



**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
NOVEMBER 29, 2023**

**COMMISSIONERS IN ATTENDANCE:** Chair Sarah Hall, Bill Johnson, Christin Van Dine, Laura Suesser, Rick Shand, John Frontero, Henry Sigg

**EX OFFICIO:** Rebecca Ward, Assistant Planning Director; Lillian Zollinger, Planner II; Mark Harrington, City Attorney; Spencer Cawley, Planner II; Alexandra Ananth, Senior Planner

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**CLOSED SESSION: 5:00 P.M.** - The Planning Commission May Consider a Motion to Enter Into a Closed Session for Specific Purposes Allowed Under the Open and Public Meetings Act (Utah Code Section 52-4-205) to Discuss Deployment of Security Personnel, Devices, or Systems.

**MOTION:** Commissioner Van Dine moved to go into a Closed Session for the purposes to Discuss Deployment of Security Personal, Devices, or Systems and for Advice of Counsel. Commissioner Suesser seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

The Planning Commission was in Closed Session from 5:00 p.m. to 5:30 p.m.

**MOTION:** Commissioner Suesser moved to adjourn from a Closed Session at 5:30 p.m. Commissioner Shand seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

**1. ROLL CALL**

Chair Sarah Hall called the regular meeting to order at approximately 5:30 p.m. She noted that all members of the Planning Commission were present, attending either in person or virtually.

**2. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

Assistant Planning Director, Rebecca Ward, reported that the two final items on the meeting agenda, related to 732 Crescent Road, would be continued to a later date. She knew there were questions from the community about continuations. In Land Management Code Section 15-1-12.5 – Continuations, it explained when Staff had the authority to continue an item that had been scheduled for a public hearing or appeal and when the Planning Commission had that authority. In this case, the two items were Work Session items, so that section of the Code does not apply.

On November 16, 2023, the City Council reviewed the North Norfolk Plat Amendment, as recommended by the Planning Commission. There was an item on the City Council agenda the following evening to consider reopening the public hearing for that on December 14, 2023.

Chair Hall informed those present that she would need to temporarily step out of the Planning Commission Meeting. Commissioner Van Dine would fulfill her role during that time.

### **3. PUBLIC COMMUNICATIONS**

Chair Hall reported that a summary of the Planning Commission public comment rules was posted on the Chamber doors. Guidelines were included on the meeting agenda as well. She reminded members of the public that there could be public comment for up to three minutes. It was requested that comments be directed to the Planning Commission as opposed to audience members or an applicant. She asked that everyone maintain civility during this process. The Planning Commission would not tolerate disrespectful, slanderous, or profane comments.

Chair Hall opened the public communications portion of the meeting.

*Deb Rentfrow* reported that she lives in Old Town. Although the Work Session items would be continued, she asked the Planning Commission to take her comments into account. She felt that some attention should be given to the apparent violation of the Land Management Code. Per the Land Management Code, some specific requirements and standards must be followed regarding the review of applications. In LMC 15-1-14 - Termination of Applications for Inaction, the Planning Director may formally deny applications that remained inactive for a period of 180 days or longer due to acts or omissions of the applicant. Ms. Rentfrow reminded the Commission that this was the case with PEG. Their application was withdrawn in 2023 due to 330 days of inactivity. She had been surprised to see the Crescent Tram application on the current meeting agenda as it was last heard by the Commission in July 2022, over 15 months ago. The Staff Report stated that recent ordinances would not apply, because the application was submitted in April 2022. She believed the original application should have been denied or voted on months ago and referenced the inactivity. Failure to address inactive applications could create a dangerous loophole where applicants could avoid compliance with the Code changes. She felt that a new application, rather than revisions to an outdated application, should be required in this case.

There were no further comments. The public communications portion of the meeting was closed.

Commissioner Suesser asked about the Crescent Tram application and questioned whether it had been continued due to inactivity. Assistant Director Ward explained that the item had been continued for other reasons. The applicant had an active Historic District Design Review application that had been going through the Staff level review process. Commissioner Suesser wanted a better understanding of an active application versus an inactive application. It seemed that there was some vagueness about what kinds of activities would keep an item active. Assistant Director Ward offered to share that information with the Commission.

### **4. REGULAR AGENDA**

- A. 2024 Regular Meetings –** Consideration to Adopt the Planning Commission Regular Meeting Dates for 2024.

Chair Hall noted that the Planning Commission Regular Meeting Dates for 2024 would be held on the second and fourth Wednesday of each month. The dates were listed in the document included in the Meeting Materials Packet. She had one modification request, which was to remove the November 27, 2024, meeting, because that was the day before Thanksgiving in 2024. Commissioner Van Dine believed that the Commission should discuss eliminating one of the dates in November and December to reserve a possible date to talk about larger projects. She agreed with the suggestion to eliminate the Planning Commission Meeting on November 27, 2024.

Commissioner Suesser asked about the one meeting in July. She wondered whether there was a reason to only hold one meeting during that month. Assistant Planner Ward clarified that July 24, 2024, fell on a Wednesday, which was Pioneer Day. The holiday would be respected.

**MOTION:** Commissioner Van Dine moved to APPROVE the Regular Meeting Date Times for the Planning Commission for 2024, as amended. Commissioner Suesser seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

**B. 2300 Deer Valley Drive (St. Regis) – Modification to Conditional Use Permit –**  
The Applicant Proposes to Install a 40-by-45-foot Temporary Tent. PL-23-05491.

Planner II, Lillian Zollinger, presented the Staff Report and stated that the application pertains to property located at 2300 Deer Valley Drive. The request was a Modification to a Conditional Use Permit. The site was located in the Recreation Commercial Zoning District. There was a Conditional Use Permit approved in 2011 that included 15 temporary tents per year that stayed up for 14 days or less and a 60-day summer tent. In 2022, there was a modification application for a winter tent from December 17 to April 17. All of the tents were placed in specific locations. She shared a map of the area and explained that the tent locations were highlighted in green.

Planner Zollinger reported that a modification had been requested for the previous approvals. The current approval included: the largest tent of 40' x 70' and a winter tent of 40' x 40'. The applicant had requested that the temporary tent be installed up to 20 times per year for up to 14 days or less. There were no proposed changes to the summer tent, but there was a request to increase the largest tent size from 40' x 70' to 40' x 100. For the winter tent, the applicant wanted to increase the timeframe, adding one month, so it would be up from November 17 to April 17. If approved, that would become a 150-day tent. There was also a desire to increase the size from 40' x 40' to 40' x 45'. As noted in the Draft Final Action Letter, the changes were highlighted in red. Planner Zollinger explained that there would be a change to the existing Condition of Approval #11. Condition of Approval #12 and Condition of Approval #13 would be added.

Commissioner Suesser had a question about how St. Regis enforced the Condition of Approval that the tent only be open to hotel guests and/or ski-in patrons. The applicant, Chris Okamura, introduced himself to the Commission. He explained that enforcement of that would be a challenge because guests were permitted to use the dining facilities on the third floor or at the top of the funicular. Commissioner Suesser was not suggesting that the dining room be closed to members of the public, but Condition of Approval #12 specifically stated that the winter tent shall only be used by hotel guests and/or ski-in patrons. Tyler Mugford introduced himself as the General Manager and explained that there was security within The Vintage Room. Security had access to the names of hotel guests, which would make it possible to restrict access to the

funicular. Ski access was included. During peak periods, there was security at both the base and the top of the funicular to assist with those restrictions. There would be enforcement.

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

Commissioner Johnson believed that with the temporary tent that was proposed to change from 40' to 100', the request was for the 14-day duration to be extended to 15 to 20 days. Planner Zollinger clarified that the request was to allow the tent to be there 20 times per year instead of 15 times per year. The tent could still be up for 14 days or less. Commissioner Johnson asked about the sizes of the tents. Planner Zollinger reported that the largest tent was proposed to be 40' x 100'. Commissioner Johnson asked if the request was to have more days for the temporary tents because the wedding market was doing well in the area. This was confirmed. Commissioner Johnson had some concerns about the additional modifications. It might be better to look at a more permanent solution rather than requesting modifications on a semi-regular basis.

Commissioner Suesser asked Commissioner Johnson to elaborate on his concerns. Commissioner Johnson referenced 15-4-16 – Temporary Structures. Section A (7) – Duration, stated, "Unless approved by the City Council as part of a Special Event, in no case shall a tent be installed for a duration longer than 14 days and for more than five times per year on the same property or site unless a longer duration or greater frequency is approved by the Planning Commission consistent with Conditional Use Criteria in Section 15-1-10." He acknowledged that the Planning Commission had the right to grant additional use, but there could be different interpretations of the Code. Mr. Okamura understood the concerns that had been expressed about increased use, but the original Conditional Use Permit from 2011 permitted 15 tents in a calendar year for up to 14 days. It was many years later that an increased request was made.

Commissioner Frontero asked for clarification from Staff. He wondered how many total tents were being discussed with the Conditional Use Permit. Planner Zollinger explained that there was a temporary tent that could go up for 14 days at a time. That could currently be installed up to 15 times per year. There was another summer tent that was up for 60 days. Then there was another tent that went up in the winter. In total, there were three tents, but one was only there for up to 14 days at a time. Commissioner Frontero discussed the temporary tent that was installed 15 times per year. The modification that was currently being requested was to extend that from 15 times per year to 20 times per year. However, the Code stated that five times per year was permitted unless approved by the Planning Commission. There appeared to be increased use over time and it might be best for the applicant to consider a more permanent solution moving forward. The applicant needed to consider that the current allowance was already much higher than what was allowed in the Code, but they continued to ask for more.

If the Planning Commission extended the use to 20 times per year for up to 14 days at a time, Commissioner Frontero pointed out that the tent could be up for a maximum of 280 days. That was almost the entire year, which meant that this would no longer be considered a temporary tent. He was not in favor of that particular piece of the application unless there was a limit placed. Commissioner Frontero noted that the winter tent was limited by specific dates. He suggested that the temporary tent use be limited to the same number of days as the winter tent or some other measurement that seemed reasonable. He reiterated that 280 days per year was a lot and was approaching a more permanent structure. Commissioner Johnson wondered whether the applicant would be open to remaining at 15 times per year but with the 40' x 100' tent. Commissioner Frontero thought it might be best to place a cap on the total number of days. He was willing to allow the 20 times per year as long as there was a cap on the number of days.

Mr. Mugford stated that a cap on the total number of days was something he supported. The number of times that the tent went up had to do with group-specific events or weddings. There was a desire to take the tent down as soon as that specific event was over. Commissioner Frontero wondered whether 150 days in the temporary tent made sense. Commissioner Van Dine pointed out that 150 days would actually reduce what the applicant currently was allowed. She thought 20 times per year made sense, but it would be best to leave the cap at 210 days. Commissioners expressed support for that suggestion. It was determined that the Commission would permit the temporary tent to be up 20 times per year for no more than 210 days in total.

