

Administrative Public Meeting
September 5, 2024
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE PUBLIC MEETING MINUTES
PLANNING DEPARTMENT
<https://us02web.zoom.us/j/88167820277>
September 5, 2024

STAFF:

Rebecca Ward, Planning Director; Elissa Martin, Assistant Planning Director; Lillian Zollinger, Planner III; Meredith Covey, Planner I; Jaron Ehlers, Planner I; Becky Gutknecht, Public Improvements Engineer; E. Roman, Administrative Assistant.

PUBLIC:

Michael Buchholz, Kim Irwin-Paul, Martina Nelson (virtual), Kelly Pfaff (virtual), Jonathan DeGray.

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

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

445 Park Avenue – Extension – PL-24-06210 – Requesting a Year Extension of a Historic District Design Review Approval to Lift a Historic Structure and Construct an Addition.

Planner Lillian Zollinger presented and indicated that the Conditions of Approval remained unchanged from the previous approval and highlighted some of the Conditions of Approval.

Planning Director Ward asked the applicant if he could provide some background and reasons for the delay of the project. Applicant Jonathan DeGray explained that the delay was mainly due to the Plat process, he also indicated that they anticipated to be submitting for the Building permit around the beginning of the year.

At 12:02 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 Extension in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Subject Property is located at 445 Park Avenue.
2. 445 Park Avenue is a Landmark Historic Structure on Park City's Historic Sites Inventory (HSI).
3. 445 Park Avenue is listed on the National Register of Historic Places as part of the Park City Mining Boom Era Residences Thematic District.
4. On January 4, 2022, the Applicant submitted a Historic District Design Review Pre-Application to discuss a potential addition to the Structure.
5. On January 3, 2023, the Applicant submitted a full Historic District Design Review application for a proposed addition.
6. On May 3, 2023, the Historic Preservation Board conducted a public hearing and granted approval for Material Deconstruction of 225 square feet of the siding located on the western (rear) façade of the Structure and a 92-square foot section of the existing roof form. The Historic Preservation Board also granted approval for the Applicant to deconstruct and reconstruct the existing front porch.
7. On August 10, 2023, the Planning Director approved the HDDR to (I) deconstruct the front porch; (II) lift the Landmark Historic Structure; (III) construct a new foundation and basement addition; (IV) lower the Landmark Historic Structure; and (V) construct a rear addition.
8. On July 10, 2024, the Planning Commission approved the 445 Park Avenue Plat Amendment to create one Lot of record. (see Exhibit E, Staff Report, Audio). The Plat has not yet been recorded with Summit County and must be recorded before a building permit may be obtained (see Condition of Approval 4).
9. On July 22, 2024, the Applicant requested an extension to their HDDR in writing, prior to the August 10, 2024, expiration date.
10. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 15, 2024. Staff mailed courtesy notice to property owners within 300 feet on August 15, 2024.

Conclusions of Law

1. The proposed Historic District Design Review Extension does not diminish the Historic Integrity of the Landmark Historic Site in accordance with LMC §15-13-2(A).
2. The proposed Historic District Design Review Extension complies with the requirements set forth in the Design Guidelines for Historic Residential Sites as set forth in LMC §15-13-2.
3. The proposed Historic District Design Review Extension complies with the requirements set forth by the Historic Residential – 1 (HR-1) Zone as outlined in

LMC Chapter 15-2.2.

