

Administrative Public Meeting
September 19, 2024
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE PUBLIC MEETING MINUTES
PLANNING DEPARTMENT
<https://us02web.zoom.us/j/88167820277>
September 19, 2024

STAFF:

Rebecca Ward, Planning Director; Elissa Martin, Assistant Planning Director; Lillian Zollinger, Planner III; Jacob Klopfenstein, Planner I; E. Roman, Administrative Assistant.

PUBLIC:

Michael Lawyer, Jonathan DeGray, Thomas Vaughn, Isaac Maham, Cheryl Lee, James McBride, Jeff Kimbell.

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The Planning Director called the meeting to order at 12:00 PM.

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

86 Prospect Avenue – Historic District Design Review – PL-24-06181 – The Applicant Proposes to Construct a New Single-Family Dwelling in the Historic Residential - 1 Zoning District.

Planner Lillian Zollinger presented the application and indicated that the proposal was compliant with the Land Management Code section 15-13-8 as conditioned. She also said that the Planning Commission had approved a Steep Slope Conditional Use Permit. Planner Zollinger also gave an overview of the Conditions of Approval.

Applicant Jonathan DeGray indicated that the plans presented included the latest updates.

At 12:03 PM, the Planning Director opened a public hearing. There was no public input.

At 12:03 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Historic District Design Review in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Site is located at 86 Prospect Avenue and is Lot 2 of the Prospect Place Plat Amendment approved under Ordinance No. 2019-20 by the City Council on April 18, 2019.
2. The Site is located within the Historic Residential – 1 (HR-1) Zoning District.
3. The Applicant proposes construction of a new Single-Family Dwelling (SFD) on the vacant lot.
4. The new SFD proposes an excess of 200 square feet located on an existing Slope of thirty percent (30%) or greater, therefore, a SSCUP application is required. On August 28, 2024, the Planning Commission approved the SSCUP for 86 Prospect Avenue.
5. The minimum Lot size in the HR-1 Zoning District is 1,875 square feet. The Lot is 2,908 square feet.
6. The maximum Lot size in the HR-1 Zoning District is 3,750 square feet. The Lot is 2,908 square feet.
7. The minimum Lot width in the HR-1 Zoning District is 25 feet. The Lot is 36' in width.
8. The maximum Building Footprint in the HR-1 Zoning District for a Lot that is 2,908 square feet is 1,235 square feet. The proposed Building Footprint is 1,232 square feet.
9. Minimum Front and Rear Setbacks for Lots greater than 75' in depth in the HR-1 Zoning District is 12' or 13' each, for a total of 25'. The proposed SFD has a 12' Front Setback and 13' Rear Setback.
10. Minimum Side Setbacks for Lots up to 37.5' in width are three feet each in the HR-1 Zoning District. The proposed SFD meets a three-foot side setback for each side.
11. The maximum Building Height is 27 feet from Existing grade in the HR-1 Zoning District. The proposed maximum Building Height is 27' from Existing Grade.
12. The HR-1 Zoning District requires a ten-foot minimum horizontal step in the downhill façade. The proposed SFD steps back at 10 feet at 23 feet from the lowest point of existing grade.
13. Final Grade must be within four feet of existing grade in the HR-1 Zoning District. The proposed final grade is within four feet of Existing grade.
14. Structures cannot exceed 35 feet from the lowest floor plane to the point of highest wall top plate that supports the ceiling joists or roof rafters in the HR-1

Zoning District. The proposal has an interior height of 31'-0 11/16" feet, as defined.

15. The roof pitch for the Contributing Roof Form must be between 7:12 and 12:12 in the HR-1 Zoning District and occupy a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building, as viewed from the primary public Right-of-Way (ROW). The proposed roof pitch is 7:12, measured 20 feet back from the ROW.
16. Per Land Management Code (LMC) § 15-13-8, HDDR applications are subject to the following criteria:

B. Specific Guidelines

1. Site Design	Analysis of Proposal
a) Building Setback and Orientation • Front Setback – 12' • Rear Setback - 13' • Side Setbacks – 3'	Complies: • Front Setback – 12' • Rear Setback – 13' • Side Setbacks – 3'
b) Topography and Grading: LMC § 15-13-8(B)(1)(b) states, "Building and site design shall respond to natural features. New infill residential buildings shall step down or up to follow the existing contours of steep slopes. A new site's natural slope shall be respected in a new building design in order to minimize cuts into hillsides, minimize fill, and minimize retaining walls."	Complies: The proposed design steps down with the slope of the site, and the number of retaining walls is minimized to one. The Final Grade is within four feet of Existing Grade.
c) Landscaping and Vegetation	See Condition of Approval 18: The proposed vegetation shall be at least 50% Water Wise and compliant with 15-5-5(N) . The Applicant shall provide an updated Water Wise irrigation plan at building permit submission.
d) Retaining Walls – LMC § 15-13-8(B)(1)(d) states, "a site shall be contoured in a way that reduces the need for retaining walls."	Complies: The proposed design uses one retaining wall. The SFD is designed so the Final Grade is within four feet of Existing Grade and much of the natural topography is retained.

h) Parking Area & Driveways Pursuant to LMC 15-3-6(A), Single-Family Dwellings in the HR-1 Zone require two parking spaces.	Complies: The proposed SFD has two parking spaces, in tandem. One proposed space is in the garage and 11' by 20'. The second space is partially in the Front Setback, as an allowed exception pursuant to LMC § 15-2.2-3(G)(6), and nine feet by 18 feet. Both spaces are compliant. LMC § 15-13-8(B)(1)(h)(7) encourages 10-foot driveways widths in Historic Zoning Districts. The Applicant has requested an exception to the 10-foot driveway width from the Engineering Department, as outlined in LMC § 15-3-3(H)(1). On August 23, 2024, the Engineering Department issued a Variance to the driveway width, allowing for it to be twelve feet (see Exhibit D).
2. Primary Structures	Analysis of Proposal
a) Mass, Scale, & Height	Complies: The SFD is compliant with zone regulations regarding building footprint, setbacks, and height.
b) Foundation -- LMC 15-13-8(B)(2)(b) states, "No more than two (2) feet of the new foundation shall be visible above final grade on secondary and tertiary facades."	See Condition of Approval 19: The concrete foundation exceeds two feet in height as required. The Applicant shall reduce the visible foundation to two feet or less from Final Grade.
c) Doors -- LMC § 15-13-8(B)(2)(c) states, "All buildings that face the street shall have a well-defined primary entrance."	Complies: The front door is proud of the garage door by one foot, four inches and on the main level, facing the street. The covered porch area helps to define the front entrance.
d) Windows -- LMC § 15-13-8(B)(2)(d) states, "Ratios of solid-to-void that are compatible with surrounding historic buildings shall be used" and "Windows shall be historic size and shall relate to the human scale of the Historic District."	Complies: The solid-to-void ratio balanced, and amount of glazing is appropriate on each side of the structure. The window styles are limited in design types, and a majority match the historic 2:1 ratio.