Discussions were had about the Findings of Fact and Conditions of Approval. Finding of Fact #4 would need to be amended to state, "for a total combined maximum number of days of 210." Commissioner Frontero asked how the applicant felt about reducing the time the tent could be up from 14 days to 10 days at a time. Mr. Okamura believed that was acceptable. Many of the tents were only up for three to four days at a time, so he thought that 10 days was sufficient.

Chair Hall noted that there were two other requests associated with the application. One of the requests was to extend the winter tent use for one additional month. Commissioner Van Dine thought that made sense as it would be easier to put the tent up in the middle of November than in December. Commissioner Suesser had no issue with the request for the winter tent extension. Commissioner Frontero wondered why the request had been made. Mr. Okamura explained that the request had been made to increase the ease and safety of installation. It was challenging to build the winter tent in December. Commissioner Suesser referenced Condition of Approval #11. She thought it should reference the winter tent and not the temporary tent. This was confirmed.

Commissioner Suesser believed the change to Finding of Fact #4 should also be listed as a Condition of Approval. City Attorney, Mark Harrington, agreed that an additional Condition of Approval should be written. He shared some suggested language. Commissioner Suesser mentioned Condition of Approval #12, where guests were referenced. She wondered whether that meant overnight hotel guests or if it related to anyone coming to the area for dinner. Mr. Okamura explained that the tent was limited to ski-in patrons or hotel guests. Anyone on that level of the hotel would have access. Commissioner Suesser thought the condition suggested that it was available to overnight hotel guests and ski-in-ski-out guests. That language should either be tightened up further or loosened, depending on what was desired. Chair Hall had read the language as referring to overnight hotel guests, but she could see where that language might also be read as someone dining at the hotel. Commissioner Suesser thought that if the intention of the condition was to address the lack of parking analysis for The Vintage Room, then it might make sense to insert the word "overnight" there. Mr. Okamura stated that hotel guests were the priority, but it might be a challenge to limit the use to only overnight guests. Only hotel guests and diners with reservations were permitted in the area, but there were some potential challenges.

Chair Hall suggested reviewing the matter in a year to reevaluate whether a parking analysis was needed. Additional discussions were had about Condition of Approval #12. Commissioner Suesser thought it was worthwhile to leave the condition in place, even if there was not as much clarity there. Planner Zollinger wondered whether the Planning Commission wanted to review the matter further in a year. It was suggested that an administrative review take place. Commissioner Johnson wondered whether structural calculations with wind load information and tent fire rating were looked at administratively on an annual basis. Planner Zollinger reported that each time a tent went up, a Building Permit was submitted, which included a fire review.

Commissioner Frontero asked if there was a time limit into the evening hours that the tents could be used. He wanted to know if there were noise mitigation concerns. It was noted that the applicant was required to comply with the dark sky and noise ordinances. Commissioner Henry Sigg wondered what the occupancy of the tent was. That might be more of a driving factor than who could or could not access the tent area. The Commission was reminded that the applicant was limited by the Fire Code and the permits. Commissioner Suesser pointed out that Condition of Approval #7 stated that both a Building Permit and a Fire Permit were required for the tent.

Commissioner Frontero noted that the Commission had discussed the temporary tent and winter tent. The third tent was the summer tent, which stayed up for 60 days. He thought it made sense to reference the three tents in the Findings of Fact section and briefly describe those: summer tent, winter tent, and temporary tent. Amendments were made to the proposed language.

**MOTION:** Commissioner Van Dine moved to APPROVE 2300 Deer Valley Drive (St. Regis) – Modification to Conditional Use Permit, based on the amended Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter:

#### **Findings of Fact**

1. The Site is located at 2300 Deer Valley Drive East.
2. The Applicant proposes to construct an annual temporary winter tent from November 17<sup>th</sup> through April 17<sup>th</sup>.
3. The Site has an existing Conditional Use Permit for temporary tents that was approved on March 9, 2011, by the Planning Commission.
4. The Applicant proposes to increase the allowed size of the temporary tents to 40 by 100 feet and increase the number of temporary tents (up to 10 days or less each time) installed each year from 15 to 20, for a total combined maximum number of days of 210.
5. The Applicant proposes modifying the existing Conditional Use Permit to include the additional annual winter tent installation.
6. The proposed 150-day temporary winter tent dimensions are 40 by 45 feet.
7. The temporary summer tent is allowed to be up for 60 days.
8. Staff reviewed the 2300 Deer Valley Drive Each Conditional Use Permit Modification Application for compliance with LMC Section 15-1-10, Conditional Use Review Process, Chapter 15-2.16, Recreation Commercial (RC) District, and Section 15-4-16, Temporary Structures, Tents, and Vendors.
9. Staff posted a notice to the City website, City Hall, and the property on November 15, 2023.
10. Staff mailed courtesy notices to the adjacent property owners on November 15, 2023.

11. The Analysis section of the Staff Report is incorporated herein.

### **Conclusions of Law**

1. The proposal complies with the Land Management Code requirements, pursuant to Section 15-1-10, Conditional Use Review Process, Chapter 15-2.16, Recreation Commercial (RC) District, and Chapter 15-4-16, Temporary Structures, Tents, and Vendors.
2. The use will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

### **Conditions of Approval**

1. Final building plans and construction details shall reflect substantial compliance with the plans approved on December 29, 2021. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Commission may result in a stop work order.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
3. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
4. The Applicant shall submit lighting plans that comply with LMC § 15-5-5 (J). Outdoor lighting must be Fully Shielded, down-directed, and no greater than 3,000 degrees Kelvin.
5. The Applicant shall submit sign plans that comply with the Municipal Code of Park City Title 12, Sign Code.
6. The temporary tent shall comply with the City Noise Ordinance, Chapter 6-3.
7. A Fire Permit and Building Permit are required for the installation of the temporary tent.
8. All Conditions of Approval of the 1995 Deer Crest Settlement Agreement continue to apply.
9. All Conditions of Approval of the Deer Crest Hotel CUP as amended on April 22, 2009, continue to apply.

10. All Conditions of Approval for the St. Regis Resort Temporary Structure (Tent) CUP apply for this permit.
11. The winter tent may not be installed prior to November 17 and shall be removed from the site no later than April 17, at 5:00 p.m., and may not be installed for longer than 150 days.
12. The proposed winter tent shall only be used by hotel guests and/or ski patrons. An administrative review shall take place by October 31, 2024, regarding parking impacts. An increase in impacts will require re-review by the Planning Commission.
13. The Applicant shall submit a Snow Removal Plan for the 150-day tent.
14. The approval is to increase the allowed size of the temporary tents to 40 by 100 feet and increase the number of temporary tents (up to 10 days or less each time) installed each year from 15 to 20.

Commissioner Suesser seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

Chair Hall reported that she would step out of the Planning Commission Meeting for a period of time, as she had a pre-existing obligation. Planner Ward stated that under Section 15-12-14, the Chair Pro Tem voted when serving as Chair. Commissioner Van Dine would serve in that role.

- C. 632 Main Street, Unit 4A – Silver Queen Condominiums Second Amended – Plat Amendment** – The Homeowners Association Proposes to Convert the Roof of the Upper Level of Unit 4A from Common Area to be Appurtenant to Unit 4A in the Historic Commercial Business District. PL-23-05746.

Planner II, Spencer Cawley, presented the Staff Report and explained that the application was for a Second Amended Plat for the Silver Queen Condominiums located at 632 Main Street. The building was not historic as it was built in 1982. It existed as a mixed-use residential and commercial building. Seven residential units ranged from just over 1,000 square feet to 2,163 square feet. Unit 4A, which was the focus of the application, was a two-story unit that included a rooftop penthouse. The penthouse was at the same elevation as a limited common area terrace that was for the use of Unit 4A. Earlier in the year, the applicant received an HDDR Waiver Letter that allowed them to install handrails and stairs and to repair the green roof. He explained that the application was to convert the common area to a limited common area.

Planner Cawley reported that the application met the zoning district requirements for the Historic Commercial Business (HCB) District. There were no physical changes proposed to the structure or the lot. In 2011, the internal living area was enclosed and received an HDDR approval by Staff. That was when the green roof was added to the penthouse. There was good cause for the application, because there was no expansion to the internal private area and because the footprint and mass of the structure would be unchanged. Staff recommended that the Planning Commission review the proposed Silver Queen Condominiums Second Amended Plat, hold a

public hearing, and consider approving the Plat Amendment based on the Findings of Fact, Conclusions of Law, and the Conditions of Approval listed in the Draft Final Action Letter.

Vice-Chair Van Dine asked about the difference between limited common space and private space since it would only be used by Unit 4A. Planner Cawley stated that the purpose of it becoming limited common was so the unit owner, who had access to it, took responsibility for maintenance. Commissioner Suesser wanted to understand why it was not private space. Attorney Harrington explained that it was a condominium, and the inside air space of the unit was owned. That meant that all of the peripheral spaces outside of the inside air space were either common or limited common. Planner Cawley noted that there would need to be an update to the Covenants, Conditions, and Restrictions ("CC&R") to accommodate the proposed change.

Commissioner Johnson referenced Condition of Approval #3. He wondered if everyone was comfortable with that condition, as written, or if there was a desire to add additional restrictions. He wanted to ensure that the Commission was not allowing there to be a potential future issue. Planner Cawley explained that the condition had been crafted to ensure that any physical modifications would require it to come into compliance with the Code. The plat note was not included in the Meeting Materials Packet, but needed to be added before it would be signed and recorded with the County. Commissioner Johnson expressed his support for that approach. Commissioner Frontero asked how the space was currently being used. Planner Cawley reported that it had been used since 2011 for living space by the unit owner. He clarified that the use was not proposed to change, but the amendment would memorialize what the use had been.

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

**MOTION:** Commissioner Suesser moved to APPROVE 632 Main Street Unit 4A – Silver Queen Condominiums Second Amended – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter:

#### **Findings of Fact**

1. 632 Main Street, also known as the Silver Queen Condominiums, is a non-historic Structure constructed in 1982.
2. The site is in the Historic Commercial Business Zoning District and is located at the intersection of Heber Avenue and Main Street.
3. The Silver Queen Condominium Plat was recorded in 1995.
4. In 2014, the City Council adopted Ordinance No. 14-38 approving the First Amended Silver Queen Condominiums Plat.
5. Silver Queen Condominiums is a mixed-use site, with commercial on the ground floor and residential on floors two, three, and four.
6. The first-floor commercial unit is 2,973 square feet and the residential units on the upper floors range from 1,006 square feet to 2,163 square feet, totaling 11,014 square feet.