4. The Applicant demonstrated 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 this extension request.

Conditions of Approval

1. The Applicant is responsible for notifying the Planning Department and Building Department prior to proposing any changes to this approval.
2. The Applicant shall submit in writing any changes, modifications, or deviations from the approved scope of work for Planning review and approval/denial in accordance with the applicable standards prior to construction.
3. Where the Historic exterior materials cannot be repaired, they shall be replaced with deconstructed Historic materials (if available), or materials that match the original in all respects: scale, dimension, texture, profile, material and finish. Prior to removing and replacing Historic materials, the Applicant shall demonstrate to the Planning Director (or their Designee) and the Historic Preservation Planner that the materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. No Historic materials may be disposed of prior to advance approval by the Planning Director (or their Designee) and the Historic Preservation Planner.
4. An encroachment agreement is required for work conducted five feet or less from a Lot Line or having the potential to encroach onto another property.
5. A Soils Report completed by a geotechnical engineer as well as a temporary shoring plan, if applicable, will be required at the time of building permit application.
6. The Applicant shall submit a cribbing and excavation stabilization shoring plan reviewed and stamped by a State of Utah licensed and registered structural engineer prior to the issuance of a building permit. Cribbing or shoring must be of engineer-specified materials. Screw-type jacks for raising and lowering the building are not allowed as primary supports once the building is lifted.
7. Historic Structures which are lifted off the foundation must be returned to the completed foundation within 45 days of the date the building permit was issued.
8. The Planning Director (or their Designee) may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer as necessary. This would be based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties. The Applicant is responsible for notifying the Building Department if changes are made. If the cribbing and/or shoring plan(s) are to be altered at any time during the construction of the foundation by the contractor, the structural engineer shall submit a new cribbing

- and/or shoring plan for review. The structural engineer shall be required to re-inspect and approve the cribbing and/or shoring alterations within five days of any relocation or alteration to the cribbing and/or shoring.
9. The Applicant shall also request an inspection through the Building Department following the modification to the cribbing and/or shoring. Failure to request the inspection will be a violation of the Preservation Plan and enforcement action through the Financial Guarantee or ACE could take place.
 10. The Applicant shall provide the City with a Financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan prior to the issuance of a building permit.
 11. A plinth, or trim board at the base of the Historic Structure, shall be added to visually anchor the Historic Structure to the new foundation.
 12. The addition shall be undertaken in such a manner that if removed in the future the essential form and integrity of the Landmark Historic Structure could be restored.
 13. The new foundation shall not raise or lower the Landmark Historic Structure more than two feet from its original floor elevation.
 14. The site shall be re-graded so that all water drains away from the Structure and does not enter the foundation. The original height of the Landmark Historic Structure is 28 feet and 8 inches from grade; the Applicant shall return the Landmark Historic Structure to its existing height. The proposed new construction (addition) shall comply with maximum height requirements as adopted in LMC § 15-2.2.
 15. No more than six inches of foundation shall be visible above final grade on the primary and secondary facades.
 16. The Applicant shall re-use any salvageable removed original siding material to replace areas of damaged siding on the remainder of the Historic Structure.
 17. All conditions of approval from the May 3, 2023 Material Deconstruction Final Action Letter apply.
 18. If a building permit is not issued by August 10, 2025, this approval will expire, and the Applicant shall reapply for a full HDDR and public hearing.

958 Woodside Avenue – Extension – PL-24-06224 – Requesting a Year Extension of a Plat Amendment Approval to Create Two Lots.

Planner Lillian Zollinger presented the application and explained that the City Council had approved this Plat Amendment on August 22, 2023. Planner Zollinger also gave an overview of the Conditions of Approval.

At 12:06 PM, the Planning Director opened a public hearing. There was no public input.

At 12:06 PM, the Planning Director closed the public hearing.

