

Administrative Action Meeting
January 4, 2024
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
January 4, 2024
<https://us02web.zoom.us/j/88167820277>

STAFF:

Rebecca Ward, Planning Director; Spencer Cawley, Planner II; Jacob Klopfenstein, Planning Department Administrative Assistant.

PUBLIC:

Jeff Love, Mike Pubentz (virtual)

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

ROLL CALL

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

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

509 Park Avenue – Modification of Historic District Design Approval – PL-23-05970 – The Applicant Proposes to Modify the December 2022 Historic District Design Review Approval to Integrate Salvaged Stone Material from a Historic Retaining Wall into the Final Site Design and Requests a One-Year Extension to the Approval.

Planner Cawley presented the Modification of Historic District Design Approval proposal. He noted that the project originally received approval on December 8, 2022. Planner Cawley noted that the site contains a historic retaining wall, and the current proposal is to modify the previous approval to integrate salvaged stone material from the historic retaining wall into the plans for 509 Park Avenue.

At 12:04 PM, the Planning Director opened a public hearing. There was no public input.

At 12:04 PM, the Planning Director closed the public hearing.

Director Ward requested that a Condition of Approval be added to require the applicant

to submit a plan to protect the historic stone at the site during construction and keep the historic stone material at the site. Applicant Love noted that there are no plans to move the historic material off site.

MOTION: The Planning Director **APPROVED** the Modification of Historic District Design Approval for 509 Park Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval, *as amended, adding Condition of Approval 10.* 

Findings of Fact

1. The property is located at 509 Park Avenue on vacant Lot 3 of the Bardsley Plat Amendment.
2. The Site is in the Historic Residential – 1 (HR – 1) Zoning District.
3. The property is listed with Summit County as PC-72-A.
4. The Applicant is the property owner of 509 and 517 Park Avenue.
5. On September 15, 2022, the City Council adopted Ordinance No. 2022-37 approving the Bardsley Plat Amendment that defined Lot 3 (509 Park Avenue) as one Lot. According to the Findings of Fact, “historically, Lot 3 [509 Park Avenue] contained a Single-Family Dwelling which was demolished between 1929 and 1941”.
6. A non-historic section of covered porch on the adjacent Landmark Historic Structure to the north (517 Park Avenue) encroached onto Lot 3.
7. On July 28, 2022, the Planning Director approved an HDDR application for 517 Park Avenue, which included removal of the non-historic porch (PL-22-04866).
8. Approximately 2.28 square feet of the Landmark Historic Structure encroaches onto 509 Park Avenue. The greatest encroachment is 3.25 inches at the back of the house and tapers to zero inches at the front of the Landmark Historic Structure.
9. On August 12, 2022, the Applicant recorded an Encroachment Easement Agreement with Summit County to address the encroachment of the Landmark Historic Structure onto Lot 3 (Entry No. 01193600).
10. A Historic stone retaining wall sits at the front property line of 509 and 517 Park Avenue.
11. The Historic stone retaining wall encroaches into the Park Avenue Right-of-Way. On August 15, 2022, the Applicant recorded an Encroachment Permit with Summit County to address the encroachment into the ROW (Entry No. 01193657).

- g. **Non-extant Historic retaining walls of concrete or stone specific to the Historic Site may be reconstructed based on physical or pictorial evidence. Historically appropriate concrete or stone walls, if consistent with the Historic Character of the district, may be added to the area of a Historic Site viewable from adjacent public Rights-of-Way.**

Not applicable to the proposal.

- h. **Maintain stone in its natural finish. It is not appropriate to paint, stain, or plaster over stone or concrete.**

See Condition of Approval 8.

- 30. Staff published notice on the City's website and posted notice to the property on December 21, 2023.
- 31. Staff mailed courtesy notices to the property owners within 300 feet on December 21, 2023.

Conclusions of Law

- 1. The proposal complies with the LMC requirements pursuant to Chapter 15-2.2 *Historic Residential (HR – 1) Zoning District*, LMC § 15-4-2 *Fences and Retaining Walls*, and LMC § 15-13-8 *Design Guidelines New Residential Infill Construction in Historic Districts*.

