



**PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING
SUMMIT COUNTY, UTAH
August 22, 2024**

The Planning Department of Park City, Utah, will hold a Public Hearing in person at the Marsac Municipal Building, Planning Department Conference Room, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually.

1. REGULAR AGENDA - 12:00PM

- 1.A. **600 Gilmore Way - Administrative Conditional Use Permit** - The Applicant Proposes an ACUP To Allow Outdoor Third-Party Vendor Sales On the Existing Patio At The Park City Ice Arena In the Recreation and Open Space Zoning District And Sensitive Land Overlay. PL-24-06202
(A) Public Hearing; (B) Action
- 1.B. **1234 Rothwell Road - Historic District Design Review Modification** - The Applicant Proposes to Construct an Addition on a Single-Family Dwelling in the Recreation Commercial Zoning District. PL-24-06112.
(A) Public Hearing; (B) Action
- 1.C. **9200 Marsac Avenue – Administrative Conditional Use Permit** – The Applicant Proposes a 706-Square-Foot Yurt with a 1,000-Square-Foot Deck on the Existing Lawn Outside the Empire Day Lodge in the Residential Development Zoning District and Sensitive Land Overlay. PL-24-06197
(A) Public Hearing; (B) Action

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking is available at no charge for meeting attendees who park in the China Bridge parking structure.**

Planning Department Staff Report



Subject: 600 Gilmore Way
Application: PL-24-06202
Author: Virgil Lund, Planner II
Date: August 22, 2024
Type of Item: Administrative Conditional Use Permit

Recommendation

(I) Review the proposed location for Outdoor Sales of Merchandise at the Park City Ice Arena, (II) conduct a public hearing, and (III) consider approving the Administrative Conditional Use Permit (ACUP) based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter (Exhibit A).

Description

Applicant: Park City Municipal Corporation; Amanda Angevine

Location: 600 Gillmor Way

Zoning District: Recreation Open Space, Sensitive Land Overlay

Adjacent Land Uses: Open Space, Outdoor Recreation, Ice Arena

Reason for Review: Outdoor Sales of Merchandise requires an Administrative Conditional Use Permit (ACUP) in the Recreation and Open Space (ROS) Zoning District.¹

ACUP Administrative Conditional Use Permit
CUP Conditional Use Permit
LMC Land Management Code
MPD Master Planned Development

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§ 15-15-1](#).

Summary

The Applicant requests an ACUP to allow outdoor third-party vendor sales on the existing patio at the Park City Ice Arena. According to the Applicant's Narrative, "individuals or entities contracting ice from the Park City Ice Arena, may request the presence of a third-party vendor to sell merchandise to their guests." Any third-party vendor must enter into a contract with the Ice Arena, and the contract will specify location (as shown on the Proposed Site Plan, Exhibit B) and time for sales (Exhibit C, Applicant's Narrative).

¹ LMC [§ 15-2.7-2](#)



Figure 1: Proposed Site Plan



Figure 2: Proposed Location

Background

On October 21, 2004, the City Council adopted an Ordinance approving the National Ability Center and Municipal Recreation Complex Annexation. This annexation included a 70.4-acre City-owned parcel specifically for recreational uses.

On January 26, 2005 the Planning Commission approved a Master Planned Development (MPD) and Conditional Use Permit (CUP) which included multiple sports fields and the Ice Arena on the 70.4-acre annexed parcel (Exhibit D).

On March 4, 2019 the Planning Director approved an Administrative Permit for a Food Truck location at the Park City Ice Arena (see Exhibit B for approved Food Truck location).

Analysis

(I) The proposal to allow outdoor third-party vendor sales complies with the Recreation and Open Space (ROS) Zoning District Requirements outlined in LMC Chapter 15-2.7.

The table below outlines the Lot and Site Requirements for the ROS District:²

Requirement	Analysis of Proposal
Setbacks: All Structures must be no less than twenty-five feet from the boundary line of the Lot, district, or public Right-of-Way	Complies: The west side of the existing patio where the location of the outdoor sales will be occurring is approximately 35 feet from the nearest public Right-of-Way, Gillmor Way. All other sides of the patio are located greater than 100 feet from any Lot line or public Right-of-Way.

Vegetation Protection: The Property Owner must protect Significant Vegetation during any Development activity.

No Significant Vegetation will be impacted by the proposed third-party sales location, as the proposed location for third-party sales is within an existing hard-scaped patio and contains no existing vegetation.

(II) The proposal to allow outdoor third-party vendor sales complies with the Sensitive Land Overlay (SLO) Requirements outlined in LMC Chapter 15-2.21

² LMC [§ 15-2.13-3](#)

The proposed location for third-party sales is within an existing hard-scaped patio and contains no Significant Vegetation. A Sensitive Lands Analysis was completed as part of the original MPD/CUP approval for the Ice Arena (Exhibit E).

(III) The proposal to allow outdoor third-party vendor sales complies with the Temporary Structures, Tents, and Vendors Requirements outlined in LMC Section 15-4-16.

The table below outlines the review criteria for Temporary Vendors:³

Requirement	Analysis of Proposal
The Applicant shall provide written notice of the Property Owner's permission	Complies: The submitted application form is signed by Matt Dias, City Manager.
The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.	Complies: The proposed location for third-party sales is located on an existing patio and will not occupy any existing Parking Spaces.
The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.	Complies: The patio is currently occupied by some small picnic tables, and some outdoor grilling stations. On August 6, 2024, the Development Review Committee review the proposal and confirms it conforms with their requirements. Condition of Approval 8: The Fire Marshall requires any temporary third-party sales equipment must be located at least 20 feet from the main Building.
The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3	Complies: Condition of Approval 4 requires adherence to the Noise Ordinance found in municipal Code Chapter 6-3.
The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9	Complies: No Signs or Outdoor Lighting are proposed or approved with this Application, see Condition of Approval 4.
The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.	Complies: See Condition of Approval 5.

³ LMC [§ 15-4-16\(B\)](#)

The Use shall not violate the International Building Code	Complies: Condition of Approval 6 requires the Applicant to submit a Building Permit for review and approval for any vendor proposing a Temporary Structure.
The Applicant shall adhere to all applicable City and State licensing ordinances	Complies: See Condition of Approval 7.

(IV) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC [§ 15-1-10\(E\)](#).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Director shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Director may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

CUP Review Criteria	Analysis of Proposal
Size and location of the Site	Complies: The proposed location for third-party vendors is in an appropriate area where pedestrian access to the Ice Arena will not be impacted and will be screened with existing vegetation surrounding the patio.
Traffic considerations including capacity of the existing Streets in the Area	Complies: The proposed third-party sales of merchandise will be for users of the Ice Arena and will not attract additional traffic or increase the demand for parking.
Utility capacity, including Storm Water run-off	Complies: The Development Review Committed reviewed the proposal on August 6, 2024 and confirmed the proposal conforms with their requirements.
Emergency vehicle Access	Complies: The Development Review Committed reviewed the proposal on August 6, 2024 and confirmed the proposal conforms with their requirements.

Location and amount of off-Street parking	Complies: The proposed third-party sales of merchandise will be for users of the Ice Arena and will not attract additional traffic or increase the demand for parking.
Internal vehicular and pedestrian circulation system	Complies: The proposed location for third-party vendors is in an appropriate area where pedestrian access to the Ice Arena will not be impacted and will be screened with existing vegetation surrounding the patio. The internal vehicular system will not be affected.
Fencing, Screening, and landscaping to separate the Use from adjoining Uses	Complies: No additional landscaping, fencing, or screening are proposed. The existing patio is screened by vegetation.
Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots	Complies: The proposed location for third-party vendors is in an appropriate area where pedestrian access to the Ice Arena will not be impacted and will be screened with existing vegetation surrounding the patio.
Useable Open Space	Complies: The Ice Arena MPD/CUP was approved with 83% of the acreage being preserved as Open Space. The proposed location for temporary vendors does not diminish any existing Open Space.
Signs and Lighting	Complies: No Signs or Outdoor Lighting are proposed or approved with this Application.
Physical Design and Compatibility with Surrounding Structures	Complies: The proposed location for third party vendors is in an appropriate area adjacent to the entrance of the Ice Arena and will allow users of the Ice Arena additional opportunities to purchase merchandise.
Noise, Vibration, Odors, Steam, or Other Mechanical Factors	Complies: Condition of Approval 4 requires adherence to the Noise Ordinance found in municipal Code Chapter 6-3.
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	Complies: There are existing trash receptables on the patio, and no loading or unloading zones for the Ice Arena will be impacted.

Expected Ownership and Management	Complies: The submitted application form is signed by Matt Dias, City Manager. The Park City Ice Arena staff will ensure each third-party vendor completes a contract with the Ice Arena (Exhibit C).
Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	Complies: There are no physical mine hazards, the patio is not located on a Steep Slope, and is not located within the Park City Soils Ordinance. The proposed location for third-party sales is within an existing hard-scaped patio, and no Significant Vegetation will be impacted by the proposal. A Sensitive Lands Analysis was completed as part of the original MPD/CUP approval for the Ice Arena.
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: The Quinn's Junction chapter of the General Plan emphasizes the protection of Open Space and Recreational uses. The proposal encourages additional uses that are compatible with the existing Ice Arena.

(V) The Development Review Committee reviewed the proposal on August 6, 2024 and requires Conditions of Approval.⁴

The Fire Marshall requires any temporary third-party sales equipment must be located at least 20 feet from the main Building.

Department Review

The Planning Department reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 12, 2024. Staff mailed courtesy notice to adjacent property owners on August 12, 2024.⁵

Public Input

Staff did not receive any public input at the time this report was published.

⁴ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

⁵ LMC [§ 15-1-21](#)

Alternatives

- The Planning Director may approve the location for third-party sales at the Ice Arena;
- The Planning Director may deny the location for third-party sales at the Ice Arena and direct staff to make Findings for the denial; or
- The Planning Director may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Proposed Site Plan

Exhibit C: Applicant's Narrative

Exhibit D: Ice Arena MPD Final Action Letter

Exhibit E: Ice Arena SLO Analysis



Planning Department

August 22, 2024

Amanda Angevine
600 Gillmore Way

CC: Park City Municipal Corporation

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 600 Gillmore Way

Zoning District: Recreation Open Space, Sensitive Land Overlay

Application: Administrative Conditional Use Permit

Project Number: PL-24-06202

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: August 22, 2024

Project Summary: The Applicant requests an ACUP to allow outdoor third-party vendor sales on the existing patio at the park city ice arena

Action Taken

On August 22, 2024, the Planning Director conducted a public hearing and approved the Administrative Conditional Use Permit (ACUP) according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. According to the Applicant's Narrative, "individuals or entities contracting ice from the Park City Ice Arena, may request the presence of a third-party vendor to sell merchandise to their guests." Any third-party vendor must enter into a contract with the Ice Arena, and the contract will specify location (as shown on the Proposed Site Plan) and time for sales.



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2. The proposal to allow outdoor third-party vendor sales complies with the Recreation and Open Space (ROS) Zoning District Requirements outlined in LMC Chapter 15-2.7
 - a. Setbacks
 - i. The west side of the existing patio where the location of the outdoor sales will be occurring is approximately 35 feet from the nearest public Right-of-Way, Gillmor Way. All other sides of the patio are located greater than 100 feet from any Lot line or public Right-of-Way.
 - b. Vegetation Protection
 - i. No Significant Vegetation will be impacted by the proposed third-party sales location, as the proposed location for third-party sales is within an existing hard-scaped patio and contains no existing vegetation.
3. The proposal to allow outdoor third-party vendor sales complies with the Sensitive Land Overlay (SLO) Requirements outlined in LMC Chapter 15-2.21
 - a. The proposed location for third-party sales is within an existing hard-scaped patio and contains no Significant Vegetation. A Sensitive Lands Analysis was completed as part of the original MPD/CUP approval for the Ice Arena.
4. The proposal to allow outdoor third-party vendor sales complies with the Temporary Structures, Tents, and Vendors Requirements outlined in LMC Chapter 15-4-16
 - a. The Applicant shall provide written notice of the Property Owner's permission
 - i. The submitted application form is signed by Matt Dias, City Manager.
 - b. The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.
 - i. The proposed location for third-party sales is located on an existing patio and will not occupy any existing Parking Spaces.
 - c. The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure
 - i. The patio is currently occupied by some small picnic tables, and some outdoor grilling stations. On August 6, 2024, the Development Review Committee review the proposal and confirms



Planning Department

- it conforms with their requirements. The Fire Marshall requires any temporary third-party sales equipment must be located at least 20 feet from the main Building
- d. The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3
 - i. Condition of Approval 4 requires adherence to the Noise Ordinance found in municipal Code Chapter 6-3.
 - e. The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9
 - i. No Signs or Outdoor Lighting are proposed or approved with this Application.
 - f. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.
 - g. The Use shall not violate the International Building Code
 - h. The Applicant shall adhere to all applicable City and State licensing ordinances
5. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).
- a. Size and location of the Site
 - i. The proposed location for third-party vendors is in an appropriate area where pedestrian access to the Ice Arena will not be impacted and will be screened with existing vegetation surrounding the patio.
 - b. Traffic considerations including capacity of the existing Streets in the Area
 - i. The proposed third-party sales of merchandise will be for users of the Ice Arena and will not attract additional traffic or increase the demand for parking.
 - c. Utility capacity, including Storm Water run-off
 - i. The Development Review Committed reviewed the proposal on August 6, 2024 and confirmed the proposal conforms with their requirements.
 - d. Emergency vehicle Access
 - i. The Development Review Committed reviewed the proposal on August 6, 2024 and confirmed the proposal conforms with their requirements.
 - e. Location and amount of off-Street parking



Planning Department

- i. The proposed third-party sales of merchandise will be for users of the Ice Arena and will not attract additional traffic or increase the demand for parking.
- f. Internal vehicular and pedestrian circulation system
 - i. The proposed location for third-party vendors is in an appropriate area where pedestrian access to the Ice Arena will not be impacted and will be screened with existing vegetation surrounding the patio. The internal vehicular system will not be affected.
- g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses
 - i. No additional landscaping, fencing, or screening are proposed. The existing patio is screened by vegetation.
- h. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots
 - i. The proposed location for third-party vendors is in an appropriate area where pedestrian access to the Ice Arena will not be impacted and will be screened with existing vegetation surrounding the patio.
- i. Useable Open Space
 - i. The Ice Arena MPD/CUP was approved with 83% of the acreage being preserved as Open Space. The proposed location for temporary vendors does not diminish any existing Open Space.
- j. Signs and Lighting
 - i. No Signs or Outdoor Lighting are proposed or approved with this Application
- k. Physical Design and Compatibility with Surrounding Structures
 - i. The proposed location for third party vendors is in an appropriate area adjacent to the entrance of the Ice Arena and will allow users of the Ice Arena additional opportunities to purchase merchandise
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors
 - i. Condition of Approval 4 requires adherence to the Noise Ordinance found in municipal Code Chapter 6-3
- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas
 - i. There are existing trash receptables on the patio, and no loading or unloading zones for the Ice Arena will be impacted.
- n. Expected Ownership and Management



Planning Department

- i. The submitted application form is signed by Matt Dias, City Manager. The Park City Ice Arena staff will ensure each third-party vendor completes a contract with the Ice Arena.
 - o. Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site
 - i. There are no physical mine hazards, the patio is not located on a Steep Slope, and is not located within the Park City Soils Ordinance.
 - ii. The proposed location for third-party sales is within an existing hard-scaped patio, and no Significant Vegetation will be impacted by the proposal. A Sensitive Lands Analysis was completed as part of the original MPD/CUP approval for the Ice Arena.
 - p. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan
 - i. The Quinn's Junction chapter of the General Plan emphasizes the protection of Open Space and Recreational uses. The proposal encourages additional uses that are compatible with the existing Ice Arena.
6. The Development Review Committee reviewed the proposal on August 6, 2024 and requires Conditions of Approval.
7. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 12, 2024.
8. Staff mailed courtesy notice to adjacent property owners on August 12, 2024.

