2010 must be adhered to within the building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.
  15. The final condominium plat for North Silver Lake Lot 2B may not exceed the square footage for common space, private space, and commercial space as shown in the plans reviewed by the City Council on June 24, 2010.
  16. A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved.
  17. A phasing and bonding plan to ensure site restoration in conjunction with building phasing beyond a public improvement guarantee must be approved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas. Prior to building department action on approving each phase of the phasing plan, the developer and building department shall conduct a neighborhood meeting, with minimum courtesy mailed notice to both appellants, each appellant's distribution list as provided to planning staff, and any HOAs registered with the City within the 300 foot notice area.
  18. The approved extension will be void if Condition of Approval #18 from the July 1, 2010 City Council approval is not completed by July 1, 2011. The condition states "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released."
  19. No lockout units are permitted within this approval.

20. The conditions of approval of the original July 1, 2010 Conditional Use Permit approval continue to apply.



**Building • Engineering • Planning**

June 9, 2011

Lisa Wilson  
PO Box 1718  
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-11-01252
<u>Subject</u>	Appeal
<u>Address</u>	Lot 2B North Silver Lake Subdivision
<u>Description</u>	Appeal of Planning Director Extension
<u>Action Taken</u>	Upheld Planning Director Extension
<u>Date of Action</u>	June 8, 2011

On June 8, 2011 the Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission denied the appeal of the Extension of the Condition Use Permit for Lot 2B of the North Silver Lake Subdivision based on the following:

Findings of Fact

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5102 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley Master Planned Development (MPD) requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.

7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel room or lodge room shall constitute one-half a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.
8. Within the Deer Valley MPD development parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2D towards the 60% open space requirement. The Bellemont Subdivision utilized  $\frac{1}{4}$  acre of the Lot 2D parcel to comply with the open space requirement.
10. The current application site plan contains 70.6% of open space on the site including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit, with the allowance of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.
15. The Planning Commission held public hearings on August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009.
16. The Planning Commission approved the CUP on July 8, 2009.
17. An appeal of the CUP approval was received July 17, 2009 within ten days per LMC 15-1-18.
18. The City Council reviewed the appeal of North Silver Lake lot 2B on October 15, 2009 and on November 12, 2009.
19. On November 12, 2009, the City Council remanded the Conditional Use Permit back to the Planning Commission with three specific items to be addressed within the order.
20. The Planning Commission reviewed the North Silver Lake Conditional Use Permit remand on December 9, 2009 and January 13, 2010 and two Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010. The Planning Commission approved the revised Conditional Use Permit on April 28, 2010.

21. The Conditional Use Permit was appealed by two separate parties within ten days of the Planning Commission approval.
22. The design for Building 3 decreased the overall square footage of the Building 3 twenty-five percent (25 %), reoriented the building on the site, and divided the original single building into two interconnected buildings of smaller scale and size than the original single building.
23. The landscape plan was modified to comply with the Wild Land Interface regulations.
24. Construction phasing and additional bonding beyond a public improvement guarantee has been required.
25. On July 1, 2010, the City Council approved the North Silver Lake Lot 2B Conditional Use Permit. The approval is scheduled to expire on July 1, 2011 if no building permits are issued within the development.
26. On March 17, 2011, the Planning Department received a complete application for an extension of the Conditional Use Permit. No permits for development have been issued or applied for at time of application. The extension request was submitted prior to the expiration of Conditional Use Permit.
27. The Conditional Use Permit Criteria within LMC section 15-1-10 has not changed since the July 1, 2010 City Council approval.
28. The Conditional Use Permit application for North Silver Lake Lot 2B has not changed since the July 1, 2010 City Council Approval. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
29. Within the July 1, 2010 approval, Condition of Approval #18 states "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released." This requirement has not been completed at the time of extension submittal. The approved extension will be void if this condition is not met prior to July 1, 2011.
30. The building department collected a bond to ensure that the existing impacts of the site will be repaired at the time of CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses, planting eighteen (18) new trees that vary in height from 10 to 12 feet, and installing an irrigation system for the establishment of the grass and ongoing watering of the new trees. This work must be completed by July 1, 2011 to comply with the July 1, 2010 City Council conditions of approval.
31. The Planning Director granted a one year extension to the Conditional Use Permit on April 28, 2011 to July 1, 2012.
32. An appeal of the Planning Director's approval was submitted on May 9, 2011.

