

PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
October 5, 2023
<https://us02web.zoom.us/j/88167820277>

STAFF:

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

PUBLIC:

Scott Hancock, Nancy Hancock, Martina Nelson (virtual), Jonathan DeGray (virtual).

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The Interim Planning Director called the meeting to order at 12:02 PM.

ROLL CALL

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

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

949 Empire Ave. – Historic District Design Review – PL-23-05556 – The Applicant Proposes to Construct a New Single Family Dwelling in the Historic Residential – 1 Zoning District.

Planner Zollinger presented the Historic District Design Review Application. Planner Zollinger presented the analysis of the proposal and noted that the application complies with the provisions of the Land Management Code. Planner Zollinger also noted that the City's Design Review Team and Development Review Committee reviewed the proposal and did not raise any concerns. Planner Zollinger presented the staff recommendation to the Interim Planning Director.

At 12:06 PM, the Interim Planning Director opened a public hearing.

Nancy Hancock noted that she has concerns with the large windows that face her property at 953 Empire Avenue. She requested that the size of the windows be reduced

and the setback for the project be increased to allow for landscaping that would protect privacy. Nancy Hancock also expressed concern with a chain-link fence that is proposed for the project and noted that she did not think the fence was consistent with the character of the neighborhood. Nancy Hancock also noted that the roofing for the project extends over the 5-foot setback, and she requested that be addressed.

Scott Hancock noted that an adjacent property owner uses steps that abut the property at 949 Empire Ave. to access a garage. Interim Director Ward noted that Planning staff is aware of the access agreement for that property owner and it is included on the Plat for the property.

Nancy Hancock added that she has concerns about the water usage of the proposed home.

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

Planner Zollinger clarified that the structure is not within the setbacks on the property, but there are exceptions in the Land Management Code that allow roof overhangs and eaves to be within the setbacks in some zones.

Interim Director Ward requested to revise Condition of Approval 10 to reflect wall height restrictions in the setbacks of the property.

Interim Director Ward also requested to revise Condition of Approval 6 to ensure that construction plans do not obstruct or impact the platted access for the adjacent property owner.

Interim Director Ward also clarified that the chain-link fence currently on the property is temporary for construction usage and is not a permanent installation.

Interim Director Ward noted that the application complies with provisions in the zoning regulations and historic district design guidelines, and that the Planning Department does not have authority to regulate privacy impacts of windows and landscaping, though the Land Management Code does require the usage of water-wise landscaping.

MOTION: The Planning Director **APPROVED** the Historic District Design Review for 949 Empire Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Site is located at 949 Empire Avenue and is an unusually shaped uphill Lot with an existing garage and previous foundation on site.
2. The Lot has six property lines that measure: 50', 51', 30', 24', 20', 75'.
3. The Site is located within the Historic Residential – 1 (HR-1) Zoning District.
4. The Applicant proposes to remove the existing garage and construct a new Single-Family Dwelling (SFD) on the Lot.
5. 949 Empire Avenue, at its steepest point is 29 percent. A Steep Slope Conditional Use permit is not required for the proposal.
6. The proposal is compliant with the requirements of LMC Chapter 15-2.2, the HR-1 Zoning District:

Zoning Requirement	Analysis
Minimum Lot Size - 1,875 square feet (sf)	Complies: 3,030 sf
Minimum Lot Width- 25' measured 15' from the Front Lot Line	Determined compliant by Planning Director: Pursuant to LMC § 15-2.2-3(B) , "In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director." The Lot is 20' in width measured 15' from the Front Lot Line. The Lot is 50' in width measured 24' back from the Front Lot Line. Based on the unusual Lot shape, the Planning Director determined that the Lot would be measured at 24' back from the Front Lot Line. See Exhibit C and analysis below.
Maximum Building Footprint – 1,278 sf ¹	Complies: 1,275 sf

¹ MAXIMUM FP = (A/2) x 0.9^{A/1875} where FP = maximum Building Footprint and A = Lot Area.

Setbacks:
Front/Rear Setbacks – 10'
each for a 75' Lot depth
Side Setbacks -

As this is an unusually shaped,
six-sided Lot, the Planning
Director made a determination
(see Exhibit C) of Setbacks,
wherein there are:

- Two (2) three-foot (3') Side Setbacks;
- Two (2) five-foot (5') Side Setbacks;



Complies: Two three-foot and two five-foot Side Setbacks

LMC [§ 15-2.2-3\(I\)\(6\)](#) states, "The Side Setback must be open and free of any Structure except Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade, not including any required handrails. The proposed steps are within 30 inches of Final Grade and are compliant.

LMC [§ 15-2.2-3\(J\)\(3\)](#) states, "Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater. Should egress requirements be met within the building pad, no Side Setback exception is permitted." The proposed window well extends into the Side Setback three feet and five and a half inches and is compliant.