e) Roofs – LMC § 15-2.2-5 requires a roof pitch of at least 7:12. LMC § 15-13-8(B)(2)(e), states, “Roofs of new residential infill buildings shall be visually compatible with roof shapes and orientation of surrounding Historic Sites and adjacent buildings that contribute to the character of the Historic District.”	Complies: The primary roof pitch is 7:12, and the height and slope of the secondary roofs (also 7:12) are compliant with roofs in the Historic District, and on the streetscape. The roof pitch measures 7:12 20' back from the Right-of-Way. The primary roof pitch and standing seam metal roof is consistent with the style of the Historic District.
i) Porches - LMC § 15-13-8(B)(2)(i) states, “Locate porches on new infill construction in a way that follows the predominant pattern of historic porches along the street.”	Complies: The covered porch spans two-thirds the front of the structure, is reflective of the neighboring properties, and helps to define the front entrance.
3. Mechanical and Utility Systems and Service Equipment	See Condition of Approval 20: The proposed mechanical equipment shall be three feet from the property line and screened.
4. Materials	Complies: Pursuant to LMC § 15-13-8(B)(4), the proposed materials of cedar siding, standing seam roof, metal railings, wood clad windows, and concrete are compliant with the Historic District.
5. Paint and Color - LMC § 15-13-8(B)(5)(d) states, “Materials, such as wood, that are traditionally painted shall have an opaque rather than transparent finish.”	Complies: The proposed plans indicate a painted or stained cedar siding. See Condition of Approval 21.
6. Garages LMC § 15-13-8(B)(6)(b) states, “Single vehicle garage doors not greater than 9 feet wide by 9 feet high shall be used to access the garage.”	Complies: The proposed SFD will have single-car garage, with an eight-foot tall by nine-foot-wide door, which is compliant.
7. Decks LMC § 15-13-8(7)(a) states “Decks shall be constructed in inconspicuous areas where visually minimized from the primary public right-of-way, usually on the tertiary façade.”	Complies: The proposed decks are on the rear of the structure, not visible from the ROW, and step down with the grade. The decks are limited to one side of the structure and smaller than the at-grade patios.

8. Balcony and Roof Decks	See Condition of Approval 22: The second-level, covered porch design complies with the streetscape. The porch is three feet, eight inches in depth in the middle of the structure and then extends to seven feet, six inches to the north of the structure. Staff recommends the porch width be reduced to six feet at the north end of the porch.
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17. LMC § 15-3-6(A) requires two parking spaces for a SFD. The proposed SFD has two parking spaces, in tandem. LMC § 15-3-4(A)(1) requires a parking space in a single garage of 11' wide by 20' deep. LMC § 15-3-3(F)(1) requires parking spaces be nine feet wide by 18 feet deep. One proposed space is in the garage and 11' by 20'. The second space is partially in the Front Setback, as an allowed exception pursuant to LMC § 15-2.2-3(G)(6), and nine feet by 18 feet.
18. Staff published notice on the City's website and posted notice to the property on September 5, 2024. Staff mailed courtesy notice to property owners within 100 feet and posted notice to the property on September 5, 2024. The Park Record published notice on September 5, 2024.

Conclusions of Law

1. The proposal complies with the LMC requirements pursuant to Chapter 15-2.2, Historic Residential – 1 (HR-1) District.
2. The proposal complies with the LMC requirements pursuant to Chapter 15-3, Off-Street Parking.
3. The proposal complies with the LMC requirements pursuant to Section 15-13-8, Regulations For New Residential Infill Construction (and Non-Historic Residential Sites) In Historic Districts.

Conditions of Approval

1. Final building plans and construction details shall reflect compliance with the plans reviewed September 19, 2024, by the Planning Director, pending design modifications conditioned, and as required for this approval. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
2. If the Applicant does not obtain a complete building permit within one year of the date of this approval, this HDDR approval will expire unless the Applicant

- submits a written extension request to the Planning Department prior to the expiration date and the Planning Director approves an extension.
3. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
 4. Any changes, modifications, or deviations from the approved scope of work, in 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.
 5. Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.
 6. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste-impacted soils they must handle the material in accordance with State and Federal law.
 7. Any areas disturbed during construction surrounding the proposed work shall be brought back to their original state. The Final Grade shall be within four feet of Existing Grade.
 8. City approval of a Construction Mitigation Plan (CMP) is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
 9. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
 10. All exterior lighting shall be down-directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Exterior lighting shall not exceed 3,000 degrees Kelvin and outdoor lighting fixtures shall be Fully Shielded. Final lighting details shall be reviewed by the Planning Staff prior to installation.
 11. Construction waste should be diverted from landfill and recycled when possible.
 12. The Applicant shall submit a geotechnical report and final slope stability prior to submitting a building permit, subject to City Engineer approval.
 13. The Applicant shall provide soil stabilization and drainage details documenting how the disturbed area will be restored and stabilized prior to submitting a building permit, subject to City Engineer approval.

14. The Applicant shall submit a landscape bond prior to issuance of a building permit to ensure the stabilization and vegetation rehabilitation are complete prior to submission of a building permit.
15. Prior to submitting a building permit, the Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction, subject to City Engineer approval.
16. The Applicant shall obtain an Encroachment Agreement for driveway access with the Engineering Department.
17. The Engineering Department requires the submittal of a storm drainage analysis. The storm drainage study must include the calculations showing the required storm drainage volume storage to match the pre and post development conditions for a 100-year 24-hour event.
18. The Applicant shall provide an updated Water Wise irrigation and landscape plan at building permit submission, compliant with LMC § 15-5-5(N).
19. The visible foundation shall be reduced to two feet or less from Final Grade to comply with LMC § 15-13-8(B)(2)(b).
20. The mechanical equipment shall be three feet from the property line and screened.
21. All wood materials shall be painted or stained opaque.
22. The front balcony shall be reduced from seven feet, six inches to six feet in depth.

395 Deer Valley Drive – Extension of Plat Amendment Approval – PL-24-06248 – The Applicant is Proposing an Extension to the 395 Deer Valley Drive Plat Amendment Approval Dated August 22, 2023.

Planner Jaron Ehlers presented the application. He explained that a Variance for the Front Setback was approved by the Board of Adjustments, then an approval was issued for a Plat Amendment from the Planning Commission and City Council, but there was a change of ownership of an adjacent parcel from the County to the City a few days prior to the approval and they propose that this change be reflected in the Conditions of Approval.

Applicant Thomas Vaughn indicated that the process for the recording of the plat was moving along and should be getting signed soon.