### Conclusions of Law

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use, scale, mass, and circulation.
3. The Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or scale have been mitigated through careful planning.
5. No change in circumstance is proposed within the extension that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code.

### Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on April 28, 2010.
6. The developer shall mitigate impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the urban wild land interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.

9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(l) are required prior to the issuance of an electrical permit.
10. This approval will expire July 1, 2012, 12 months from July 1, 2011, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
13. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.
14. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on April 28, 2010 must be adhered to within the building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.
15. The final condominium plat for North Silver Lake Lot 2B may not exceed the square footage for common space, private space, and commercial space as shown in the plans reviewed by the City Council on June 24, 2010.
16. A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved.
17. A phasing and bonding plan to ensure site restoration in conjunction with building phasing beyond a public improvement guarantee must be approved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas. Prior to building department action on approving each phase of the phasing plan, the developer and building department shall conduct a neighborhood meeting, with minimum courtesy mailed notice to both appellants, each appellant's distribution list as provided to planning staff, and any HOAs registered with the City within the 300 foot notice area.
18. The approved extension will be void if Condition of Approval #18 from the July 1, 2010 City Council approval is not completed by July 1, 2011. The condition states "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released."
19. No lockout units are permitted within this approval.
20. The conditions of approval of the original July 1, 2010 Conditional Use Permit approval continue to apply.

Order

1. The appeal is denied in whole. The Conditional Use Permit extension is approved with the amended Finding of Fact, Conclusions of Law and Conditions of Approval as stated above.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 435-615-5068 or [kcattan@parkcity.org](mailto:kcattan@parkcity.org).

Sincerely,

A handwritten signature in cursive script that reads "K. Cattan".

Katie Cattan  
Senior Planner

**PARK CITY COUNCIL, SUMMIT COUNTY, UTAH  
FINDINGS OF FACT, CONCLUSIONS OF LAW, CONDITIONS OF  
APPROVAL AND ORDER FOR THE NORTH SILVER LAKE APPEAL  
JULY 21, 2011**

At its regularly scheduled meeting of July 21, 2011, the Park City Council unanimously affirmed the Planning Commission decision to uphold the Planning Director's approval and grant the one year extension for the Conditional Use Permit (North Silver Lake CUP) with minor typographical corrections, specifically to Findings #3 and #9 as underlined and according to the following findings of fact, conclusions of law and conditions of approval.

Findings of Fact

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5102 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley Master Planned Development (MPD) requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel room or lodge room shall constitute one-half a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.
8. Within the Deer Valley MPD parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2D towards the 60% open space requirement. The Bellemont Subdivision utilized  $\frac{1}{4}$  acre of the Lot 2D parcel to comply with the open space requirement.