Conclusions of Law

- 1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.7 Recreation and Open Space Zoning District, Chapter 15-2.21 Sensitive Land Overlay, Section 15-4-16, and Section 15-1-10(E) Conditional Use Permits.
- 2. The Use will be compatible with surrounding Structures in use, scale, mass, and circulation.
- 3. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval



Planning Department

1. Any changes, modifications, or deviations from the approved plans that have not been approved in advance by the Planning Department 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 is required to adhere to the Noise Ordinance found in municipal Code Chapter 6-3. No outdoor speakers or Outdoor Lighting are approved.
5. The third-party sales shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.
6. And third-party vendor proposing a Structure must submit a Building Permit with the Building Department.
7. The Applicant shall adhere to all applicable City and State licensing ordinances.
8. The Fire Marshall requires any temporary third-party sales equipment must be located at least 20 feet from the main Building.

If you have questions or concerns regarding this Final Action Letter, please call 385-481-2036 or email virgil.lund@parkcity.org

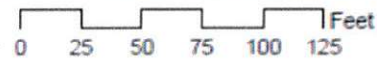
Sincerely,

Rebecca Ward
Planning Director

CC: Virgil Lund



Food Truck - Ice Arena



1 in = 67 ft



Administrative Permit
Outside Sales
Park City Ice Arena

Statement:

This permit requests designation of third-party vendor sales outside on the property surrounding the Park City Ice Arena.

With the approval of this permit, individuals or entities contracting ice from the Park City Ice Arena, may request the presents of a third-party vendor to sell merchandise as an amenity to their guests.

The drafted policy is pasted below:

Administrative Policy for Third Party Vendor Sales at the Park City Ice Arena

This document provides information for entities or individuals pursuing non-food sales at the Park City Ice Arena.

Background:

The contract between the renter and the Ice Arena allows for sales which are defined as:

Sales. Any sale of merchandise must have the prior written approval of a representative of PCMC (Park City Ice Arena), which will outline an acceptable location and other parameters. PCMC may collect 10% of gross profit on any outside merchandise sales and 25% of any gate fees collected at the facility, unless otherwise negotiated in writing. Licensee must obtain licenses required to be compliant with all local, state, and federal laws if they sell any merchandise.

The purpose of this policy is to allow sales by third-party vendors, in conjunction with an ice rental.

Scope of Policy: Any non-food or beverage sale by an entity other than the City. This policy does not apply to food and beverage sales.

Permission: Sales by third-party-entities are not permitted unless with the written permission from the Ice Arena, and in conjunction with the ice rental.

Time & Place: Written approval from the Ice Arena staff will specify location and time for sales. Sales will not be permitted outside of ice rental times. Merchants must comply with the Building and Fire Code and be conscientious not to disrupt traffic flow, staff or other members of the public at the facility.

Compliance: Please follow the process each visit and comply with all requirements or future permission for the renter and/or vendor may be jeopardized.

Process:

1. Ice Rental emails the Program Supervisor for permission of outside sales including the following information:
 - a. Specific dates and times
 - b. Desired location and approximate amount of space needed.
 - c. Description of goods and or service

- d. Request signage (and how it is displayed- i.e. hanging, A-Frame)
 - e. Commission can be waived upon request. Include vendors intention to pay or request to waive commission to the Park City Ice Arena. If request to waive, please include if the renter is receiving commission.
2. Program Supervisor reviews request and follows up with any questions and concerns. If approved is granted it will provide approval in writing.

Other Requirements:

- The City will only consider the use of the Ice Arena facility for third party sales when in conjunction with ice rental and in accordance with this policy.
- Sales cannot conflict or compete with products sold by Ice Arena or established vendors and should be related, complimentary, and supportive to the ice arena rental activity. Appropriate Locations include: Lobby space, Party room- *if reserved by the renter*, Party room patio, front plaza, mezzanine in bleacher area. **City code restricts the use of parking lots for the use or services.**
- Merchandise may not be stored overnight or anytime on the ice arena premise outside of the approved date and times.
- Vendors must obtain a business license in compliance with [Park City Municipal Code 4-1](#)
- Sales are limited to the contract holder and their guests. Vendors are not permitted to advertising to the general public at the Ice Arena.
- Vendors are required to maintain compliance with the Building and Fire Code. **Do not block exits or hang banners that block exit signs**

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Engineering • Building Inspection • Planning

- City as a condition precedent to issuance of a footing and foundation permit. The Planning Staff shall review all revisions. If such revisions are of a substantial nature, the plans will be presented to the Planning Commission for review.
5. The City Engineer shall review and approve all associated utility, public improvements, grading and drainage plans for compliance with the LMC and City standards as a condition precedent to issuance of full building permit and subdivision plat recordation. The final utility plans shall be consistent with preliminary utility plans on file with the City.
 6. The road and utility plans proposed have been reviewed by the City Engineer. Any substantive changes to these plans will remand the project to the Planning Commission for review.
 7. Mechanical vents shall be painted, hidden with architectural features, located and/or landscaped to mitigate negative impacts on the architectural intent of the buildings and such that noise, vibration, odors, steam, and impacts on the neighboring properties are minimized to the greatest degree possible.
 8. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of Planning Commission approval unless Construction, as defined by the Uniform Building Code, has commenced on the project.
 9. The final site plan will be approved by the Army Corps of Engineers prior to building permitting.
 10. Vehicular access from Fairway Hills is not permitted as part of this project.
 11. A line extension agreement down to existing infrastructure near the Rail Trail with SBWRD will be required before additional services can be extended to serve the recreation complex
 12. Staff has worked with the City Engineer and Building Official and prepared preliminary utility plans for the project. A condition of approval will require these plans will be to the satisfaction of the City Engineer and Park City Building Official and Fire Marshall prior to issuance of full building permits. Any substantive changes to the existing plan will remand the project back to the Planning Commission for review.
 13. The fields complex will not be programmed for any event or use for greater than 1500 people without a Master Festival License. A parking management plan to either share parking with an adjacent private developer or to provide a satellite lot shall be required as an element to any such MFL application to mitigate parking demand for an event or higher intense use in the future.
 14. The Planting Plan will be reviewed and approved by the City's Landscape Architect as part of the building permitting process.
 15. The final site plan will be approved by the Army Corps prior to building permitting.
 16. A fire management plan has been submitted and will be approved prior to issuance of occupancy permits.
 17. Any berm crests will be contoured and varied in height to avoid a straight-line barrier effect.
 18. Prior to permit issuance all construction shall meet the City's building code review and shall be consistent with the architectural intent of the LMC

Please note, this approval will expire one year from the date of the approval. If I can be of further assistance, please contact me.

Thank You,

A handwritten signature in blue ink, appearing to be 'Jonathan Weidenhamer', written over the printed name.

Jonathan Weidenhamer
Planner

Coordinator. Any substantive changes at the time of development will remand the project to the Planning Commission for review.

- 6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location. All requirements for adequate snow removal and snow storage are complied with. The parking areas provide snow storage areas in excess of 15%, consistent with Section 15-3-(E) of the LMC.
- 7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests. Adequate refuse storage and collection, and adequate recycling facilities are proposed and identified within the rear of the ice facility. They are adequately screened from public view.
- 8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable. The project has designed two bus drop-off and pick-up areas to provide convenient transportation alternatives.
- 9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas. Service and delivery areas will be located at the rear of the ice building, away from pedestrian and traffic circulation areas.

Landscape and Streetscape

Complies with conditions. This project is has been measured against and is consistent with SLO and the ECPO criteria. Detailed grading and irrigation plans for the fields have been provided. A Planting Plan has also been provided (Exhibit M). This Planting Plan will be reviewed and approved by the City's Landscape Architect as part of the building permitting process. An emphasis has been placed on maximizing peripheral buffers and setback and separation along the entry corridor of the proposed buildings. Water efficiency and drought tolerant landscaping will be used. This will be referenced as a condition of approval. The City's Parks Department will be responsible for maintenance of all decorative plantings, as well as overall maintenance of the facility grounds.

Sensitive Lands Compliance

Complies. Staff finds the proposed MPD to be consistent with all requisite SLO requirements. This SLO zone was designed to protect areas that are visually prominent, contain sensitive ridgelines and visually prominent slopes and view sheds, contain excessive slopes, are environmentally sensitive, and generally are viewed as being pristine in their natural state. Evergreen Engineering has conducted a Sensitive Area Analysis and Determination.

- Slope - The applicant has submitted a slope analysis. The site design avoids development on slopes greater than 15% in all locations except one isolated location (the southwest corner of the ice rink, which has been done in an effort to place the

building into the hillside). This instance occurs on terrain having less than 30% in slope. Overall, over 86% of the property is between 0%-15% in slope, 12% is between 16% - 30%, 2% is between 30%-40%, and less than 1% is over 4% in slope (Exhibit G).

- **Grading-** The Recreation complex site is a visually prominent site from the designated LMC vantage point of State Hwy 248 turnout ¼ mile west from US 40. Most of the site consists of a gradual uphill slope from east to west (gain of approx. 50' gain in elevation) and north to south (approx 20' gain in elevation). This change in elevation will assist with natural grading and drainage. It will leave terraces of approximately 5' – 10' between the fields which will help mitigate the visual impact of hard surfaced parking areas. The major natural feature is a steep hill located near the northwest corner of the lot that will form a natural backdrop to the building which will be tucked into the bottom of this hillside, which will provide a backdrop for the building.
- **Ridge Lines -** The site is located within prominent view of the Hwy 248 entry corridor, but does not contain designated Ridgeline Areas. A visual analysis has been conducted from Fairway Hills, from the NAC, from SR 248, and from US40 (Exhibit H). The building's visual impact from each of these vantage points is very minimal except from SR 248, where the front façade of the entire length of the building is visible. The applicant has reduced bulk and massing by stepping the building into the toe of the slope, bringing grade up approximately 12' up at the base of the building, and by providing for façade breaks and articulation using building forms and materials. The building does not break the horizon (skyline) from any of these vantage points.
- **Wetlands & Stream Corridors -** A wetlands determination was conducted by Evergreen Engineering and accepted by the Army Corps of Engineers. Approximately 5 % of the property is delineated as Wetlands. The City is working with the Army Corps to ensure proper setbacks and to mitigate for any impacts of the development. The site plan locates the fields adjacent to the wetlands and uses them to provide buffer from the parking areas. No development or paving is proposed on the wetlands and maintains LMC required setbacks. Timber pedestrian bridges are incorporated through the wetland to provide pedestrian links between parking and fields and other trail connections. The final site plan will be approved by the Corps prior to building permitting and will include buffer areas between the fields and parking lots and the wetland areas.
- **Storm Water Runoff & Drainage –** Development of fields and parking is proposed on areas that will drain into the wetlands. Grass swales will be used at the edges of paved areas to filter the drainage. On areas of natural turf the City's environmental scientist Jeff Schoenbacher will conduct analysis specific to impacts of phosphates (fertilizer) on the wetlands. Additionally, staff will ask for analysis on drainage from the synthetic turf surface. See Environmental criteria below for additional info.
- **Natural Resources (wildlife, vegetation) -** The City commissioned a study to measure potential effects on wildlife resources of the proposed development. Potential effects on wildlife resources on lands adjacent to the proposed development were also

evaluated. The proposed development area was determined to contain wildlife species and wildlife habitat typical for the vegetative types and elevation zone. Of significance, one Utah sensitive species, the greater sage grouse, was found on the development and on adjacent areas. Seven prioritized recommendations were made to minimize and compensate for potential impacts of the proposed development. These focused on the continued purchase of surrounding private lands. The intent of these recommendations is to increase the probability of the perpetual continuance of wildlife and wildlife resources currently available in the area (Exhibit I). The study does not preclude development on the parcel and recognizes the adjacent 1400 acres of city-owned open space as a major mitigation area. Overall, 1.5% of the land is wooded (scrub oak), and over 90% is range and grass land.

- Environmental (soils, geotechnical) - City staff has documented related environmental issues for the proposed annexation. The annexation is outside the City's Soils Ordinance District. Furthermore, the City does not have any environmental assessments or known previous history of the site being impacted with historic mining impacts or other industry. It should be noted that the site is situated within the Silver Creek Watershed drainage, due to this classification, any work resulting in a land disturbance equal to or >1 acre will need to strictly adhere to Park City's Storm Water Management Plan and implement storm water Best Management Practices.

Entry Corridor Protection Overlay Zone

Complies. The regulations contained in this subzone apply to all structures on lots adjacent to or within two hundred and fifty feet (250') of the nearest Right-of-Way of entry corridor highways and is applicable to all relevant parcels annexed within the City's entry corridors. The intent of this overlay zone is to identify and protect open vistas and meadows and to maintain the visual character of Park City as a mountain community with sweeping, attractive vistas. Any structure or Use is subject to the following criteria:

Access/Traffic – *Access points and driveways connecting directly to the entry corridor roadways will be minimized. The City Engineer has provided an analysis of traffic and circulation impacts resulting from this project (Existing and Proposed Roadway Systems – Exhibit K). Access will not be relocated from the existing access location which is via an existing curb cut from SR 248 to the frontage road located approximately 0.1 miles south of the US40 exit ramp. It is anticipated that to meet UDOT requirements, it may, in the future, based on potential traffic circulation impacts resulting from either complete build out of Phase II of this project, or because of anticipated development on adjacent private property, be necessary to create an additional access point further away from the US40 off ramp, somewhere near the south east corner of the recreation parcel (approx 0.3 miles from the US40 off ramp). Secondary/ emergency access to SR 248 is also planned at this location and is called out as "possible future access". The project team has designed a roadway system that allows for future reconfiguration of the frontage road to meet the needs of future development by adjacent private property owners. Future reconfiguration could impact the Phase II rectangular field located at the east of the site.*

Planning Department Staff Report



Subject: 1234 Rothwell Road
Application: PL-24-06112
Author: Lillian Zollinger, Planner II
Date: August 22, 2024
Type of Item: Historic District Design Review Modification

Recommendation

(I) Review the Historic District Design Review (HDDR) Modification at 1234 Rothwell Road, (II) conduct a public hearing, and (III) consider denying the HDDR Modification based on the Findings of Fact and Conclusions of Law outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Christopher Tancill, represented by Charles Pearlman
Location: 1234 Rothwell Road
Zoning District: Recreation Commercial
Adjacent Land Uses: Residential, Open Space, Commercial
Reason for Review: The Planning Director reviews and takes Final Action on HDDR Modifications.¹

LMC Land Management Code
SFD Single Family Dwelling
RC Recreation Commercial

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

The Applicant proposes modifying the HDDR approval for the Single-Family Dwelling in the King's Crown Master Planned Development and Recreation Commercial Zoning District to enclose a deck to increase the Building Footprint by 92.25 square feet. However, this proposal exceeds the maximum Building Footprint for a Lot of this size in the Recreation Commercial Zoning District, and staff therefore recommends denial.

Background

1234 Rothwell Road is a Single-Family Dwelling in the Recreation Commercial (RC) Zoning District and is Lot 12 of the King's Crown Re-Subdivision. On May 15, 2019, the Planning Department approved a Historic District Design Review (HDDR) for the Single-Family Dwelling and Building Permit BD-19-26965 was issued for the project.

On November 4, 2021, the Applicant proposed modifications during construction and applied for a Building Permit (PLAN21-1490) to construct stairs in the side setback. The

¹ LMC [§ 15-2.1-6\(B\)](#)

Planning Department approved the plans with the condition that “Patios, decks, pathways, steps and similar structures are allowed within the Side Setback but they must be less than 30” above Final Grade, per LMC 15-2.16-3(H).”