At 12:08 PM, the Planning Director opened a public hearing. There was no public input.

At 12:08 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Extension of Plat Amendment Approval in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. On September 2, 2022, the Applicant submitted a Plat Amendment application (PL-22-05370) and Planning Staff deemed the application complete on September 16, 2022.
2. During analysis of the proposed Plat Amendment, Staff determined that the Applicant needed a Variance (PL-23-05654) to reduce the Front Setback for a new garage.
3. On June 20, 2023, the Board of Adjustment reviewed the Applicant's Variance request to reduce the 20-foot Front Setback to four feet to accommodate construction of a front-facing garage. The Board of Adjustment held a public hearing and approved the Variance.
4. On July 26, 2023, the Planning Commission reviewed the proposed Plat Amendment and requested to amend the Draft Ordinance to include the following Condition of Approval: "The plat shall note that due to the presence of steep slopes at the rear of the property, a no-build area shall restrict the owner from constructing buildings, fences, or similar structures, except for maintaining the existing standalone deck, 40 feet from the rear property line."
5. The Planning Commission held a public hearing and forwarded a unanimous positive recommendation for City Council's consideration.
6. On August 22, 2023, the City Council considered the Plat Amendment and the amended Draft Ordinance. The City Council held a public hearing and voted to adopt Ordinance 2023-38 approving the Plat Amendment.
7. City departments reviewed the approved Plat Amendment and released comments to the Applicant. The Applicant Representative and the City's then Property, Real Estate, and Trails & Open Space Manager decided to wait until the City had negotiated with Summit County for the transfer of title for Parcel PC-519-R-X to the City before the Mylar for the Plat Amendment would be printed and routed for signatures.

8. Parcel PC-519-R-X, formerly owned by Summit County but now owned by Park City Municipal Corporation, fronts the property and is a portion of the historic Heber Avenue Right-of-Way.
9. On August 9, 2024, Summit County recorded a Quitclaim Deed (Entry No. 01223595) transferring ownership of Parcel PC-519-R-X to the Park City Municipal Corporation.
10. On August 20, 2024, the Applicant submitted a request for an extension to the Plat Amendment approval.
11. The Applicant requested an extension to the Plat Amendment Approval in writing, prior to the August 22, 2024, expiration date.
12. Condition of Approval 2 of Ordinance 2023-38 states, "The Applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one years' time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council".
13. On October 26, 2023, the City Council approved Ordinance 2023-49, amended the Land Management Code, and shifted Final Action for Plats from the City Council to the Planning Commission. The Ordinance also updated LMC § 15-7.1-6, which states "The Planning Director may grant an extension to the expiration date when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings."
14. The only change in circumstance since adoption of Ordinance 2023-38 was the recordation of the Quitclaim Deed for Parcel PC-519-R-X. The resulting change in ownership does not eliminate the requirement for the Applicant to gain permission to use this Parcel for access.
15. The Conditions of Approval in Ordinance 2023-38 have been amended to remove mentions of Summit County and make clear that permission shall be obtained from the City Engineer.
16. There are no unmitigated impacts or findings of non-compliance that arise from the extension of approval. If approved, the extension will adjust the date required for recordation from August 22, 2024, to August 22, 2025 (Condition of Approval 2).

17. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 30, 2024.
18. Staff mailed courtesy notice to adjacent property owners on August 30, 2024

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.12, Residential (R-1) Zoning District, and LMC § 15-7.1-6, Final Subdivision Plat.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Planning Department, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record the plat at Summit County by August 22, 2025. If recordation has not occurred by August 22, 2025, this Plat approval will be void.
3. The plat shall note that fire sprinklers are required for all new construction.
4. In order to use the property as a Nightly Rental, the Applicant must obtain a business license from the City for the Nightly Rental Use and shall renew the license annually or else the Use is terminated.
5. On June 20, 2023, the Board of Adjustment granted a Variance reducing the Front Setback for the Garage to four feet. Any other addition to the Structure is required to comply with the Front Setback of 15 feet.
6. The Applicant shall obtain an Administrative Conditional Use Permit for retaining walls that exceed four feet in height in the Front Setback prior to applying for a Building Permit.
7. The new garage shall not exceed 18 feet in height from Existing Grade.
8. If at some point in the future, Deer Valley Drive is widened, or re-aligned, the Applicant is responsible for the removal of retaining walls, stairs, and/or the driveway at the property owner's expense and in an expeditious manner (within 90 days of written notice).
9. The Applicant shall obtain a Work in the Right-of-Way Permit from the City Engineer prior to issuance of a Building Permit.

10. The applicant agrees to obtain Encroachment Agreements for all private property which will be constructed in City Right-of-Way and City owned Property. The Applicant acknowledges that their improvements will be bound by the terms of the Encroachment Agreements including the responsibility for removal of all improvements at the owner's expense in the event of the City's need to expand into or install improvements in the area of the City's Right-of-Way or Property which is being used by the applicant.
11. City Engineer review and approval of all appropriate grading, utility installation, and public improvements is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
12. Upon application of a Building Permit, the Applicant shall provide a landscape plan consistent with LMC § 15-5-5(N), showing replacement of all removed Significant Vegetation. If the Applicant cannot replace the same number of plants removed from their property or the Right-of-Way, then the Applicant shall return to the Forestry Board for further review. The Applicant shall receive permission from the City Engineer prior to installing any new vegetation in the unbuilt, platted Right-of-Way or the City owned parcel.
13. Remodels and Additions shall comply with the Land Management Code and International Building Code in effect at the time of Building Permit application.
14. Prior to the issuance of a building permit, a Construction Mitigation Plan must be submitted to the Building Department for review by the Building, Engineering, and Planning Departments for final approval.
15. The plat shall note that due to the presence of steep slopes at the rear of the property, a no-build area shall restrict the owner from constructing buildings, fences, or similar structures, except for maintaining the existing standalone deck, 40 feet from the rear property line.

949 Empire Avenue – Extension of Plat Amendment Approval – PL-24-06204
– The Applicant Requests a Year Extension of a Plat Amendment Approval to Create One Lot.

Planner Lillian Zollinger presented the application and explained that the applicant was requesting a second Extension due to some delays in meeting the Conditions of Approval. She also highlighted some of the Conditions of Approval.

Applicant Thomas Vaughn said that he anticipated that this process would move along

rather quickly, as the garage had already been removed.

At 12:10 PM, the Planning Director opened a public hearing. There was no public input.