7. The HOA proposes to convert a portion of the rooftop Common Area to a Limited Common Area to be appurtenant to Unit 4A.
8. On May 11, 2023, the Silver Queen HOA provided written confirmation that two-thirds of the Silver Queen Condominium owners approved the transfer.
9. On September 28, 2023, the Planning Department issued a Historic District Design Review Waiver Letter for the installation of safety railings and Code-compliant stairs, as required by the Building Department and Park City Fire District for the rooftop penthouse. The Waiver Letter also allows the repair of the existing green roof.
10. On October 17, 2023, Planning Staff determined the application was complete.
11. The proposed Plat Amendment is consistent with the Lot and Site requirements of the Historic Commercial Business Zoning District.
12. There are zero-foot Front, Rear, and Side Setbacks.
13. The Lot size is 5,047 square feet.
14. The Lot width is 88.78 feet.
15. The Floor Area Ratio is 3.24.
16. In 2001, the site received HDDR approval for a rooftop garden and spa with enclosed stair access from the living area to the rooftop. The enclosed stairway access to the roof created a penthouse-like structure.
17. In 2011, the Silver Queen Condominium received HDDR approval to convert the enclosed stair access and spa to an internal penthouse living area, adding a green roof on top of the penthouse, along with other roof modifications.
18. There is Good Cause for this Plat Amendment because it does not expand the internal Private Area and does not change the footprint or mass of the existing Structure.
19. The Development Review Committee met on August 1, 2023, and found that the proposal meets development standards.
20. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on November 15, 2023.
21. Staff mailed a courtesy notice to property owners within 300 feet on November 15, 2023.
22. The Park Record published a courtesy notice on November 15, 2023.

### Conclusions of Law

1. There is Good Cause for this Plat Amendment because it does not change the footprint or mass of the existing structure, will have no negative impacts to the public, and does not create any non-conformities.
2. The Plat Amendment is consistent with LMC § 15-7.1-3 (B), § 15-7.1-6, and Chapter 15-2.6 Historic Commercial Business District.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

### Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, the Conditions of Approval, and the amended CC&Rs prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Commission.
3. The Plat shall note that any modifications to the penthouse require the structure to come into compliance with the Zoning Height of 45 feet.
4. The Plat shall note that there can be no further physical expansion of the penthouse for private, common, or limited common uses.

Commissioner Johnson seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

- D. 401 Silver King Drive – Snow Flower Condominiums Sixth Amended, Amended Unit 36 – Plat Amendment** – The Applicant Proposes to Convert Common Area Attic Space into Private Area Living Space for the Benefit of Unit 36 in the Recreation Commercial Zoning District. PL-23-05809.

Planner Cawley presented the Staff Report and explained that the application was for Snow Flower Condominiums located at 401 Silver King Drive. He noted that it was located right outside of the Park City Mountain Resort. The Snow Flower Condominiums was an 82-unit multi-unit condominium. The 82 units were in Phase 1. There were two phases, but the proposed amendment was related to Phase 1. It was located in the Recreation Commercial Zoning District.

The City Council approved this as a PUD in 1978 and this particular unit owner had been the owner of the unit since the 1980s. The Homeowners Association ("HOA") gave their approval in August 2023, with 68% approval. Planner Cawley shared an image of the Proposed Plat. The areas proposed to shift from common to private were highlighted in red on the image.

Five units had been through this process in the past. Planner Cawley reported that the application was in alignment with the previous processes, where it would be more than 2,000 square feet if the amendment was approved. The Land Management Code stated that when the floor area was greater than 2,000 square feet, two parking spaces were required. With this project, there was only one parking space per unit. In the last amendment before the Planning Commission, the Commission granted a parking reduction for that unit. The current request was for the same, so there would be a reduction for Unit 36 from two parking spaces to one parking space. There was also a suggested Condition of Approval that a plat note be added that was similar to the language in the CC&Rs, that the unit owner shall not use or cause to be used more than one parking stall.

There was good cause for the amendment as it would expand the private area but would not change the footprint or mass of the existing structure. Staff recommended that the Planning Commission review the proposed amendment, hold a public hearing, and consider approving the Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval.

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

**MOTION:** Commissioner Sigg moved to APPROVE 401 Silver King Drive – Snow Flower Condominiums Sixth Amended, Unit 36 – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter:

#### **Findings of Fact**

1. The City approved the Snow Flower Condominiums Plat in 1978.
2. The property is located at 401 Silver King, Unit 36.
3. The property is listed with Summit County as Parcel number SFL-70.
4. The property is in the Recreation Commercial (RC) Zoning District.
5. The intent of this Plat Amendment is to convert 524 square feet of Common Area attic space into Private Area living and storage space for the benefit of Unit 36.
6. In August 2023, the Snow Flower Homeowners Association (HOA) voted to approve the proposed changes to Unit 36 and received two-thirds approval (68.04% in favor).
7. This conversion will increase the internal living space of Unit 36 from 1,806 square feet to 2,330 square feet.
8. Five units in the Snow Flower Condominiums have amended the plat to convert Common Area attic space to Private Area: Unit 80 (July 2004), Unit 72 (November

2006), Unit 76 (September 2007), Unit 75 (June 2022), and Unit 70 (pending recordation.)

9. All proposed changes are restricted to the interior of the Structure and will not alter the exterior and the proposal, therefore complies with the RC Zoning District requirements.
10. In 1978, parking requirements for Planned Unit Developments (PUDs) were guided by the LMC, but the Planning Commission had discretion to reduce parking requirements.
11. At the time of development, the LMC required 115 parking spaces for the Snow Flower Condominiums – a minimum of eight spaces, with 1.5 spaces for each additional unit over five for a Multi-Unit Dwelling.
12. The original recorded plat indicates 102 underground parking spaces (51 parking spaces per building).
13. The current LMC requires two parking spaces per Dwelling Unit with a Floor Area greater than 2,000 square feet in a Multi-Unit Dwelling.
14. Unit 36 proposes to increase to 2,330 square feet requiring two Off-Street Parking spaces under today's LMC.
15. The Snow Flower Condominiums CC&Rs state that, "No unit owner shall use or cause to be used, at any time, more than one of the parking stalls located in the Common Areas and Facilities."
16. The Application requires the Planning Commission to consider a parking reduction for Unit 36 from two parking spaces to one parking space.
17. The Development Review Committee met on October 17, 2023, and found that the proposal meets development requirements.
18. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on November 15, 2023.
19. Staff mailed a courtesy notice to property owners within 300 feet on November 15, 2023.
20. The Park Record published a courtesy notice on November 15, 2023.

### **Conclusions of Law**

1. There is Good Cause for this Plat Amendment because it does not change the footprint or mass of the existing structure, will have no negative impacts on the public, and does not create any non-conformities.

2. The Plat Amendment is consistent with LMC § 15-7.1-3(B), § 15-7.1-6, Chapter 15-2.16 Recreation Commercial District.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

#### **Conditions of Approval**

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, the Conditions of Approval, and the amended CC&Rs, prior to the recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. The Plat shall note that the owner of Unit 36 shall not use or cause to be used at any time more than one parking stall on site.

Commissioner Frontero seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

Following the vote, Commission Suesser asked that a Condition of Approval state that the space converted would not exceed the square footage, as described in the Staff Report. Assistant Director Ward pointed out that final action had been taken on the action. If there was a desire to add an additional Condition of Approval, the item would need to be re-opened. Commissioner Suesser asked why that was not included as a Condition of Approval as it seemed that it was missing. Planner Cawley explained that the applicant couldn't expand further without making structural changes. That was the reason the condition was not included. Commissioner Suesser re-read the Findings of Fact and believed there was enough clarity provided there. As a result, she thought it was appropriate to allow the previous motion and approval to stand.

Commissioner Rick Shand wondered what happened when the Plat Amendments were approved. For instance, whether the increased square footage was submitted to the County. Planner Cawley confirmed that the applicant would also need to file an amendment with the County.

- E. 2700 Deer Valley Drive – Courchevel Condominiums at Deer Valley, Sixth Amendment – Plat Amendment** – The Applicant Proposes to Adjust the Boundaries of Units C101 and C102 to Convert Common Area Attic Space into Private Livable Area Located at 2700 Deer Valley Drive in the Residential Development Zone. PL-23-05773.

Planner Cawley presented the Staff Report and explained that the application was for Courchevel Condominiums at Deer Valley, located at 2700 Deer Valley Drive. This particular application was specific to two units. It was similar to the previous application that had been considered, where the request was to expand into the common attic area and convert that into private area. The condominium project was part of the Deer Valley MPD and was within the Residential Development Zoning District. The original plat, which was approved in 1984, allowed for three buildings with a total of 40 units and 60 parking spaces. For each of those units, the square footage was 759. There was a second amendment in 1989 that increased that to 41 units, but the third building was never constructed. As part of the MPD approval for unit equivalents, there were only 27 units constructed and the remainder was shifted to another condominium project to the north. Between 2010 and 2013, five other units converted common attic space to private.

For each of the units, C101 and C102, the request was to convert 305 square feet of existing common area attic space into private space. That would increase the livable area to 1,064 square feet for each unit. Planner Cawley shared an image to illustrate the area that would be added. The request complied with the RD Zoning District requirements. It was a multi-unit condominium project that would be maintained. The floor area within the existing structure would be maintained and there were no exterior or structural changes proposed. Planner Cawley noted that the open space within the RD Zoning District would be preserved as well. The proposal also complied with the residential unit equivalent requirements of the Deer Valley MPD. This particular project was allowed 13.5-unit equivalents or 257,000 square feet of residential area. Planner Cawley shared a chart that highlighted what was currently existing and what was now proposed.

The application complied with the current Land Management Code parking ratio requirements. There were 31 available off-street parking spaces, and the total number of required spaces was 30. There was good cause for the Plat Amendment in that the precedent was set by the previous amendments to the five units, there would be no change to the building footprint, and there would be no change to the mass of the structure. The recommendation from Staff was to review the proposed Courchevel Condominiums at Deer Valley, Sixth Amendment – Plat Amendment, hold a public hearing, and consider approval of the Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter.

HOA Management Representative, Natalie Souza, added that the CC&Rs would be amended to reflect the proposed changes. This was important because dues were assessed on a par-value basis. More square footage meant that the owner would pay more. That piece and the HOA vote had occurred in August 2022 and were recorded with the application and with the County.

