

Administrative Action Meeting
May 9, 2024
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
May 9, 2024

STAFF:

Rebecca Ward, Planning Director (virtual); Caitlyn Tubbs, Senior Historic Preservation Planner; Lillian Zollinger, Planner II; Jacob Klopfenstein, Planner I; Ken Fisher, Recreation Director (virtual)

PUBLIC:

Martin Paris (virtual)

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The Planning Director called the meeting to order at 12:01 PM.

ROLL CALL

The Planning Director noted that Staff and Members of the Public are in attendance.

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

2500 Wyatt Earp Way – Modification to Administrative Conditional Use Permit – PL-24-06082 – The Applicant Proposes to Install a Shade Structure in the Urban Park Zoning District, the Frontage Protection Zone, the Entry Corridor Protection Overlay, & the Sensitive Land Overlay.

Planner Zollinger presented the application for a shade structure at the location, also known as Prospector Park. She noted that an application for new playground equipment was approved in 2022, but the applicant is requesting a modification to that approval to install a shade structure that will be about 8 feet tall and will provide shade for a slide at the playground. Planner Zollinger noted that the proposal is compliant with stipulations of the Land Management Code.

Applicant Ken Fisher said the shade was requested by members of the community because the sun hits the bottom of the slide, so they are trying to make the playground as safe as possible.

Planning Director Ward asked about a request from the Snyderville Basin Water Reclamation District regarding a post on the property. Planner Zollinger clarified that the plans have been updated and the Reclamation District has signed off on the proposal.

At 12:05 PM, the Planning Director opened a public hearing. There was no public input.

At 12:05 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Modification to Administrative Conditional Use Permit for 2500 Wyatt Earp Way in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Site is located at 2500 Wyatt Earp Way, Prospector Park.
2. The Site is in the Urban Park Zoning (UPZ) District, the Frontage Protection Zone (FPZ), and the Entry Corridor Protection Overlay (ECPO).
3. The Applicant proposes to replace and upgrade existing Outdoor Recreation Equipment.
4. The plans for Prospector Park were approved in 1984.
5. **The proposal to construct a shade structure complies with Urban Park District requirements outlined in LMC § 15-2.26.**
 - The Applicant proposes to install a shade structure over existing playground equipment.
 - Outdoor Recreation Equipment is defined in the Land Management Code (LMC) § 15-15-1 as, "Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, volleyball nets, baseball backstops, basketball standards, frisbee golf holes, soccer goals, and similar amenities." The shade structure falls under this definition.
 - Outdoor Recreation Equipment is an Administrative Conditional Use in the UPZ and requires an ACUP pursuant to LMC § 15-2.26-2(B)(2)
 - The Applicant has an approved ACUP, the addition of the shade structure is a modification to that ACUP. Pursuant to LMC § 15-2.26-3, "All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district, or public Right-of-Way." The proposed shade structure is 108' from the SR 248 Right-of-Way (ROW), 270' from the southeast Property Line, 65' from the south

property line, and 300' from the Wyatt Earp Way ROW and compliant with Setbacks.

- Pursuant to LMC § 15-2.26-4, "No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade." The proposed shade structure is eight feet and compliant with Height.

6. The proposal to construct a shade structure complies with Frontage Protection Zone and Entry Corridor Protection Overlay requirements outlined in LMC Chapter 15-2.20.

- The FPZ and ECPO are overlays to preserve Park City's scenic view corridors and to provide significant landscaping between development and S.R. 224 and S.R. 248 pursuant to LMC Chapter 15-2.20.
- 2500 Wyatt Earp Way falls within 100' of the FPZ. LMC § 15-2.20-4 requires that all Construction Activity between 30' and 100' from the nearest ROW require a Conditional Use Permit. The proposed shade structure is 108' from S.R. 248 and 300' from Wyatt Earp ROW and does not require a Conditional Use Permit.
- LMC § 15-2.20-5 establishes, in part, the EPCO as 250' from Utah Highway 248 east of Wyatt Earp Way. LMC § 15-2.20-5(O)(1) states "The permanent installation of outdoor recreational equipment that requires a fixed, impervious location on or above the ground (a Structure) is allowed as an administrative Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way." The proposed shade structure is within the 250' EPCO, but more than 30' from the UDOT ROW and compliant with this requirement.

