

Administrative Action Meeting
June 6, 2024
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
June 6, 2024
<https://us02web.zoom.us/j/88167820277>

STAFF:

Rebecca Ward, Planning Director; Virgil Lund, Planner I; Jacob Klopfenstein, Planner I;
Ed Roman, Planning Department Administrative Assistant

PUBLIC:

Victoria Shlaepfer, Travis Richardson, Jeff Creveling, Edward McIntire, David Morse,
Peggy Burck (virtual), Phillip Dye (virtual)

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

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

1450 Empire Avenue – Administrative Conditional Use Permit – PL-24-06107
– The Applicant Proposes to Replace the Failing Retaining Wall and Install a New Storm
Drain System in the Recreation Commercial Zoning District.

Planner Lund presented the Administrative Conditional Use Permit proposal and
explained that the existing wall at the property is in disrepair and encroaches into a
neighboring property. Planner Lund noted that the proposal complies with the LMC
requirements for the RC zone.

At 12:02 PM, Planning Director Ward opened a public hearing. There was no public
input.

At 12:02 PM, Planning Director Ward closed the public hearing.

MOTION: Planning Director Ward **APPROVED** the Administrative Conditional Use
Permit for 1450 Empire Avenue in accordance with the Findings of Fact, Conclusions of
Law, and Conditions of Approval.

Findings of Fact

1. The City issued a Building Permit for the Structure at 1450 Empire Avenue in March of 1984.
2. There is an existing failing retaining wall that along the north property line that the Applicant proposes to re-construct and improve.
3. The Applicant proposes to demolish the existing retaining wall and construct a new verti-block retaining wall entirely within the Applicant's property lines.
4. The Applicant has obtained an encroachment agreement with the neighboring property owner for the proposed work.
5. The proposed retaining wall will gradually increase in height from 3.2 feet to 9.3 feet from Final Grade, within the Side Setback.
6. The proposal, as conditioned, complies with the RC Zoning District Requirements found in LMC § 15-2.16-3
 - a. LMC § 15-2.16-3(H) lists retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2, as a Side Setback exception.
7. The proposal, as conditioned, complies with LMC § 15-4-2 "Fences and Retaining Walls"
 - a. The height of retaining walls in the side or rear Setback may exceed six feet in height from Final Grade subject to approval of an ACUP (LMC § 15-4-2(A)(1)).
8. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E)
 - a. Size and Location of the Site
 - i. The proposed retaining wall will help stabilize the existing Parking Area and is located within property lines.
 - b. Traffic
 - i. No mitigation required.
 - c. Utility Capacity
 - i. The Engineering Department requires the Applicant to enter into an encroachment agreement to tie into the storm drain system with the City prior to Building Permit issuance.
 - d. Emergency Vehicle Access
 - i. No mitigation required.
 - e. Parking

- i. The proposed retaining wall will help to stabilize the existing Parking Area.
- f. Internal Vehicular and Pedestrian Circulation System
 - i. The proposed retaining wall helps to improve pedestrian access by widening the pedestrian pathway between the two Structures.
- g. Fencing, Screening, and Landscaping
 - i. No mitigation required.
- h. Building Mass, Bulk, and Orientation
 - i. No mitigation required.
- 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 wall helps to improve pedestrian access by widening the pedestrian pathway between the two Structures
 - ii. The proposed retaining wall will help stabilize the existing Parking Area and is located within property lines
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors
 - i. No mitigation required
- 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. 1450 Empire Avenue is owned by Deer Valley resort and has obtained an encroachment agreement with the neighboring property owner for the proposed work.
- 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. Not Applicable.
- p. General Plan
 - i. Not Applicable.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.16 Recreation Commercial (RC) Zoning District, Section

15-4-2 Fences and Retaining Walls, and Section 15-1-10(E) Conditional Use Permits.

2. The Use will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval

1. Any changes, modifications, or deviations from the approved retaining wall 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 Retaining Wall.
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 Engineering Department requires the Applicant to enter into an encroachment agreement to tie into the storm drain system with the City prior to Building Permit issuance.