The Building Department did not approve PLAN21-1490 because the proposed stairs did not comply with the International Residential Code for fire separation distance to a property line. However, at some point, the Applicant constructed the stairs in the side setback without Building Permit approval. To address the Building Department’s concerns, the Applicant eventually recorded an Access Agreement Easement for the stairs with the King’s Crown Condominium Owners Association. However, the stairs in the side setback are approximately 47 inches above Final Grade, and therefore, do not comply with LMC [Section 15-2.16-3\(H\)](#).



The Existing stairs, measured approximately 47" above Final Grade.

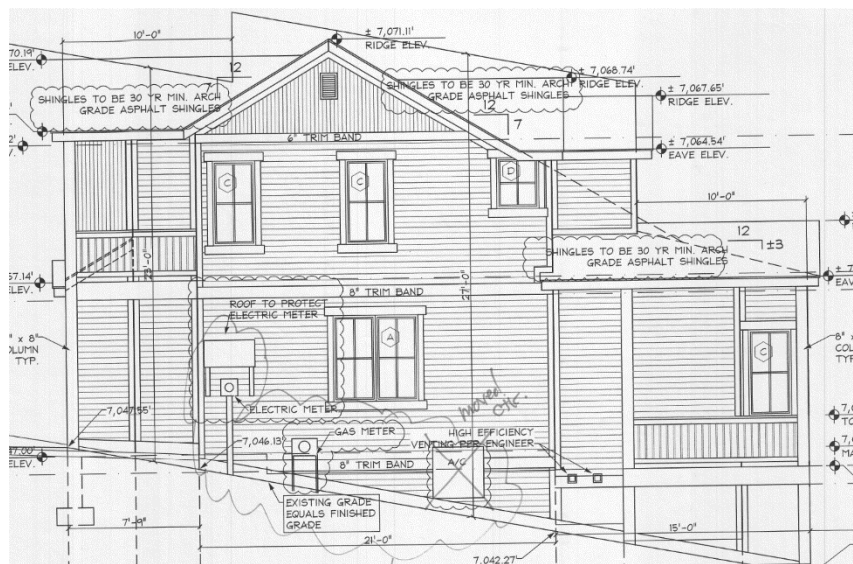
On December 26, 2023, the Applicant submitted an HDDR Pre-Application to enclose a deck area to expand the Building Footprint, which would be accessed by these non-compliant stairs. On February 13, 2024, the Planning Department issued the Applicant a memo outlining the proposal’s non-compliance with the LMC. The Applicant provided a response to the memo (see Exhibit D) and on May 2, 2024, applied for an HDDR Modification.

1234 Rothwell Drive is an existing SFD located on a Lot that slopes down towards the rear of the property. The property is accessed from Rothwell Road within the King's Crown Master Planned Development and is Lot 12 of the King's Crown Subdivision, highlighted on the Summit County Parcel Viewer below:



1126 Woodside from the Summit County Parcel Viewer website

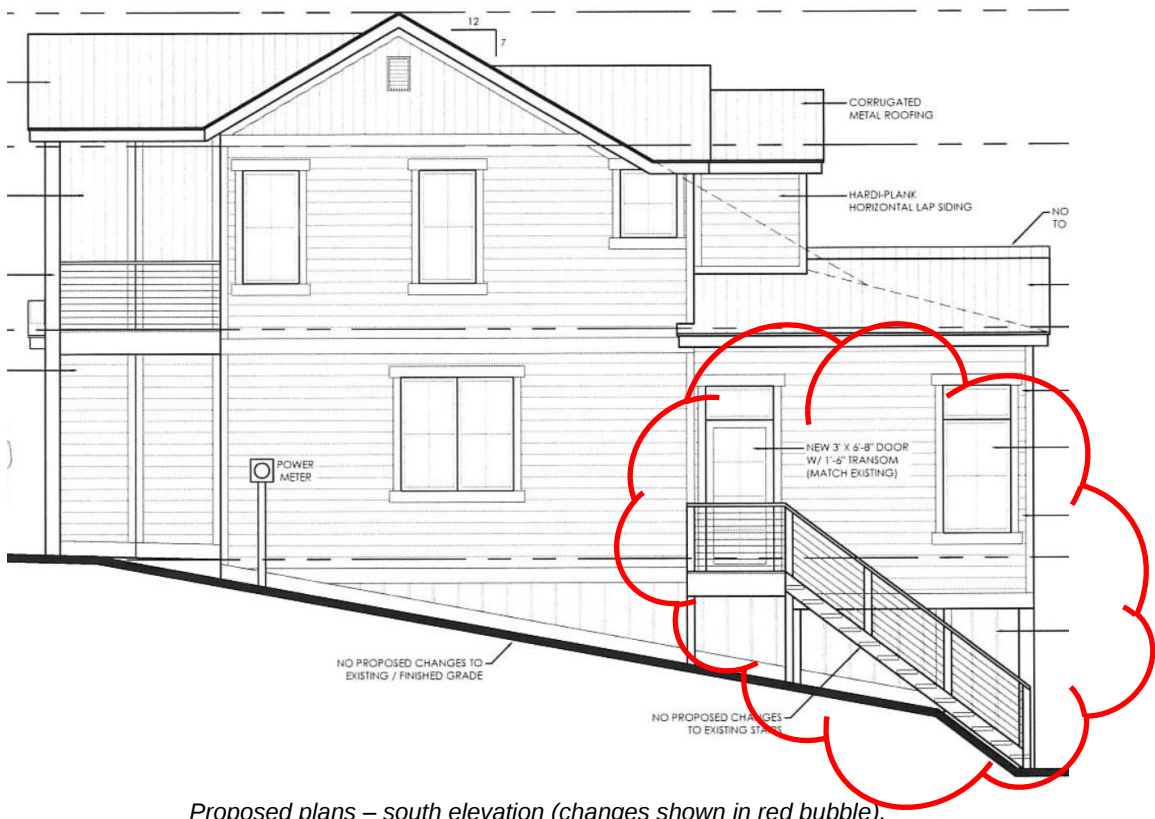
Approved plans – west elevation



Approved plans – south elevation



Existing plans – south elevation.



Proposed plans – south elevation (changes shown in red bubble).



Approved plans – south elevation.



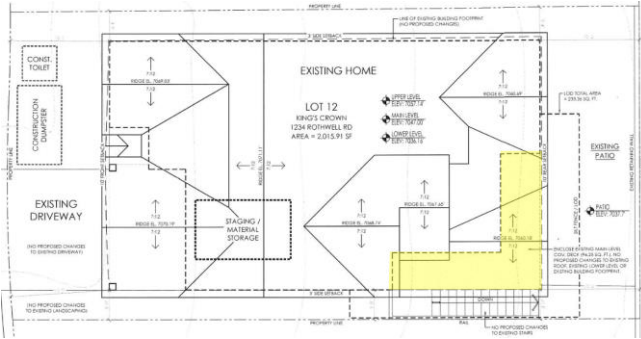
Existing plans – south elevation.



Proposed plans – south elevation (changes shown in red bubble).

(I) The proposed addition does not comply with the Recreation Commercial Zoning District requirements outlined in LMC Chapter 15-2.16.

LMC [§ 15-2.16-5](#) outlines Lot and Site requirements for SFDs in the RC Zoning District, shown in the table below:

Requirement	Analysis of Proposal
Maximum Building Footprint² – 900 square feet Existing Footprint – 896 square feet	Does not comply: 992.25 square feet The proposed 96.25-square-foot addition encloses in the existing deck space. Pursuant to LMC § 15-2.16-5(C)(1), “Upper level deck areas are not included in the Building Footprint.” Enclosing this area would exceed the allowable maximum Building Footprint for a Lot of this size in the RC Zoning District. Additionally, LMC § 15-15-1 defines <i>Building Footprint</i> as, “[t]he total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.” The deck, as existing, does not count toward the Building Footprint. Enclosing the 96.25-square-foot deck counts towards the Building Footprint, and exceeds the allowed Building Footprint by 92.25 square feet. 

² MAXIMUM FP = (A/2) x 0.9^{A/1875} where FP = maximum Building Footprint and A = Lot Area

(II) The Development Review Committee reviewed the proposal on May 21, 2024.³

Department Review

The Planning Department reviewed this report.

Notice

Staff published notice on the City's website and posted notice to the property on May 30, 2024. Staff mailed courtesy notice to property owners within 100 feet on May 30, 2024.⁴ However, the first scheduled public hearing on June 13, 2024, was continued to a later date. Staff re-noticed the City's website and posted notice to the property on July 23, 2024. Staff re-mailed courtesy notice to property owners within 100 feet on July 23, 2024.⁵

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Director may deny the HDDR Modification.
- The Planning Director may approve the HDDR Modification and direct staff to make Findings for the approval.
- The Planning Director may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Proposed Plans

Exhibit C: February 13, 2024 Planning Department Memo

Exhibit D: March 7, 2024 Applicant's Response to Memo

³ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

⁴ LMC [§ 15-1-21](#)

⁵ LMC [§ 15-1-21](#)



Planning Department

August 22, 2024

Christopher Tancill

CC: Charles Pearlman

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 1234 Rothwell Avenue

Zoning District: Recreation Commercial

Application: Historic District Design Review Modification

Project Number: PL-24-06112

Action: DENIED

Date of Final Action: August 22, 2024

Project Summary: The Applicant proposes enclosing a deck area to expand the Building Footprint.

Action Taken

On August 22, 2024, the Planning Director conducted a public hearing and denied the Historic District Design Review Modification according to the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. 1234 Rothwell Road is part of the King's Crown Master Planned Development and is Lot 12 of the King's Crown Re-Subdivision.
2. 1234 Rothwell Road is in the Recreation Commercial (RC) Zoning District.
3. On May 15, 2019, the Planning Department approved a Historic District Design Review (HDDR) for a Single-Family Dwelling on the site.
4. The City issued Building Permit BD-19-26965 for the construction of the Single-Family Dwelling.
5. On November 4, 2021, the Applicant proposed modifications during construction and applied for Building Permit PLAN21-1490 to construct stairs in the side



Planning Department

setback. The Planning Department approved the plans with the condition that the stairs must be less than 30 inches above Final Grade in accordance with Land Management Code (LMC) Section 15-2.16-3(H).

6. The Building Department did not approve PLAN21-1490 because the proposed stairs did not comply with the International Residential Code for fire separation distance to the property line.
7. However, at some point, the Applicant constructed the stairs in the side setback without Building Permit approval.
8. To address the Building Department's concerns, the Applicant eventually recorded an Access Agreement Easement for the stairs with the King's Crown Condominium Owners Association. However, the stairs in the side setback are approximately 47 inches above Final Grade, and therefore, do not comply with LMC Section 15-2.16-3(H).
9. On December 26, 2023, the Applicant submitted an HDDR Pre-Application to enclose a deck area to expand the Building Footprint, which would be accessed by these non-compliant stairs.
10. The enclosure of the deck area increases the Building Footprint by 96.25 square feet.
11. The maximum Building Footprint in the RC Zoning District for a Lot that is 2015.91 square feet is 900 square feet.
 - a. The existing Building Footprint is 896 square feet.
 - b. The proposed deck enclosure increases the Building Footprint by 96.25 square feet and would increase the total Building Footprint to 992.25 square feet.
 - c. The proposed addition exceeds the maximum Building Footprint for this Lot and does not comply with Land Management Code Section 15-2.16-5(D).
12. Staff published notice on the City's website and posted notice to the property on May 30, 2024. Staff mailed courtesy notice to property owners within 100 feet and posted notice to the property on May 30, 2024. The June 13, 2024 public hearing was continued to a date uncertain.
13. Staff re-noticed the City's website and posted notice to the property on July 23, 2024. Staff re-mailed courtesy notice to property owners within 100 feet on July 23, 2024.



Planning Department

Conclusions of Law

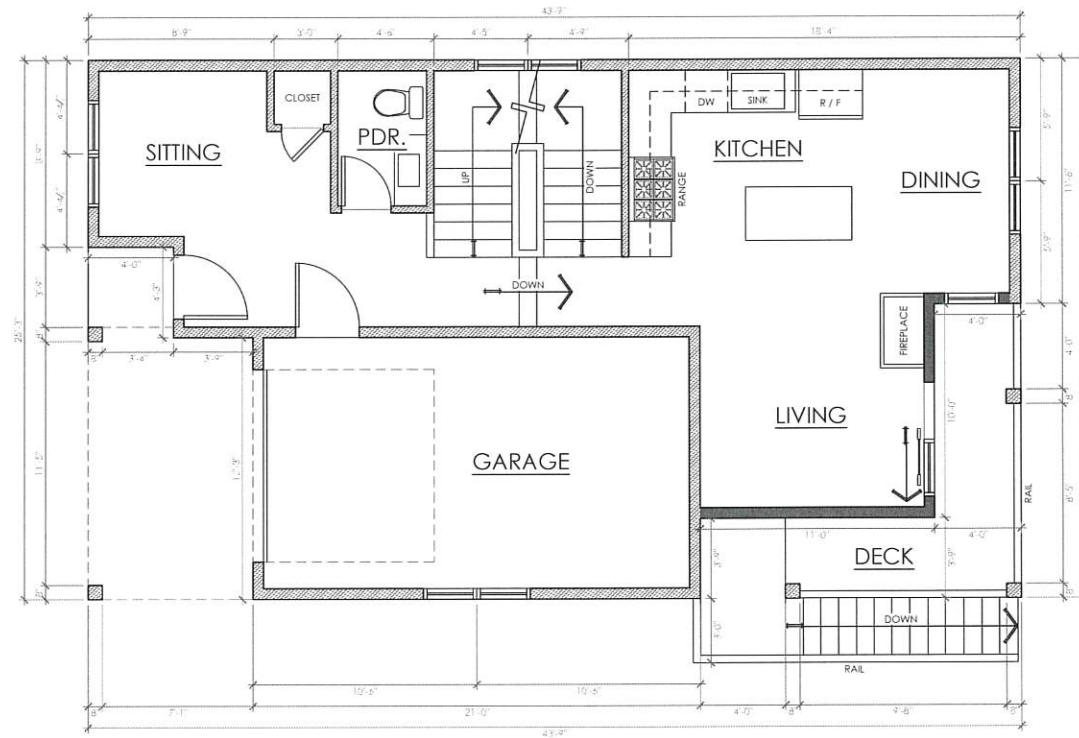
1. The proposal to enclose the deck area and increase the Building Footprint by 96.25 square feet does not comply with LMC Section 15-2.16-5(D).

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5068 or email lillian.zollinger@parkcity.org.

Sincerely,

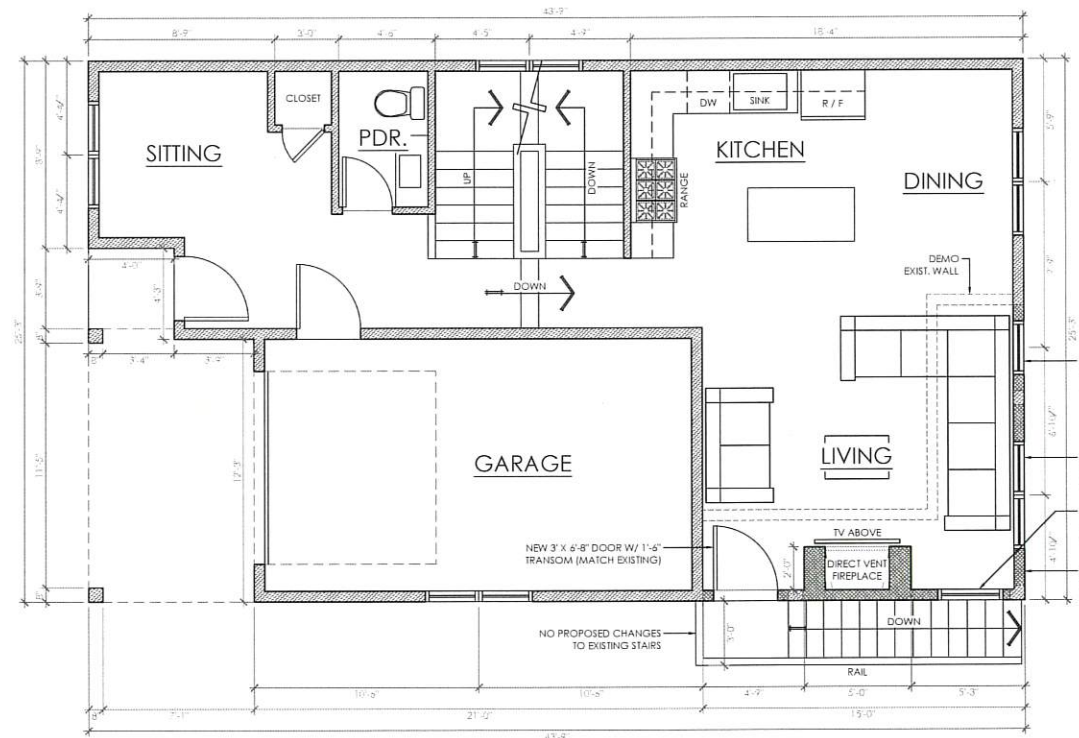
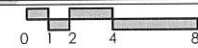
Rebecca Ward,
Planning Director

CC: Lillian Zollinger, Planner III



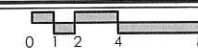
EXISTING MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"
MAIN LEVEL: 643.5 SQ.FT.
GARAGE: 253 SQ.FT.