Conditions of Approval

- 1. All Conditions of Approval from the December 8, 2022, HDDR approval remain in effect.
- 2. All Conditions of Approval from the August 2, 2023, Historic Preservation Board still apply.
- 3. Final plans and construction details shall reflect substantial compliance with this determination and the plans approved on December 8, 2022. Any changes, modifications, or deviations may result in a Stop Work Order.
- 4. The Applicant shall obtain a Building Permit within one year of this approval prior to initiating any work at 509 Park Avenue.
- 5. The Applicant shall repair the retaining wall using the original materials that are found safe and/or in serviceable condition. Except for the location of the new

- c. **Removing portions of Historic retaining walls for new driveways and pathways should be avoided to the greatest extent possible, but where it must occur, visual impact should be minimized.**

The Applicant will remove portions of the wall for a new driveway at 509 Park Avenue.

- d. **Historic retaining walls should be repaired with materials that closely approximate the original. Replace only those portions of Historic retaining walls that have deteriorated beyond repair. When repair of deteriorated retaining walls is not feasible, the replacement must reuse the existing stone to the greatest extent possible, and otherwise match the original in color, shape, size, material, and design.**

The Applicant proposes to reuse all stone that is deconstructed from 509 Park Avenue to reface the concrete retaining wall, so it appears original in color, shape, size, material, and design. All remaining stone will be integrated into the final design of the new retaining walls, stairway, and/or driveway at 509 Park Avenue.

- e. **To abate retaining wall failure, improve drainage behind retaining walls so water drains away from the walls. Repair and preserve Historic stone and mortar.**

See Conditions of Approval 6 and 7.

- f. **New retaining walls should be consistent with Historic retaining walls in design, material, scale of materials, as well as size and mass of the wall. Simple board-formed concrete, stone, and other historic materials are recommended over concrete block, asphalt, or other modern concrete treatments.**

Complies – The Applicant proposes to reuse Historic material in the modified plans.

- used at the other side of the [proposed] driveway for the remainder of the retaining wall. All stone to be used for the retaining walls along the face of the driveway will be sourced and stacked to match the Historic stone appearance”.
22. The Applicant submitted a complete Modification of Approval Application to the Planning Department on December 1, 2023, to modify the 2022 HDDR approval.
23. The Applicant does not request any modifications to the design of the Single-Family Dwelling nor seeks any exception from the Land Management Code.
24. The Lot Area is 1,874.25 square feet. On September 7, 2022, the Planning Director determined that because the Lot Area is three-quarters square feet smaller than the zoning requirement for minimum Lot Area, the Lot can be used as if the Lot Area is 1,875 square feet.
25. The Lot width is 24.99 feet wide. The reason for the 0.01-foot difference in Lot width is due to a proration in Block 5.
26. The Maximum building Footprint is 844 square feet.
27. LMC § 15-4-2 states that retaining walls may be erected or allowed within the buildable Area, and as allowed in the Setback exceptions.
28. Within any Historic zoning district, construction of a retaining wall over four feet requires a Building Permit.
29. LMC § 15-13-2 outlines the standards for Historic retaining walls. This modification must meet the following requirements:
- a. **Historic retaining walls shall be preserved to the greatest extent possible.**

Complies – The Applicant proposes to use the Historic material removed for the new driveway in the reconstruction of the Historic entryway at 517 Park Avenue.

- b. **Maintain the Historic height and setback of retaining walls along the street. Retaining walls of stone, concrete, or rock-face concrete block that are original to the Historic Site should be preserved and maintained in their original dimensions.**

Complies – the Applicant does not propose to move the stone wall to any other location on site and will maintain the original dimensions, except for location of the new driveway.