At 12:11 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Extension of Plat Amendment Approval in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The property is located at 949 Empire Avenue.
2. The property is listed with Summit County as Parcel number SA-301-B and consists of a portion of Lots 12 and 13 in Block 29, Snyders Addition to Park City Survey in the Historical Residential-1 (HR-1) Zoning District.
3. The proposed Plat Amendment removes the internal lot line to create one Lot containing 3,030 square feet.
4. Demolition of a housing Structure in 2013 left the property vacant.
5. Restrictive Covenants were recorded with Summit County in 1967 against 949 Empire Avenue and Lots 12-22 of Block 29, Snyders Addition (Entry No. 105853).
6. No easement is vacated or amended as a result of the plat amendment.
7. The Land Management Code (LMC) regulates Lot and Site Requirements for the HR-1 Zoning District per LMC § 15-2.2-3.
8. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District and requires a minimum lot size of 1,875 square feet. The proposed Lot is 3,030 square feet.
9. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed Lot complies with this requirement.
10. The required Front Setback for Lot depths of 75 feet is ten feet (10'). The proposed Lot complies with this requirement.
11. The required Rear Setback is ten feet (10'). The proposed Lot complies with this requirement.
12. The required Side Setback is five feet (5'). The proposed Lot complies with this requirement.
13. The maximum Building Footprint for this Lot is 1,278 square feet.
14. On July 21, 2022, the City Council reviewed the 949 Empire Avenue Plat Amendment and approved Ordinance No. 2022-26.
15. On June 15, 2023, the Applicant requested an extension to their Plat Amendment prior to the July 21, 2023, expiration date. On July 27, 2023, the City Council reviewed the 949 Empire Avenue Plat Amendment extension request and

approved Ordinance No. 2023-37.

16. On July 17, 2024, the Applicant requested a second extension to their Plat Amendment in writing, prior to the July 27, 2024, expiration date. Condition of Approval 2 states, "The applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council."
17. On October 26, 2023, the City Council approved Ordinance No. 2023-49, amending the Land Management Code (LMC), which shifted Final Action for Plats from the City Council to the Planning Commission. The Ordinance also updated LMC § 15-7.1-6, which outlines that the "Planning Director may grant an extension to the expiration date" of a Plat.
18. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on September 5, 2024. Staff mailed courtesy notice to property owners within 300 feet on September 5, 2024.

Conclusions of Law

1. There is Good Cause for this Plat Amendment
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.2 Historic Residential (HR-1) Zoning District and LMC § 15-7.1-6 Final Subdivision Plat.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.
5. The Applicant demonstrated that the proposal was the same and that there was no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code, pursuant to LMC § 15-7.1-6(C)(4).

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. A non-exclusive ten foot (10') public snow storage easement on Empire Avenue shall be dedicated on the plat.
5. The portion of the garage on Parcel SA-301-B shall be demolished prior to recordation of the Plat.
6. The Applicant shall include a Plat note indicating the maximum Building Footprint for the Lot is 1,278 square feet.
7. The Applicant shall include the Setbacks as determined by the Planning Director on March 30, 2022, on the final Plat.
8. Any new construction shall comply with the Land Management Code at the time of Application submittal.
9. The Applicant shall gain permission and approval from the owner of Parcel SA-301-E to encroach onto their Property to demolish the southern portion of the double garage on SA-301-B.
10. The Applicant shall enter into an encroachment agreement to the owner of Parcel SA-301-E for the portion of the garage that encroaches onto the front of the Lot, or the encroachment shall be removed prior to Plat recordation.
11. The Applicant shall enter into an encroachment agreement to the owner of Parcel SA-308 for the portion of the rock retaining wall that encroaches onto the Lot or the encroachment shall be removed prior to Plat recordation.
12. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

1300 Snow Creek Drive – Administrative Permit -Minor Modification to a Master Planned Development – PL-24-06212 – The Applicant Proposes to Construct 13 Additional Parking Spaces in the Snow Creek Master Planned Development.

Planner Jaron Ehlers presented the application and gave an overview of the history of the site. He also stated that the proposed Chargers will be available for public use and not limited to Rivian vehicles. Planner Ehlers highlighted some of the Conditions of Approval.

At 12:18 PM, the Planning Director opened a public hearing. There was no public input.

At 12:18 PM, the Planning Director closed the public hearing.

Planning Director Ward asked that Condition of Approval #12 be modified to include

landscaping for the screening except as otherwise needed for access. She also asked that all existing bicycle parking be brought into compliance with code prior to closing the Building permit, as part of Condition of Approval #17.

MOTION: The Planning Director **APPROVED** the Administrative Permit in accordance with the Findings of Fact, Conclusions of Law, and Amended to Conditions of Approval.

Findings of Fact

1. The Applicant proposes constructing an additional 13 Parking Spaces and 12 Rivian Fast Charging Electric Vehicle Charging Stations ("Stations").
2. One of the 12 Stations is designed to accommodate Electric Vehicles equipped with trailers.
3. The Snow Creek Shopping Center is part of the Snow Creek Master Planned Development (MPD), the Snow Creek Crossing Subdivision, the Residential Development – Medium Density Zoning District, and the Regional Commercial Overlay.
4. There are 322 existing Parking Spaces on Lots 1-4 of the Subdivision, with 29 additional Parking Spaces approved but not yet constructed, for a total of 351 Parking Spaces. Two of these unbuilt Spaces are to be Electric Vehicle Charging Stations.
5. The proposed 13 Parking Spaces will bring the total to 364 for Lots 1-4.
6. Most of the new Stations will be on a concrete median between new and existing Parking Spaces in the eastern portion of the parking lot. One of the Stations will be on the southern median adjacent to the Parking Space for Electric Vehicles equipped to service cars with attached trailers.
7. According to the Applicant, the Stations will be for public use and are not limited to Rivian vehicles.
8. On September 23, 1993, the Planning Commission approved the Snow Creek MPD with 90,500 square feet of commercial shopping space and 446 Parking Spaces to be developed in three phases. Parking for Phase I, Lots 1-4, was capped at 365 Parking Spaces.
9. A 1995 Building Permit approved six buildings for the Snow Creek MPD with a total square footage of 89,950 square feet and 442 Parking Spaces.
10. On October 11, 1995, the Snow Creek Crossing Subdivision Plat was recorded. Parcels A, B, and C on the recorded plat are non-developable Open Space parcels totaling 24.137 acres and were dedicated to Park City Municipal

Corporation. Parcel D is also considered a non-buildable Lot unless a revised MPD Approval and Conditional Use Permit (CUP) for the Frontage Protection Zone are obtained.