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

**MOTION:** Commissioner Shand moved to APPROVE 2700 Deer Valley Drive – Courchevel Condominiums, Sixth Amendment – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter:

### Findings of Fact

1. The property is located at 2700 Deer Valley Drive East in the Residential Development (RD) Zoning District.

2. The Courchevel Condominiums at Deer Valley Plat was approved by the City Council on December 27, 1984, and recorded at the County on December 31, 1984.
3. The Courchevel Condominiums at Deer Valley Plat established 40 residential condominium units of 759 square feet each with 60 off-street parking space in a shared underground parking garage.
4. There are two access driveways from the garage to Deer Valley Drive East.
5. In November 1989, the City approved an Amended Plat, increasing the number of residential condominium units to 41.
6. Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was not built and was removed from the Plat.
7. As a result, the Courchevel Condominiums includes 27 condominium units and 31 off-street parking spaces.
8. Each existing condominium unit contains 759 square feet, except for Units B202, B301, B303, B305, and C301.
9. On November 4, 2010, the City Council adopted Ordinance No. 10-37, approving the second amendment to the Courchevel Condominiums Plat. In February 2012, the Plat was recorded. This amendment converted 608 square feet of Common Area attic space above Units B301 and B303 to Private Area, for a total of 1,367 square feet each.
10. On June 28, 2012, the City Council adopted Ordinance No. 12-19, approving the Courchevel at Deer Valley Third Amended Plat. In December 2012, the Plat was recorded. This amendment converted 470 square feet of Common Attic area space to Private Area for Unit B202, for a total of 1,229 square feet.
11. On July 12, 2012, the City Council adopted Ordinance No. 12-20, approving the Courchevel at Deer Valley Fourth Amended Plat. The plat was recorded in January 2013. This amendment converted 608 square feet of Common Area attic space to Private Area for Unit B304, for a total of 1,367 square feet.
12. On December 12, 2013, the City Council adopted Ordinance No. 13-50, approving the Courchevel at Deer Valley Fifth Amended Plat. The plat was recorded in September 2014. The amendment converted 139 square feet of Common Area attic space to Private Area for Unit C301 for a total of 898 square feet.
13. On July 27, 2023, the Applicant submitted to the Planning Department an application to amend the Courchevel Condominiums at Deer Valley Plat to convert 305 square feet of existing Common Area attic space into private area for Units C101 and C102.

14. On October 11, 2023, Staff determined the application was complete.
15. The proposed amendment is consistent with the purposes of the RD Zoning District.
16. The Use as a multi-unit, residential condominium, remains unchanged, and the proposed additional floor area for Unit C101 and Unit C102 is within the existing Structure.
17. No changes are proposed to the exterior of the Structure and the purpose of clustering of residential natural Open Space and minimizing Site disturbance and impacts of Development is maintained.
18. The property is subject to requirements and restrictions of the Deer Valley Master Planned Development (MPD). The MPD originally allowed up to 20.5 Unit Equivalents (UEs) for the Courchevel parcel. The MPD was amended in 2001 to transfer seven UEs or 14,000 square feet to the Silver Baron condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property. At 2,000 square feet per UE, the total allowable residential area is 27,000 square feet.
19. The existing UEs for the Courchevel Condominiums are 11.46 or 22,926 square feet.
20. The proposed UEs for the Courchevel Condominiums is 11.77 or 23,536 square feet, below the allowable residential area of 27,00 square feet.
21. Units C101 and C102 will be 1,064 square feet in area each.
22. When the plat was originally approved, the 1984 LMC required two spaces per one-bedroom apartment not exceeding 1,000 square feet.
23. Under the existing LMC Off-Street Parking requirements, the proposed amendment required 30 Off-Street parking spaces. There are 31 Off-Street parking spaces in a shared underground parking structure for the Courchevel Condominiums.
24. The Development Review Committee met on October 17, 2023, and found that the proposal meets development requirements.
25. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on November 15, 2023.
26. Staff mailed courtesy notices to property owners within 300 feet on November 15, 2023.
27. The Park Record published a courtesy notice on November 15, 2023.

## Conclusions of Law

1. There is Good Cause for this Plat Amendment because of the percent set by the previous five amendments to the original Courchevel Condominiums Plat, and the Plat Amendment does not change the footprint or mass of the existing Structure, will have no negative impacts on the public, and does not create any non-conformities.
2. The Plat Amendment is consistent with LMC § 15-7.1-3(B), § 15-7.1-6, and Chapter 15-2.13 Residential Development Zoning District.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

#### **Conditions of Approval**

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, the Conditions of Approval, and the amended CC&Rs, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. All Conditions of Approval of the Deer Valley MPD and the amended Courchevel Condominiums at Deer Valley Plats shall continue to apply.

Commissioner Frontero seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

- F. 316 Ontario Avenue – Plat Amendment** – The Applicant Proposes to Remove Two Lot Lines to Create One Lot from Parcel PC-488-A to Accommodate a New Detached Single-Car Garage on the Same Site as a Landmark Historic Single-Family Dwelling in the Historic Residential Low-Density Zoning District. PL-23-05819.

Planner Cawley presented the Staff Report and explained that the application was for the 316 Ontario Avenue Plat Amendment. Part of the reason for the Plat Amendment request was so the applicant could construct a detached garage for off-street parking. This would remove additional vehicles from Ontario Avenue. He noted that this site was a Landmark Historic Structure, constructed around 1895, and was 644 square feet. The access was from Ontario Avenue and there was a steep staircase. There was currently no off-street parking for the site, which was what the applicant wanted to accomplish through the Plat Amendment. The proposal was to remove the two lot lines that ran through the existing Historic Structure and create one lot.

The proposal was originally reviewed by the Planning Commission and City Council in 2021. That ordinance expired and the same proposal was now back before the Planning Commission. Planner Cawley reported that the proposal complied with the HRL Zoning District. He noted that there were some approvals from the Board of Adjustment. In 2019, the Board granted a variance to the front setback that allowed the garage to be built up to the property line. In 2021, a variance was granted to the minimum lot size, because the lot size did not meet the minimum lot size standards for the zone. There was a Condition of Approval recommended so the plat would note that the maximum building footprint was 1,065 square feet. That was based on the formula in the Land Management Code. The garage also shall comply with the side setback requirements. The Chief Building Official had requested that a condition state that a Site Plan and Building Design must be reviewed by the Building Department and must specifically address snow release.

Since this was a Historic Landmark Site, it was exempt from the parking requirements of the Land Management Code. Ontario Avenue had a substandard right-of-way, so the detached garage would make it possible to further remove on-street parking. Staff had proposed a Condition of Approval that the applicant had agreed to. It stated that the detached garage shall be used for off-street parking only and for vehicles associated with 316 Ontario Avenue. Those vehicles would park in the garage or on the driveway leading to the garage rather than the right-of-way.

There was good cause for the Plat Amendment. Removing the lot lines allowed the construction of the detached garage to take place and would provide off-street parking. It would also remove the two lot lines that ran under the Historic Structure. The character of the zoning district would be retained, there was no vacation or amendment to the public street or right-of-way, and no easements would be vacated or amended with the proposal. Staff recommended that the Commission review the Plat Amendment, hold a public hearing, and consider approval.

Commissioner Suesser asked what would happen to the stairs. The applicant representative, Bruce Taylor, introduced himself to the Commission. He explained that the existing stairs would go away, and new concrete stairs would be built adjacent to the garage, with an associated retaining wall. The proposal was for a single-car garage with a driveway long enough to accommodate another vehicle. Commissioner Suesser asked about the snow release issue. Planner Cawley stated that the language was a carryover from the approval in 2021 and had to do with the release of the snow from the structure onto neighboring properties. Assistant Director Ward added that it would be reviewed by the Chief Building Official at the time of the Building Permit.

Commissioner Johnson referenced Condition of Approval #5 and noted that he did not see that information on the plat. As for Condition of Approval #10, he did not see the 10-foot easement called out on the plat that had been presented to the Commission. As long as those additions were made prior to signing and recordation, he was fine with that, but wanted to make sure those were included. Planner Cawley clarified that there was a proposed plat before the Commission. Once approval was granted, the redline process would occur, where the Conditions of Approval were reviewed by the Planning and Engineering Department as well as the City Attorney's Office. It would then be released back to the applicant representative to make changes. That final plat would be returned, and the Conditions of Approval would be reviewed again to ensure everything was on there before anything was signed. Commissioners thanked him for the clarification.

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

Commissioner Frontero wondered whether the application had a one-year window to move forward. Planner Cawley noted that there was a Condition of Approval to state that it needed to be recorded with the County one year from the date of approval. Commissioner Frontero asked why the process was not completed previously. Mr. Taylor explained that the delays started with the COVID-19 pandemic. There were also personal issues that the applicant needed to address.

**MOTION:** Commissioner Suesser moved to APPROVE 316 Ontario Avenue – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter:

### Findings of Fact

1. The property is located at 316 Ontario Avenue, in the Historic Residential – Low Density (HRL) Zoning District.
2. The site is 2,444 square feet and contains a portion of Lots 4 and 5 in Block 59 of the Amended Plat of Park City Survey.
3. 316 Ontario Avenue is a Landmark Historic Site on the Park City Historic Sites Inventory and contains a cross-wing type Single-Family Dwelling constructed circa 1895.
4. The Landmark Historic Structure at 316 Ontario Avenue is built over Lot lines. This Plat Amendment creates one Lot for the Landmark Historic Site.
5. The Historic Structure has a footprint of approximately 644 square feet.
6. The Historic Structure sits toward the rear of the property, opposite Ontario Avenue.
7. Access to the site is from Ontario Avenue requiring an exterior stairway over a Steep Slope.
8. On October 28, 2021, the City Council adopted Ordinance No. 2021-40 approving the 316 Ontario Plat Amendment to create one Lot for the Landmark Historic Site. Condition of Approval 2 of the adopted ordinance required the Applicant to record the final plat at the County within one year from the date of City Council approval. The Applicant did not record the final plat with the County, and the Applicant did not submit a request to the City to extend the approval. Consequently, the 2021 approval is void.
9. The Applicant requests approval of the same Plat Amendment to create one 2,444-square-foot Lot for the Landmark Historic Site.
10. A Single-Family Dwelling is an allowed use in the HRL Zoning District.
11. The HRL Zoning District requires a minimum Lot size of 3,750 square feet. The proposed Lot is 2,444 square feet. On November 16, 2021, the Board of

Adjustment granted a Variance from the minimum Lot Size for the Landmark Historic Site.

12. The HRL Zoning District requires a minimum Lot width of 35 feet. The proposed Lot width is 36.48 feet.
13. The maximum Building Footprint for the site is 1,065 square feet. The 644 square foot Landmark Historic Structure and the proposed 288 square foot detached garage have a combined footprint of under 1,000 square feet.
14. The HRL Zoning District Front Setback is 10 feet. On October 15, 2019, the Board of Adjustment granted a Variance to the Front Setback to locate a detached garage along Ontario Avenue.
15. The HRL Zoning District Rear Setback is 10 feet. The Rear Setback for the Landmark Historic Structure ranges from nine to ten feet. Pursuant to LMC § 15-2.1-4, Historic Structures that do not comply with Setbacks are valid Non-Complying Structures.
16. The HRL Zoning District Side Setback is five feet. The southern Setback for the Landmark Historic Structure is just under three feet; the northern Setback is three feet. Pursuant to LMC § 15-2.1-4, Historic Structures that do not comply with Setbacks are valid Non-Complying Structures.
17. Land Management Code Section 15-13-6 requires two Off-Street Parking Spaces for a Single-Family Dwelling. The site does not have Off-Street Parking. Pursuant to LMC § 15-2.1-4, the Landmark Historic Site is exempt from Off-Street Parking. This Plat Amendment allows the Applicant to create one Lot for the Landmark Historic Site and to construct a detached garage for Off-Street Parking, providing one parking space in the detached garage, and one parking space in the driveway leading to the detached garage.
18. The Development Review Committee reviewed the application on November 7, 2023.
19. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on November 15, 2023.
20. Staff mailed courtesy notice to property owners within 300 feet on November 15, 2023.
21. The Park Record published courtesy notice on November 15, 2023.