PROPOSED MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"
MAIN EXISTING: 643.5 SQ.FT.
MAIN ADDITION: 96.25 SQ.FT.



AN ADDITION FOR THE:
**TANCILL
RESIDENCE**
PARK CITY, UTAH
1234 ROTHWELL ROAD

THE DESIGN, PLANS, CONCEPTS, DETAILS, FLOOR PLANS, AND ELEVATIONS CONTAINED IN THESE DRAWINGS ARE THE PROPERTY OF THE ARCHITECT. NO PART OF THESE DRAWINGS SHALL BE COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. ANY WORK OR PROJECT OF ANY OTHER PERSON FOR WHICH THESE DRAWINGS ARE USED, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT, SHALL BE AT THE USER'S RISK. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY, OR FOR ANY CONSEQUENCES OF ANY USE OF THESE DRAWINGS, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT SHOWN ON THESE DRAWINGS.

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CONTRACTOR:
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CELL: (435) 200-1436
matt@rcococonstruction@gmail.com

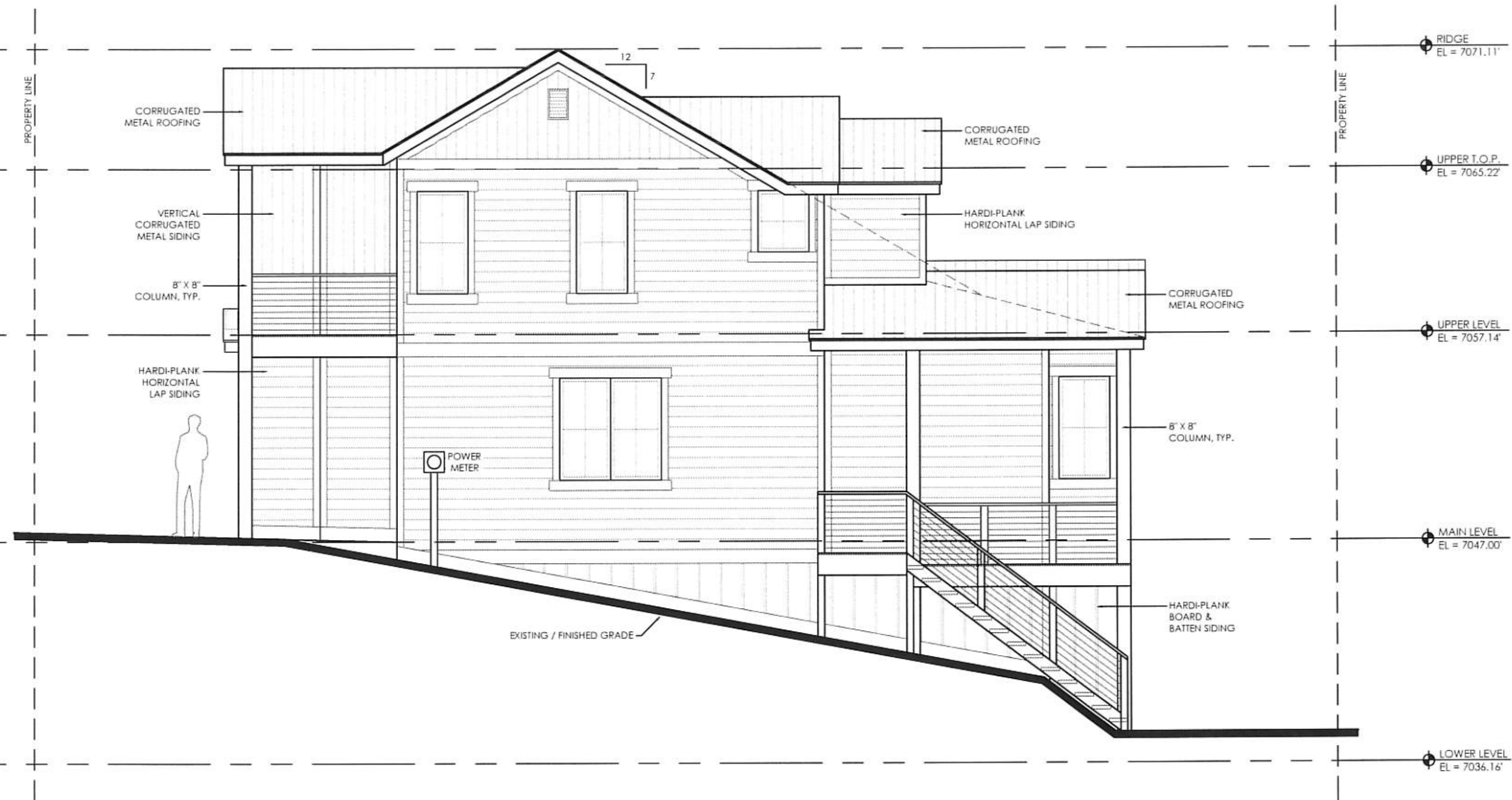
OWNER:
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VERONA, WI 53593
CHRIS: (608) 252-7503
christopher.tancill@rcoc.com
jill@tancill.com

DECEMBER 18, 2023
REVISIONS

A2.1



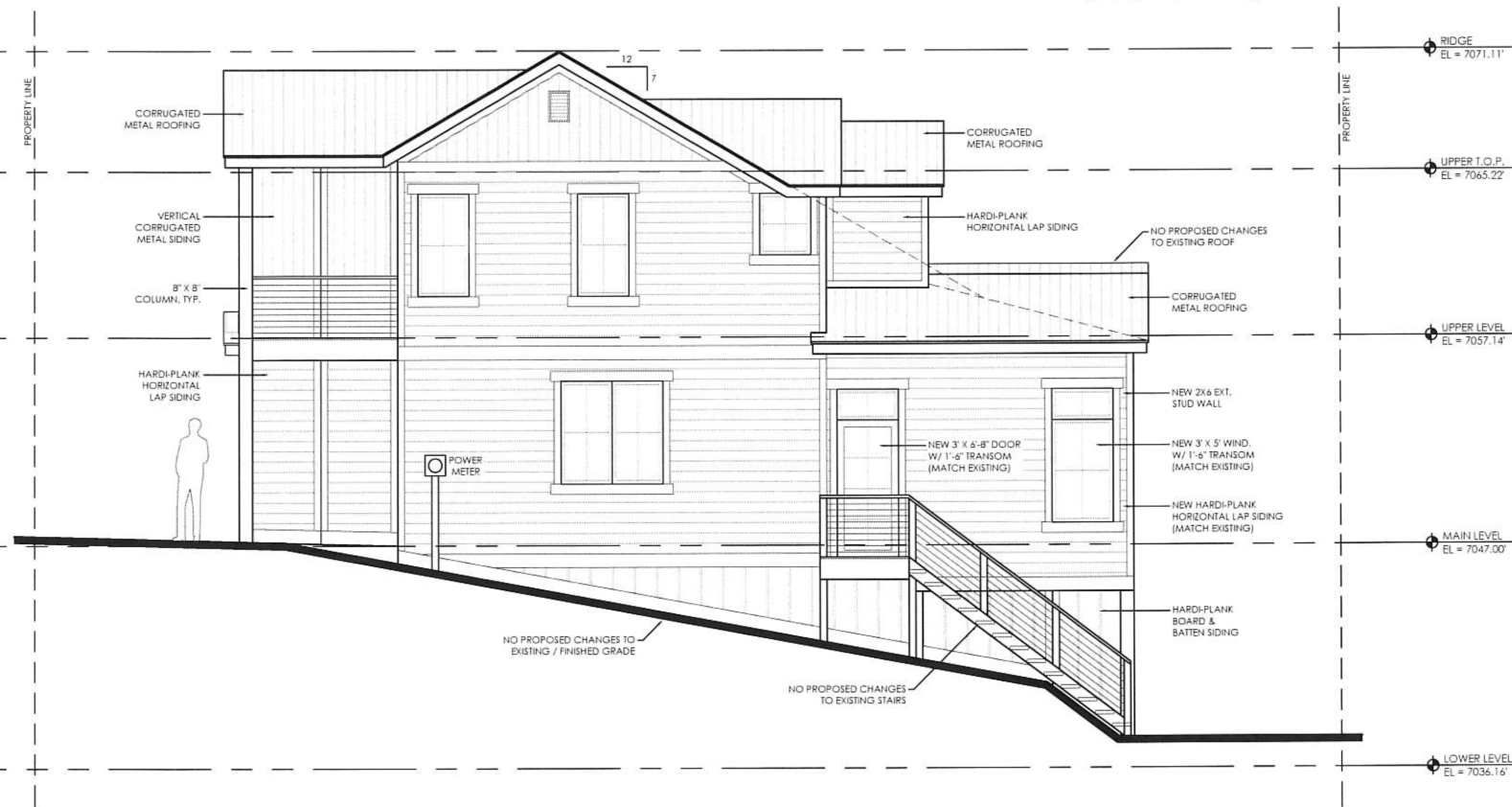
A EXISTING EAST ELEVATION
SCALE: 1/4" = 1'-0"



B EXISTING SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



C PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"



D PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

AN ADDITION FOR THE:
**TANCILL
RESIDENCE**
1234 ROTHWELL ROAD
PARK CITY, UTAH

THE DESIGN, DRAW, CONCEPTS, DETAILS, ELEVATIONS, AND
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WHETHER THEY HAVE BEEN PREPARED, WITHOUT THE EXPRESS
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DRAWINGS, AND SHALL BE THE PROPERTY OF THE ARCHITECT.
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tancillj5@hotmail.com

DECEMBER 18, 2023
REVISIONS

A3.1

Memo

Subject: 1234 Rothwell Road
Application: PL-23-05995
Author: Virgil Lund
Date: February 13, 2024
Type of Item: HDDR-Pre



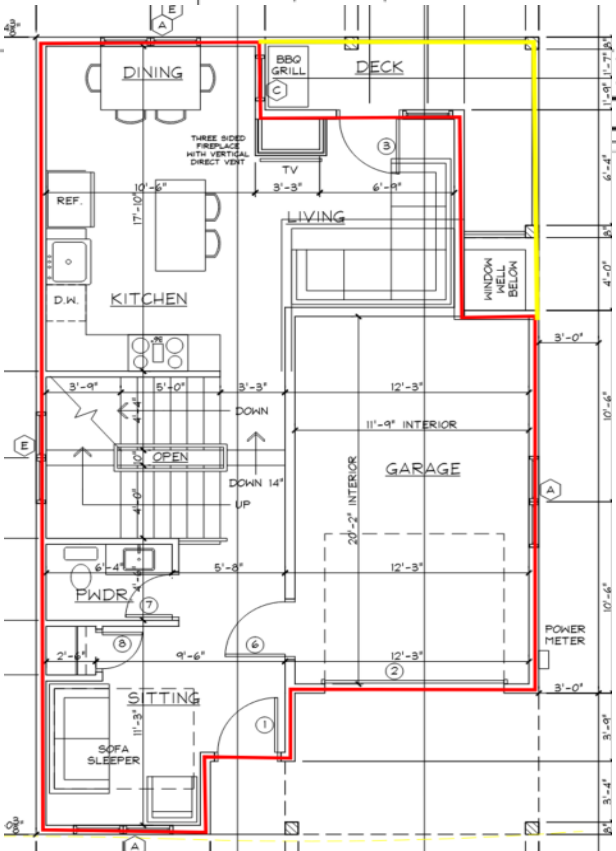
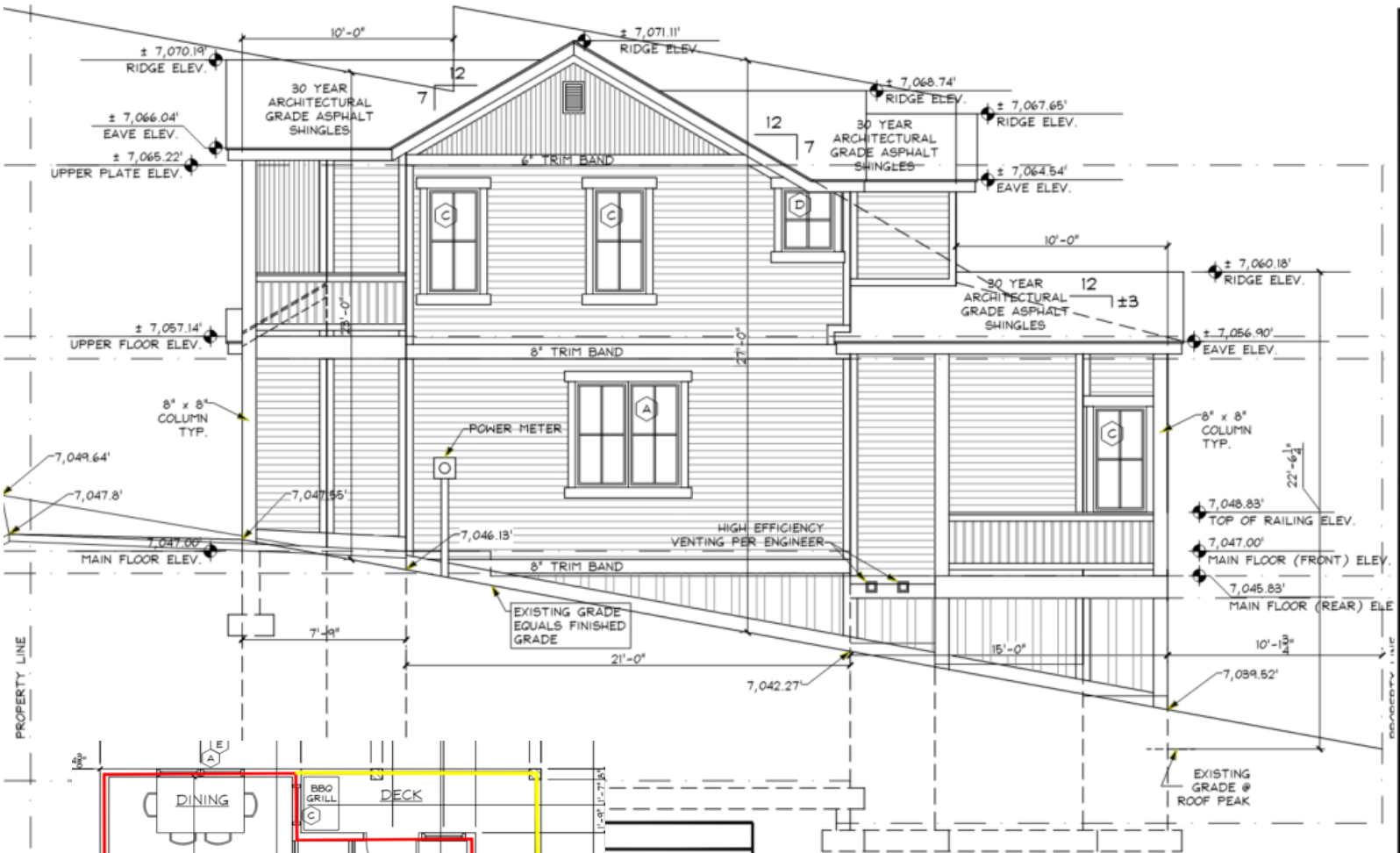
Summary

