

Administrative Action Meeting
November 30, 2023
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
November 30, 2023
<https://us02web.zoom.us/j/88167820277>

STAFF:

Rebecca Ward, Interim Planning Director; Lillian Zollinger, Planner II; Jack Niedermeyer, Planner I; Jacob Klopfenstein, Planning Department Administrative Assistant

PUBLIC:

Brent Bateman (virtual), Matt McMillen (virtual), James Glascock (virtual), James Hardy (virtual), Shannon Birch

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

ROLL CALL

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

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

331 Daly Avenue – Administrative Conditional Use Permit – PL-23-05858 –
The Applicant Requests Approval for Retaining Walls Greater than Six Feet in the Rear and Side Setbacks.

Planner Zollinger presented the Administrative Conditional Use Permit proposal. Planner Zollinger explained that retaining walls on the property were not built to plans, and therefore required an Administrative Conditional Use Permit approval.

Planner Zollinger presented the staff recommendation to the Interim Planning Director.

At 12:10 PM, the Interim Planning Director opened a public hearing. There was no public input.

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

MOTION: The Planning Director **APPROVED** the Administrative Conditional Use Permit for 331 Daly Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Site is located at 331 Daly Avenue.
2. The Site is in the Historic Residential – 1 (HR-1) Zoning District.
3. The plans for the new Single-Family Dwelling on a vacant Lot were approved through a Historic District Design Review (PL-21-04782) by Planning staff on October 14, 2021.
4. The 331 Daly Avenue Lot is 44.45 feet in width and 84.4 feet in length.
5. The 331 Daly Avenue Lot Area is 3,756 square feet.
6. LMC § 15-2.2-3(E) establishes a Maximum Building Footprint formula: $(A/2) \times 0.9^{A/1875}$. For a 3,756-square-foot Lot the Maximum Building Footprint is 1,920.66 square feet. The approved building footprint for the Single-Family Dwelling is 1,726 square feet and complies.
7. LMC § 15-2.2-3 establishes a 12-foot Front Setback 13-foot Rear Setback in the HR-1 Zoning District for Lots between 75 feet and 100 feet in length. The Front Setback is 12 feet, and the Rear Setback is 13 feet, nine inches for the 84.4-foot-deep Lot. LMC § 15-2.2-3 establishes 5-foot Side Setbacks for Lots between 37.5 feet and 50 feet in Width. The Side Setbacks are five feet each.
8. The HDDR plans approved on October 14, 2021, indicated four total retaining walls at no more than 6 feet above Final Grade. The retaining walls built in the Rear and Side Setback are not constructed to the approved plans, include a change in placement of the walls, and an increase in height. One retaining wall falls in the North Side Setback, one in the South Side Setback, and one in the Rear Setback.
9. LMC § 15-4-2 establishes that retaining walls “may exceed six feet (6’) in height subject to approval of an Administrative Conditional Use permit”.
10. The three concrete retaining walls approved through this Administrative Conditional Use Permit in the Rear and Side Setbacks are proposed to be eight feet in height.
11. The Planning Director Designee evaluates the proposal based on the

following 16 criteria for Conditional Use Permits:

CUP Review Criteria	Analysis of Constructed Walls
Size and Location of the Site	Condition of Approval 6: The retaining walls are in a similar location to the approved location, but have a different configuration, and two levels of terracing instead of three.
Traffic	No required mitigation
Utility Capacity	Complies: The proposed walls do not encroach into any easement.
Emergency Vehicle Access	No required mitigation
Parking	No required mitigation
Internal Vehicular and Pedestrian Circulation System	No required mitigation
Fencing, Screening, and Landscaping	Conditions of Approval 5 and 7: As conditioned, the retaining walls comply with LMC § 15-5-5 and LMC § 15-4-2. The Applicant will regrade the site to match the natural grade as much as possible and revegetate between walls. Condition of Approval 5 prohibits changes from Existing Grade to Final Grade that exceed four feet. Condition of Approval 7 requires the Applicant to provide an updated plan that is compliant with LMC § 15-5-5 and PCMC Chapter 11-21, <i>Utah Wildlife Urban Interface</i> .
Building Mass, Bulk, and Orientation	Condition of Approval 7 : As built, the walls are eight feet height from Final Grade, partially visible from the Right-of-Way, and partially compliant with the Historic District Design Guidelines in LMC § 15-13-8(B)(1)(d). While the new location for the retaining walls reduce the number of walls, it also increases the height of the walls, and decreases terracing, which is encouraged in the Historic District Design Guidelines. Condition of Approval