11. On May 9, 2001, the Planning Commission approved an Amendment to the Snow Creek MPD for Lot 6, and CUP, approving a change of Use from Restaurant to Financial Institution, with a drive-up window. The required parking for the new bank led to a reduction in parking for the entire development.
12. On April 13, 2006, the City Council executed a Memorandum of Understanding (MOU) with the Utah State Division of Facilities Construction and Management (DFCM) for a liquor store in the Snow Creek Shopping Center Parking Lot. In the MOU, the City and DFCM agreed that the Snow Creek Shopping Center best met the Utah Department of Alcoholic and Beverage Services' (DABS) site selection criteria and local needs. The State is exempt from local land use regulations. The property was transferred from Snow Creek Center, LLC, to the Utah State Building Ownership Authority in June 2006. The liquor store removed an estimated 42 Parking Spaces from the Parking Lot.
13. On April 24, 2024, the Planning Commission considered a modification to the MPD for 29 additional Parking Spaces on Lots 1-4. The Planning Commission determined the proposed modification was minor.
14. Following the Determination by the Planning Commission, on July 18, 2024, the Planning Director approved an Administrative Permit for the modification to the MPD, increasing the number of Parking Spaces by 29. These Parking Spaces have not yet been constructed.
15. On September 11, 2024, the Planning Commission considered this proposed modification to the MPD to add 13 Parking Spaces and Electric Vehicle Charging Stations and determined the modification was minor.
16. The proposal to increase the number of Parking Spaces at the Snow Creek MPD meets the standards of the Regional Commercial Overlay in Land Management Code Chapter 15-17.
 - a. 1300 Snow Creek Drive is in the Regional Commercial Overlay.
 - b. LMC § 15-2.17-2(B)(36) establishes that a Parking Area with five or more spaces is a Conditional Use in the Regional Commercial Overlay (RCO).
 - c. The 1993 MPD approval allows for a Parking Area on Lots 1-4 with 365 Parking Spaces.
 - d. The proposed additional Parking Spaces are within this already approved Parking Area.

- e. As the Use of a Parking Area has already been approved as part of the Commercial Development option in the RCO Zoning District, additional analysis of LMC § 15-2.17-4 Criteria for Commercial Development and LMC § 15-2.17-5 Planning Commission Findings is not required.
17. The proposal to increase the number of Parking Spaces at the Snow Creek Master Planned Development meets the standards of the Residential Development – Medium Density Zoning District in Land Management Code Chapter 15-2.14.
- a. 1300 Snow Creek Drive is in the Residential Development – Medium Density (RDM) Zoning District.
 - b. The Applicant proposes installing a Fence to screen electrical equipment associated with the Electric Vehicle Charging Stations.
 - c. LMC § 15-2.14-2(B)(38) states “Fences greater than six feet (6') in height from Final Grade” require a Conditional Use Permit in the Residential Development – Medium Density (RDM) Zoning District. Condition of Approval 12 limits the Fence height to no more than 6 feet from Final Grade.
 - d. 1300 Snow Creek Drive is within the Snow Creek MPD, which requires a 25-foot perimeter Setback. Within the Snow Creek MPD, the Zoning District Setbacks apply.
 - e. LMC § 15-2.14-3 establishes a 20-foot Front Setback and a 10-foot Side Setback for the site.
 - f. No Setbacks are established in the RCO Zoning District, and none were in place for what the 1993 LMC termed the “Large-Scale MPD process.”
 - g. Most of the proposed Parking Spaces are outside of the Front and Side Setbacks.
 - h. LMC § 15-2.14-9 requires protection of Significant Vegetation during any Development activity. LMC § 15-15-1 defines Significant Vegetation as large trees six inches (6”) in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.
 - i. On September 5, 2024, the Forestry Board reviewed the proposal and required the Applicant to prepare and submit a landscaping plan detailing where they would replace any removed trees. Condition of Approval 11

requires approval of the landscaping plan by the Forestry Board prior to submittal for a building permit.

18. The proposal to increase the number of Parking Spaces at the Snow Creek Master Planned Development meets the standards of Land Management Code Chapter 15-3 Off-Street Parking Requirements.

a. General Parking Area Standards LMC § 15-3-3:

General Parking Area Criteria	Analysis of Proposal
Parking Areas must be Graded for proper drainage with surface water diverted to a specified Area approved by the City Engineer, to keep the Parking Area free of accumulated water and ice.	Recommended Condition of Approval: The City Engineer reviewed the proposed plans on August 20, 2024, and requires Condition of Approval 15 requiring the Applicant recorded a Long-Term Stormwater Management Plan with Summit County prior to issuance of a Building Permit.
Parking Area drainage must be detained on Site, treated if required under NPDES (National Pollution Discharge Elimination Standards), and channeled to a storm drain or gutter as approved by the City Engineer.	Recommended Condition of Approval: The City Engineer reviewed the proposed plans on August 20, 2024, and requires Condition of Approval 15 requiring the Applicant recorded a Long-Term Stormwater Management Plan with Summit County prior to issuance of a Building Permit.
Parking Areas and driveways must be Hard-Surfaced, impervious, maintained in good condition, and clear of obstructions at all times.	Complies: The twelve proposed Parking Spaces will be constructed out of asphalt. See Exhibit E for proposed plans.
Parking Area Lighting	Recommended Condition of Approval: The Applicant proposes to place lighting poles on both ends of the center median. This lighting shall fully comply with LMC § 15-3-3(C), which requires all lighting to be Dark Sky compliant, fully shielded and down directed with light bulbs that are 3,000 degrees Kelvin or less (Condition of Approval 13).
Snow Storage: the Owner must provide adequate non-Hard Surfaced and landscaped snow	Complies: The Applicant proposes 25,576 square feet of snow storage, approximately 17.5% of the total

storage Areas. Said snow storage Areas must be on-Site and equivalent to fifteen percent (15%) of the total Hard-Surfaced Area.	Hard-Surfaced Area.
Parking Space Dimensions: Parking Spaces must be at least nine feet (9') wide by eighteen feet (18') long.	Recommended Condition of Approval: Most proposed Parking Spaces will be at least 9 feet wide by 16 feet long. Those proposed to be installed within the Landscaped outer median are compact stalls that are 9 feet wide by 16 feet long. Condition of Approval 16 requires that those Spaces have installed signage or be pavement painted to indicate they are for compact vehicles only.
Street Access and Circulation: Off-Street Parking Areas must have unobstructed Access to a Street or alley. The Parking Area design for five (5) or more vehicles must not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways.	Complies: None of the Parking Spaces require backing cars onto adjoining public sidewalks, parking strips, or roadways. There is plenty of distance between the rows of parking spaces and for the trailer parking spot to be pulled in and out of. See Exhibit E for proposed plans.

b. Parking Area Landscaping Standards LMC § 15-3-3(D):