10. The current application site plan contains 70.6% of open space on the site including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and the project complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit, with the allowance of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.
15. The Planning Commission held public hearings on August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009.
16. The Planning Commission approved the CUP on July 8, 2009.
17. An appeal of the CUP approval was received July 17, 2009 within ten days per LMC 15-1-18.
18. The City Council reviewed the appeal of North Silver Lake lot 2B on October 15, 2009 and on November 12, 2009.
19. On November 12, 2009, the City Council remanded the Conditional Use Permit back to the Planning Commission with three specific items to be addressed within the order.
20. The Planning Commission reviewed the North Silver Lake Conditional Use Permit remand on November 11, 2009 and January 13, 2010 and two Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010. The Planning Commission approved the revised Conditional Use Permit on April 28, 2010.
21. The Conditional Use Permit was appealed by two separate parties within ten days of the Planning Commission approval.
22. The design for Building 3 decreased the overall square footage of the Building 3 twenty-five percent (25 %), reoriented the building on the site, and divided the original single building into two interconnected buildings of smaller scale and size than the original single building.
23. The landscape plan was modified to comply with the Wild Land Interface regulations.
24. Construction phasing and additional bonding beyond a public improvement guarantee has been required.
25. On July 1, 2010, the City Council approved the North Silver Lake Lot 2B Conditional Use Permit. The approval is scheduled to expire on July 1, 2011 if no building permits are issued within the development.
26. On March 17, 2011, the Planning Department received a complete application for an extension of the Conditional Use Permit. No permits for development have been issued or applied for at time of application. The extension request was submitted prior to the expiration of Conditional Use Permit.
27. The Conditional Use Permit Criteria within LMC section 15-1-10 has not changed since the July 1, 2010 City Council approval.

28. The Conditional Use Permit application for North Silver Lake Lot 2B has not changed since the July 1, 2010 City Council Approval. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
29. Within the July 1, 2010 approval, Condition of Approval #18 states "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released." This requirement had not been completed at the time of extension submittal. The work was completed by July 1, 2011, and therefore the approved extension will not be void due to incompleteness on condition of approval #18 from the July 1, 2010 City Council action.
30. The building department collected a bond to ensure that the existing impacts of the site will be repaired at the time of CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses, planting eighteen (18') new trees that vary in height from 10 to 12 feet, and installing an irrigation system for the establishment of the grass and ongoing watering of the new trees. This work was completed by July 1, 2011 and complies with the July 1, 2010 City Council conditions of approval.
31. The Planning Director granted a one year extension to the Conditional Use Permit on April 28, 2011 to July 1, 2012.
32. An appeal to the Planning Commission of the Planning Director's approval was submitted on May 9, 2011.
33. On June 8, 2011 the Planning Commission held a public hearing to consider the appeal filed. After hearing testimony from the appellant, the property owner, and staff, the Planning Commission, after reviewing the matter de novo, rendered a decision to uphold the Planning Director's decision and grant the extension of the Conditional Use Permit.
34. On June 20, 2011, the City received a written appeal pursuant to Chapter 15-1-18(A) of the Land Management Code. The appeal is of the Planning Commission final action of June 8, 2011, upholding the Planning Director's decision to approve an extension of the Conditional Use Permit for the North Silver Lake Lot 2B development.

#### Conclusions of Law

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use, scale, mass, and circulation.
3. The Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or scale have been mitigated through careful planning.

5. No change in circumstance is proposed within the extension that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code.

#### Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on April 28, 2010.
6. The developer shall mitigate impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the urban wild land interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.
9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(l) are required prior to the issuance of an electrical permit.
10. This approval will expire July 21, 2012, 12 months the date of this decision, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
13. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.

14. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on April 28, 2010 must be adhered to within the building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.
15. The final condominium plat for North Silver Lake Lot 2B may not exceed the square footage for common space, private space, and commercial space as shown in the plans reviewed by the City Council on June 24, 2010.
16. A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved.
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18. No lockout units are permitted within this approval.
19. The conditions of approval of the original July 1, 2010 Conditional Use Permit approval continue to apply.

Order

1. The appeal is denied in whole. The Conditional Use Permit extension is approved with the amended Finding of Fact, Conclusions of Law and Conditions of Approval as stated above.

PASSED AND ADOPTED this 21<sup>st</sup> day of July, 2011.

PARK CITY MUNICIPAL CORPORATION

*Dana Williams*  
 \_\_\_\_\_  
 Mayor Dana Williams

Attest:

*Janet M. Scott*  
 \_\_\_\_\_  
 Janet M. Scott, City Recorder

Approved as to form:  
*Polly McLean Samuels*  
 \_\_\_\_\_  
 Polly McLean Samuels, Assistant City Attorney