2180 Three Kings Court – Administrative Permit – PL-24-06126 – The Applicant Proposes Installing an Internal Accessory Dwelling Unit in the Single-Family Zoning District.

Planner Lund presented the Administrative Permit proposal for an Internal Accessory Dwelling Unit and noted that the proposal complies with the requirements of the Single Family Zoning District and other LMC requirements.

Applicant representative Jeff Creveling asked about items listed in the staff report as non-compliant. Planning Director Ward clarified that those items will be verified with the Building Department at the building permit stage and the Administrative Permit would be approved on the condition that those items are verified prior to the issuance of a building permit.

Planning Director Ward said those items include the Conditions of Approval regarding the addition and existing grade. Director Ward also explained that Condition of Approval #2 requires verification that there is compliance with Side Setbacks for the stairs, and

that will be verified at the building permit phase.

Director Ward clarified that the Administrative Permit needs to be approved before a building permit is issued, and the staff report is calling attention to details that need to be verified at the building permit stage. Director Ward explained that any required land use approvals must always occur prior to the issuance of a building permit.

At 12:08 PM Planning Director Ward opened a public hearing.

Peggy Burck was concerned about the existing single family usage of the property and asked if the property would be subdivided for additional rental.

Director Ward clarified that the property won't be subdivided and explained that the Utah State Legislature recently enacted a law allowing for the creation of Internal Accessory Dwelling Units within existing Single Family Dwellings. She explained that Park City's code has been updated to reflect the state law. She noted that the Internal Accessory Dwelling Unit cannot be sold separately from the main Dwelling.

Peggy Burck asked if the home would accommodate two different families. Director Ward clarified that the home would be approved to have two separate units, an Internal Accessory Dwelling Unit and the main Dwelling Unit.

At 12:10 PM, Planning Director Ward closed the public hearing.

MOTION: Planning Director Ward **APPROVED** the Administrative Permit for 2180 Three Kings Court in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. 2180 Three Kings Court is Lot 22 of the Thaynes Canyon No. 2 Subdivision Plat, recorded with Summit County in 1976 (Parcel TH-2-22).
2. A ten-foot-wide non-exclusive utilities easement is platted along the rear property for Lot 22.
3. According to the Summit County Assessor website, a Single-Family Dwelling was constructed on Lot 22 in 1991.
4. The Applicant proposes constructing an Internal Accessory Dwelling Unit (IADU) and expanding the garage.
5. Land Management Code (LMC) Section 15-15-1 defines an IADU according to the state definition outlined in Utah Code Section 10-9a-511.5: an accessory dwelling unit created within a primary dwelling within the footprint of the primary

dwelling at the time the IADU is created for the purpose of offering a long-term rental of 30 consecutive days or longer.

6. 2180 Three Kings Court is in the Single-Family Zoning District.
7. LMC Section 15-2.11-2(A)(14) *Single-Family District Uses* establishes an IADU as an allowed use, subject to Administrative Permit approval and compliance with LMC Section 15-4-7.1 *Internal Accessory Dwelling Units*.
8. LMC Section 15-2.11-3 *Single Family Lot and Site Requirements* establishes the following:

Requirement	Analysis of Proposal
Front Setback - 20 feet	Complies – the proposed garage addition exceeds the required 20-foot setback and is set back from the front property line by 28 feet.
Rear Setback – 10 feet	Complies – the existing Single-Family Dwelling exceeds the required 10-foot rear setback.
Side Setback – 5 feet	Complies – the proposed garage addition complies with the five-foot setback.

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

Requirement	Analysis of Proposal
28 feet from Existing Grade	The Applicant shall obtain a Natural Grade determination from the Planning Director and submit a roof-over-topography exhibit demonstrating compliance with the maximum building height allowance for the Single-Family Zoning District prior to building permit issuance.

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10. LMC Section 15-2.11-5 *Architectural Review* requires projects within the Single-Family Zoning District 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.
Water Wise Landscaping	Modifications to landscaping shall comply with the water wise requirements outlined in LMC Section 15-5-5(N)).