Parking Area Landscaping Criteria	Analysis of Proposal
Interior Landscaping Requirements: Each Parking Area must have an Interior Landscaped Area equivalent to twenty percent (20%) of the total Parking Area, including drive aisles.	Complies: The Landscaped Open Space of the Parking Area is proposed to decrease by approximately 6,850 square feet, for a proposed 48,940 square feet of Landscaped Open Space, or approximately 33.5% of the Parking Area. The proposal exceeds the minimum required 20% for Interior Landscaped Area. Staff recommends Condition of Approval 14 requiring the most northern Parking Space on the outer median to be removed and replaced with 144 square feet of Landscaping to ensure that there is a minimum of five feet of width for all

In the design of large Parking Areas, bays or stalls shall generally be separated approximately every twelve to fifteen (12-15) stalls, by landscaping islands to break up the mass of Hard-Surfaced paving.	Landscaped areas on the outer median. Existing Non-Complying: Most of the Landscaping for this site is placed around the perimeter, as the primary concern of the 1993 Planning Commission was screening views of the Parking Area from views in the Frontage Protection Zone. As such, many rows do not comply with this requirement, making the lot a Non-Complying Structure. LMC § 15-9-6(A) allows for the expansion of a Non-Complying structure if the expansion does not create a new non-compliance or expand the existing non-compliance. The proposed additional parking does not expand the non-compliance. All the proposed rows have no more than ten Parking Spaces, putting them under the minimum of 12 that would be required to trigger an additional landscaping island requirement.
The Parking Area must be designed to provide adequate snow storage in winter and should utilize best management practices, such as bio swales, oil and sand separators, and other methods to prevent surface and ground water contamination.	Recommended Condition of Approval: See “snow storage” analysis above. The Engineering Department reviewed the proposal on August 20, 2024, and requires Condition of Approval 15 requiring the Applicant recorded a Long-Term Stormwater Management Plan with Summit County prior to issuance of a Building Permit.
Landscaped Areas shall generally not be less than five feet (5') wide.	Recommended Condition of Approval: The following portion of the proposed median does not reach the five-foot minimum width. As such, the highlighted Parking Space will be removed: Condition of Approval 14 requires that all landscaped portions of the outer median shall not be less than five feet wide, requires the removal of the shown space, and requires 144-square-feet of Landscaping to be installed in its place.

Perimeter Landscaping: Parking Areas shall generally include landscaping on all perimeter Property Lines, The Applicant shall generally maintain a minimum of one (1) tree and five (5) shrubs per twenty-five linear feet (25') of Landscaped Area.	Recommended Condition of Approval: The Forestry Board will review and approve landscaping along the outer median prior to building permit issuance (Condition of Approval 11).
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c. Specific Parking Area Standards for Parking Areas With 5 or More Spaces
LMC § 15-3-4:

Parking Areas With 5 or More Spaces	Analysis of Proposal
All Parking Lots shall maintain the required Front and Side Setbacks as would be required for any Structure: 20 Foot Front Setback, 10 Foot Side Setback	Complies: For Parking Areas with five or more spaces, LMC § 15-3-4(B)(1) states "All Parking Lots shall maintain the required Front and Side Setbacks as would be required for any Structure." LMC § 15-15-1 defines Structure as "Anything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground." The definition of Structure includes Parking Areas. LMC § 15-2.14-3(C) allows open Parking Spaces within the required Front Setback in the RDM Zoning District, provided that the Spaces are not within five feet of the Side Lot Lines. The oversized Parking Space for Electric Vehicles equipped with trailers encroaches in the Front Setback by 10 feet and is more than 47 feet from the nearest Side Lot Line. The proposal therefore complies with Setbacks for the RDM Zoning District.

Adjacent driveways must be separated by an island of the following widths: Multi-Unit Dwelling a minimum width of eighteen feet (18'); Commercial a minimum width of twenty-four feet (24')	Complies: The closest adjacent driveways at the Snow Creek Parking Area are separated by approximately 59 feet.
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- d. Bicycle Parking Requirements LMC § 15-3-9:
- i. Outdoor Bicycle Parking is required for 10 percent of the required Off-Street Parking Spaces, for a total of 37 bicycle parking spaces for Lots 1-4. The Snow Creek MPD currently has 40 bicycle parking stalls. Four more were approved as part of the July Administrative Permit.
 - ii. As no new employees will be generated, there is no enclosed Bicycle Parking Requirement.
 - iii. The Applicant is not proposing any new Bicycle Parking.
 - iv. Staff recommends Condition of Approval 17 to bring the existing Bicycle Parking into compliance: All existing Bicycle Parking must be brought into compliance with LMC § 15-3-9(A)(1).
- e. Off-Street Loading Spaces LMC § 15-3-10: No changes proposed to the existing loading/un-loading areas in the rear of the property.
- f. Electric Vehicle Charging Stations LMC § 15-3-11:

Electric Vehicle Charging Station Standard	Analysis of Proposal
An Applicant shall install Electric Vehicle Charging Stations for five percent (5%) of required Off-Street parking spaces for non-Residential Development for the first 200 parking spaces.	Complies: 5% of the proposed 34 Parking Spaces is equal to 0.65 Electric Vehicle Charging Stations. The Applicant has proposed 12 new Electric Vehicle Charging Stations.
An Applicant shall provide Electric Vehicle Charging Station Infrastructure for fifty percent (50%) of the first one hundred (100) required Off-Street parking spaces	Complies: The Applicant proposes 13 new Parking Spaces. The Applicant is also providing 12 new Electrical Vehicle Charging Stations, which provide infrastructure for 92% of the increase in Parking.

The first Electric Vehicle Charging Station installed shall be a dual-port with one Charging Station that is ADA accessible. This dual-port shall count as one Charging Station. Dual-port Charging Stations installed thereafter shall count as two Charging Stations.	Complies: The July 2024 Administrative Permit approval includes installation of a dual-port Charging Station, satisfying this requirement for Lots 1-4. The Applicant is proposing that one of the Electric Charging Stations will service and ADA compliant Parking Space.
Electric Vehicle Charging Stations shall not obstruct: • 1. Building access; • 2. Rights-of-Way; • 3. sidewalks or pathways; • 4. parking space dimensions; or • 5. The Sight Distance Triangle.	Complies: The Electric Vehicle Charging Stations are located on medians and are clustered to service the Parking Spaces farther away from the main thoroughfares.
The Applicant shall install Electric Vehicle Charging Station signage that complies with federal standards and LMC § 15-3-11(E)(2).	Condition of Approval 5: Requires the Applicant to install signage that complies with the Federal Highway Administration Manual on Uniform Traffic Control Devices.
The Applicant shall provide informational labeling at each Electric Vehicle Charging Station that complies with LMC § 15-3-11(E)(3).	Condition of Approval 6: Requires the Applicant to install signage regarding safety, voltage levels, hours of operation, and other important information.
Cord Management. An Applicant shall install Electric Vehicle Charging Stations that contain a retraction device or place to hang and store cords, cables, and connectors. Cords, cables, and connectors shall not obstruct Building access, sidewalks or pathways, parking spaces, or the Rights-of-Way.	Condition of Approval 7: Requires the Applicant to prevent cords from obstructing nearby access and to allow them to be properly hung and stored.
Protection. An Applicant shall install wheel stops, concrete-filled bollards, or other device approved by the Planning Director to protect Electric Vehicle	Condition of Approval 8: Requires the Applicant to install safety devices.