	<u>7 requires the Final Grade to be within four feet of Existing Grade and requires the Applicant to install plant material between the walls to reduce the visual impact.</u>
Useable Open Space	No required mitigation
Signs and Lighting	No required mitigation
Physical Design and Compatibility with Surrounding Structures	Complies: The new retaining walls are compliant with the Historic District Design Guidelines in LMC § 15-13-8(B)(1)(d), which encourages concrete as a material for retaining walls.
Noise, Vibration, Odors, Stream, or Other Mechanical Factors	No required mitigation
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	Condition of Approval 6: The Temporary Certificate of Occupancy (TCO) or CO shall not be issued until the as-built-structure and all plans submitted under the building permit (22-716) are verified by the Planning Department to be compliant with the Land Management Code, what was approved under the HDDR (PL-21-04782), and what is required under this ACUP.
Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils	Complies: The rear of the property has a slope that ranges from 55-75% and is a Very Steep Slope ¹ . The Single-Family Dwelling Building Footprint does not fall on a Steep Slope, and does not require a Steep Slope Conditional Use Permit (SSCUP), pursuant to LMC § 15-2.2-6(A)(1). The

¹ LMC § 15-15-1

Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	retaining walls fall within the Very Steep Slope, however they are less than the 200 square feet required to trigger a SSCUP, and do not require that permit, pursuant to LMC <u>§ 15-2.2-6(A)(1)</u> .
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: The Single-Family Dwelling is consistent with the Park City General Plan's Goal 1, in encouraging growth in existing neighborhoods.

12. The Development Review Committee reviewed the proposal on October 3, 2023. The Engineering Department required an updated Engineering report for the retaining walls, which the Applicant submitted, and the Engineering Department deemed satisfactory.
13. Planning Staff published public notice to the City website, City Hall, and the property on November 15, 2023. Planning Staff mailed courtesy notices to the adjacent property owners on November 15, 2023.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Section 15-1-10(E), Section 15-2.2 *Historic Residential (HR-1) District*, and Chapter 15-4-2 *Fences and Retaining Walls*.
2. The Use is 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 reviewed November 30, 2023, 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 of any changes, modifications, or deviations from the approved scope of work and shall be submitted in writing for review and approval/denial in accordance

with the applicable standards by the Planning Director or designee prior construction.

3. A building permit is required for any retaining wall greater than four feet.
4. Any future project proposals shall be subject to a Historic District Design Review before construction may begin.
5. All Significant Vegetation on Site will either be maintained or replaced in kind. The landscaping on the site shall be returned to natural grade as much as possible, and the Final Grade must be within four feet of Existing Grade.
6. The Temporary Certificate of Occupancy (CO) or CO shall not be issued until the as-built-structure and all plans submitted under the building permit (22-716) are verified by the Planning Department to be compliant with the Land Management Code, what was approved under the HDDR (PL-21-04782), and what is required under this ACUP.
7. The Applicant shall provide an updated landscape plan that is compliant with LMC § 15-5-5 and PCMC Chapter 11-21, *Utah Wildlife Urban Interface*. The space between the retaining walls shall have perennial plant material installed to reduce the visual impact of the walls.

703 Park Avenue – Modification to an Administrative Conditional Use Permit – PL-23-05873 – The Applicant Proposes to Add 40 Additional Outdoor Dining Seats Without Increasing Existing Dining Occupancy.

Interim Director Ward noted that the Modification to an Administrative Conditional Use Permit application was scheduled to be continued to December 14, 2023.