LMC [§ 15-2.2-3\(J\)\(4\)](#) states, "The Side Setback must be open and free of any Structure except Roof overhangs or

	eaves projecting not more than two feet (2') into the Side Setback on Lots with a minimum required Side Setback of five feet (5') or greater. A one foot (1') roof or eave overhang is permitted on Lots with a Side Setback of less than five feet (5'). The proposed overhangs project two feet or less into the five-foot Side Setback and are compliant. The proposed overhangs projects one foot into the three-foot Side Setback and is compliant. LMC § 15-2.2-3(J)(7) allows for retaining walls up to six feet in the Side Setback. The proposed retaining wall is five feet, five inches and is compliant.
Two (2) ten foot (10') Front Setbacks; and,	Complies: Two ten-foot Front Setbacks LMC § 15-2.2-3(G)(2) states, "The Front Setback must be open and free of any Structure except uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection." The proposed steps are within four feet of Final Grade and are compliant.
One (1) ten foot (10') Rear Setback	Complies: One ten-foot Rear Setback LMC § 15-2.2-3(H)(4) states, "The Rear Setback must be open and free of any Structure except roof overhangs or eaves projecting not more than two feet (2') into the Rear Setback." The proposed overhangs project two feet into the Rear Setback and is compliant. LMC § 15-2.2-3(H)(8) states, "The Rear Setback must be open and free of any Structure except Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line. The proposed hot tub is 3' from the Rear Lot line, will be screen by retaining walls, and is compliant.

	LMC § 15-2.2-3(H)(9) allows for retaining walls up to six feet in the Rear Setback. The proposed retaining wall is five feet, five inches and is compliant.
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7. Historic District Design Review applications require the Planning Director evaluation of the Design Guidelines For Historic Districts And Historic Sites:

1. Site Design	Analysis of Proposal
a) Building Setback and Orientation	Complies: See analysis above.
b) Topography and Grading: LMC § 15-13-8(B)(1)(b) states, "Building and site design shall respond to natural features. New infill residential buildings shall step down or up to follow the existing contours of steep slopes. A new site's natural slope shall be respected in a new building design in order to minimize cuts into hillsides, minimize fill, and minimize retaining walls."	Complies: The proposed design steps up with the slope of the site, and the number of retaining walls is minimal. The rear retaining walls are minimal in height to create a patio space for the occupant.
c) Landscaping and Vegetation	See Condition of Approval 11: There is no proposed significant vegetation removal on the site. The proposed vegetation is at least 50% Water Wise and compliant with LMC § 15-5-5(N) . The Applicant shall provide an updated Water Wise irrigation plan at building permit submission.
d) Retaining Walls – LMC § 15-13-8(B)(1)(d) states, "a site shall be contoured in a way that reduces the need for retaining walls."	Complies: The proposed design uses retaining walls for the garage entrance and the patio space in the rear. The structure is designed so excessive retaining walls are not needed to retain soil for the SFD.

f) Paths, Steps, Handrails, & Railings (Not associated with Porches) LMC § 15-13-8(B)(1)(f) states, “New hillside stairs and any associated railings or handrails shall be visually subordinate to the associated building(s) or structure(s) in size, scale, and proportion, and shall complement the Historic District in material, size, scale, and proportion, and massing.”	Complies: The design of the proposed railings on the front stairs and balcony are metal, subordinate to the structure, and help to define the front entrance. The railings on the balconies match the stairs and are proportionate to the size of the structure.
h) Parking Area & Driveways Pursuant to LMC § 15-3-6(A), Single-Family Dwellings in the HR-1 Zone require two parking spaces.	Complies: The proposed SFD will have two parking spaces: one in a garage measured 11 feet by 22 feet, and one parking spot, leading into the garage, and partially in the Front Setback measured 9 feet by 18 feet. LMC § 15-2.2-3(G)(6) lists an approved Parking Area as an allowed exception to the Front Setback. Additionally, both are compliant with parking dimension requirements found in LMC § 15-3-4. LMC § 15-13-8(B)(1)(h)(7) sets the maximum width for driveways in Historic Zoning Districts to 12 feet and the proposed driveway is compliant at 12 feet in width (see Condition of Approval 15).
2. Primary Structures	Analysis of Proposal
a) Mass, Scale, & Height	Complies: The SFD is compliant with zone regulations regarding building footprint, setbacks, and height.
b) Foundation -- LMC § 15-13-8(B)(2)(b) states, “Foundation materials shall be simple in form and minimally visible above grade when viewed from the primary public right-of-way.”	Complies: The foundation is not visible and covered, in part, by matching siding material to blend in with the structure.
c) Doors -- LMC § 15-13-8(B)(2)(c) states, “All buildings that face the street shall have a well-defined primary entrance.”	See Condition of Approval 16: The front door is not oversized for the Historic District. The front entrance is defined by the windows, surrounding balconies, and stairs leading to the front door.