### Conclusions of Law

1. There is Good Cause for this Plat Amendment because it (a) allows for Off-Street Parking along a narrow and steep Right-of-Way, (b) resolves existing issues with a Landmark Historic Structure built over Lot lines, (c) retains present land Uses

and the Character of the HRL Zoning District, (d) no Public Street or Right-of-Way is vacated or amended, and (e) no easement is vacated or amended.

2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), §15-7.1-6, and Chapter 15-2.1 Historic Residential – Low-Density District.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

### **Conditions of Approval**

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. The property is not located within the Park City Soil Ordinance Boundary. However, if the property owner encounters mine waste or mine waste-impacted soils, they must handle the material in accordance with State and Federal laws.
4. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to Building Permit issuance.
5. The plat shall include a plat note that the Maximum Building Footprint for the Landmark Historic Site is 1,065 square feet.
6. The proposed detached garage must comply with Side Setbacks.
7. Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
8. Any proposed Structure, future development, or modification on this site shall require the Applicant to submit a Historic District Design Review Application to the Planning Department for review and compliance with Land Management Code § 15-13-2 Design Guidelines For Historic Residential Sites.
9. The detached garage shall be used for Off-Street Parking only and vehicles associated with 316 Ontario Avenue must park in the detached garage and/or on the driveway leading to the detached garage and not on Ontario Avenue.

10. A non-exclusive ten-foot (10') public snow storage easement, parallel to the Ontario Avenue Right-of-Way, shall be dedicated on the Plat.
11. An encroachment agreement is required for all private improvements in the Ontario Avenue Right-of-Way.
12. The Plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official

Commissioner Shand seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

- G. Land Management Code Amendment** – The Applicant Requests an Amendment to Land Management Code Section 15-2, 13-2 to Prohibit Nightly Rentals, Accessory Apartments, and Internal Accessory Dwelling Units in The Bald Eagle Club at Deer Valley Subdivision within the Residential Development Zoning District. PL-23-05770.

Planner Zollinger presented the Staff Report and explained that the application was related to a Land Management Code Amendment. The Bald Eagle HOA was requesting to prohibit nightly rentals, accessory apartments, and internal accessory dwelling units in The Bald Eagle Club at Deer Valley Condominium. The condominium was located in the Residential Development Zoning District. It was also considered a part of the Upper Deer Valley Neighborhood in the General Plan. There was a history of prohibiting nightly rentals in the Land Management Code. There were specific footnotes that called out the subdivisions that prohibited nightly rentals.

The General Plan recommended that nightly rentals be located near resorts. However, Vision 2020, which was an amendment to the General Plan, encouraged primary and year-round residents, and a reduction in the number of residences that allowed nightly rentals. There was no history of prohibiting accessory apartments or internal accessory dwelling units in the Land Management Code. The General Plan recommended an increase in affordable housing opportunities and a wider variety of housing options. Prohibiting those uses was contrary to those goals. Additionally, the Housing Department did not support prohibiting accessory apartments.

Staff requested that the Planning Commission review the applicant's request and direct Staff to draft an ordinance that would return on December 13, 2023. The applicant, Dwayne Vance, was representing the Bald Eagle HOA. He explained that The Bald Eagle Club was the first gated community in Upper Deer Valley and had ski-in/ski-out access to the Deer Valley Resort. There were estate-sized lots with luxury homes. There were 58 lots in total, some of which were occupied as primary residences and some of which were secondary and vacation residences. In 2008, the owners of The Bald Eagle Club decided that there was a desire for the community to be truly private with a gated community feel. There was no desire to have nightly renters.

Mr. Vance read from The Bald Eagle Declaration: "The intent of this section is to maintain a high-quality neighborhood, maintain the privacy afforded by a gated community, maintain a residential atmosphere, afford owners the quiet enjoyment of their respective residences, and to preserve property values." Of the 58 lots that were entitled to vote, 48 voted. Of those votes, 40 voted in favor of the restrictions outlined and 8 voted against the restrictions. All of the current restrictions

were legally enforceable by the HOA. There had been questions regarding the internal accessory dwelling units, with the more recent changes made at the State level. However, a municipality could designate up to 25% of the total area zoned residential as not allowing accessory dwelling units. The sponsors had not contacted HOAs, and the changes were a surprise to many.

The Bald Eagle Club was platted as a condominium development and was subject to the Utah Condominium Ownership Act rather than the Community Association Act. The Community Association Act was the one that had the prohibition related to internal accessory dwelling units. The Condominium Ownership Act did not have that kind of prohibition. Mr. Vance explained that the request was to prohibit nightly rentals, accessory apartments, and internal accessory dwelling units in the area. Those were all prohibited under The Bald Eagle Declaration and those prohibitions were legally enforceable. He clarified that nothing was being requested from the City that The Bald Eagle Club had not done already. There was simply a desire for consistency. Mr. Vance shared additional background information about The Bald Eagle Club and nightly rentals.

With respect to accessory apartments and internal accessory dwelling units, Mr. Vance noted that one of the primary reasons against the proposal in the Staff Report had to do with the desire for workforce housing near resort areas. The Bald Eagle Club abutted the Deer Valley Resort and had ski-in/ski-out access, but it was also a private gated community with large luxury homes on estate lots. With the prohibitions already in place in The Bald Eagle Club Declaration, combined with the nature of the neighborhood, that area would not become workforce housing for the resorts. He reiterated that nothing was being requested outside of what had already been done by The Bald Eagle Club. There was simply a desire to avoid legal disputes in the future.

Chair Hall had returned to the Planning Commission Meeting. Commissioner Van Dine shared comments about the application. She understood the position that had been shared by Mr. Vance, but in her opinion, the request was contrary to what Park City was attempting to do. While that might not be the area that was targeted for workforce housing, not allowing someone to put an internal accessory dwelling unit in was contrary to the goals of the City. She did not have a problem with prohibiting nightly rentals but was concerned about the request overall. It did not seem fair for a gated area to essentially avoid contributing to the goals of the community.

Commissioner Johnson understood the comments shared by Commissioner Van Dine. He also respected that The Bald Eagle Club wanted to have those restrictions in their CC&Rs. While he thought there was some precedent to prohibit the nightly rentals, he was hesitant to disallow accessory dwelling units in these types of developments, when that could be a future solution. Planner Ward informed the Commission that in the accessory apartment Code, there were requirements to notify the HOA. Since this particular project was platted as a condominium, whenever Building Permit submittal occurred, proof of HOA notification was required.

Commissioner Shand thought that this application would set a precedent. He noted that the examples shown related to short-term rentals and not necessarily accessory apartments and internal accessory dwelling units. Commissioner Shand acknowledged that 40 votes were received in favor of the restrictions. It sounded like there was largely consensus within the community. That being said, his view was aligned with Commissioner Van Dine and Johnson. He believed prohibiting nightly rentals might make sense, but prohibiting accessory apartments and internal accessory dwelling units was something that he found harder to support.

Commissioner Frontero agreed with that perspective. He was not comfortable with prohibiting the accessory apartments and internal accessory dwelling units. Commissioner Suesser felt the

same. It was up to the HOA to enforce that prohibition, but the request was not consistent with the General Plan and Land Management Code, as reviewed and revised. Commissioner Sigg agreed. Prohibiting the nightly rentals was something that made sense, but not the other uses.

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

Chair Hall noted that the item would be continued to December 13, 2023. She believed Staff had received clear direction. Planner Zollinger explained that on December 13, 2023, she would come back with a draft ordinance that would eventually move forward to the City Council. Planner Ward added that the full request from the applicant would be presented to the City Council in the future.

**MOTION:** Commissioner Frontero moved to CONTINUE the request to prohibit nightly rentals, accessory apartments, and internal accessory dwelling units at The Bald Eagle Club, until December 13, 2023. Commissioner Sigg seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

- H. 36 Prospect Avenue – Plat Amendment –** The applicant Proposes to Combine Three Lots to Create a 0.1-acre Lot (4,356 Square Feet) in the Historic Residential (HR-1) Zoning District. PL-23-05860.

Senior Planner, Alexandra Ananth, presented the Staff Report and explained that the application was for a Plat Amendment at 36 Prospect Avenue. She noted that this was a Landmark Historic Structure, and it was a 1.5-story cottage that was built over three lot lines. The applicant proposed removing the internal lot line. The Plat Amendment complied with the Land Management Code for the HR-1 Zoning District and with the subdivision requirements. Planner Ananth informed the Commission that there was revised language for Condition of Approval #3 regarding the snow storage easement. The applicant had already agreed to a snow storage easement. Staff found good cause for the Plat Amendment and recommended that the Commission conduct a public hearing and consider approving the request. The applicant was available to answer questions.

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

**MOTION:** Commissioner Sigg moved to APPROVE 36 Prospect Avenue – Plat Amendment, based on the amended Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter:

**Findings of Fact**

1. 36 Prospect Avenue is a Landmark Site with a Single-Family Dwelling that straddles three Lots.
2. The Applicant proposes to combine the Lots to facilitate the construction of an addition and restoration of the structure.
3. The Plat Amendment combines Lot 1, 2, and 5 feet of Lot 3, of Block 18 of the Park City Survey to create a 0.1-acre lot (4,356 square feet).

4. The proposal does not create any remnant land as the Lots on both sides of the property have already been subdivided and platted.
5. Due to its status as a Landmark Site the Maximum Lot Size established by Ordinance 2023-50 does not apply to this Plat Amendment.
6. 36 Prospect Avenue was constructed circa 1899 and is known as the Richard Barrett House.
7. The existing Historic Structure is non-complying with respect to the Front and north Side Setbacks.
8. Any future additions must comply with all Setbacks, Building Footprint, and Building Height.
9. Because the Lot is in the Historic District a Historic District Design Review will be required for any additions/modifications to the Landmark Historic Structure.
10. There is Non-Complying parking for two cars in front of the home. The Applicant intends to construct a one-car garage along the south property line as part of the renovation which will improve existing conditions.
11. The proposal to combine three Lots complies with the LMC Chapter 15-2.2, Historic Residential District.
12. The Development Review Committee reviewed the proposal on November 7, 2023.
13. The proposal complies with LMC § 15-7.1-3(B) Plat Amendments.
14. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on November 15, 2023. Staff mailed courtesy notice to property owners within 300 feet on November 15, 2023. The Park Record published notice on November 15, 2023.
15. The Findings in the Analysis Section of the Staff Report dated November 29, 2023, are incorporated herein.