11. LMC Section 15-4-7.1 establishes the following requirements for IADUs:

Requirement	Analysis of Proposal
Size – one IADU may be constructed on a Lot that is 6,000 square feet or greater.	Complies – 2180 Three Kings Court is 11,761 square feet (0.27 acres).
Parking – one space is required for the IADU and two parking spaces are required for the Single-Family Dwelling.	LMC Section 15-3-6(A) requires two parking spaces for a Single-Family Dwelling. LMC Section 15-3-4(A) requires the garage dimensions for Single-Family Dwellings to be at least 11 feet wide and 20 feet deep. Double-car garages must be at least 20 feet wide by 20 feet deep. LMC Section 15-4-7.1(A)(2)(a) allows for one Parking Space for an IADU to be provided in tandem if the existing driveway length equals or exceeds 25

	feet as measured from the property line. The garage is set back 28 feet from the property line, meeting this requirement. The Applicant proposes a two-car garage with one tandem parking configuration that meet the minimum dimension requirements, satisfying the requirement for three parking spaces. LMC Section 15-3-11 requires the garage of a Single-Family Dwelling to be Electric Vehicle-Ready. LMC Section 15-15-1 defines Electric Vehicle-Ready as a Private Garage that includes a dedicated circuit to accommodate the potential installation of a Level 2 Electric Vehicle Charging Station.
Ownership – The Single-Family Dwelling shall be occupied by the property owner and the IADU may not be sold separately.	Condition of Approval 6 requires a “Notice to Purchaser” to be recorded with the Summit County Recorder prior to issuance of a building permit.
Nightly Rentals – Prohibited.	The “Notice to Purchaser” prohibits Nightly Rentals.
Homeowner Association Notification	LMC Section 15-4-7.1(A)(8) requires notification of the proposed IADU to homeowner associations registered with the Park City Building Department pursuant to LMC Section 15-1-12(F). No homeowner association for the Thaynes Canyon No. 2 Subdivision is registered with Park City’s Building Department. According to the Applicant, 2180 Three Kings Court is not part of a homeowner association.

12. The Development Review Committee reviewed the proposal on June 4, 2024.

13. On May 25, 2024, Staff posted published notice on the City's website, posted notice to the property, and mailed courtesy notice to adjacent property owners.

Conclusions of Law

1. The IADU, as conditioned, complies with LMC Chapter 15-2.11 *Single-Family Zoning District*.
2. The IADU, as conditioned, complies with LMC Section 15-4-7.1 *Internal Accessory Dwelling Units*.

Conditions of Approval

1. The Applicant shall notify the Planning Department of modifications to the plans prior to submitting a modification request to the building permit.
2. The Applicant shall demonstrate compliance with side setback requirements for the proposed stairs that encroach into the north side setback prior to issuance of a building permit.
3. Outdoor lighting shall be brought into compliance with the Dark Sky Code (LMC Section 15-5-5(J)).
4. Modifications to landscaping shall comply with the water wise requirements outlined in LMC Section 15-5-5(N)).
5. LMC Section 15-3-11 requires the garage of the Single-Family Dwelling to be Electric Vehicle-Ready. LMC Section 15-15-1 defines Electric Vehicle-Ready as a Private Garage that includes a dedicated circuit to accommodate the potential installation of a Level 2 Electric Vehicle Charging Station. The garage shall include a dedicated circuit to accommodate the potential installation of a Level 2 Electric Vehicle Charging Station.
6. The Applicant shall record a "Notice to Purchaser" that meets the requirements of LMC Section 15-4-7.1(A)(6) in a form approved by the City Attorney's Office prior to building permit issuance.
7. Nightly Rentals are rentals for 30 days or less. Nightly Rentals are prohibited in the Single-Family Dwelling and the IADU.
8. The Applicant shall obtain a Natural Grade determination from the Planning Director and submit a roof-over-topography exhibit demonstrating compliance with the maximum building height allowance for the Single-Family Zoning District prior to building permit issuance.

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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:".