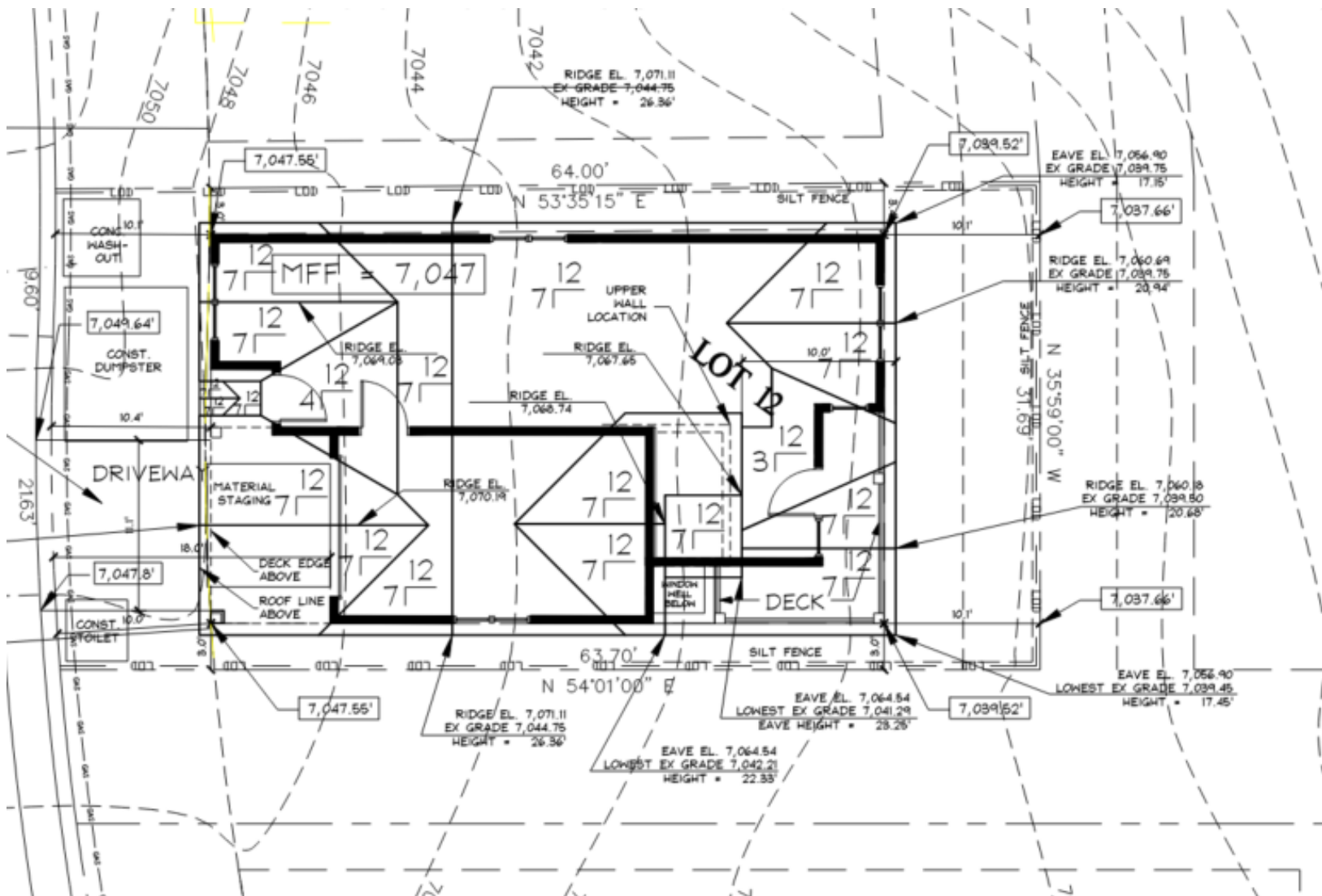
The Applicant proposes to enclose the existing main level deck, to create a larger interior family room. The existing Building Footprint is calculated at 896 square feet, as shown as Finding of Fact #10 from the HDDR Final Action Letter dated May 14, 2019 (PL-18-03952).

Building Footprint is defined in the LMC: "The total Area of the foundation of the Structure, or **the furthest exterior wall of the Structure projected to Natural Grade**, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, **enlarged or incorporated into the Main Building.**"

Per the definition above, the existing deck at 1234 Rothwell is not calculated as part of the Building Footprint. Enclosing the deck and **expanding the exterior wall of the home incorporates the deck into the Main Building**, and thus would now be calculated into the Building Footprint.

Enclosing the deck will add 96.25 square feet to the Building Footprint, for a total Building Footprint square footage of 992.25 square feet. The Lot has a maximum Building Footprint of 900 square feet; therefore a Variance needs to be approved by the BOA for the Applicant to enclose the deck and exceed the maximum allowable building footprint square footage.





March 7, 2024

VIA EMAIL

Park City Planning Department
Virgil Lund, Planner I
virgil.lund@parkcity.org
PO Box 1480
Park City, Utah 84060

Re: 1234 Rothwell Road

Dear Virgil:

This firm represents Christopher W. Tancill and his company HT Kings Crown, LLC—the owner of 1234 Rothwell Road (Parcel No. KCRS-12) in the Kings Crown Subdivision. As you are aware, Mr. Tancill is seeking to enclose the rear deck on his home. In your February 16, 2024 correspondence with Mr. Tancill you stated that you are unable to approve the enclosure of the deck without Mr. Tancill first attaining a variance from the Board of Adjustment. Your assertion, however, relied on an incorrect application of LMC § 15-1-3. Further, your application of the LMC to 1234 Rothwell Road, while applying a different standard to neighboring properties, violates the Utah Municipal Land Use, Development, and Management Act (LUDMA).

First, LMC § 15-1-3 does not apply to the definition of “Building Footprint” in LMC § 15-15-1. LMC § 15-1-3 reads:

The provisions of the LMC are in addition to all other City ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. The LMC shall not supersede any private land Use regulations in deeds or covenants, which are more restrictive than the LMC. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.

Your February 16 correspondence used one sentence from this Section, out of context, to justify why you have chosen to apply one of two methods of measuring building footprint. This sentence (“Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law.”), however, must be viewed through the context of the paragraph it is in. This sentence means that when other City ordinances, Utah law, Federal Law, or private law are stricter than the LMC, those stricter rules apply. Likewise, when the LMC is stricter than what is provided in those other

sources of law, the stricter rule for the LMC applies. That one sentence cannot, however, have been intended to be pulled out of this context to be used as an interpretive tool for the LMC itself. If this provision had been intended to be a separate provision independent of the rest of the paragraph, it would have been separated. If it had been intended to govern internal LMC conflicts, it would address that. It does not. The reference to “other City ordinances” is a remnant from the time the LMC was not codified the Municipal Code of Park City. Prior to 2000, the LMC was codified separately from the rest of the Municipal Code. This entire Section has remained unchanged since before the LMC was recodified as part of the Municipal Code. When written, the reference to “other City ordinances” meant conflicts with the Municipal Code not internal conflicts within the LMC itself. This Section cannot be properly applied to mean that when there are two conflicting provisions within the LMC itself, the stricter rule should be applied.

Even if the above Section is taken to mean that the stricter of two conflicting provisions within the LMC is the applicable one, it still should not be applied here because this issue involves two options within the same provision rather than two conflicting provisions. Assuming, arguendo, that the sentence discussed above can be taken out of context and applied to the LMC internally, it requires two separate provisions that conflict with each other. For example, if LMC § 15-X-X(a) said “Building footprint shall be the measured by the total area of the foundation of the structure.” and LMC § 15-X-X(b) said “Building footprint shall be the total area of the furthest exterior wall of the Structure projected to Natural Grade” then there would be a conflict between the two provisions. Instead, we have:

BUILDING FOOTPRINT. The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.

The use of the word “or” is key here. Rather than being in conflict, this word choice renders these two methods as equally applicable options. The idea of “conflict” in LMC § 15-1-3 envisions two separate provisions that are irreconcilable. If both methods of measurement were separated and each said “shall,” there would be a conflict. By putting them together with the word “or” between them, they are not in conflict but rather working together to provide two options.

Further, had Council intended to require the method that results in the strictest limits on an applicant, they would have plainly said so instead of hiding it in the middle of a completely unrelated area of the LMC. There is nothing that has prevented Council from adding “whichever is smaller” to the above definition, and there is nothing preventing them from making this change going forward. For now, however, there is nothing in the code to justify reading the definition of Building Footprint to mean that the stricter of the two methods applies. Thus, Council has, through this definition, provided the Planning Department the choice between two different methods to measure building footprint without being bound to one or the other.

While Council has given the Planning Department discretion over which method to use, the choice here violates LUDMA. While the provision itself (i.e., the Building Footprint definition) and the choice it gives the Planning Department does not necessarily violate LUDMA as written, it is a violation of LUDMA as applied in this situation. LUDMA requires that land use regulations

be “uniform for each class or kind of buildings throughout each zoning district.”¹ Here, although the LMC gives the Planning Department two options, for this provision to comply with LUDMA it must be applied uniformly for the same category of buildings in the same zoning district. While the Planning Department had a choice of which to apply, once a choice was made it was obliged to stick with it. Despite this, Mr. Tancill’s single-family home is not receiving the same treatment as the two single-family homes on either side of him (Parcels No. KCRS-11 & KCRS-13) or one down the street (Parcel No. KCRS-18). While it is true that these lots are larger and allow for a larger building footprint, this alone cannot account for the size of the homes the City has permitted to be built on these lots. Mr. Tancill has been working with the original developers of the Kings Crown neighborhood on his deck enclosure project. From their knowledge of the other houses they built, they can attest that the houses on the parcels listed above were approved by the City based on the area of the foundation method for measuring building footprint and could not have been built in compliance with the method now being applied to Mr. Tancill’s property. In order to comply with LUDMA, the City must now apply the same method used for the neighboring parcels to Mr. Tancill’s property. Under the appropriate area of the foundation method, the home will remain in compliance with the building footprint requirement for the RC zoning district after the deck enclosure project.

We sincerely hope that you will reconsider the Planning Department’s approach to this issue. Mr. Tancill should be permitted to continue with this project without a variance from the Board of Adjustment.

If you have any questions, please call.

Very Truly Yours,
HOGGAN LEE HUTCHINSON



Justin J. Keys

¹ Utah Code § 10-9a-505(2).

Planning Department Staff Report



Subject: 9200 Marsac Avenue
Application: PL-24-06197
Author: Virgil Lund, Planner II
Date: August 22, 2024
Type of Item: Administrative Conditional Use Permit

Recommendation

(I) Review the proposed Temporary Improvement (Yurt) at 9200 Marsac Avenue, (II) conduct a public hearing, and (III) consider approving the Administrative Conditional Use Permit (ACUP) based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter (Exhibit A).

Description

Applicant: Hannah Tyler, Deer Valley Resort
Location: 9200 Marsac Avenue, Empire Day Lodge
Zoning District: Residential Development, Sensitive Land Overlay
Adjacent Land Uses: Ski Resort, Hotel
Reason for Review: Temporary Improvements (Yurts) require an ACUP in the Residential Development Zoning District.¹

ACUP Administrative Conditional Use Permit
LMC Land Management Code
MPD Master Planned Development
RD Residential Development
SLO Sensitive Land Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§ 15-15-1](#).

Summary

The Applicant proposes to install a Temporary Improvement (Yurt) adjacent to the Empire Canyon Lodge at 9200 Marsac Avenue. The Yurt will be installed for no longer than 180 days. The Yurt must be removed 180 days after Building Permit issuance, and all disturbed vegetation shall be replaced to existing or improved conditions. According to the Applicant's Narrative, "The intent of the Temporary Structure is to provide food and beverage service for our existing day-skier guests in support of the Empire Canyon Lodge operation. The hours of operation will be consistent with the resort operations and associated events that may occur at Empire Canyon Lodge as a part of our normal

¹ LMC [§ 15-2.13-2\(B\)](#)

business” (Exhibit C). The Yurt will be 706 square feet with an attached Deck that will be approximately 1,100 square feet.

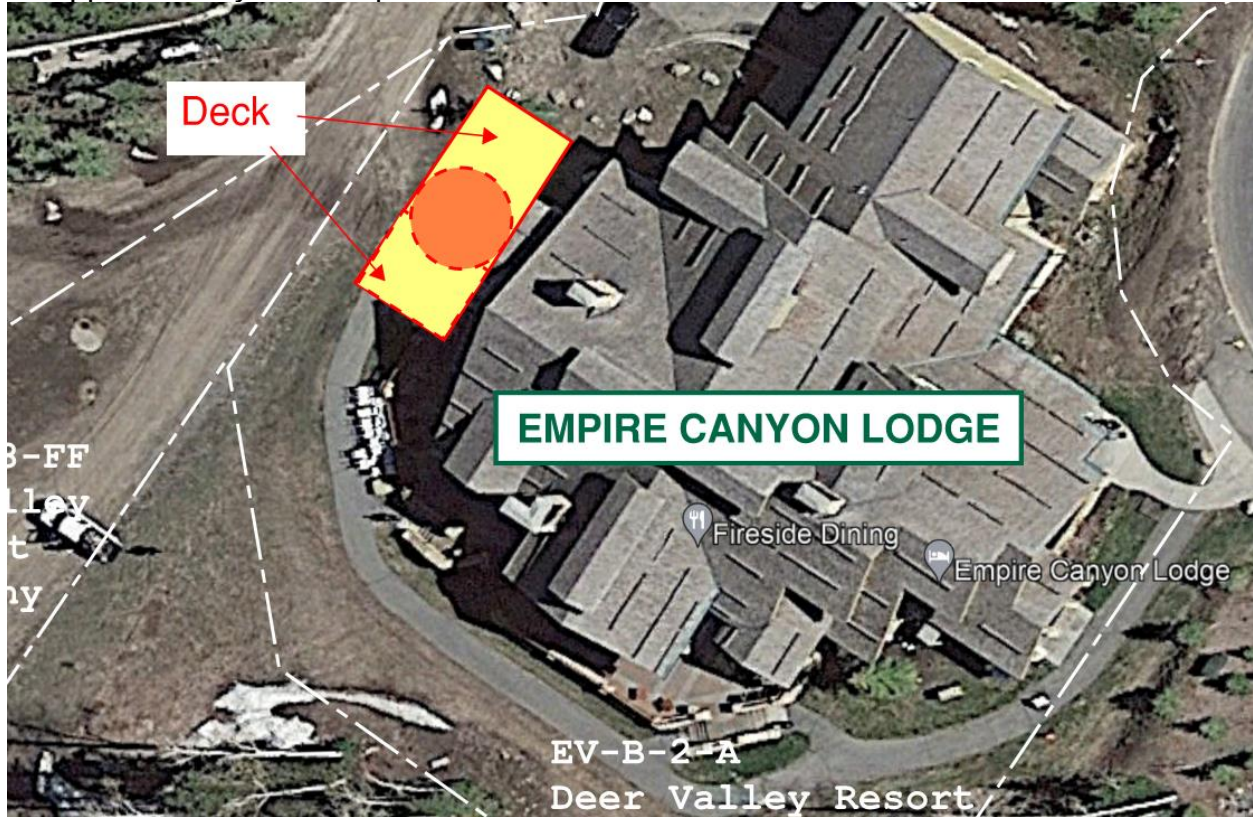


Figure 1: Proposed Site Plan



Figure 2: Proposed Location

LMC [§ 15-15-1](#) *Defined Terms* defines “Yurt” and “Temporary Structure”:

Yurt: A type of Temporary Structure that is a circular domed tent of membrane stretched over a collapsible lattice framework.

