

Administrative Action Meeting
July 25, 2024
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
July 25, 2024
<https://us02web.zoom.us/j/88167820277>

STAFF:

Rebecca Ward, Planning Director; Elissa Martin, Assistant Planning Director; Virgil Lund, Planner I; Jacob Klopfenstein, Planner I

PUBLIC:

Rhett Riding, Connor Dinsmore (virtual), Martina Nelson (virtual)

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

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

8945 Marsac Avenue Moonshadow Condominiums – Administrative Conditional Use Permit – PL-24-06174 – The Applicant Proposes a Retaining Wall Greater than Four Feet In The Front Setback.

Planner Lund presented the Administrative Conditional Use Permit proposal. He noted that there are two existing Retaining Walls at the site that range from 6 to 7 feet from Final Grade and are built in the Front Setback. He noted that one of the proposed Retaining Walls is 7 feet tall and 70 feet wide, and the other is 6 feet tall and 270 feet wide. He noted that a building permit and engineering department review will be required prior to construction.

Applicant Representative Connor Dinsmore clarified that the two retaining walls are structural and the larger wall is a landscaping and fencing wall.

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 Administrative Conditional use Permit

for 8945 Marsac Avenue Moonshadow Condominiums in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Applicant proposes an Administrative Conditional Use Permit (ACUP) for two retaining walls greater than six feet in height from Final Grade in the Front Setback as part of the Moonshadow Condominiums development. The proposed retaining walls range in height from Final Grade from six feet to seven feet and are located within the front setback of the subject property.
2. The City has not issued a building permit for the proposed work, the existing retaining walls were constructed without an Approved Building Permit.
3. The applicant submitted and the Development Review Committee reviewed the proposed plans, dated 6/14/2024, attached hereto as Attachment 1 ("the Proposal"), which illustrate two retaining walls the Applicant already built without approval and three proposed retaining walls 4 feet in height, to be built. The Applicant requests this ACUP to validate all proposed and already-constructed retaining walls.
4. The Moonshadow Condominiums are part of the Flagstaff Annexation Area, governed by the Flagstaff Development Agreement, the Village at Empire Pass Master Planned Development (VEP MPD), within the Residential Development (RD) and Recreation Open Space (ROS) Zoning Districts.
5. The City Council adopted Ordinance 2018-54 approving the Moonshadow Condominiums on October 25, 2018.
6. On July 1, 2019, the Moonshadow Condominiums Plat was recorded with Summit County, Summit County Recorder Entry No. 111351. The Plat created an eight-unit condominium. As part of the Village at Empire Pass Master Planned Development Approval and the Amended Flagstaff Development Agreement, the Planning Commission approved no more than 31 Unit Equivalents of residential density (62,000 square feet) for the Moonshadow Condominiums.
7. Construction has begun on the access road, Moonshadow Court, and the Condominium Units.
8. According to the Applicant, retaining walls are required to stabilize the slope separating the access road and condominiums from Marsac Avenue.
9. The Applicant proposes the following:
 - a. An ACUP for an existing stacked stone retaining wall that is seven feet in height from Final Grade, and 70 feet in width

- b. An ACUP for an existing stacked stone retaining wall that is six feet in height from Final Grade and 270 feet in width
10. The Proposal complies with the RD Zoning District requirements found in Land Management Code (LMC) Chapter 15-2.13:
- a. Front Setback – 20 Feet
 - i. There are two existing retaining walls in the Front Setback: one stacked stone retaining wall that is seven feet in height from Final Grade, and 70 feet in width and another existing stacked stone retaining wall that is six feet in height from Final Grade and 270 feet in width
 - ii. The height of retaining walls in the Front Setback may exceed four feet in height from Final Grade subject to approval of an ACUP (LMC § 15-4-2(A)(1)).
 - b. Side Setback – 12 feet
 - i. The retaining walls are greater than 60 feet from any side property line, as measured on proposed plans
 - c. Rear Setback – 15 feet
 - i. The retaining walls are greater than 120 feet from the rear property line, as measured on proposed plans.
 - d. Vegetation Protection
 - i. No Significant Vegetation is or will be impacted by the already built and proposed retaining walls. The Significant Vegetation prior to development on the site has been disturbed with construction of the Moonshadow Condominiums. The Proposal includes planting new trees and shrubs to screen the condominiums from Marsac Avenue.
11. The Proposal complies with LMC § 15-4-2 *Fences and Retaining Walls*.
- a. The height of retaining walls in the Front Setback may exceed four feet in height from Final Grade subject to approval of an ACUP (LMC § 15-4-2(A)(1)).
 - b. The existing retaining walls range in height from six feet to a maximum height of seven and a half feet from Final Grade within the Front Setback. The Applicant proposes to install an additional retaining wall four feet in height along the front property line.
12. The Proposal complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E)