Charging Stations from damage by vehicles.	
Snow Removal. An Applicant shall install Electric Vehicle Charging Stations that are safe for use in inclement weather. Cords, cables, and connectors shall be stored at least 24 inches above the ground. Property owners shall manage cords so that they do not impede snow removal and shall remove snow from Electric Vehicle Charging Stations in a timely manner.	Condition of Approval 9: Requires the Applicant to keep the chargers in good condition at all times. The applicant is required to timely remove snow from the Parking Areas.
Maintenance. Property owners shall maintain Electric Vehicle Charging Stations in good condition, appearance, and repair. If an Electric Vehicle Charging Station is inoperable, the Property Owner shall replace the Charging Station within three (3) months.	Condition of Approval 10: Requires the Applicant to keep the chargers in good condition and requires them to be replaced if they cease functioning within three months.

19. The proposal to increase the number of Parking Spaces at the Snow Creek MPD meets the standards of the Snow Creek Master planned Development:
- The original Snow Creek MPD was approved on September 23, 1993, with a total of 446 Parking Spaces.
 - The initial Building Permit for the development had 442 Parking Spaces shown.
 - Between 360 to 366 Parking Spaces were initially constructed on Lots 1-4, which was Phase I of the Development, with a reduction of an estimated 42 Spaces from construction of the liquor store.
 - There are currently 322 on-site Parking Spaces with another 29 entitled by the July 2024 modification for Lots 1-4.
 - The proposal to add 13 Parking Spaces will result in a total of 364 Parking Spaces for Lots 1-4. which is within the maximum of 365 Parking Spaces approved by the 1993 MPD.
20. The Development Review Committee reviewed the proposal on August 20, 2024, and confirmed the proposal, as conditioned, complies with their required standards.

21. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on September 4, 2024. Staff mailed courtesy notice to adjacent property owners on August 30, 2024.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.15, *Residential Development – Medium Density Zoning District Requirements*, LMC Chapter 15-17, *Regional Commercial Overlay Requirements*, LMC Chapter 15-6, *Master Planned Development Criteria*, and Chapter 15-3, *Off-Street Parking Requirements*.
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

1. Any changes, modifications, or deviations from the approved plans reviewed September 19, 2024, by the Planning Director 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 shall install twelve Fast Electric Vehicle Charging Stations, one of which shall be in a Parking Space large enough to accommodate attached trailers.
5. The Applicant shall install Electric Vehicle Charging Station signage that complies with the Federal Highway Administration Manual on Uniform Traffic Control Devices, as amended for use in Utah.
6. The Applicant shall label each Electric Vehicle Charging Station with information regarding safety, voltage and amperage levels, usage fees if any, hours of operation, charging time limits, the contact information to report malfunctioning equipment or other issues, and cord management requirements.
7. The Applicant shall install Electric Vehicle Charging Stations that contain a retraction device or place to hang and store cords, cables, and connectors.

Cords, cables, and connectors shall not obstruct Building access, sidewalks or pathways, parking spaces, or the Rights-of-Way.

8. The Applicant shall install wheel stops, concrete-filled bollards, or other device approved by the Planning Director to protect Electric Vehicle Charging Stations from damage by vehicles.
9. The Applicant shall install Electric Vehicle Charging Stations that are safe for use in inclement weather. Cords, cables, and connectors shall be stored at least 24 inches above the ground. Property owners shall manage cords so that they do not impede snow removal and shall remove snow from Electric Vehicle Charging Stations in a timely manner.
10. The Applicant shall maintain Electric Vehicle Charging Stations in good condition, appearance, and repair. If an Electric Vehicle Charging Station is inoperable, the Property Owner shall replace the Charging Station within three (3) months.
11. Prior to submittal for a Building Permit and the commencement of any work onsite, the Applicant shall submit and receive approval from the Forestry Board of a landscaping plan detailing all Significant Vegetation proposed to be removed, where it will be replaced, and that all replacements shall be in like kind.
12. The proposed Fence around the electrical equipment can not exceed six feet in height from Final Grade and the electrical equipment will be screened with landscaping as shown on a landscaping plan approved by the Forestry Board unless otherwise needed for access and required clear spaces for the equipment.
13. All exterior lighting shall comply with LMC Section 15-5-5(J) and shall be fully shielded and down directed with light bulbs that are 3,000 degrees Kelvin or less.
14. There shall be a minimum of five feet of width for all Landscaped areas on the outer median. The most northern Parking Space on the outer median must be removed and 144 square feet of Landscaping be added.
15. The Applicant shall record a Long-Term Stormwater Management Plan in a form approved by the City Engineer with the Summit County Recorder's Office prior to Building Permit issuance.
16. Any compact spaces (nine feet wide by 16 feet long) must have installed signage or be pavement painted to indicate they are for compact vehicles only.
17. All existing Bicycle Parking must be brought into compliance with LMC § 15-3-9(A)(1) prior to closure of the building permit.

950 Aerie Drive – Administrative Conditional Use Permit – PL-24-06228 – The Applicant Proposes Retaining Walls Greater Than Six Feet in Height in the Estate Zoning District.

Planner Jacob Klopfenstein presented the application and explained that initially the Retaining Walls were not planned to exceed Six Feet in Height but as construction progressed the circumstances of the site necessitated larger walls. He also highlighted some of the Conditions of Approval.

At 12:27 PM, the Planning Director opened a public hearing. There was no public input.

At 12:27 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Administrative Conditional Use Permit in accordance with the Findings of Fact, Conclusions of Law, and Amended Conditions of Approval.

Findings of Fact

1. 950 Aerie Drive is a Single-Family Dwelling in the Estate Zoning District that was built in 2001.
2. 950 Aerie Drive is Lot 2 of the Hearthstone 2nd Amended Plat. Per the recorded plat, the maximum house size for 950 Aerie Drive is 5,000 square feet, and the building pad size is 90 feet by 90 feet.
3. On July 6, 2023, the City issued Building Permit #23-712 to construct an addition to the single-family dwelling at 950 Aerie Drive. Building Permit #23-712 included two retaining walls at the rear of the site. Per the Applicant, the retaining walls were originally intended not to exceed six feet, but as construction work continued, contractors discovered that the circumstances of the site necessitated larger retaining walls than expected, and the walls were built higher than six feet.
4. On August 9, 2024, the Applicant submitted landscaping plans, proposing retaining walls that exceed six feet in height.
5. The Applicant proposes retaining walls ranging from 3-12 feet in height and built within the Side Setback, approximately five feet from the east property line.
 - a. The minimum required Side Setback in the Estate Zoning District is 30 feet.