12. The stone retaining wall is failing due to the significant snowfall of 2022 and the construction activity associated with 517 Park Avenue. Heavy machinery accessed the construction site through 509 Park Avenue.
13. Single-Family Dwellings are an Allowed Use in the HR – 1 Zoning District.
14. The Design Review Team and Planning Staff reviewed 509 Park Avenue's HDDR application for compliance with Land Management Code (LMC) Chapter 15-13 *Design Guidelines for Historic Districts and Historic Sites*.
15. On December 8, 2022, the Applicant received HDDR approval to construct a new Single-Family Dwelling on vacant Lot 3.
16. A portion of the retaining wall must be removed to accommodate a driveway for the new Single-Family Dwelling at 509 Park Avenue.
17. On August 2, 2023, the Applicant received approval from the Historic Preservation Board for the Material Deconstruction and Disassembly and Reassembly of the Historic stone retaining wall.
18. The Applicant proposes to modify 509 Park Avenue's 2022 HDDR approval to incorporate any salvaged material from the disassembled portion of the Historic retaining wall into the plans for the new Single-Family Dwelling.
19. The Applicant also requests to extend the HDDR approval by one year to allow more time to obtain a Building Permit.
20. Pursuant to LMC § 15-11-12(E), Unless otherwise indicated, Historic District Design Review (HDDR) approvals expire one (1) year from the date of the Final Action. The Planning Director or designee may grant an extension of an HDDR approval for one (1) additional year 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 of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original HDDR approval per Sections 15-1-12 and 15-1-21. Extension requests must be submitted to the Planning Department in writing prior to the date of the expiration of the HDDR approval.
21. The Applicant's Narrative states, "The approved reconstruction of the stone retaining wall along [509 and 517 Park Avenue] has yet to be completed due to timeline and weather constraints which means the exact quantity of stone available to be re-used is not quantifiable as of December 1, 2023. The proposed plans include prioritizing [the] re-use of the Historic stone along the wall that connects to the property at 517 Park Avenue. Any remaining stone will then be

Driveway, the retaining wall shall be reassembled in its original location, placement, and orientation.

6. Final plans shall show water runoff and drainage is diverted away from the wall.
7. The Applicant shall prioritize repairing and preserving the Historic stone and mortar over the use of new materials.
8. The Applicant shall maintain the stone in its natural finish. It is not appropriate to paint, stain, or plaster over the stone.
9. The remaining salvaged Historic material shall be reviewed by the Project Planner prior to issuance of a Building Permit.
10. By January 12, 2024, the Applicant shall submit a plan to be reviewed and approved by the Planning Department that demonstrates compliance with storing and protecting the Historic stone during construction pursuant to LMC § 15-13-4.

2900 Deer Valley Drive East – Administrative Conditional Use Permit – PL-23-05982 – The Lodges at Deer Valley Propose to Install a 40-foot by 60-foot Temporary Tent in a Private Plaza Area for the Brand Storytelling Event, January 17-20, 2024, in the Residential Development Zoning District.

Planner Cawley presented the Administrative Conditional Use Permit proposal. He noted that the applicant, Brand Storytelling, has previously received approval for similar past events.

At 12:13 PM, the Planning Director opened a public hearing. There was no public input.

At 12:13 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Administrative Conditional Use Permit for 2900 Deer Valley Drive East in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Lodges at Deer Valley is located at 2900 Deer Valley Drive East.
2. The site is in the Residential Development (RD) Zoning District.
3. The Applicant proposes to install a temporary tent in a private plaza area for a private event held by Brand Storytelling that runs January 17-20, 2024.
4. The temporary tent is 40 feet by 60 feet, or 2,400 square feet.
5. The Planning Department approved an Administrative Conditional Use Permit (ACUP) to install a temporary tent of the same size and dimensions in 2020, 2022, and 2023.