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

Findings of Fact

1. The property is located at 958 Woodside Avenue.
2. The property is listed with Summit County as parcel numbers SA-17-A and SA-18 and consists of Lots 19, 20, and the North half of Lot 21 in the Snyder's Addition.
3. The property is in the Historic Residential-1 (HR-1) Zoning District.
4. On August 22, 2023, the City Council reviewed the 958 Woodside Avenue Plat Amendment and approved Ordinance No. 2023-39.
5. The City Council found Good Cause for the Plat Amendment because it resolves existing nonconformities including a structure that straddles lot lines, a deck that straddles lot lines, and a Structure that exceeds Zoning District maximum height, present Land Uses and the Character of the HR – 1 Zoning District are retained, no public street or Right-of-Way is vacated or amended, and no easement is vacated or amended.
6. The Approved Plat creates two Lots of record.
7. Lot 1 will remain 958 Woodside Avenue, and Lot 2 will be 954 Woodside Avenue.
8. The site contains an existing Non-Historic Structure built in 1972 that straddles lot lines.
9. The current minimum Lot Size in the HR-1 Zoning District is 1,875 square feet. Lot 1 is 1,875 square feet and Lot 2 is 2,182.5 square feet.
10. The current minimum Lot Width in the HR-1 Zoning District is 25 feet. Lot 1 is 25 feet wide and Lot 2 is 32.5 feet wide.
11. No remnant Parcels are created with this Plat Amendment.
12. The Lot Sizes are consistent with adjacent Single-Family Dwelling Lots.
13. The Building Footprint of the existing Structure is 913 square feet.
14. Lot 1 will have a Maximum Building Footprint of 843.75 square feet and Lot 2 will have a Maximum Building Footprint of 1,200.67 square feet.
15. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District.
16. The Front and Rear Setback is ten feet each. The existing Structure is set back 19 feet from the Front Property line and 23 feet from the Rear Property line.
17. The Side Setback is three feet each side. The existing Structure is set back five feet from the west Property line and 29 feet from the east Property line.
18. The HR-1 Zoning District maximum height is 27 feet from existing grade. The existing Structure is non-complying and has a height of 37 feet. The non-complying Structure will be demolished prior to plat recordation with Summit County.

19. Each Lot requires two off-street Parking Spaces.
20. Snyderville Basin Water Reclamation District notes that the existing private lateral wastewater line is shared with 950 Woodside Avenue and crosses 962 Woodside Avenue, out to 10th Avenue.
21. On August 5, 2024, the Applicant requested an extension to their Plat Amendment in writing, prior to the August 22, 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 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"
22. 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.
23. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 15, 2024. Staff mailed courtesy notice to property owners within 300 feet on August 15, 2024.

Conclusions of Law

1. The Plat Amendment is consistent with the Land Management Code, including Chapter 15-2.2 *Historic Residential (HR-1) Zoning District*, and § 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.
4. 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 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 the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) 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.

3. The Plat shall note that fire sprinklers are required for all new construction.
4. A non-exclusive ten foot (10') public snow storage easement on Woodside Avenue shall be dedicated on the Plat.
5. The plat shall note the Maximum Building Footprint for Lot 1 is 843.75 square feet and Lot 2 is 1,200.67 square feet.
6. The non-historic Structure shall be demolished prior to recordation of the Plat.
7. Each Lot shall have a minimum of two Off-Street Parking spaces.
8. New construction on Lot 1 and Lot 2 shall comply with the LMC in effect at the time of Building Permit application.
9. Prior to redevelopment, the applicant must provide a survey of significant vegetation and submit a landscape plan that justifies replacement of the vegetation as outlined in LMC § 15-5-5(N).
10. Any development on Lots 1 and 2 must undergo the Historic District Design Review process for compliance with LMC § 15-13-8 Design Guidelines for Historic Districts and Historic Sites.
11. Any development on Lot 1 or Lot 2 shall require wastewater service be routed to Woodside Avenue, which shall include the installation of an injector waste pump.
12. The Plat shall note that this Lot is subject to Ordinance 2023-39.
13. The Engineering Department shall review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.

768 Mountain Oak Court – Administrative Permit – PL-23-05890 – Proposing to Construct a Detached Accessory Apartment in the Rear Yard in the Single Family Zoning District.

Planner Meredith Covey presented the application and indicated that as conditioned, the application complied with setbacks, building height requirements and Accessory Apartment requirements. Planner Covey highlighted some of the Conditions of Approval.

The applicant Kelly Pfaff asked if the setbacks requirements would change at all if they decided to keep the Detached Accessory Apartment just as a separate office with a kitchen. Planning Director Rebecca Ward replied that it would depend on the use of the Detached Accessory Apartment and the scope of any additional modifications.