#### **Conclusions of Law**

1. There is good cause for this Plat Amendment as it combines three Lots into one, resolving the non-compliance with respect to the Landmark Historic Structure being built across Lot lines, and facilitating the renovation and preservation of the Historic Structure which will improve parking conditions for the immediate neighborhood. No Public Street, Right-of-Way, or easement is vacated or amended.
2. The Plat Amendment is consistent with the Park City Land Management Code including Sections 15-7.1-3(B) regarding Plat Amendments.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City

#### **Conditions of Approval**

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State Law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.
2. The applicant will record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) 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. Prior to recording, a 10-foot-wide non-exclusive public Snow Storage Easement shall be added to the Plat. A Plat Note shall indicate it is acceptable that the existing Landmark Historic Structure encroaches into the 10-foot non-exclusive public Snow Storage Easement. Any future additions/modifications must comply with all Setbacks, Building Footprint, and Building Height requirements, and Historic District Design Review and Approval will be required prior to the issuance of any Building Permits.
4. All exterior lighting shall conform to the City's Outdoor Lighting Requirements in LMC § 15-5-5(J).

Commissioner Frontero seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

#### **5. WORK SESSION**

- A. 732 Crescent Road** – The Planning Commission will Conduct a Work Session on the Applicant's Subdivision Proposal to Create Two Lots from Metes and Bounds Parcels in the Historic Residential-1 Zoning District and Partially within the Sensitive Lands Overlay (PL-22-05223), the Proposed Construction of Two Single-Family Dwellings on a Steep Slope (PL-21-04909 and PL-23-04911), and the Proposed Construction of an Addition to a Landmark Historic Structure on a Steep Slope (PL-23-05470). The Applicant continues to work with staff on the Historic Design Review for the Landmark Historic Structure. PL-22-05223, PL-21-04911, and PL-23-05740.

The Work Session items were continued to a future meeting.

- B. 732 Crescent Tram Road Historic House** – The Planning Commission will Conduct a Work Session on the Applicant's Steep Slope Conditional Use Permit for a Proposed Addition to a Historic Structure on a Very Steep Slope in the Historic Residential-1 Zoning District and Partially within the Sensitive Land Overlay. The Applicant continues to work with staff on the Historic District Design Review for the Landmark Historic Structure. PL-23-05740.

The Work Session items were continued to a future meeting.

Chair Hall reported that more than three Commissioners would meet at 350 Main after the Planning Commission Meeting adjourned.

## **6. ADJOURNMENT**

**MOTION:** Commissioner Suesser moved to ADJOURN.

The meeting adjourned at approximately 7:33 p.m.

Approved 12.13.2023

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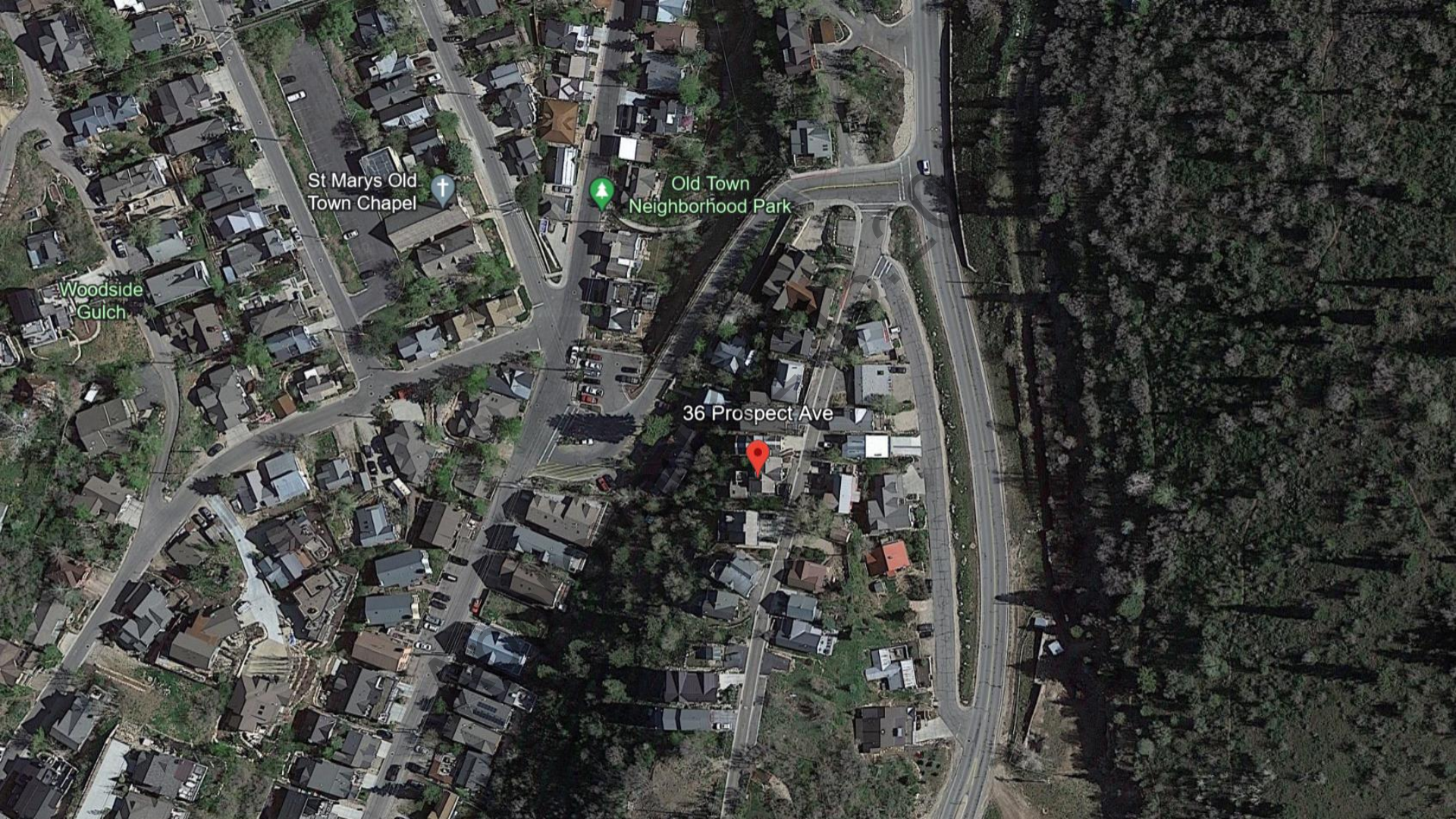
# 36 Prospect Avenue

## Plat Amendment

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Planning Commission  
November 29, 2023





St Marys Old  
Town Chapel

Woodside  
Gulch

Old Town  
Neighborhood Park

36 Prospect Ave

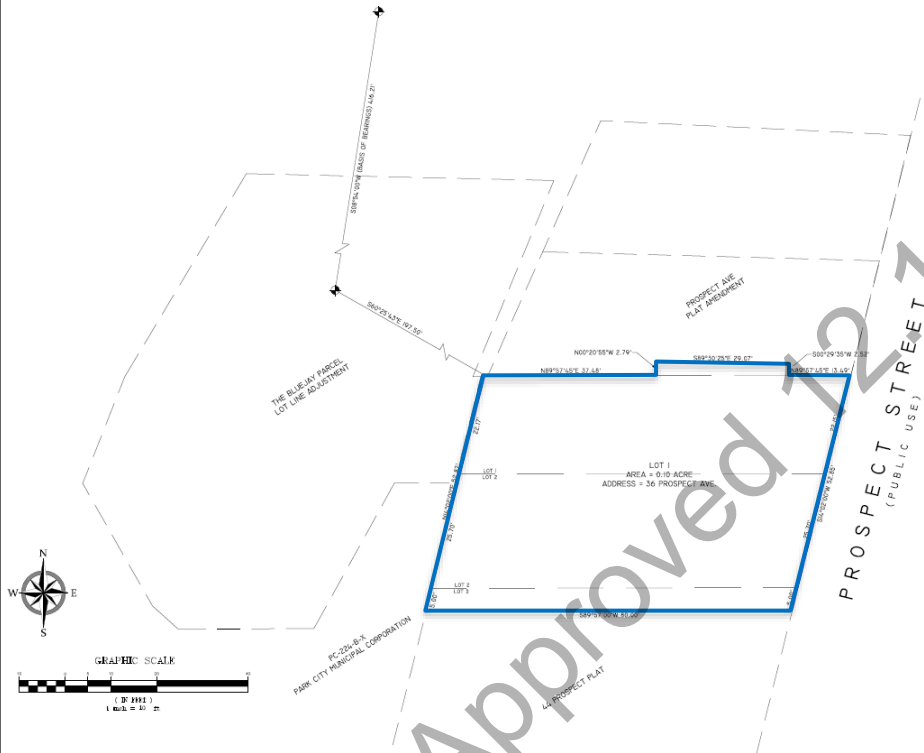


# 36 PROSPECT PLAT AMENDMENT

LOCATED IN THE NE 1/4 OF SECTION 21, TOWNSHIP 2  
SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,  
SUMMIT COUNTY, UTAH

VICINITY MAP

PROJECT LOCATION



GRAPHIC SCALE



ELEMENT LAND SURVEYING • 2296 SOUTH 270 EAST, HEBER CITY UT 84032 • 801-592-5975 & 801-657-8748



**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STATUTES

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

**PLANNING COMMISSION**

RECOMMENDED BY THE PARK CITY PLANNING COMMISSION

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
COUNCILMAN

**ENGINEER'S CERTIFICATE**

I FIND THIS PLAT TO BE IN ACCORDANCE WITH PROVISIONS ON FILE IN MY OFFICE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
PARK CITY ENGINEER

**APPROVAL AS TO FORM**

APPROVED AS TO FORM

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
PARK CITY ATTORNEY

**CERTIFICATE OF ATTEST**

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
PARK CITY RECORDER

**PUBLIC SAFETY ANSWERING POINT APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
BY: SUMMIT COUNTY CLERK, KIMBERLY RAY

**COUNCIL APPROVAL AND ACCEPTANCE**

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
CAYNE

**SURVEYOR'S CERTIFICATE**

IN ACCORDANCE WITH SECTION 10-9-4-603 OF THE UTAH CODE, I, ERIC A. ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 7733338 IN ACCORDANCE WITH TITLE 18, CHAPTER 32, OF THE PROFESSIONAL LAND SURVEYORS LICENSING ACT.

I FURTHER CERTIFY THAT THIS PLAT AMENDMENT WAS PREPARED BY ME AND UNDER MY SUPERVISION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION.