6. The proposal to install a temporary tent complies with the RD Zoning District requirements in Land Management Code (LMC) Chapter 15-2.13.
7. The event is held at the Lodges at Deer Valley which is near Deer Valley Resort.
8. Temporary tents/Structures/improvements are conditional uses in the RD Zoning District and require an Administrative Conditional Use Permit (ACUP).
9. Tents are considered a Temporary Structure under the International Fire Code.
10. The Proposal, as conditioned, meets the standards of LMC § 15-4-16 *Temporary Structures, Tents, and Vendors*.
 - a. **The Applicant shall provide written notice of the Property Owner's permission.**
Complies – The Lodges at Deer Valley HOA provided written approval.
 - b. **The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.**
Complies – The temporary tent will not impede any existing on-site parking due to the location of installation – a private, interior plaza. The event manager plans up to 200 attendees per day. All attendees are invite-only and will stay at the Lodges or nearby properties. Deer Valley will assist with shuttling to The Lodges for any attendees staying off-site.
 - c. **The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3.**
See Condition of Approval 3.
 - d. **The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with LMC Section 15-5-5(J).**
Complies – The proposal does not include temporary signs or outdoor lighting.
11. The Planning Department shall approve a Condition Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.
12. The Planning Department may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards.
13. 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** – The site is developed and used as a Condominium Hotel. The Applicant proposes no permanent physical changes to the site.
- b. **Traffic** – The tent is located within a private plaza area, internal to the site, and will not impact traffic flow on any public Rights-of-Way. The event manager plans up to 200 attendees per day. All attendees are invite-only and will stay at the Lodges or nearby properties. Deer Valley will assist with shuttling to The Lodges for any attendees staying off-site. Programming starts at 10:00 AM and finishes at 7:00 PM. Attendees will not arrive at the same time.
- c. **Utility Capacity** – On December 19, 2023, the Development Review Committee reviewed the proposal and did not identify impacts to utility capacity.
- d. **Emergency Vehicle Access** – The Park City Fire District reviewed the proposed temporary tent and requires a fire permit prior to tent installation and an inspection prior to the event.
- e. **Off-Street Parking** – Because attendees of the event will stay at The Lodges, additional parking is not anticipated. Those attendees staying at nearby properties will arrive by shuttles run by Deer Valley. See Condition of Approval 4.
- f. **Internal Vehicular and Pedestrian Circulation** – The temporary tent will not impact vehicle circulation, and pedestrians can access the site's existing Structures surrounding the tent.
- g. **Fencing, Screening, and Landscaping** – The tent is temporary and will be screened by the site's existing Structures.
- h. **Building Mass, Bulk, and Orientation** – The temporary tent is 40 feet by 60 feet or 2,400 square feet. No mitigation is required.
- i. **Useable Open Space** – The temporary tent will not impact any public Open Space.
- j. **Signs and Lighting** – The Applicant does not propose temporary or permanent signs or outdoor lighting.
- k. **Physical Design and Compatibility with Surrounding Structures** – Not applicable to the proposal.
- l. **Noise, Vibration, Odors, Steam, or Other Mechanical Factors** – See Condition of Approval 3. The site will not emit vibration, odors, steam, or other mechanical elements installed.

- m. **Control of Delivery and Service Vehicles, Loading and Unloading Zones, and the Screening of Trash and Recycling Pickup Areas** – The temporary tent will not block delivery or service vehicle loading zones. The site had established trash and recycling locations. The temporary tent does not make any changes to the site's established services.
 - n. **Expected Ownership and Management** – The installation of the temporary tent is overseen by Mike Pubentz of Brandy Storytelling.
 - o. **Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, and Steep Slopes** – Not applicable.
 - p. **Reviewed for Consistency with the Goals and Objectives of the Park City General Plan** – The Use is consistent with the Sense of Community Goal 10, to create a world-class, multi-seasonal destination resort community.
14. On December 19, 2023, the Development Review Committee reviewed the proposal and finds it complies with required development standards.
15. Staff published notice on the City's website, City Hall, and the property on December 21, 2023. Staff mailed courtesy notice to adjacent property owners on December 21, 2023.

Conclusions of Law

1. The Application, as conditioned, is consistent with LMC Chapter 15-2.13 *Residential Development (RD) District*, LMC § 15-1-10(E) *Conditional Use Review Process*, and LMC § 15-4-16 *Temporary Structures, Tents, and Vendors*.
2. The proposed Use, as conditioned, will be compatible with the 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. Final plans shall reflect substantial compliance with the plans reviewed on January 4, 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 denial of a final Fire Permit.
2. The Applicant shall notify the Planning Department, in writing, prior to making any changes to these plans.

3. Speakers and general event noise shall comply with the City Noise Ordinance, Municipal Code of Park City Chapter 6-3.
4. The event manager shall ensure that all attendees staying at neighboring properties to The Lodges prioritize utilizing the shuttles provided by Deer Valley or encourage walking to ensure parking is reserved for guests of The Lodges.
5. The tent shall be installed no earlier than January 15, 2024, and shall be removed by January 22, 2024.

The Park City Administrative Action meeting adjourned at 12:13 PM.

Approved by Planning Director:

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