7. The proposal to construct a shade structure complies with Sensitive Land Overlay requirements outlined in LMC § 15-2.21.

- The proposed shade structure will be built on an existing disturbed area used for existing playground equipment and not significantly impact the surrounding environment.

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

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	Complies: This is an existing Site, utilized for Outdoor Recreation. There are no proposed changes to the Lot, and minimal changes proposed to add a shade structure to the existing
Traffic	Complies: The shade structure will not increase playground capacity and therefore does not trigger a Traffic Impact Study .
Utility Capacity	Condition of Approval 8: The Snyderville Basin Water Reclamation District (SBWRD) requests the applicant install the shade structure's post on the north side to avoid impeding access to an easement on the south side.
Emergency Vehicle Access	Complies: The shade structure will not impede Emergency Vehicle Access, as determined by the Park City Fire District on April 16, 2024.
Parking	See Condition of Approval 7: The park is a legal Non-Complying Structure in compliance with the LMC in effect at the time of project approval in 1984 and pursuant to the March 3, 2022, Final Action Letter, the Applicant shall install one parking space as ADA accessible. The shade structure will not increase the playground capacity and therefore will not increase the parking requirement.
Internal Vehicular and Pedestrian Circulation System	No required mitigation.
Fencing, Screening, and Landscaping	No required mitigation
Building Mass, Bulk, and Orientation	No required mitigation
Useable Open Space	No required mitigation
Signs and Lighting	See Condition of Approval 5: Per the March 3, 2022, Final Action Letter, the Applicant shall install signage regarding parking regulations.

Physical Design and Compatibility with Surrounding Structures	Complies: The proposed shade structure design will match existing playground equipment.
Noise, Vibration, Odors, Stream, or Other Mechanical Factors	See Condition of Approval 6: The use of the playground must comply with Municipal Code Chapter 6-3, Noise.
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	No required mitigation
Expected Ownership and Management	Complies: Park City Municipal Corporation is the owner.
Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	Complies: The Development Review Committee reviewed this on April 16, 2024, and found no issues with the proposal. The property is within the Soils Ordinance Boundary. The site was issued a certificate of compliance.
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: The proposed Use of the Site is consistent with the Small Town and Natural Setting Goals of the General Plan. This park replacement helps to maintain, improve, and serve the surrounding residential area.

9. The Development Review Committee reviewed the proposal on April 16, 2024, and the Snyderville Basin Water Reclamation District requests Condition of Approval 8.
10. Staff posted notice to the City website, City Hall, and the property on April 25, 2024.
11. Staff mailed courtesy notices to the adjacent property owners on April 25, 2024.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.26, *Urban Park Zoning (UPZ) District*, Section 15-

2.20-5 Entry Corridor Protection Overlay (ECPO), and Section 15-1-10(E) Conditional Use Review Process.

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

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans approved January 24, 2022 and reviewed May 9, 2024, by the Planning Department. 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.
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 construction.
4. The Applicant is responsible for replanting the vegetation removed with a similar species in a similar location.
5. The Applicant shall post signage regarding parking regulations.
6. Use of the playground must comply with Municipal Code Chapter 6-3, Noise.
7. The Applicant shall designate one parking space as ADA accessible.
8. The shade structure's post shall not impede access to SBWRD's easement on the south side of the property.

71 Daly Avenue - Historic District Review – PL-22-05309 – The Applicant Requests Historic District Review Approval to Construct an Addition to the Rear of a Significant Historic Structure Located within the Historic Residential - 1 (HR - 1) Zoning District.

At 12:07 PM, Applicant Martin Paris joined the Administrative Public Hearing meeting via phone.

Planner Tubbs noted that the proposal was reviewed on May 2, 2024 and the Public Hearing for the item has been closed. She noted that the applicant is proposing to

construct a new rear addition to the historic structure, and the Historic Preservation Board approved a Material Deconstruction application for twenty square feet of rear siding to accommodate the construction. Planner Tubbs noted that this is the applicant's next step before moving forward with the financial guarantee and building permit process.

Director Ward noted that the agenda item listed a public hearing but the public hearing for the item closed on May 2, 2024.

Director Ward asked to clarify the front and rear setbacks for a lot of this depth in the HR-1 zoning district in the Final Action Letter. Director Ward also reiterated that the applicant will need to provide revised topographical plans and roof-over topographic plans to confirm compliance with height requirements, and those plans must be stamped by a licensed professional prior to submitting for a building permit.