\_\_\_\_\_  
ERIC A. ANDERSON  
PROFESSIONAL LAND SURVEYOR

DATE: 09/25/23

\_\_\_\_\_  
SURVEYOR'S SEAL

**BOUNDARY DESCRIPTION**

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 16, PARK CITY SURVEY OF BLOCKING LOTS ACCORDING TO THE ORIGINAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SUMMIT COUNTY, SABB POINT BEING 197.50 FEET S80°25'43"E FROM THE INTERSECTION OF THE INTERSECTION OF HARK STREET AND HARK AVENUE, BEARS S65°10'00"E 146.27 FEET; INTERSECTION MONUMENT IN HARK STREET AND RUNNING THENCE NORTHEAST 17.40 FEET; THENCE ALONG SABB POINT BOUNDARY LINE THE FOLLOWING FOUR COURSES: (1) N00°20'30"W 2.78 FEET; (2) THENCE S80°25'43"E 20.07 FEET; (3) THENCE S00°20'30"W 4.50 FEET; (4) THENCE N00°25'43"E 13.49 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF PROSPECT STREET, THENCE S00°25'43"E 2.82 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF 44 PROSPECT PLAT, THENCE S00°25'43"E ALONG SAID NORTHERLY BOUNDARY LINE 50.00 FEET, THENCE N00°25'43"E 52.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.10 ACRE

**OWNER'S DEDICATION**

KNOW BY ALL MEN BY THESE PRESENTS THAT 36 PROSPECT, ALL THE UNDERSIGNED OWNER OF THE TRACT OF LAND SHOWN AND DESCRIBED ON THIS SUBMISSION PLAT AMENDMENT, HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED, DO HEREBY CONSENT TO THE RECORDED, AND DO HEREBY DEDICATE FOR THE POTENTIAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
36 PROSPECT LLC, INCORPORATED

**ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ U.S.

COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_, I, \_\_\_\_\_, PERSONALLY APPEARED BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC, AND AFTER BEING DULY SWORN, SAID \_\_\_\_\_ THAT HE IS THE MANAGER OF 36 PROSPECT, LLC, A LIMITED LIABILITY COMPANY, AND THAT THE WITHIN AND FOREGOING INSTRUMENT WAS SIGNED ON BEHALF OF SAID COMPANY BY AUTHORITY OF ITS ARTICLES OF ORGANIZATION, AND SAID \_\_\_\_\_ ACKNOWLEDGED TO ME THAT SAID COMPANY EXECUTED THE SAME.

MY COMMISSION EXPIRES: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE - NOTARY PUBLIC

\_\_\_\_\_  
HEADING IN \_\_\_\_\_ COUNTY.

**NOTES**

1. REIDENTIFIED PINE SPRINKLERS WILL BE REQUIRED FOR ALL NEW CONSTRUCTION PER REQUIREMENTS OF THE CHIEF BUILDING OFFICIAL.

2. SUBJECT PROPERTY IS LOCATED IN ZONE X PER FEMA FLOOD MAP NO. 4904300380.

**RECORDER**

STATE OF UTAH, COUNTY OF SUMMIT, FILED AT THE REQUEST OF \_\_\_\_\_

\_\_\_\_\_  
REC

\_\_\_\_\_  
THE \_\_\_\_\_ DATE \_\_\_\_\_ ENTRY \_\_\_\_\_

# Application

Plat Amendment complies with the LMC Chapter 15-2.2, Historic Residential -1 District.

Plat Amendment complies with LMC Section 17-7.1-3(B), Plat Amendments.

Prior to recording, a 10-foot wide snow storage easement shall be added to the Plat. (COA 3).



# Recommendation

## Good Cause:

- Resolves non-compliance with respect to the Landmark Historic Structure built across Lot lines;
- Will facilitate the renovation and preservation of the Structure which will improve parking conditions for the immediate neighborhood; and
- Applicant has agreed to a snow storage easement.

Staff recommends the Planning Commission conduct a public hearing and consider approving the Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Final Action Letter.





# 316 ONTARIO AVENUE

## PLAT AMENDMENT

PL-23-05819  
November 29, 2023  
Planning Commission



China Bridge

McHenry Avenue

Ontario Avenue

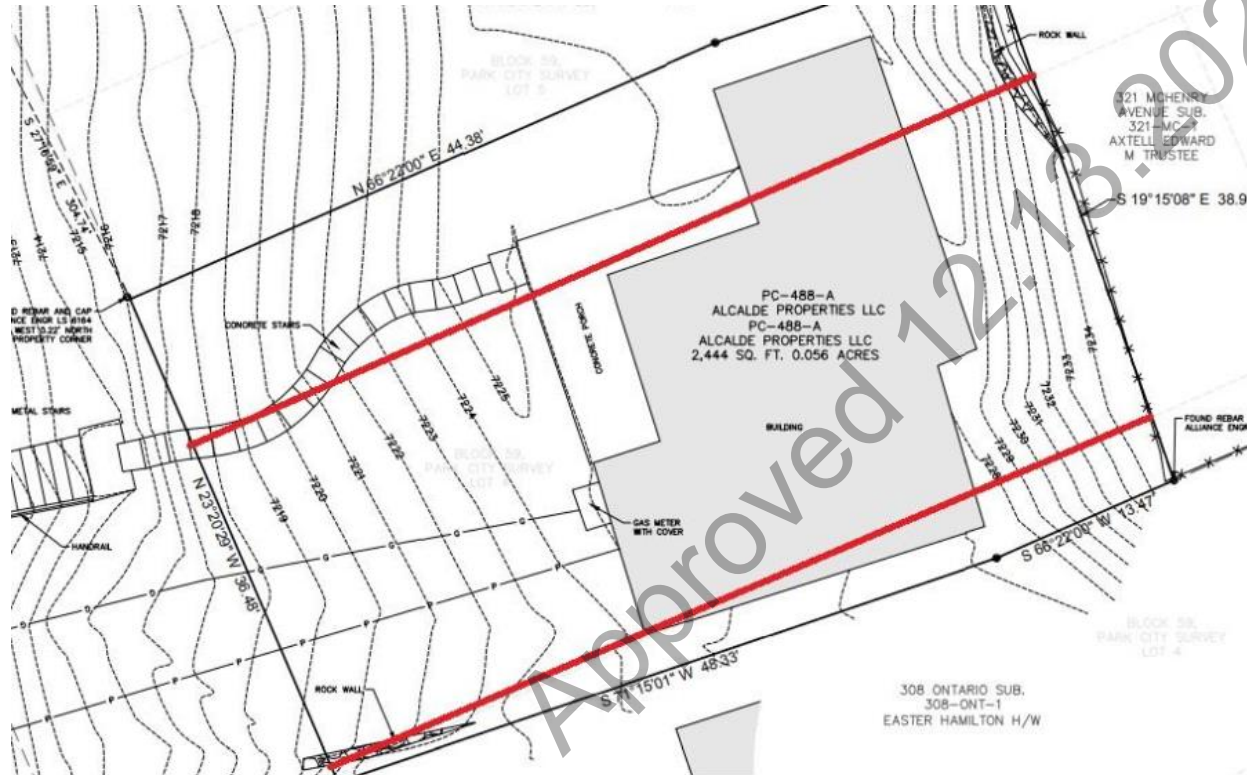


# BACKGROUND



- Landmark Historic Structure – c. 1895
- 644 square feet
- Access from Ontario Ave.
- No off-street parking

# 316 ONTARIO AVE



Proposal – remove two lot lines to create one lot.

- Ordinance No. 2021-40 expired
- Same proposal as in 2021

# 316 ONTARIO AVE

Complies with LMC 15-2.1 HRL Zoning District

- Oct. 15, 2019 – Variance to the front setback granted for garage
- Nov. 16, 2021 – Variance to the minimum lot size granted
- Plat shall note Max Building Footprint is 1,065 square feet
- Garage shall comply with side setback
- Site plan and building design must address snow release



# 316 ONTARIO AVE

## Exempt from LMC Parking Requirements

- Ontario Avenue substandard ROW
- Detached garage shall be used for off-street parking only vehicles associated with 316 Ontario Ave. park in garage or on the driveway leading to the garage and not on the ROW

# GOOD CAUSE

- Allows construction of garage and provides off-street parking
- Removes lot lines under the historic structure
- HRL Character retained
- No Public Street or ROW is vacated or amended
- No easements are vacated or amended



# RECOMMENDATION

Staff recommends the Planning Commission (I) review the proposed 316 Ontario Avenue Plat Amendment, (II) hold a public hearing, and (III) consider approving the plat amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Final Action Letter.



# COURCHEVEL CONDOMINIUMS AT DEER VALLEY



PL-23-05773  
November 29, 2023  
Planning Commission





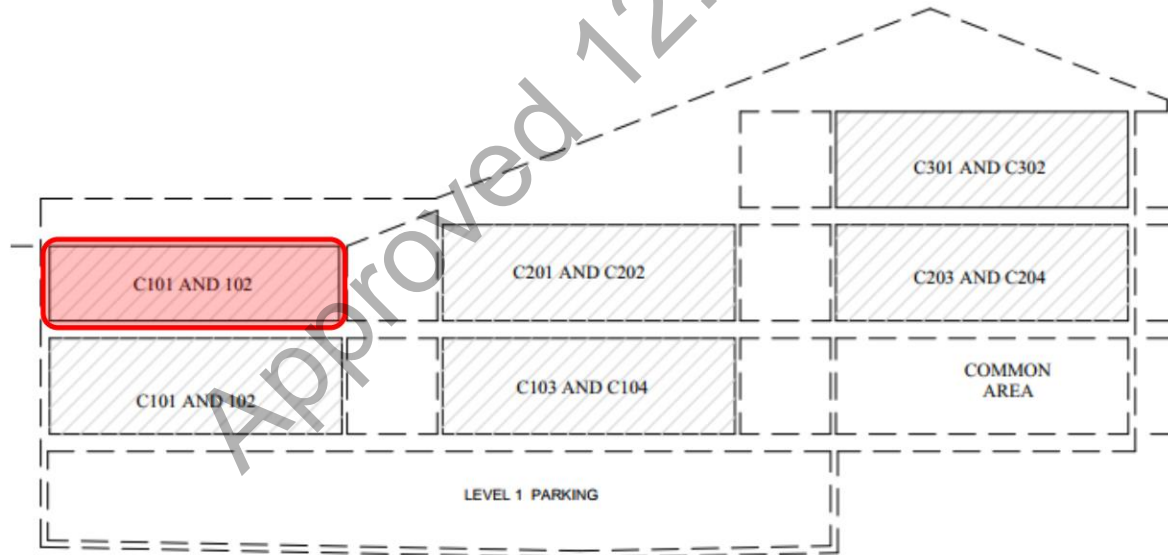
# BACKGROUND

- Part of the Deer Valley MPD / RD Zoning District
- Original plat (1984) – 3 buildings / 40 units / 60 parking spaces
- 759 square feet
- Second Amendment (1989) – 41 units
- Third building not constructed – 27 units
- 2010 – 2013 five units converted common attic space to private



# PROPOSAL

- Convert 305 square feet of existing common area attic space into private area for Unit C101 and C102.
- Livable area increase from 759 to 1,064 square feet



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# ANALYSIS

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Complies with the RD Zoning District requirements:

- Multi – unit, residential use maintained
- Floor area is within the existing structure
- No exterior or structural changes approved
- Open space preserved

# ANALYSIS

Complies with RUE requirements of Deer Valley MPD

13.5 UEs or 257,000 square feet of residential area

## Existing: 11.46 UE

22 units = 759 square feet  
3 units = 1,367 square feet  
1 unit = 1,229 square feet  
1 unit = 898 square feet  
**27 TOTAL = 22,926 square feet**

## Proposed: 11.77 UE

20 units = 759 square feet  
3 units = 1,367 square feet  
1 unit = 1,229 square feet  
2 units = 1,064 square feet\*  
1 unit = 898 square feet  
**27 TOTAL = 23,536 square feet**

\*Units C101 and C102 will increase to 1,064 square feet in area if this amendment is approved.