Temporary Structure: A standalone Structure, or a Structure that is partially affixed to an existing Building on a temporary basis not to exceed 180 days as set forth by the International Building Code.

The Yurt must be removed 180 days after Building Permit issuance. See Condition of Approval 8.

Background

9200 Marsac Avenue (Empire Canyon Lodge) is part of the Flagstaff Mountain Resort Large Scale Master Planned Development and Pod B2 West of the Empire Pass Master Planned Development. On May 23, 2004, the Plat for the Empire Canyon Lodge, Parcel B2 of the Empire Village Subdivision, was recorded with Summit County (Summit County Recorder Entry No. 814178) and created a 1.57-acre Lot for the Empire Canyon

Lodge. The Lot created density for 4.71 Units. The existing Empire Canyon Lodge is one Unit, and the proposed Yurt will add an additional Unit to the Lot. The Empire Canyon Lodge is a 20,000-square-foot lodge on the upper mountain of Deer Valley Resort with a restaurant and conference rooms.

Analysis

(I) The proposed Yurt complies with the Residential Development Zoning District Requirements outlined in LMC Chapter 15-2.13.

9200 Marsac Avenue is in the Residential Development (RD) Zoning District. The table below outlines the Lot and Site Requirements for the RD Zoning District:²

Requirement	Analysis of Proposal
Setbacks: Front Setback: 20 Feet Side Setback: 12 Feet Rear Setback: 15 Feet	Complies: The proposed Yurt and Deck will be approximately 30 feet from the Front Lot Line, 15 feet from the Side Lot Line, and 45 feet from the Rear Lot Line.
Building Height: Detached Accessory Structures must not exceed 18 feet in height from Final Grade	Complies: The proposed Yurt will be approximately 15.5 feet from Final Grade.

LMC [§ 15-2.13-10](#) requires the protection of Significant Vegetation.

According to the proposed plans and Figure Two above, the proposed Yurt and Decks will be installed in an area on the existing grass lawn and will not affect Significant Vegetation.

(II) The proposed Yurt complies with the Sensitive Land Overlay Requirements outlined in LMC Chapter 15-2.21.

The location of the proposed Yurt is located on Lot 1 of the Parcel B-2 Empire Village Subdivision, and within Pod B2 West of the Empire Pass Master Planned Development. As part of the Flagstaff Annexation, the Planning Commission created development Pods where development was allowed. These development pods were considered the least impactful to the surrounding sensitive lands, and the remaining acreage was left as Open Space. The proposed Yurt is located within Pod B2 West of the Development Pods and complies with the Sensitive Lands Analysis that was completed as part of the Flagstaff development. No Steep Slopes or wetlands will be disturbed.

² LMC [§ 15-2.13-3](#)

(III) The proposed Yurt complies with the Temporary Structures, Tents, and Vendors Requirements outlined in LMC Section 15-4-16.

The table below outlines the review criteria for Temporary Structures:³

Requirement	Analysis of Proposal
The Applicant shall provide written notice of the Property Owner's permission	Complies: The submitted application form is signed by Hannah Tyler, Vice President of Resort Planning for Deer Valley Resort.
The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.	Complies: There is no on-site parking for guests or users of the Empire Canyon Lodge. All employees currently use the provided Resort shuttle service, and the Yurt will be used by day-skiers already at the Resort. Condition of Approval 10 restricts the use of the Yurt to day-skiers. Private events and uses not associated with the restaurant uses already on site are prohibited.
The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.	Complies: The proposed Yurt will be located adjacent to the Walker Ski Run and will maintain an approximately 15-foot buffer from the Ski Run. On August 6, 2024, the Development Review Committee reviewed the proposal and confirmed the Yurt and Deck conforms to their requirements. The Park City Fire District requires the Applicant to resolve any emergency fire access issues prior to Building Permit issuance (Condition of Approval 9).
The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3	Complies: Condition of Approval 4 requires adherence to the Noise Ordinance outlined in municipal Code Chapter 6-3.
The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9	Complies: No Signs or Outdoor Lighting are proposed or approved with this Application, see Condition of Approval 4.
The Use shall not violate the Summit County Health Code,	Complies: See Condition of Approval 5.

³ LMC [§ 15-4-16\(B\)](#)

the Fire Code, or State Regulations on mass gathering.	
The Use shall not violate the International Building Code	Complies: Condition of Approval 6 requires the Applicant to submit a Building Permit for review and approval prior to installation of the Yurt and Deck.
The Applicant shall adhere to all applicable City and State licensing ordinances	Complies: See Condition of Approval 7.

(IV) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC [§ 15-1-10\(E\)](#).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Director shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Director may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

CUP Review Criteria	Analysis of Proposal
Size and location of the Site	Complies: The Empire Canyon lodge is on 1.57 acres and has a Building Footprint of approximately 20,000 square feet. The Yurt and Deck will result in an additional 1,000 square feet of built area on the site. The proposed additional built area is compliant with the Empire Pass Master Planned Development. The location of the proposed Yurt adjacent to the Walker Ski Run is convenient for day-skiers using the Resort. The proposed Deck will connect to the existing Empire Canyon Lodge exterior decks and will provide staff with access to the rear of the Yurt.
Traffic considerations including capacity of the existing Streets in the Area	Complies: The proposed Yurt will be used by existing day-skiers at Deer Valley Resort and will not increase

	traffic on the existing streets.
Utility capacity, including Storm Water run-off	Complies: The Development Review Committed reviewed the proposal on August 6, 2024 and confirmed the proposal conforms with their requirements.
Emergency vehicle Access	Complies: The Development Review Committed reviewed the proposal on August 6, 2024 and confirmed the proposal conforms with their requirements. The Park City Fire District requires the Applicant to resolve any emergency fire access issues prior to Building Permit issuance (Condition of Approval 9).
Location and amount of off-Street parking	Complies: There is no on-site parking for guests or users of the Empire Canyon Lodge. All employees currently use the provided Resort shuttle service and the lodge and Yurt will be used by day-skiers already at the Resort. Condition of Approval 10 restricts the use of the Yurt to day-skiers. Private events and uses not associated with the restaurant uses already on site are prohibited.
Internal vehicular and pedestrian circulation system	Complies: The proposed Yurt will be located adjacent to the Walker Ski Run and will not affect the pedestrian circulation system. Guests will be able to access the yurt via the front Deck, and staff will access the Yurt via the rear Deck connected to the Empire Canyon Lodge.
Fencing, Screening, and landscaping to separate the Use from adjoining Uses	Complies: Adjacent uses (ski resort and lodging) are compatible with the proposed Yurt, thus no Fencing, Screening, or Landscaping is proposed.
Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots	Complies: The proposed yurt will be oriented towards the existing ski base area and will be used by skiers on the resort. The proposed Yurt is appropriate in size and scale for the Site because it will not impede the existing Ski Run or pedestrian circulation system.
Useable Open Space	Complies: The original development of Pods A, B-1, and B-2 of the MPD were limited to 87 acres of Open Space, or 5% of the land area, with the rest of the land area (1,550 acres) dedicated as Open Space.

	The proposed Structure will not decrease the required amount of Open Space from the approved MPD.
Signs and Lighting	Complies: No Signs or Lighting are proposed with this Application.
Physical Design and Compatibility with Surrounding Structures	Complies: The proposed Yurt is appropriate in size, scale, and design for the intended use. The yurt will be approximately 706 square feet and constructed of a solid wood lattice wall surrounded by flame retardant vinyl/polyester fabric.
Noise, Vibration, Odors, Steam, or Other Mechanical Factors	Complies: No Signs, speakers, or Outdoor Lighting are proposed or approved with this Application.
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	Complies: The proposed location of the Yurt will not affect any loading or unloading zones. Condition of Approval 11 requires all trash and recycling to be located inside the Empire Canyon Lodge.
Expected Ownership and Management	Complies: The submitted application form is signed by Hannah Tyler, Vice President of Resort Planning for Deer Valley Resort.
Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	Complies: The location of the Yurt is not on or near Steep Slopes, Physical Mine Hazards, or Mine Waste, and is outside of the Park City Soils Ordinance. The proposed Yurt is located within Pod B2 West of the Development Pods and complies with the Sensitive Lands Analysis that was completed as part of the Flagstaff development.
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: The proposed Use of the Site is consistent with the objectives of the Upper Deer Valley Neighborhood in the General Plan, as it provides a comfortable visitor experience and supports the resort economy.

(V) The Development Review Committee reviewed the proposal on August 6,

2024, and requires Conditions of Approval.⁴

The Park City Fire District requires the Applicant to resolve any emergency fire access issues prior to Building Permit issuance (Condition of Approval 9).

Department Review

The Planning Department reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 12, 2024. Staff mailed courtesy notice to adjacent property owners on August 12, 2024.⁵

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Director may approve the Yurt at 9200 Marsac Avenue;
- The Planning Director may deny the Yurt at 9200 Marsac Avenue and direct staff to make Findings for the denial; or
- The Planning Director may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Proposed Plans

Exhibit C: Applicant's Narrative

⁴ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

⁵ LMC [§ 15-1-21](#)



Planning Department

August 22, 2024

Hannah Tyler
9200 Marsac Avenue

CC: Deer Valley Resort

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 9200 Marsac Avenue

Zoning District: Residential Development, Sensitive Land Overlay

Application: Administrative Conditional Use Permit

Project Number: PL-24-06197

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: August 22, 2024

Project Summary: The Applicant proposes to install a Temporary Improvement (Yurt) adjacent to the Empire Canyon Lodge at 9200 Marsac Avenue. The Yurt will be installed for no longer than 180 days

Action Taken

On August 22, 2024, the Planning Director conducted a public hearing and approved the installation of a Yurt for no longer than 180 days according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The Applicant proposes to install a Temporary Improvement (Yurt) adjacent to the Empire Canyon Lodge at 9200 Marsac Avenue. The Yurt will be installed for no longer than 180 days.
2. According to the Applicant's Narrative "The intent of the Temporary Structure is to provide food and beverage service for our existing day-skier guests in support of the Empire Canyon Lodge operation. The hours of operation will be consistent



Planning Department

with the resort operations and associated events that may occur at Empire Canyon Lodge as a part of our normal business.”

3. The Yurt will be 706 square feet with an attached Deck that will be approximately 1,100 square feet.
4. 9200 Marsac Avenue (Empire Canyon Lodge) is part of the Flagstaff Mountain Resort Large Scale Master Planned Development and Pod B2 West of the Empire Pass Master Planned Development.
5. 9200 Marsac Avenue (Empire Canyon Lodge) is part of the Flagstaff Mountain Resort Large Scale Master Planned Development and Pod B2 West of the Empire Pass Master Planned Development. On May 23, 2004, the Plat for the Empire Canyon Lodge, Parcel B2 of the Empire Village Subdivision, was recorded with Summit County (Summit County Recorder Entry No. 814178) and created a 1.57-acre Lot for the Empire Canyon Lodge. The Lot created density for 4.71 Units. The existing Empire Canyon Lodge is one Unit, and the proposed Yurt will add an additional Unit to the Lot. The Empire Canyon Lodge is a 20,000-square-foot lodge on the upper mountain of Deer Valley Resort with a restaurant and conference rooms.
6. The proposed Yurt complies with the Residential Development Zoning District Requirements outlined in LMC Chapter 15-2.13
 - a. Setbacks
 - i. The proposed Yurt and Deck will be approximately 30 feet from the Front Lot Line, 15 feet from the Side Lot Line, and 45 feet from the Rear Lot Line,
 - b. Building Height
 - i. The proposed Yurt will be approximately 15.5 feet from Final Grade
 - c. Significant Vegetation
 - i. According to the proposed plans and Figure Two above, the proposed Yurt and Decks will be installed in an area on the existing grass lawn and will not affect Significant Vegetation The proposed Yurt complies with the
7. Sensitive Land Overlay Requirements outlined in LMC Chapter 15-2.21
 - a. The location of the proposed Yurt is located on Lot 1 of the Parcel B-2 Empire Village Subdivision, and within Pod B2 West of the Empire Pass Master Planned Development. As part of the Flagstaff Annexation, the Planning Commission created development Pods where development was allowed. These development pods were considered the least impactful to



Planning Department

the surrounding sensitive lands, and the remaining acreage was left as Open Space. The proposed Yurt is located within Pod B2 West of the Development Pods and complies with the Sensitive Lands Analysis that was completed as part of the Flagstaff development. No Steep Slopes or Wetlands will be disturbed.

8. The proposed Yurt complies with the Temporary Structures, Tents, and Vendors Requirements outlined in LMC Section 15-4-16
 - a. The Applicant shall provide written notice of the Property Owner's permission
 - i. The submitted application form is signed by Hannah Tyler, Vice President of Resort Planning for Deer Valley Resort.
 - b. The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.
 - i. There is no on-site parking for guests or users of the Empire Canyon Lodge. All employees currently use the provided Resort shuttle service and The lodge and Yurt will be used by day-skiers already at the Resort.
 - c. The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.
 - i. The proposed Yurt will be located adjacent to the Walker Ski Run and will maintain an approximately 15-foot buffer from the Ski Run. On August 6, 2024, the Development Review Committee reviewed the proposal and confirmed the Yurt and Deck conforms to their requirements. The Park City Fire District requires the Applicant to resolve any emergency fire access issues prior to Building Permit issuance.
 - d. The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3
 - i. Condition of Approval 4 requires adherence to the Noise Ordinance found in municipal Code Chapter 6-3.
 - e. The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9.
 - i. No Signs or Outdoor Lighting are proposed or approved with this Application.



Planning Department

- f. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering
 - g. The Use shall not violate the International Building Code
 - h. The Applicant shall adhere to all applicable City and State licensing ordinances
- 9. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).
 - a. Size and location of the Site
 - i. The Empire Canyon lodge is on 1.57 acres and has a Building Footprint of approximately 20,000 square feet. The Yurt and Deck will result in an additional 1,000 square feet of built area on the site. The proposed additional built area is compliant with the Empire Pass Master Planned Development. The location of the proposed Yurt adjacent to the Walker Ski Run is convenient for day-skiers using the Resort. The proposed Deck will connect to the existing Empire Canyon Lodge exterior decks and will provide staff with access to the rear of the Yurt.
 - b. Traffic considerations including capacity of the existing Streets in the Area
 - i. The proposed Yurt will be used by existing day-skiers at Deer Valley Resort and will not increase traffic on the existing streets.
 - c. Utility capacity, including Storm Water run-off
 - i. The Development Review Committed reviewed the proposal on August 6, 2024 and confirmed the proposal conforms with their requirements.
 - d. Emergency vehicle Access
 - i. The Development Review Committed reviewed the proposal on August 6, 2024 and confirmed the proposal conforms with their requirements. The Park City Fire District requires the Applicant to resolve any emergency fire access issues prior to Building Permit issuance.
 - e. Location and amount of off-Street parking
 - i. There is no on-site parking for guests or users of the Empire Canyon Lodge. All employees currently use the provided Resort shuttle service and the lodge and Yurt will be used by day-skiers already at the Resort.
 - f. Internal vehicular and pedestrian circulation system



Planning Department

- i. The proposed Yurt will be located adjacent to the Walker Ski Run and will not affect the pedestrian circulation system. Guests will be able to access the yurt via the front Deck, and staff will access the Yurt via the rear Deck connected to the Empire Canyon Lodge.
- g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses
 - i. Adjacent uses (ski resort and lodging) are compatible with the proposed Yurt, thus no Fencing, Screening, or Landscaping is proposed.
- h. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots
 - i. The proposed yurt will be oriented towards the existing ski base area and will be used by skiers on the resort. The proposed Yurt is appropriate in size and scale for the Site because it will not impede the existing Ski Run or pedestrian circulation system.
- i. Useable Open Space
 - i. The original development of Pods A, B-1, and B-2 of the MPD were limited to 87 acres of Open Space, or 5% of the land area, with the rest of the land area (1,550 acres) dedicated as Open Space. The proposed Structure will not decrease the required amount of Open Space from the approved MPD.
- j. Signs and Lighting
 - i. No Signs or Lighting are proposed with this Application.
- k. Physical Design and Compatibility with Surrounding Structures
 - i. The proposed Yurt is appropriate in size, scale, and design for the intended use. The yurt will be approximately 706 square feet and constructed of a solid wood lattice wall surrounded by flame retardant vinyl/polyester fabric.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors
 - i. No Signs, speakers, or Outdoor Lighting are proposed or approved with this Application.
- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas
 - i. The proposed location of the Yurt will not affect any loading or unloading zones, and all trash and recycling will be located inside the Empire Canyon Lodge.