6. The Applicant submitted a complete Administrative Conditional Use Permit application for retaining walls greater than six feet in height and built within the Side Setback on August 7, 2024.
7. The Development Review Committee reviewed the proposal on September 3, 2024 and did not require any additional Conditions of Approval.
8. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on September 4, 2024. Staff mailed courtesy notice to property owners within 300 feet on September 4, 2024. The Park Record published courtesy notice on September 5, 2024
9. The proposal to build a 10-foot-tall Fence and retaining walls over 6 feet in height, as conditioned, complies with LMC § 15-2.10 Estate (E) District.
 - a. LMC § 15-2.10 states that retaining walls built over 6 feet in height and within the Side Setback require an ACUP.
 - b. LMC § 15-2.10-3(F) also states that retaining walls may have multiple steps, but each exposed face shall not exceed 6 feet in height and the horizontal distance between the walls, from the front face to rear face, must be at least 3 feet and planted with approved vegetation. Pursuant to this provision, the Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.
10. The proposal to construct retaining walls over 6 feet in height, 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 retaining walls are in the rear of the SFD and on the east side of the SFD within the Side Setback. The retaining walls are proposed to be located approximately five feet from the east property line, roughly 50 feet from the neighboring SFD on the east side. The required Side Setback in the Estate District is 30 feet.
 - ii. A 5-foot utility, slope, and drainage easement is dedicated on all Lot lines in the Hearthstone Subdivision.
 - iii. No work is proposed to occur in an existing drainage easement at the front of the Site as part of the proposed scope of work.
 - b. Traffic considerations including capacity of the existing Streets in the Area
 - i. No changes are proposed to the existing SFD. The retaining walls and landscaping will not generate additional traffic.
 - c. Utility capacity, including Storm Water run-off

- i. The Applicant is required to obtain Engineering Department approval for drainage and storm water management plans prior to building permit issuance.
- d. Emergency vehicle Access
 - i. No changes are proposed to the existing SFD. The retaining walls and landscaping will not affect emergency vehicle Access to the Site.
- e. Location and amount of off-Street parking
 - i. No changes are proposed to the existing SFD. The retaining walls and landscaping will not generate additional Off-Street Parking requirements.
- f. Internal vehicular and pedestrian circulation system
 - i. No changes are proposed to the single-family dwelling.
- g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses
 - i. The retaining walls are proposed for the rear and east side of the SFD, approximately five feet from the east property line and approximately 50 feet from the east neighboring SFD.
 - ii. The Applicant proposes Gold Drop Potentilla (8 plants), Russian Sage (13 plants), Gro Low Sumac (9 plants), Blue Oat Grass (12 plants), Dwarf Artic Willow (5 plants), Apache Plume (6 plants)
 - iii. The Applicant proposes landscaping in front of the retaining wall on the east side of the SFD that will partially screen the wall from view from Aerie Drive.
 - iv. The northern portion of the Site contains native vegetation, including scrub oak.
 - v. The retaining wall will not impact the existing native vegetation, and the vegetation will effectively screen the proposed retaining wall from the rear of the site.
- h. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots
 - i. The proposed retaining walls exceed six feet in height and are built within the Side Setback.
 - ii. Retaining walls in the Estate Zoning District may have multiple steps, however, each exposed face cannot exceed six feet in height and the horizontal distance between the walls, front face to rear

face, must be at least three feet and planted with approved vegetation.

- i. Usable Open Space
 - i. The proposed retaining walls will not reduce Open Space on the site.
 - ii. The northern portion of the Site contains native vegetation, including scrub oak.
- j. Signs and lighting
 - i. No signs or lighting are proposed.
- k. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing
 - i. The scale and design of the retaining walls, as conditioned, are compatible with surrounding structures. The retaining walls will be built out of natural stacked boulders.
- l. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site
 - i. The proposed Use will not generate noise, vibration, odors, steam, or other mechanical factors.
- m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas
 - i. No changes are proposed.
- n. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities
 - i. 950 Aerie Drive is a privately owned Single-Family Dwelling. There is not an active Nightly Rental business license for 950 Aerie Drive.
- 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. 950 Aerie Drive is within the Sensitive Lands Overlay Zone.
 - ii. The Applicant must landscape and revegetate exposed Slopes. Topsoil from any disturbed portion of a Steep Slope must be preserved and utilized in re-vegetation. Fill soil must be of a quality to support plant growth.

- p. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding
 - i. Section 7.1 of the Park City General Plan states that protecting natural vegetation is a key goal for the Masonic Hill neighborhood, which includes 950 Aerie Drive. Section 7.1 states that native plants can continue to play their crucial role in the ecosystem by preventing erosion. Retaining walls may also prevent erosion in the area by providing stability to sloped areas.

Conclusions of Law

1. The retaining walls over 6 feet in height and within the Side Setback comply, as conditioned, with the requirements of the LMC.
2. The retaining walls will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any difference in Use or scale for the retaining walls have been mitigated through careful planning.

Conditions of Approval

1. The retaining wall shall not encroach into the 5-foot utility, slope, and drainage easement dedicated on all Front, Side and Rear Lot lines, per the Hearthstone Subdivision 2nd Amended Plat.
2. The Applicant shall obtain Engineering Department approval for drainage and storm water management plans prior to building permit issuance. Drainage and storm water management shall comply with Municipal Code of Park City Chapter 13-5 *Regulation and Enforcement of Storm Water Discharges Associated with Post-Construction Activities*.
3. At least 50 percent of the Landscaped Area shall be Water Wise Landscaping containing approved non-invasive drought tolerant plants, and/or minimal irrigation, pursuant to LMC § 15-5-5(N).
4. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet in height and the horizontal distance between the walls, front face to rear face, must be at least three feet and planted with approved vegetation. The Applicant shall update their proposed plans prior to submitting a Building Permit to show compliance with the limitations on retaining walls within the 30-foot Side Setback.

5. The Applicant must landscape and revegetate exposed Slopes. Topsoil from any disturbed portion of a Steep Slope must be preserved and utilized in re-vegetation. Fill soil must be of a quality to support plant growth.
6. The Applicant shall obtain a building permit for the retaining walls and complete engineering review for retaining walls prior to construction.
7. Any changes, modifications, or deviations from the approved Proposal that have not been approved in advance by the Planning Department may result in a stop work order.
8. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved retaining walls.
9. 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.

The Park City Administrative Public meeting adjourned at 12:30 PM.

Approved by Planning Director:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned below the text "Approved by Planning Director:".