# ANALYSIS

Complies with current LMC parking ratio requirements

- 31 available off-street parking spaces
- Total required is 30 spaces

| Requirement                                                 | Number of Units       | Required Spaces |
|-------------------------------------------------------------|-----------------------|-----------------|
| 1 Space/Unit < 1,000 square feet                            | 21                    | 21              |
| 1.5 Spaces/Unit > 1,000 square feet and < 2,000 square feet | 6                     | 9               |
| 2 Spaces/Unit > 2,000 square feet                           | 0                     | N/A             |
|                                                             | <b>TOTAL REQUIRED</b> | <b>30</b>       |

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# GOOD CAUSE

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Precedent set by previous amendments.

No change to building footprint.

No change to structure mass.



# RECOMMENDATION

Staff recommends the Planning Commission (I) review the proposed Courchevel Condominiums at Deer Valley Sixth Amended plat, (II) hold a public hearing, and (III) consider approving the plat amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Final Action Letter.



# SILVER QUEEN CONDOMINIUMS

## SECOND AMENDED PLAT

PL-23-05746  
November 29, 2023  
Planning Commission





Deer Valley Drive

Main Street

Heber Avenue



632 Main St



# BACKGROUND

- Built in 1982
- Mixed-use residential & commercial
- Seven units ranging from 1,006 – 2,163 sq. ft.
- Unit 4A two-story unit and rooftop penthouse.
- Penthouse is at the same elevation of limited common area terrace for Unit 4A use.
- HDDR Waiver issued – installation of handrails and stairs, repair of green roof.
- Unit's upper roof level to convert from limited common to common.

# SILVER QUEEN



## HCB Zoning District Requirements:

- No physical changes to structure or lot.
- 2011 – Internal living area enclosed; green roof added.

## Good Cause:

- No expansion to internal private area.
- Footprint and mass unchanged.

# RECOMMENDATION

Staff recommends the Planning Commission (I) review the proposed Silver Queen Condominiums Second Amended Plat, (II) hold a public hearing, and (III) consider approving the plat amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Final Action Letter.



# SNOW FLOWER CONDOMINIUMS

## SIXTH AMENDED PLAT (UNIT 36)

PL-23-05809

November 29, 2023

Planning Commission



Glenwood Cemetery

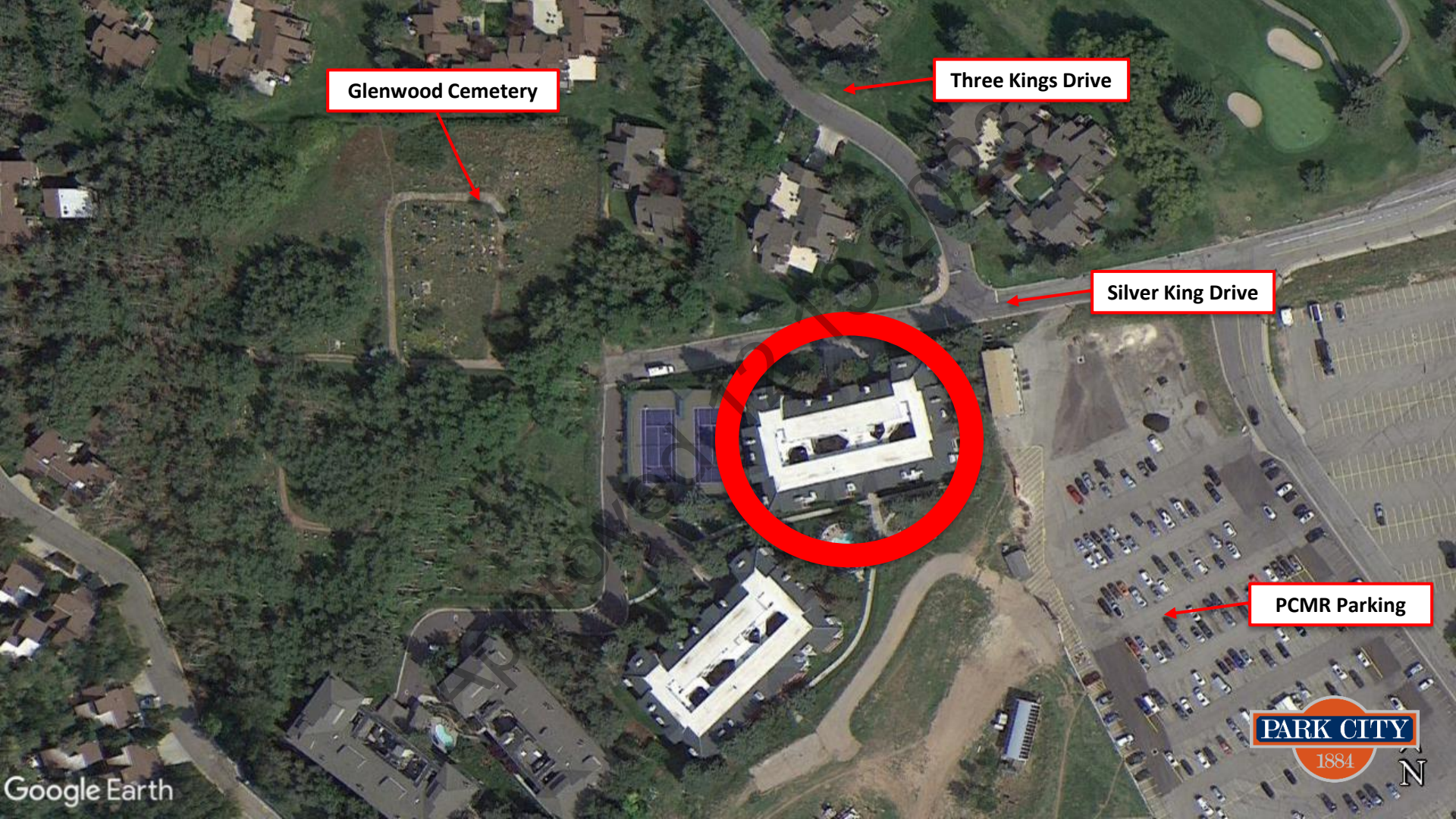
Three Kings Drive

Silver King Drive

PCMR Parking

PARK CITY

1884



# BACKGROUND

## 401 SILVER KING

- 82 Multi-Unit Condominium (Phase 1)
- Recreation Commercial Zoning District
- Approved in 1978
- Applicant owner since 1980s
- HOA approval – August 2023 (68% approval)



The image contains two architectural floor plans for Unit 36.

**Left Plan (Loft Unit 36 and Unit 77):**

- ATTIC:** Two red-shaded areas. The top-left attic has an area of 0.500. The top-right attic has an area of 0.833.
- LOFT UNIT 36:** A hatched area with dimensions 10.83, 13.00, 11.33, 13.50, and 18.083. It includes a "HANDRAIL" and is "OPEN TO LIVING BELOW".
- UNIT 77:** A hatched area with dimensions 11.33, 13.00, and 18.083.
- Other Dimensions:** 0.500, 7.50, 7.50, 13.00, 11.33, 13.50, 18.083.

**Right Plan (Unit 36 Loft Level):**

- UNIT 36 LOFT LEVEL:** A large rectangular area with dimensions 27.1' and 31.4'.
- OPEN TO BELOW:** A central area with dimensions 13.3' and 11.9'.
- STAIRS:** A rectangular area with dimensions 13.0' and 9.5'.
- Other Dimensions:** 10.6', 11.9', 15.0', 11.3', 13.0', 9.5', 27.1', 31.4'.

## Proposed Loft Level

# PRIOR APPROVALS

- 2004 – Unit 80 increase from 595 square feet to 655 square feet
- 2006 – Unit 72 increase from 595 square feet to 655 square feet
- 2007 – Unit 76 increase from 2,387 square feet to 2,612 square feet
- 2022 – Unit 75 increase from 2,387 square feet to 2,612 square feet
- 2023 – Unit 70 increase from 1,824 square feet to 2,289 square feet

# PARKING

LMC §15-3-6: Floor Area > 2,000 square feet = 2 parking spaces

HOA indicates one parking space per unit (also restricted in CC&Rs)

Owner's second home.

Plat note: "The unit owner shall not use or cause to be used at any time more than one parking stall on site"

Consider reduction for Unit 36 from two parking spaces to one parking space.



# GOOD CAUSE

The amendment will expand the Private Area but will not change the footprint or mass of the existing structure.

Approved 12.13.2023



# RECOMMENDATION

## Snow Flower Condos

Staff recommends the Planning Commission (I) review the proposed Snow Flower Condominiums Sixth Amended Plat, Amending Unit 36, (II) hold a public hearing, and (III) consider approving the plat amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Final Action Letter.



# PARKING

| Unit | Area prior to Amendment | Area after Amendment | Parking Requirement | Analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------|-------------------------|----------------------|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 80   | 595 sq. ft.             | 655 sq. ft.          | 1 space             | In 2004, Condominium units greater than 650 sq. ft. and less than 1,000 sq. ft. required 1.5 square feet. Staff analysis indicates Snow Flower Condominiums had a surplus of 20 spaces, therefore meeting this requirement.                                                                                                                                                                                                                                                                                                                                                                 |
| 72   | 595 sq. ft.             | 655 sq. ft.          | 1 space             | In 2006, Condominium units greater than 650 sq. ft. and less than 1,000 sq. ft. required 1.5 square feet. Staff analysis indicates Snow Flower Condominiums had a surplus of 20 spaces, therefore meeting this requirement.                                                                                                                                                                                                                                                                                                                                                                 |
| 76   | 2,387 sq. ft.           | 2,612 sq. ft.        | 3 spaces            | In 2007, Condominium units greater than 2,500 sq. ft. required three parking spaces per unit. Staff analysis simply states the unit has access to three parking spaces.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 75   | 2,387 sq. ft.           | 2,612 sq. ft.        | 2 spaces            | <p>In 2022, Condominium units greater than 2,000 sq. ft. required two spaces per unit. Condition of Approval No. 3 of <a href="#">Ordinance No. 2022-17</a> states: "Prior to recordation of the Plat Amendment, the Applicant Shall gain HOA approval to satisfy current Off-Street parking requirements of two parking spaces. Otherwise, the Applicant shall seek a determination of substantial compliance and affirmatively limit the parking to one space".</p> <p>The Planning Director wrote a letter determining that one Off-Street Parking Space is substantially compliant.</p> |
| 70   | 1,824 sq. ft.           | 2,289 sq. ft.        | 2 spaces            | In 2023, the Planning Commission granted a parking reduction from two spaces to one space. A plat note added restricting parking to one space for the Unit.                                                                                                                                                                                                                                                                                                                                                                                                                                 |