The applicant also asked if they would be allowed to rent the proposed Detached Accessory Apartment. Planning Director confirmed that under the current proposal long term rental will be allowed and short-term rental is not allowed.

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

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

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

Findings of Fact

1. 768 Mountain Oak Court is Lot 56 of the Park Meadows Subdivision No. 1, recorded with Summit County in 1976 (Parcel No. PKM-56).
2. According to the Summit County Assessor webpage, the Single-Family Dwelling at 768 Mountain Oak Court was constructed in 1976.
3. The Applicant proposes constructing a detached Accessory Apartment in the rear yard.
4. LMC Section 15-15-1 defines an Accessory Apartment as a self-contained apartment with cooking, sleeping, and sanitary facilities, created by adding onto or within a detached Single-Family Dwelling or detached garage.
5. Accessory Apartments do not increase the residential Unit Equivalent of the property and are an Accessory Use to the primary dwelling.
6. LMC Section 15-2.11-2(A)(4) *Single-Family Zoning District Uses* establishes Accessory Apartments as an allowed use, subject to Administrative Permit approval and compliance with LMC Section 15-4-7 *Accessory Apartments*.
7. LMC Section 15-2.11-3 *Single-Family Zoning District Lot and Site Requirements* establishes the following:

Requirement	Analysis of Proposal
Front Setback - 20 feet	The proposed detached Accessory Apartment is set behind the existing Single-Family Dwelling and complies with the minimum 20-foot Front Setback.
Rear Setback – 15 feet	The proposed detached Accessory Apartment is set behind the existing Single-Family Dwelling and is proposed to be 7 feet 6 from the rear property line.

	Condition of Approval 1 requires that the detached Accessory Apartment be set back 15 feet from the rear property line.
Side Setback – 12 feet	The proposed detached Accessory Apartment is proposed to be 5 feet from the Side Setback. Condition of Approval 2 requires that the detached Accessory Apartment be set back 12 feet from the side property line

8. LMC Section 15-2.11-4 *Single-Family Zoning District Building Height* establishes the following:

Requirement	Analysis of Proposal
18 feet from Existing Grade	The Applicant proposes the height of the detached Accessory Structure be 18 feet. Condition of Approval 3 requires the Applicant to submit a roof over topography showing existing grade and compliance with height prior to Building Permit submittal.

9. LMC Section 15-2.11-5 *Single-Family Zoning District Architectural Review* requires projects to comply with LMC Chapter 15-5 *Architectural Review*:

Requirement	Analysis of Proposal
Outdoor Lighting	The Dark Sky Code requires outdoor lighting to be Fully Shielded, down directed, with bulbs 3,000 degrees Kelvin or less. Condition of Approval 4 requires outdoor lighting for the property be in compliance with LMC Section 15-5-5(J).

Water Wise Landscaping	Pursuant to LMC Section 15-5-5(N) At least fifty percent (50%) of the Landscaped Area shall be Water Wise Landscaping containing approved non-invasive drought tolerant plants, and/or minimal irrigation. Water Wise Landscaping may be satisfied through approved vegetation, location of planting methods such as Xeriscaping or Hydrozoning, using healthy soil practices (that promotes soil moisture retention), such as compost, or biochar, and/or biodiverse plantings, or approved based on a site-specific Planning Department review. Condition of Approval 5 requires modifications to landscaping to comply with LMC Section 15-5-5(N).
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10. LMC Section 15-4-7 *Accessory Apartments* establishes the following requirements for Accessory Apartments:

Requirement	Analysis of Proposal
Accessory Apartments shall be no more than 1/3 of the Single-Family Dwelling and are limited to a maximum floor area of 1,000 square feet.	The Single-Family Dwelling is 3,329 square feet. The proposed detached Accessory Apartment has a Floor Area of 832 square feet. Condition of Approval 8 requires that the Applicant submit verification of the dimensions of the proposed Floor Area prior to Building Permit issuance.
Accessory Apartments shall have no more than two bedrooms.	The proposed detached Accessory Apartment has one bedroom.
Parking – one space per bedroom must be provided in addition to the existing requirement for the primary residence.	LMC Section 15-3-6(A) requires two parking spaces for a Single-Family Dwelling and one additional parking space for the Accessory Apartment. The Single-Family Dwelling at 768 Mountain Court has a two-car garage satisfying the parking requirements for the main Dwelling.