Director Ward asked if the condition of approval regarding the financial guarantee was included with the Historic Preservation Board approval. Planner Tubbs confirmed that the condition of approval for the financial guarantee was discussed and included as part of the Material Deconstruction application.

MOTION: The Planning Director **APPROVED** the Historic District Review for 71 Daly Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Applicant Martin Paris asked for clarification for the next steps for the proposal. Director Ward noted that a recorded financial guarantee and revised plans are required prior to the issuance of a building permit. Director Ward added that the Planning Department will coordinate the financial guarantee and Planner Tubbs would send the document to the applicant.

Applicant Paris asked if the financial guarantee process is standardized and if he would be treated the same as other applicants going through that process. Director Ward clarified that the process is standardized as outlined in the Land Management Code.

Applicant Paris also asked for clarification on why revised topographic plans were needed. Director Ward clarified that the plans need to reflect the information on surveys and need to be validated by a licensed professional.

Findings of Fact

1. 71 Daly Avenue is a Significant Historic Structure on Park City's Historic Sites Inventory.

2. The home was originally constructed c. 1900 and is a T/L Cottage form.
3. In 1984, 71 Daly Avenue was listed on the National Register of Historic Places as part of the Park City Mining Boom Era Residences Thematic District.
4. On May 16, 2023, the Applicant submitted a full Historic District Design Review application for the proposed addition to the Single-Family Dwelling.
5. The proposed addition complies with the requirements of the Historic Residential – 1 (HR – 1) Zoning District as outlined in LMC § 15-2.2, as follows:

Lot Size: 1,875 square feet	Complies – The Lot is 4,175 square feet in size.
Lot Width: 25 feet measured 15 feet back from front Lot Line	Complies – The Lot is 39.80 feet in width at the front Lot Line and 43.70 feet in width at the rear Lot Line.
Building Footprint: 1,649.125 square feet Maximum Footprint: (4,175/2)x0.9^(4,175/1,875) (2,087.5)x0.9^(2.2266666) 2,087.5 x 0.79 = 1,649.125	Complies – The maximum allowed Building Footprint is 1,649.125 square feet; the combination of the existing Historic Structure (816 square feet) and the proposed addition (764 square feet) is 1,580 square feet.
Front and Rear Setbacks for Lots between 75 feet and 100 feet in depth: 12/13 feet, totaling 25 feet	Complies – The Historic Structure sits 42' 8 ¾" from the front Lot Line; the proposed addition would sit 13' 2" from the rear Lot Line.
Side Setbacks: 5 feet each, totaling 10 feet	Complies – The proposed addition is sited 5' 2 ½" from the northern side Lot Line and 5' from the southern side Lot Line. The Historic Structure is located approximately 1' 9 ½" from the northern side Lot Line and 2' 8" from the southern side Lot Line. Per LMC § 15-2.2-4 Historic Structures that do not comply with required Setbacks are considered valid Non-Complying Structures and are permitted to remain in place.

Building Height: 27 feet from grade to highest point, 35 feet from lowest finish floor plane to top of topmost wall plate. A minimum 10-foot horizontal step back shall take place no more than 23 feet in height from where the Building Footprint meets the lowest point of Existing Grade.	Complies – The proposed height from the highest point of the addition to Existing Grade as shown on the left elevation is 26' 10". The total interior height of the Structure is 35' as measured from the lowest finish floor plane to the top of the topmost wall plate. A 23' step back is proposed approximately 19' 7" from Existing Grade at the front of the building.
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6. The proposed addition complies with the requirements of the Regulations for Historic Residential Sites as outlined in LMC § 15-13-2(B)(4), as follows:

Requirement	Analysis of Proposal
Protection for Historic Structures and Sites: 1) Additions to historic buildings should be considered only when it is demonstrated that the new use of the building cannot be accommodated by solely altering interior spaces. 2) Additions to historic structures shall be considered with caution and shall be considered only on non-character defining facades, usually tertiary and occasionally secondary facades. Additions shall not compromise the architectural character of historic structures. Additions to the primary	1) Complies – The Applicant has outgrown the existing footprint of the Structure and a prior property owner relocated the Structure farther forward on the Lot and poured a new foundation to accommodate a rear addition. 2) Complies – the proposed addition is located on the rear (tertiary) façade. 3) Complies - The proposed addition is set back from the front of the structure and is connected by a transitional element to mitigate the appearance of the addition. 4) Complies – the proposed addition will not alter the historic roof form. 5) Complies – the Applicant has obtained approval from the Historic Preservation Board to remove approximately 20 square

facades of historic structures are inappropriate. 3) Additions should be visually subordinate to historic buildings when viewed from the primary public right-of-way. 4) Additions to historic structures shall not be placed so as to obscure, detract from, or modify historic roof forms. 5) Additions to historic structures shall not contribute significantly to the removal or loss of historic material. 6) Where the new addition abuts the historic building, a clear transitional element between the old and the new should be designed and constructed. Minor additions, such as bay windows or dormers do not require a transitional element. 7) Maintain and preserve additions to structures that are significant to the era/period of restoration. 8) In-line additions shall be avoided.	feet of siding and framing to accommodate the installation of a new door. 6) Complies – See “Transitional Elements” Analysis 7) Not Applicable – there are no historic additions on the subject property. 8) Complies – the Applicant has not proposed an in-line addition.
Transitional Elements: 1) In-line additions should be avoided and are generally not appropriate. 2) A transitional element shall be required for any addition to a historic	1) Complies – the Applicant has not proposed an in-line addition. 2) Complies – the Applicant has proposed a transitional element.

structure where the footprint of the addition is 50% or greater than the footprint of the historic structure. The historic structure's footprint may include additions to the historic structure made within the historic period that have gained historic significance in their own right. 3) When an addition to a historic structure is less than 50% of the historic structure's footprint but exceeds the height of the historic structure due to either the greater height of the addition, site topography (e.g., an uphill addition), or both, a transitional element shall be required. 4) On a rear addition, the width of the transitional element shall not exceed two-thirds (2/3) of the width of the elevation to which the transitional element is connected. The transitional element shall be set in from the corners of the affected historic elevation by a minimum of two feet (2'). 5) In the case of additions to the secondary façade, visible from the primary public right-of-way, the transitional element shall	3) Complies – The proposed addition is 104% the size of the Historic Structure and exceeds the height of the Historic Structure. The Applicant has proposed a transitional element. 4) Complies - The proposed transitional element is 24' 9" in width and is attached to a 37' 5"-wide wall on the Historic Structure. It is exactly 2/3 the width of the affected elevation. The transitional element is set in approximately 3' from the northern edge of the Historic Structure and 9' 6" from the southern edge of the Historic Structure. 5) Not Applicable – the proposed addition is not located on a secondary façade. 6) Complies – the proposed transitional element is more than 1/3 the length of the least wide historic elevation: the least-wide historic elevation is 12' 6" in width and the proposed transitional element is 5' 6" in width, resulting in a transitional element that is approximately 44% of the width of the least-wide historic façade. 7) Complies – the proposed transitional element features a gabled roof; the peak of this roof sits 2' below the ridgeline of the Historic Structure.
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be setback a minimum of five feet (5') from the primary façade. 6) The depth of the transitional element (i.e., the distance between the affected historic elevation and the addition) shall be a minimum of one-third (1/3) the length of the least wide historic elevation adjacent to the impacted historic elevation. 7) The highest point of the transitional element shall be a minimum of two feet (2') lower than the highest ridgeline of the historic structure. 8) Balconies and decks may be attached to the secondary facades of a transitional element; however, no roof deck is permitted on the transitional element. 9) When an existing non-historic or non-contributory addition is used as a transitional element, the preceding guidelines for transitional elements shall not apply.	8) Not Applicable – No balconies or decks are proposed on the transitional element. 9) Not Applicable – the proposed addition is not utilizing an existing non-historic or non-contributory addition as a transitional element.
General Compatibility: 1) Additions shall complement the visual and physical qualities of the historic building. 2) The addition shall be a	1) Complies - The proposed addition incorporates a number of building materials and roof forms seen on the Historic Structure. The addition is not heavily ornamented and is simple in form and