- a. Size and Location of the Site
 - i. According to the Applicant, the size and location of the site warrant retaining walls to stabilize the hillside separating Moonshadow Court and the Condominiums uphill from Marsac Avenue.
- b. Traffic
 - i. Not Applicable.
- c. Utility Capacity
 - i. The Development Review Committee reviewed the proposal on July 2, 2024, and confirmed the proposal conforms with their requirements.
- d. Emergency Vehicle Access
 - i. The Development Review Committee reviewed the proposal on July 2, 2024, and confirmed the proposal conforms with their requirements.
- e. Parking
 - i. No mitigation required.
- f. Internal Vehicular and Pedestrian Circulation System
 - i. No mitigation required.
- g. Fencing, Screening, and Landscaping
 - i. LMC Section 15-5-5(N) requires 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. The proposed landscape plan contains plants and trees that are found on the Park City Waterwise Landscaping Plant List and is approximately 70 percent of the landscaped area.
- h. Building Mass, Bulk, and Orientation
 - i. The existing stacked stone retaining wall is seven feet in height from Final Grade, and 70 feet in width
 - ii. The other existing stacked stone retaining wall that is six feet in height from Final Grade and 270 feet in width
- i. Useable Open Space
 - i. Not applicable
- j. Signs and Lighting
 - i. No signs or lighting are proposed or approved with this ACUP.
- k. Physical Design and Compatibility with Surrounding Structures

- i. The proposed retaining walls are designed with natural stacked stone and will be built into the hillside, blending with the natural slope. The proposed landscape plan contains plants and trees that are found on the Park City Waterwise Landscaping Plant List and is approximately 70 percent of the landscaped area.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors
 - i. Not Applicable
- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas
 - i. Not Applicable.
- n. Expected Ownership and Management
 - i. The Empire Pass Master Owner's Association currently owns the common area where the retaining walls are located/proposed, and on July 10, 2024, approved the proposed plans for the retaining walls. The Moonshadow Homeowners Association will provide ongoing maintenance of the retaining walls and landscaping.
- o. Environmentally Sensitive Lands, Physical Mine hazards, Mine Waste, Soils Ordinance, Steep Slopes and Appropriateness of the Proposed Structure to the Existing Topography of the Site
 - i. As conditioned, the proposed retaining walls over 4' shall be permitted through engineering review and an approved building permit to ensure appropriateness of the structure to the existing topography of the site.
- p. General Plan
 - i. Section 9.5 of the General Plan mentions retaining walls as a design characteristic of the Upper Deer Valley Neighborhood: "Grand entry ways, exposed post and beam construction, large retaining walls, and taller than normal buildings are repeated design characteristics throughout the neighborhood."

Conclusions of Law

1. The proposal complies with the LMC requirements outlined in Chapter 15-2.13 *Residential Development Zoning District*, Section 15-4-2 *Fences and Retaining Walls*, and Section 15-1-10 *Conditional Use Permit Criteria*.
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. A building permit and engineering review for retaining walls over 4' shall be obtained prior to construction.
2. 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.
3. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved retaining walls.
4. 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 Action meeting adjourned at 12:03 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:".