	The proposed detached Accessory Apartment provides one Parking Space in a Single-Car Garage on the ground floor of the Structure. The proposed plans satisfy the parking requirements outlined in LMC Section 15-3-6(A)
Deed Restriction	Condition of Approval 6 requires Deed Restriction outlining the limitations of the proposed detached Accessory Apartment to be recorded with the Summit County Recorder prior to issuance of a building permit.
Nightly Rentals – Prohibited.	The Deed Restriction shall prohibit Nightly Rentals of the proposed detached Accessory Apartment. The minimum rental term for the Accessory Apartment is 90 days (Condition of Approval 7).
Homeowner Association Notification	LMC Section 15-4-7(A)(7) requires notification of the proposed Accessory Apartment to homeowner associations registered with the Park City Building Department pursuant to LMC Section 15-1-12(F). 768 Mountain Oak Court is not part of a homeowner association.

11. LMC Section 15-4-7(A)(8) *Detached Accessory Apartments* establishes the following requirements for Detached Accessory Apartment:

Requirement	Analysis of Proposal
Detached Accessory Apartments are allowed on Lots 3,750 square feet or greater.	The Lot of 768 Mountain Oak Court is 13,068 square feet in size.
Detached Accessory Apartments shall comply with Zoning District Setbacks for Single-Family Dwellings.	As conditioned, the proposed detached Accessory Apartment is compliant with the Zoning District Setbacks for Single-Family Dwellings.

Detached Accessory Apartments shall comply with the Area of Disturbance, Limits of Disturbance, and any other regulation indicated on the recorded plat that is more restrictive than the underlying Zoning District.	The recorded plat has no regulations that are more restrictive than the underlying Zoning District.
Detached Accessory Apartments shall not exceed a maximum height of eighteen feet (18') from Existing Grade.	The proposed detached Accessory Apartment does not exceed a maximum height of 18 feet from Existing Grade

12. The Development Review Committee evaluated the proposed detached Accessory Apartment on August 21, 2024, and had no Conditions of Approval.

Conclusions of Law

1. The Accessory Apartment, as conditioned, complies with LMC Chapter 15-11 *Single-Family Zoning District*.
2. The Accessory Apartment, as conditioned, complies with LMC Section 15-4-7 *Accessory Apartments*.
3. The Accessory Apartment, as conditioned, complies with the requirements of Land Management Code Section 15-4-7(A)(8) *Detached Accessory Apartments*.

Conditions of Approval

1. The Applicant shall submit updated plans with the Accessory Apartment set back 15 feet from the rear property line prior to building permit submittal.
2. The Applicant shall submit updated plans with the Accessory Apartment set back 12 feet from the side property line prior to building permit submittal.
3. The Applicant shall submit a roof over topography showing existing grade and compliance with height requirements prior to building permit submittal.
4. All outdoor lighting for the property shall be brought into compliance with the dark sky code outlined in LMC Section 15-5-5(J). All outdoor lighting must be fully shielded, down-directed, with bulbs 3,000 degrees Kelvin or less.
5. Modifications to landscaping shall comply with the water wise requirements outlined in LMC Section 15-5-5(N).

6. Prior to building permit issuance, the Applicant shall record with Summit County a Deed Restriction that meets the requirements of LMC Section 15-4-7 in a form approved by the City Attorney's Office.
7. Nightly Rental of the Accessory Apartment is prohibited. The Accessory Apartment shall be rented for no term less than 90 days.
8. The Applicant shall submit verification of the dimensions of the proposed Floor Area prior to Building Permit issuance.