Planning Department

- n. Expected Ownership and Management
 - i. The submitted application form is signed by Hannah Tyler, Vice President of Resort Planning for Deer Valley Resort.
 - o. Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site
 - i. The location of the yurt is not on or near Steep Slopes, Physical Mine Hazards, or Mine Waste, and is outside of the Park City Soils Ordinance. The proposed Yurt is located within Pod B2 West of the Development Pods and complies with the Sensitive Lands Analysis that was completed as part of the Flagstaff development
 - p. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan
 - i. The proposed Use of the Site is consistent with the objectives of the Upper Deer Valley Neighborhood in the General Plan, as it provides a comfortable visitor experience and supports the resort economy.
10. The Development Review Committee reviewed the proposal on August 6, 2024 and does require Conditions of Approval. The Park City Fire District requires the Applicant to resolve any emergency fire access issues prior to Building Permit issuance.
11. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 12, 2024.
12. Staff mailed courtesy notice to adjacent property owners on August 12, 2024.

Conclusions of Law

- 1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.13 Residential Development Zoning District, Chapter 15-2.21 Sensitive Land Overlay Regulations, Section 15-4-16 Regulations for Temporary Structures, Tents, and Vendors, and Section 15-1-10(E) Conditional Use Permits.
- 2. The Use will be compatible with surrounding Structures in use, scale, mass, and circulation.
- 3. The effects of any difference in use or scale have been mitigated through careful planning.



Planning Department

Conditions of Approval

1. Any changes, modifications, or deviations from the approved plans that have not been approved in advance by the Planning Department 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 is required to adhere to the Noise Ordinance outlined in municipal Code Chapter 6-3. No outdoor speakers or Outdoor Lighting are approved.
5. The Yurt shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.
6. the Applicant shall submit a Building Permit for review and approval prior to installation of the Yurt and Deck.
7. The Applicant shall adhere to all applicable City and State licensing ordinances.
8. The Yurt must be removed 180 days after Building Permit issuance, and all disturbed vegetation shall be replaced to existing or improved conditions.
9. The Park City Fire District requires the Applicant to resolve any emergency fire access issues prior to Building Permit issuance.
10. The Use of the Yurt is restricted to day-skiers. Private events and uses not associated with the restaurant uses already on Site are prohibited.
11. All trash and recycling must be located inside the Empire Canyon Lodge.

If you have questions or concerns regarding this Final Action Letter, please call 385-481-2036 or email virgil.lund@parkcity.org

Sincerely,

Rebecca Ward
Planning Director

CC: Virgil Lund

Empire Canyon Lodge Yurt Location

Legend:

Yurt:



Deck:



Front Door:



~ Property
Lines: - - - -

EMPIRE CANYON LODGE

PCA-S-98-FF
Deer Valley
Resort
Company

EV-B-2-A
Deer Valley Resort
Company

PCA-S-98-C
Deer Valley Resort Company

Fireside Dining

Empire Canyon Lodge

Sommet Blanc Sales Gallery

9175

Ruby Express

Assumptions:

Yurt Diameter: 30'

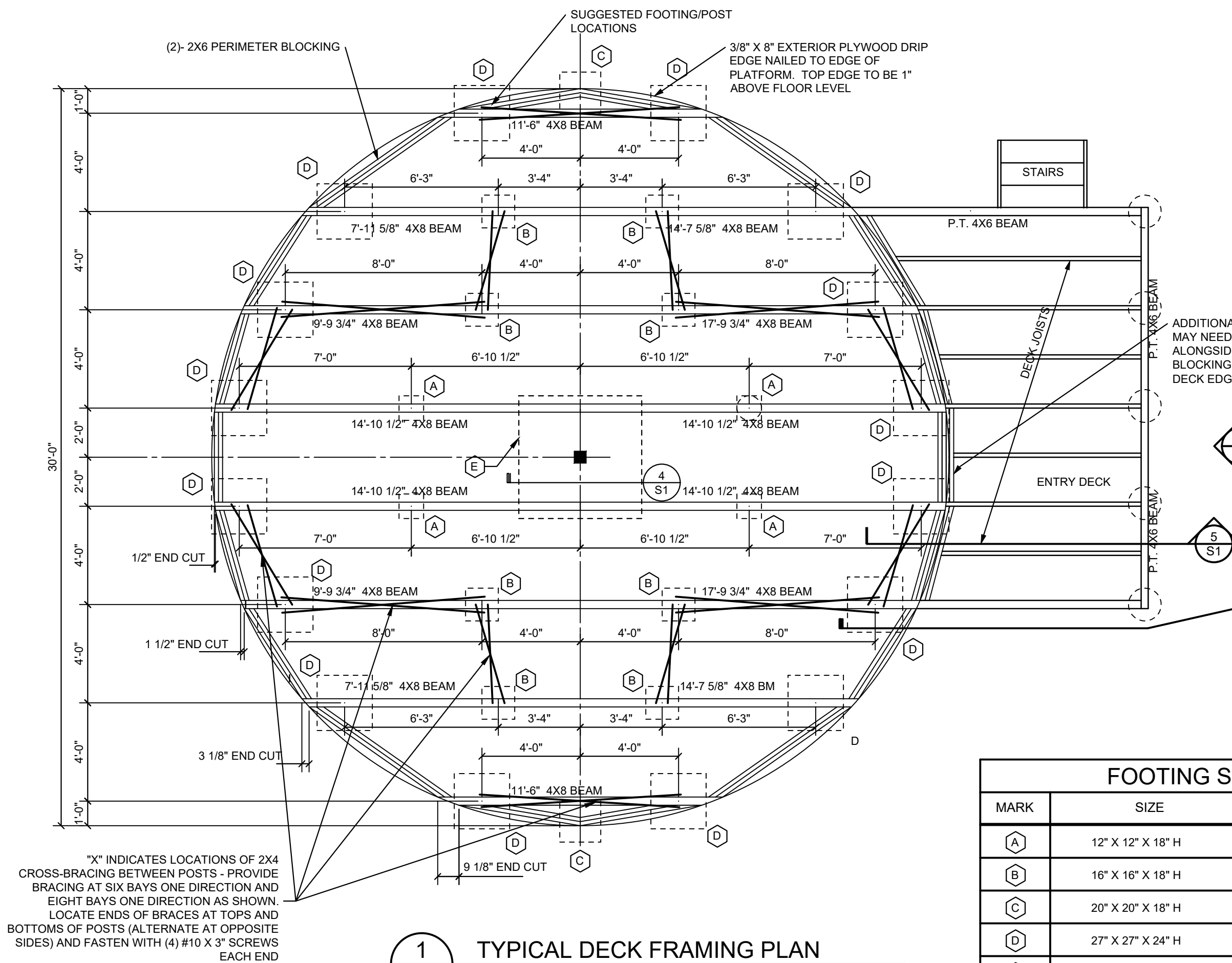
Yurt Height: 14'2"

Exterior Decking Area: 300 s.f.

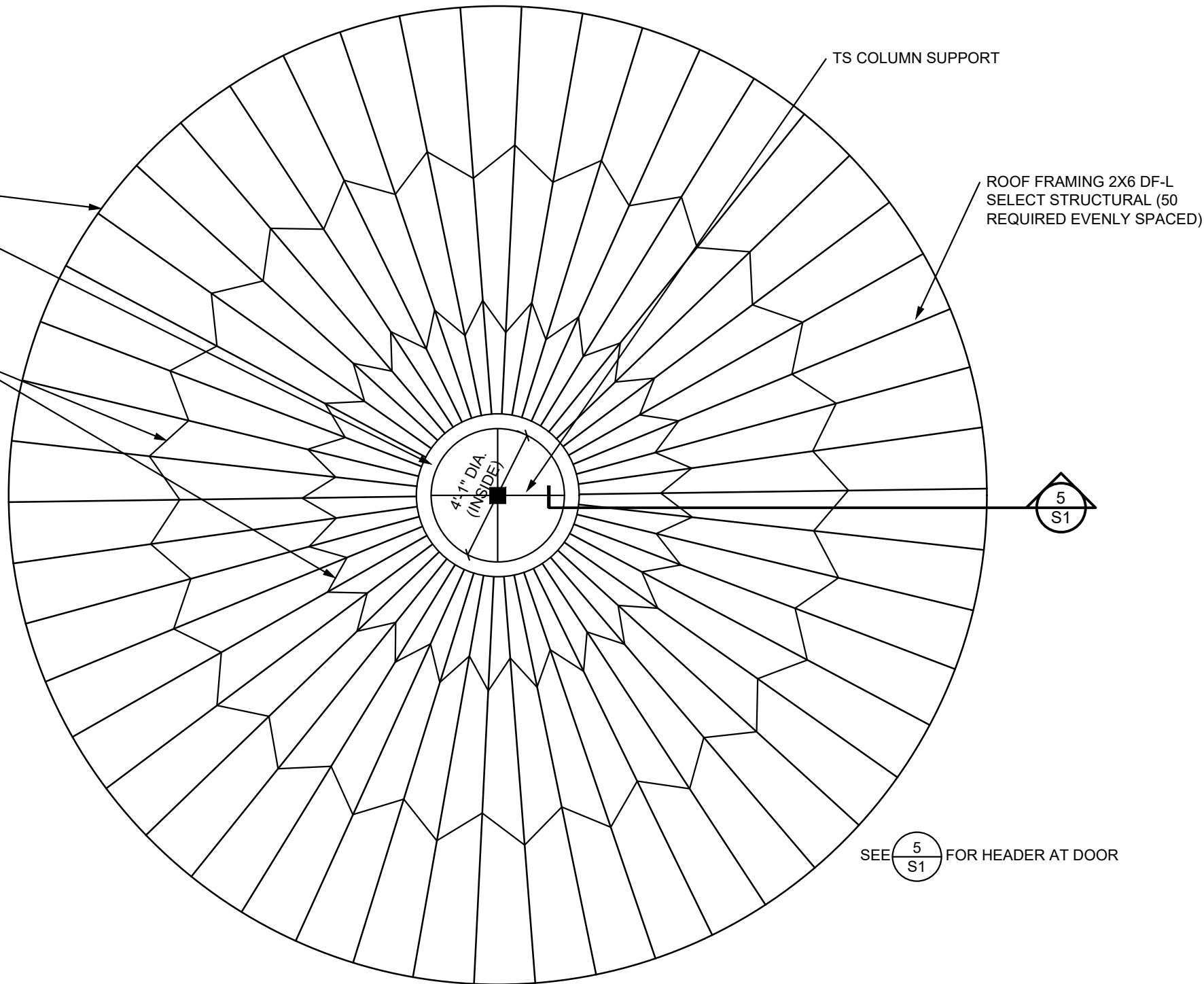
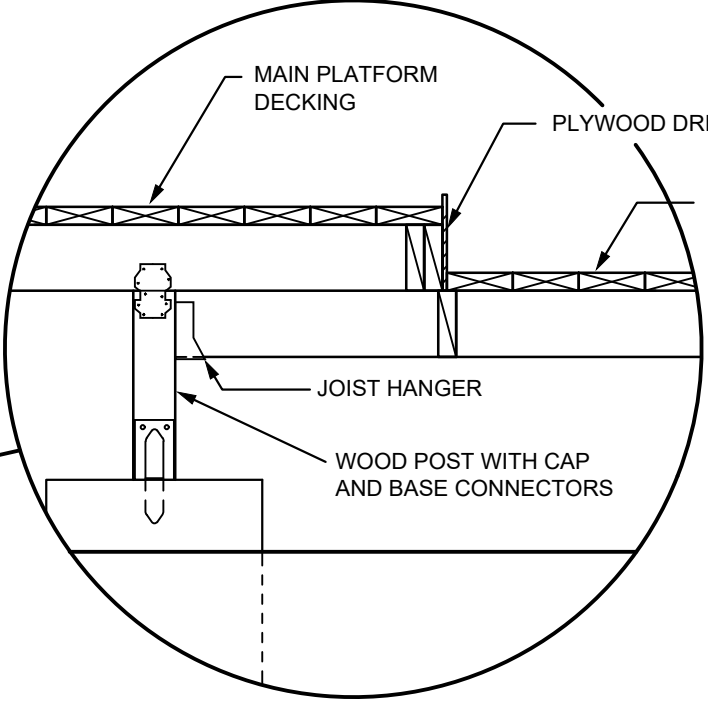
Total Activation Footprint: 3000 s.f.