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

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

MOTION: The Interim Planning Director **CONTINUED** the Modification to an Administrative Conditional Use Permit for 703 Park Avenue to December 14, 2023.

151 Main Street (Grappa) – Administrative Conditional Use Permit – PL-23-05937 – The Applicant Requests Approval for A Temporary Improvement Outdoor Dining Globe in the Historic Residential - 1 Zoning District.

Planner Niedermeyer presented the Administrative Conditional Use Permit application. Planner Niedermeyer noted that the proposal complies with existing zoning regulations. Planner Niedermeyer also noted that the City Development Review Committee reviewed the proposal on August 15, 2023 and had no further concerns.

Planner Niedermeyer presented the staff recommendation to the Interim Planning Director.

At 12:23 PM the Interim Planning Director opened a public hearing. There was no public input.

At 12:23 PM, the Interim Planning Director closed the public hearing.

MOTION: The Interim Planning Director **APPROVED** the Administrative Conditional Use Permit for 151 Main Street (Grappa) in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Site is located at 151 Main Street.
2. The Site is located in the Historic Commercial Business and Historic Residential-2: Subzone A Zoning Districts.
3. 151 Main Street is a Landmark Historic Site listed on the Park City Historic Sites Inventory.
4. 151 Main Street is a restaurant.
5. In 1991, the Planning Commission approved a Conditional Use Permit for outdoor dining on the second deck and patio area located to the north of the Historic Structure.
6. In 1993, the Planning Commission approved an Amendment to the 1991 Conditional Use Permit, which allowed for the expansion of outdoor dining from the patio to the third and fourth decks at the rear of the Historic Structure.
7. The Applicant proposes to construct a Temporary Improvement globe and wooden platform on the concrete patio of 151 Main Street.
8. The Temporary Improvement Globe is proposed to be located entirely within the Historic Commercial Business Zoning District.
9. The Temporary Improvement Globe is proposed to be located entirely within the portion of the property that was approved for outdoor dining as part of the 1991 Conditional Use Permit.

10. The temporary structure shall be constructed on December 15, 2023, and taken down by April 30, 2023.
11. Staff reviewed the 151 Main Street Administrative Conditional Use Permit Application for compliance with LMC Chapter 15-2.6, *Historic Commercial Business Zoning District Requirements*, LMC Section 15-4-16, *Temporary Structures*, LMC Section 15-1-10(E), *Conditional Use Permit Review Criteria*.
12. Staff posted notice to the City website, City Hall, and the property on November 15, 2023.
13. Staff mailed courtesy notices to the adjacent property owners on November 15, 2023.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.6, *Historic Commercial Business Zoning District Requirements*, LMC Section 15-4-16, *Temporary Structures*, LMC Section 15-1-10(E), *Conditional Use Permit Review Criteria*.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans reviewed on November 30, 2023, 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 Temporary Improvement globe shall be located entirely within the Historic Commercial Business Zoned portion of the property recorded as 151 Main Street.
5. The Temporary Improvement globe shall comply with the Park City Noise Ordinance, the Noise Ordinance Hours, Municipal Code Chapter 6-3, and the Conditions of Approval associated with the 1993 Administrative Conditional Use Permit.
6. There are no proposed or approved signs or lights.
7. The Applicant shall obtain a Building and Fire Permit prior to construction of the Temporary Improvement globe.
8. The Temporary Improvement globe shall be constructed on December 15, 2023, and taken down on April 30, 2024.

9. This approval is limited to the construction of a Temporary Globe and platform. Changes to the existing Historic Structure are not approved as part of this Final Action Letter.
10. Pursuant to International Building Code (IBC) Section 108 Temporary Structures, the Temporary Improvement Globe may not be erected for a period of more than 180 days within a 12-month period.
11. This approval is conditioned on installation on November 1 and take-down on April 30 of each year.

The Park City Administrative Public Hearing meeting adjourned at 12:23 PM.

Approved by Interim Planning Director:

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke, positioned below the text "Approved by Interim Planning Director:".