445 Marsac Avenue – Administrative Conditional Use Permit – PL-24-06251
– Proposing to Replace an Existing Retaining Wall Exceeding Six Feet in Height in the Public Use Transition Zoning District.

Planner Jaron Ehlers presented the application and gave an overview of the Conditions of Approval.

At 12:15 PM, the Planning Director opened a public hearing. There was no public input.

At 12:16 PM, the Planning Director closed the public hearing.

Planning Director Ward also called attention to Land Management Code section 15-2.2-3(G) that allows for additional height of retaining walls within the front setback subject to the Administrative Permit process.

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

Findings of Fact

1. 445 Marsac Avenue (City Hall) is in the Public Use Transition (PUT) Zoning District and is Lot 1 of the Marsac Parking Structure Subdivision Plat Amended. The front of the Lot abuts the Historic Residential-1 (HR-1) Zoning District.
2. 445 Marsac Avenue is a Landmark Historic Site on the Park City Historic Sites Inventory.
3. 445 Marsac Avenue is owned by Park City Municipal Corporation (PCMC).
4. The PCMC Engineering Department conducted an evaluation of the condition of the China Bridge Parking Structure, which included the Marsac Retaining Wall. The evaluation was completed on May 22, 2024, with a third-party review

received on July 31, 2024. The evaluation concluded that the retaining wall is failing and replacement is necessary before winter.

5. The Applicant proposes to replace the existing concrete retaining wall in the Front Setback along Marsac Avenue. The proposed retaining wall will range in height from a minimum of four feet to a maximum of 13 feet and will be 128 feet long, the same dimensions as the current wall.
6. The retaining wall will be a beam and lag style concrete wall.
7. The PUT Zoning District has no specific Setback dimensions, but it does require that "where new construction abuts a residential zone, the new construction shall meet the required minimum Setback of the abutting zone" (LMC § 15-2.22-2(B)).
8. As 445 Marsac Avenue abuts the HR-1 Zoning District, it must comply with the Front Setback of that Zoning District, which is 15 feet for a Lot with over 100 feet in depth (LMC § 15-2.2-3(F)). 445 Marsac Avenue has a maximum depth of 137.99 feet.
9. Retaining walls greater than six feet in height are an exception to the Front Setback in the HR-1 Zoning District subject to the approval of an Administrative Conditional Use Permit (LMC § 15-2.2-3(G)).
10. The existing, and replacement, retaining wall is located approximately three feet from the property line within the Front Setback.
11. The Planning Director reviewed the proposal based on the following Conditional Use Permit criteria as outlined in LMC § 15-1-10(E):

1. Size and Location of Site

- The proposed retaining wall is along Marsac Avenue on the north end of the parking area, abutting the foundation of City Hall. The proposed retaining wall will be the same size, length, and height as the existing retaining wall.

2. Traffic

- As the dimensions of the retaining wall remain the same, the existing traffic patterns on Marsac Avenue and within the parking area will not be affected.

3. Utility Capacity

- There are utilities that will be impacted by the replacement of the retaining wall. The Applicant must secure cooperation from the affected parties before a Building Permit may be issued for the retaining wall (Condition of Approval 8).

4. Emergency Vehicle Access

- Replacement of the retaining wall will not affect emergency access to the Parking Area in front of City Hall.

5. Off-Street Parking

- Due to the failing status of the existing retaining wall, several Parking Spaces in the Parking Area are currently closed off. When the retaining wall is replaced, these Parking Spaces may be used again.

6. Internal Vehicle and Pedestrian Circulation

- Replacement of the retaining wall will not affect Vehicle and Pedestrian Circulation for the Parking Area.