contemporary interpretation of the historic structure's architectural style. 3) Additions shall be subordinate in scale to the primary historic structure. The footprint of an addition shall not exceed 50% of the footprint of the historic structure, including any additions that have achieved historic significance in their own right. If the footprint of the addition approaches or exceeds 50% of the footprint of the historic structure, the mass shall be broken into modules to reflect the mass and scale of those modules seen on the historic structure. 4) Additions shall be visually subordinate to historic structures. 5) Large additions shall be visually separated from historic buildings when viewed from the public right-of-way. 6) Building Components and materials used on additions shall be similar in scale and size to those found on the historic building. 7) Window shapes, patterns and proportions found on the historic building should	design. 2) Complies – The proposed addition incorporates a number of building materials and roof forms seen on the Historic Structure. The addition is not heavily ornamented and is simple in form and design. 3) Complies – The Applicant has created vertical modules in the proposed addition to mitigate its visual impact and reduce its mass and scale. 4) Complies – The proposed addition exceeds the footprint of the Historic Structure but is separated by a transitional element which sits two feet below the ridgeline of the Historic Structure. 5) Complies – The proposed addition exceeds the height of the Historic Structure and is set back from the miner's cottage. 6) Complies – The proposed addition utilizes exterior siding materials that are comparable with those located on the Historic Structure. 7) Complies - the proposed windows meet the 2:1 height to width ratio and are aluminum-clad wood. The solid to void ratio is compatible with the Historic Structure. 8) Complies – the proposed windows meet the 2:1 height to width ratio and are aluminum-clad wood. The solid to void ratio
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be reflected in the new addition. 8) Windows, doors, and other features on a new addition shall be designed to be compatible with the historic structure and surrounding historic sites. Windows, doors, and other openings shall be of sizes and proportions similar to those found on nearby historic structures. When using new window patterns and designs, those elements shall respect the typical historic character and proportions of the windows on the primary historic structure and adjacent historic structures. The solid-to-void relationship and detailing of an addition shall be compatible with the historic structure.	is compatible with the Historic Structure. The proposed doors are simple in design and are constructed of a compatible wood material.
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7. The proposed addition is located on the tertiary façade of the Historic Structure.
8. On October 4, 2023, the Historic Preservation Board approved the removal of twenty square feet of historic siding from the rear of the Single-Family Dwelling to accommodate the construction of the proposed addition.
9. On May 2, 2024, the Planning Director opened and closed a public hearing and continued the application to May 9, 2024.
10. On May 9, 2024, the Planning Director approved the Historic District Review subject to the Conditions of Approval herein.

Conclusions of Law

1. The proposal to construct an addition to the Single-Family Dwelling at 71 Daly Avenue complies with the requirements set forth in the Historic Residential – 1 (HR – 1) Zoning District (LMC Chapter 15-2.2).

2. The proposal to construct an addition to the Single-Family Dwelling at 71 Daly Avenue complies with the Regulations for Historic Residential Sites as outlined in LMC § 15-13-2(B)(4).

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 or denial in accordance with the applicable standards prior to construction.
3. An encroachment or access agreement is required for work conducted five feet or less from a lot line or having the potential to encroach on another property.
4. The Applicant is responsible for notifying the Planning and Building Departments if changes are made.
5. The site shall be re-graded so that all water drains away from the Structure and does not enter the foundation.
6. Any areas disturbed during construction surrounding the proposed work shall be brought back to their original state.
7. Deteriorated or damaged historic features and elements shall be repaired rather than replaced. Where the severity of deterioration or existence of structural or material defects requires replacement, the feature or element shall match the original in design, dimension, texture, material, and finish. The Applicant must demonstrate the severity of deterioration or existence of defects by showing that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition.
8. Should the Applicant uncover historic window and/or door openings that were not documented at the time of the Historic Preservation Board's review, the Applicant shall schedule a site visit with the Planning Department and determine if the opening should be restored. Any physical evidence of lost historic window and/or door openings shall be documented, regardless of plans for restoration.
9. 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.
10. 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.
11. In-line additions shall be avoided.

12. The Applicant shall provide fire suppression for the Historic Structure and new addition as required by adopted Building and Fire Codes.
13. The Applicant shall provide revised topographical plans and roof-over-topography plans to conform compliance with height requirements prior to submitting for a building permit.
14. All documents submitted for a building permit shall be stamped by a licensed professional authorized or licensed to practice in the State of Utah.

The Park City Administrative Action meeting adjourned at 12:14 PM.

Approved by Planning Director:

A handwritten signature in blue ink, consisting of several loops and a long, sweeping stroke extending to the right.