d) Windows -- LMC § 15-13-8(B)(2)(d) states, "Ratios of solid-to-void that are compatible with surrounding historic buildings shall be used" and "Windows shall be historic size and shall relate to the human scale of the Historic District."	Complies: The solid-to-void ratio is well balanced, and the amount of glazing is appropriate on each side of the structure. The front of the proposed SFD has the most glazing but will be partially blocked by the existing garage. The windows are limited in design types, similar in style, and a majority match the historic 2:1 ratio.
e) Roofs -- LMC § 15-2.2-5 requires a roof pitch of at least 7:12. LMC § 15-13-8(B)(2)(e) , states, "Roofs of new residential infill buildings shall be visually compatible with roof shapes and orientation of surrounding Historic Sites and adjacent buildings that contribute to the character of the Historic District."	Complies: The primary roof pitch is 7:12, and the height and slope of the secondary roofs are compliant with roofs in the Historic District. The primary roof pitch and standing seam metal roof is consistent with the style of the Historic District.
f) Dormers -- LMC § 15-13-8(B)(2)(f) requires dormers be modest in size, setback from the main wall of the building, and gabled, hipped, or shed in roof style.	Complies: The proposed dormer has a shed roof and is setback from the main wall of the building. The dormer also has a minimized height and the impact into the roof is reduced.
j) Architectural Features -- Per LMC § 15-13-8(B)(2)(j) , "Simple ornamental trim and decoration is in character with historic architectural ornamentation and is encouraged."	Complies: The overall proposed design and materials are simple and compatible with the Historic District.
3. Mechanical and Utility Systems and Service Equipment	Complies: There is no proposed exterior mechanical equipment (see Condition of Approval 13).
4. Materials	Complies: Pursuant to LMC § 15-13-8(B)(4) , the proposed materials of wood siding, standing seam roof, metal railings, windows style, and finish are compliant with the Historic District.
5. Paint and Color	See Condition of Approval 14: The proposed plans indicate a wood siding wood siding. LMC § 15-13-8(B)(5)(d) states, "Materials, such as wood, that are traditionally painted shall have an opaque rather than transparent finish."

6. Garages LMC § 15-13-8(B)(6)(a)(4) states, “Single vehicle garage doors not greater than 9 feet wide by 9 feet high shall be used to access the garage.”	Complies: The proposed SFD will have a single-car garage, with an eight-foot-tall by eight-foot-wide door.
8. Balcony and Roof Decks	Complies: LMC § 15-13-8(B)(8) states, “New balconies and roof decks shall be visually subordinate to the new building and shall be minimally visible from the primary public right-of-way.” The first and second story balconies are minimal in size and do not help to define the front entrance of the structure.

8. Staff published notice on the City’s website and posted notice to the property on September 21, 2023. Staff mailed courtesy notices to property owners within 100 feet and posted notice to the property on September 21, 2023.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.2, Historic Residential – 1 (HR-1) District.
2. The proposal complies with the Land Management Code requirements pursuant to Section 15-13-8, Design Guidelines For New Residential Infill Construction In Historic Districts.

Conditions of Approval

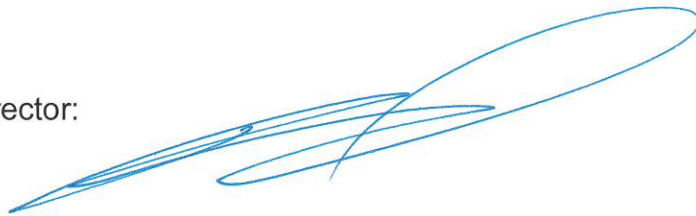
1. Final building plans and construction details shall reflect substantial compliance as indicated on the plans reviewed October 5, 2023, as part of the Historic District Design Review and public meeting on October 5, 2023. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments 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 to construction.
4. Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.

5. Any areas disturbed during construction surrounding the proposed work shall be brought back to their original state.
6. City approval of a Construction Mitigation Plan (CMP) is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures. New construction activity shall not physically damage nearby Historic Sites. Construction plans shall verify construction does not obstruct or impact the Platted access and the Platted access shall be kept free and clear of materials.
7. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
8. All exterior lighting shall be down-directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Exterior lighting shall not exceed 3,000 degrees Kelvin and outdoor lighting fixtures shall be Fully Shielded. Final lighting details shall be reviewed by the Planning Staff prior to installation.
9. Construction waste should be diverted from landfill and recycled when possible.
10. Walls more than four feet in height in the Front Setback, or more than six feet in the Rear or Side Setbacks are prohibited.
11. Upon building permit application, the Applicant shall submit an updated landscaping and irrigation plan, where the proposed vegetation and irrigation shall be at least 50% waterwise and compliant with 15-5-5(N). Final plans shall call out final grade within 4' of existing grade.
12. Roofs shall have matte finishes to minimize glare, shall be neutral and muted, and materials shall not be reflective.
13. Mechanical and/or utility equipment shall be located on the back of the building or in another inconspicuous location. When located on a secondary façade, the mechanical and/or utility equipment shall be located beyond the midpoint of the structure if feasible and visual impact of the equipment shall be minimized by incorporating it as an element of the building or landscape design.
14. Materials, such as wood, that are traditionally painted shall be opaque.
15. The proposed driveway shall not exceed 12'.

The Park City Administrative Action meeting adjourned at 12:22 PM.

Administrative Action Meeting
October 5, 2023
Page 11

Approved by Planning Director:

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