7. Fencing, Screening, and Landscaping

- Significant Vegetation will be impacted by the replacement of the retaining wall. All significant vegetation that is removed must be replaced on the Lot in a location approved by the Forestry Board. The area upon completion of construction must be revegetated in accordance with LMC § 15-5-5(N) (Conditions of Approval 5&6).
- There is an existing wooden wall that provides screening for the existing mechanical equipment. If that wall is removed or damaged, it must be replaced in kind (Condition of Approval 9).

8. Building Mass, Bulk, and Orientation

- The retaining wall will have a minimum height of four feet and a maximum of 13 feet, same as the existing wall.

9. Usable Open Space

- As the proposed retaining wall is the same dimensions as the current wall, there will be no increase or decrease in open space on the Lot.

10. Signs and Lighting

- No signs or lighting are proposed or approved with this plan.

11. Physical Design and Compatibility with Surrounding Structures

- As 445 Marsac Avenue is a Landmark Historic Site, the Applicant is required to complete the necessary Historic District Design Review prior to the issuance of a Building Permit (Condition of Approval 4).

12. Noise, Vibration, Odors, Steam, or Other Mechanical Factors

- The project will result in no unmitigated impacts as the existing situation will continue.

13. Expected Ownership and Management

- The property is owned and managed by PCMC.

14. 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

- The property is within the Soils Ordinance Boundary and will be required to comply with the Park City Soils Ordinance (Condition of Approval 7).

15. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan

- 445 Marsac Avenue is in the Old Town neighborhood and is a Landmark Historic Site. Goal 6.4 of the General Plan for the Old Town neighborhood states that the “character of historic sites should be retained and preserved.” Replacement of the existing retaining wall will help accomplish this goal as it will allow the Parking Area to return to full capacity without adjusting the nature of the site.

12. Due to the concerns regarding a failing retaining wall for a major Parking Area, several required documents and reviews have been deferred to the Building Permit review (Conditions of Approval 3, 5, and 6).
13. Staff published notice on the City and Utah Public Notice websites and posted notice to the property on August 21, 2024. Staff mailed courtesy notice to adjacent property owners on August 21, 2024.

Conclusions of Law

1. The proposal complies with LMC § 15-1-10 *Conditional Use Review Process*, LMC § 15-4-2 *Fences and Retaining Walls*, LMC Chapter 15-2.2 *Historic Residential (HR-1) District*, and LMC Chapter 15-2.22 *Public Use Transition (PUT) District*.
2. The Use is 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. The Applicant is responsible for notifying the Planning Department in writing of any changes, modifications, or deviations from the approved scope of work. Changes shall be reviewed and approved or denied by the Planning Director or their designee in accordance with applicable development standards.
2. Final building plans and construction details shall reflect substantial compliance with the plans reviewed by the Planning Department submitted with this application. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a Stop Work Order.
3. Retaining Walls four feet and larger require engineered plans at the time of Building Permit submittal and require review and approval by the Engineering and Building Departments.
4. Prior to the issuance of a Building Permit, the applicant is required to obtain an HDDR-Pre Waiver Letter.
5. Upon completion of the replacement retaining wall, the landscaping between the wall and Marsac Avenue shall be revegetated in compliance with LMC Section 15-5-5(N).
6. Significant Vegetation impacted by the retaining wall upgrades shall be replaced in like kind within the City Hall site in a location to be approved by the Forestry Board.
7. All dirt must be managed according to Park City's Landscaping Maintenance of Soil Cover Ordinance. Excess soil should be reincorporated onsite or disposed of following Local, State and Federal rules. Care should be taken to minimize dust through appropriate best management practices. If excess soil is destined for offsite disposal, that material shall be disposed of according to the disposal facility's requirements.
8. Before issuance of a Building Permit, the applicant shall receive approval of plans by all affected utilities.
9. If the wooden screening wall is removed or damaged, it must be replaced in kind.

The Park City Administrative Public meeting adjourned at 12:17 PM.

Approved by Planning Director:

A handwritten signature in blue ink, consisting of several fluid, overlapping strokes, positioned below the 'Approved by Planning Director:' text.