200 ft

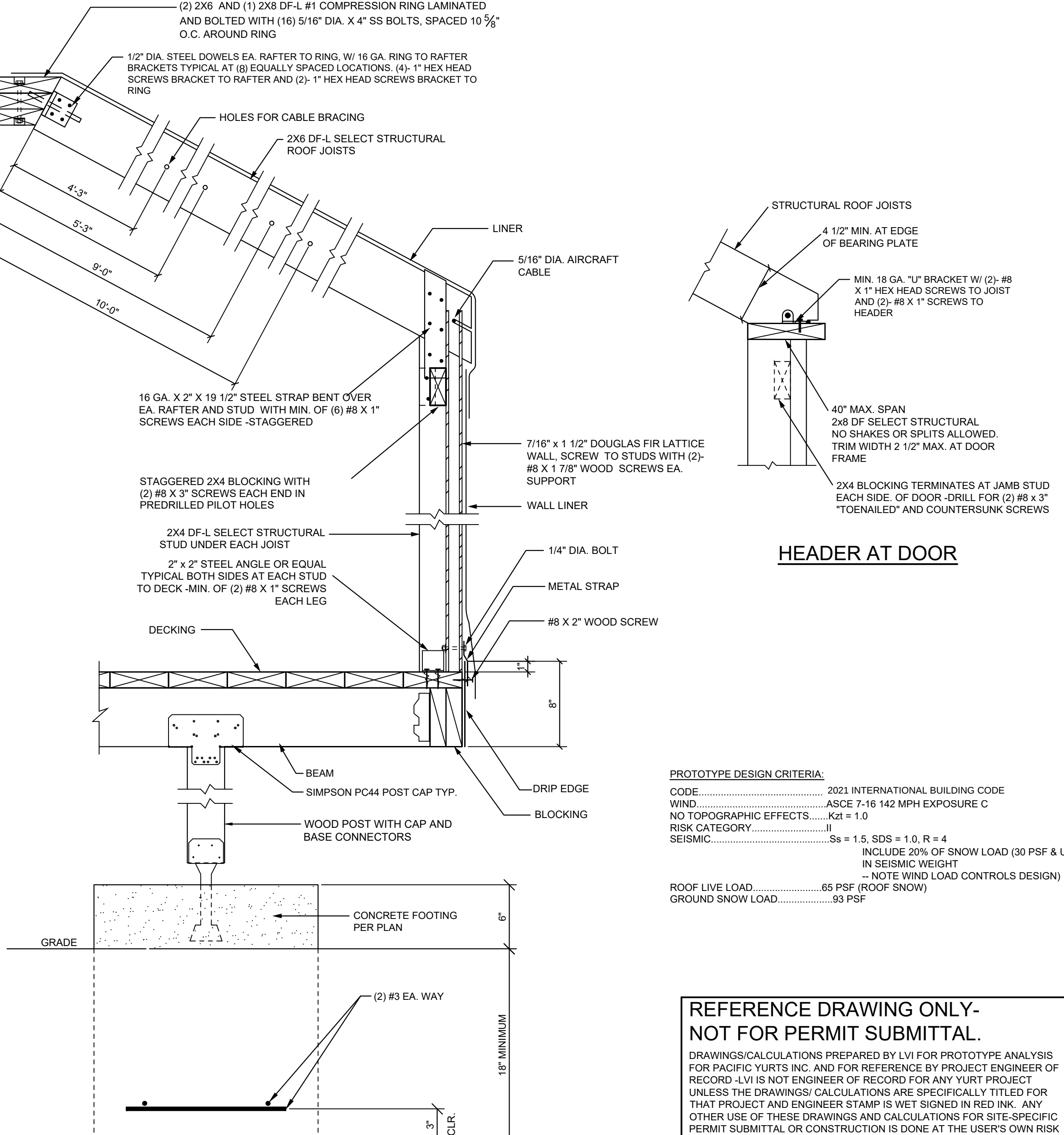
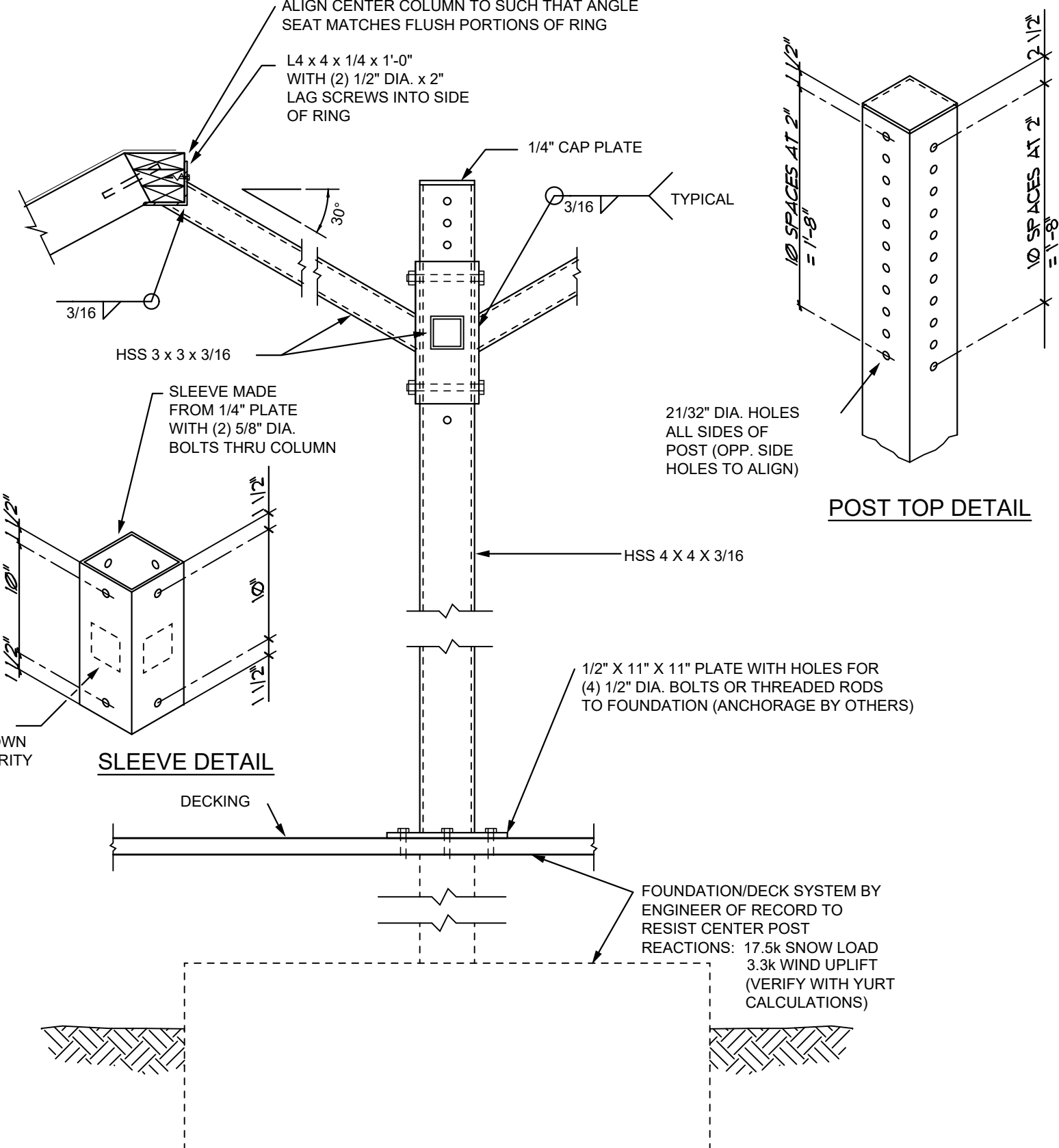
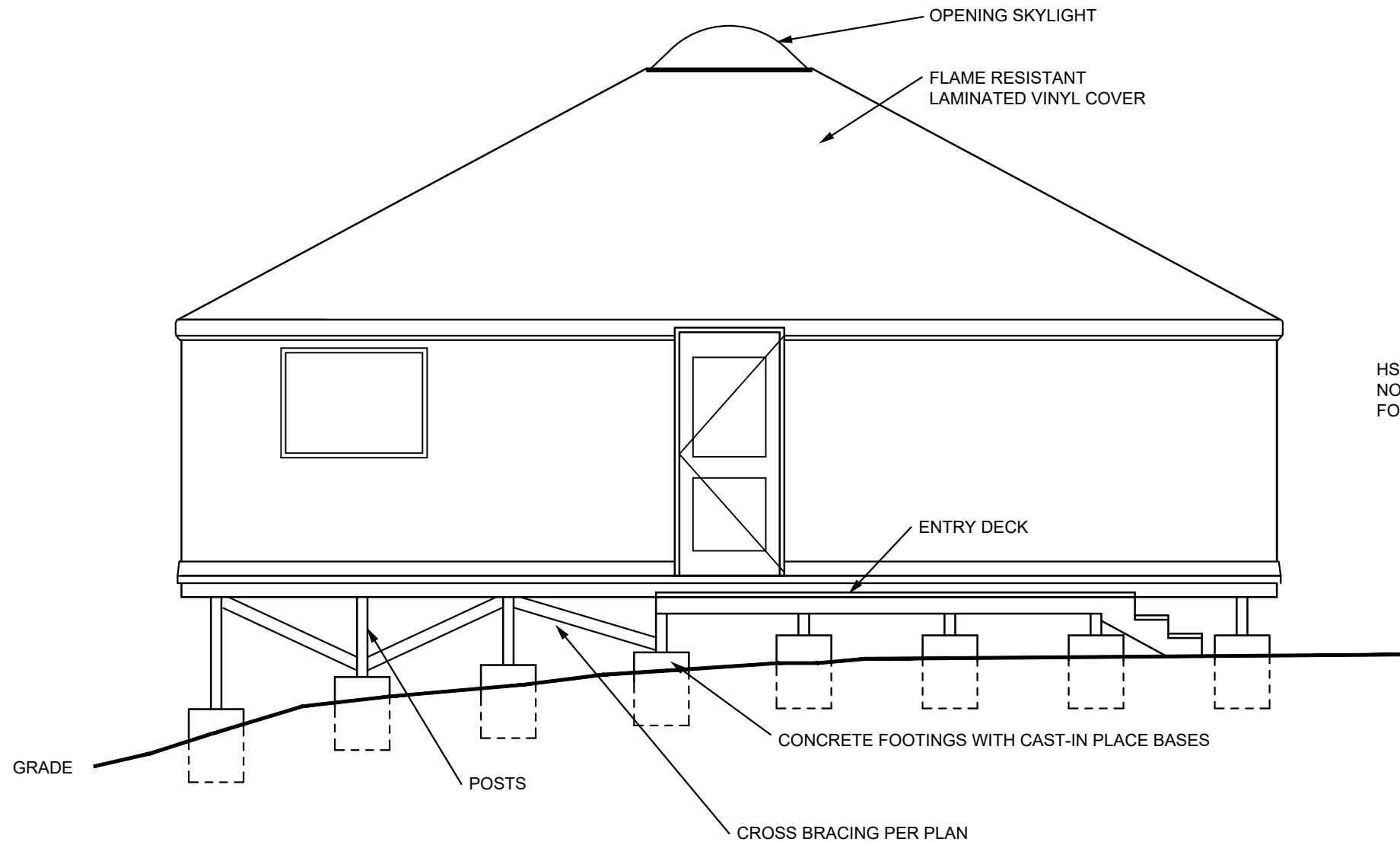




FOOTING SCHEDULE		
MARK	SIZE	REINFORCING
A	12" X 12" X 18" H	(2) #3 EACH WAY IN BOTTOM
B	16" X 16" X 18" H	(2) #3 EACH WAY IN BOTTOM
C	20" X 20" X 18" H	(2) #3 EACH WAY IN BOTTOM
D	27" X 27" X 24" H	(3) #3 EACH WAY IN BOTTOM
E	5'-0" X 5'-0" X 18"	(5) #4 EACH WAY TOP AND BOTTOM-SEE



- NOTES:
- FOUNDATION SYSTEM SHOWN IS EXAMPLE OF SUGGESTED SYSTEM, BASED ON 1500 PSF ALLOWABLE SOIL BEARING PRESSURE, 12" MINIMUM FROST DEPTH, 65 PSF ROOF SNOW LOAD, AND WIND UPLIFT BASED ON 110 MPH EXPOSURE C. DESIGN CAPACITY OF PROTOTYPE YURT. FOOTING SIZES NOTED ARE CALCULATED FOR WORST OF EITHER GRAVITY LOADS ON SOIL OR WIND UPLIFT PLUS BRACING UPLIFT. FOOTING SIZE AND REQUIRED DEPTH BELOW GRADE SHOULD BE DETERMINED FOR EACH INDIVIDUAL SITE BY PLATFORM ENGINEER OF RECORD AND APPROVED BY LOCAL BUILDING AUTHORITY. A SITE-SPECIFIC DESIGN OF THE FOUNDATION SYSTEM BY A REGISTERED ENGINEER WILL ALLOW SMALLER FOOTINGS IF DESIGN WIND SPEED OR EXPOSURE ARE LESS THAN THE PROTOTYPE PARAMETERS. LEWIS & VAN VLEET INC. IS NOT LIABLE FOR DAMAGES ARISING FROM USE OF THIS EXAMPLE (PROTOTYPE) DESIGN.
 - DECK CONSTRUCTION SHOULD REFLECT CONDITIONS OF EACH INDIVIDUAL SITE.
 - 2x6 T&G DECKING TO BE LAID PERPENDICULAR TO 4x BEAMS AND TRIMMED TO THE SAME OUTSIDE DIAMETER AS THAT OF THE YURT. 1 1/8" PLYWOOD MAY ALSO BE USED IN RECOMMENDED LAYOUT PATTERN. NAIL 2x6 T&G DECKING WITH (2)- 16d NAILS TO EACH SUPPORT. NAIL 1 1/8" PLYWOOD WITH 10d AT 6" O.C. TO ALL SUPPORTS. FRAMING FOR THIS EXAMPLE DECK WAS SIZED FOR RESIDENTIAL LIVE LOAD ONLY (40 POUNDS PER SQUARE FOOT). LOCAL ENGINEER TO REVIEW AND VERIFY DECK DESIGN AND LOADING.
 - FOR POSTS 6" TALL AND TALLER FROM TOP OF FOOTING TO BOTTOM OF FLOOR BEAM, PROVIDE 2 X 4 CROSS-BRACING AS SHOWN AND NOTED AT PLAN.
 - VERIFY MINIMUM CRAWLSPACE AND FROST DEPTH REQUIREMENTS WITH ENGINEER OF RECORD AND/OR BUILDING OFFICIAL.
 - FAILURE TO PROPERLY DESIGN AND CONSTRUCT PLATFORM FOR SITE-SPECIFIC CONDITIONS MAY RESULT IN SIGNIFICANT EXPENSE FOR REBUILDING IF PERMITS ARE LATER REQUIRED, OR RISK OF FAILURE UNDER DESIGN LOADING CONDITIONS. UNLESS SPECIFICALLY RETAINED TO ENGINEER SITE-SPECIFIC DESIGN AND WET-STAMP DOCUMENTS, LEWIS & VAN VLEET INC. IS NOT LIABLE FOR COSTS OR DAMAGES ARISING FROM USE OF THESE DOCUMENTS.



PROTOTYPE DESIGN CRITERIA:	
CODE.....	2021 INTERNATIONAL BUILDING CODE
WIND.....	ASCE 7-16 142 MPH EXPOSURE C
NO TOPOGRAPHIC EFFECTS.....	Kzt = 1.0
RISK CATEGORY.....	II
SEISMIC.....	Ss = 1.5, SDS = 1.0, R = 4
	INCLUDE 20% OF SNOW LOAD (30 PSF & UP) IN SEISMIC WEIGHT
	~ NOTE WIND LOAD CONTROLS DESIGN
ROOF LIVE LOAD.....	.65 PSF (ROOF SNOW)
GROUND SNOW LOAD.....	.93 PSF

REFERENCE DRAWING ONLY- NOT FOR PERMIT SUBMITTAL.

DRAWINGS/CALCULATIONS PREPARED BY LVI FOR PROTOTYPE ANALYSIS FOR PACIFIC YURTS INC. AND FOR REFERENCE BY PROJECT ENGINEER OF RECORD. LVI IS NOT ENGINEER OF RECORD FOR ANY YURT PROJECT UNLESS THE DRAWINGS/ CALCULATIONS ARE SPECIFICALLY TITLED FOR THAT PROJECT AND ENGINEER STAMP IS WET SIGNED IN RED INK. ANY OTHER USE OF THESE DRAWINGS AND CALCULATIONS FOR SITE-SPECIFIC PERMIT SUBMITTAL OR CONSTRUCTION IS DONE AT THE USER'S OWN RISK (ANALYSIS IS NOT SITE-SPECIFIC). LVI HAS NOT REVIEWED THE SITE-SPECIFIC CONDITIONS, HAS NOT BEEN COMPENSATED FOR USE OF THE DRAWINGS AND DISCLAIMS ALL LIABILITY FOR ANY SUCH USE.

REVISIONS	

Lewis
Structural Engineers

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Project Engineer

30" DIA. YURT W/ CENTER POST -ASCE 7-16
2 X 6 RAFTERS -65 PSF

PACIFIC YURTS
COTTAGE GROVE, OREGON

STRUCTURAL REFERENCE DRAWING

DATE:	02-10-2023
PROJECT NO:	-
SHEET NO	S1
OF	



DEER VALLEY

EXPANDED EXCELLENCE

Administrative Conditional Use Permit: Temporary structure Project Narrative

Deer Valley Resort is proposing an Administrative Conditional Use Permit (ACUP) for a Temporary Structure located adjacent to our Empire Canyon Lodge at 9200 Marsac Avenue. The proposed Temporary Structure will be erected at the proposed location no longer than 180 days in a single calendar year. The intent of the Temporary Structure is to provide food and beverage service for our existing day-skier guests in support of the Empire Canyon Lodge operation. The hours of operation will be consistent with the resort operations and associated events that may occur at Empire Canyon Lodge as a part of our normal business.

Attachments:

- 03. Proposed Site Plan(s)
- 04. Proposed Temporary Structure Schematic Renderings and Technical Requirements
- 05. Empire Village Subdivision Plat
- 06. Title Report
- 07. Mailing List (300 feet)