

PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
September 21, 2023
<https://us02web.zoom.us/j/88167820277>

STAFF:

Rebecca Ward, Interim Planning Director; Alexandra Ananth, Senior Planner; Virgil Lund, Planner I; Jacob Klopfenstein, Planning Department Administrative Assistant.

PUBLIC:

Kirk Baker, Ty Collins, Martina Nelson (virtual), Laura I. (virtual).

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The Interim Planning Director called the meeting to order at 12:03 PM.

ROLL CALL

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

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

4849 Legacy Way – Administrative Permit – PL-23-05772 – The Applicant Proposes an Internal Accessory Dwelling Unit Within a New Single Family Dwelling in the Residential Development Zoning District.

Planner Ananth presented the Administrative Permit application. Planner Ananth presented the analysis of the proposal and noted that the application complies with the Land Management Code requirements for the Residential Development Zone, as well as the Land Management Code requirements for internal Accessory Dwelling Units.

Planner Ananth noted that the proposal also complies with all previous plat notes and conditions of approval. Planner Ananth noted that the Development Review Committee reviewed the application and did not require any further conditions of approval, and no public comment has been received regarding the application.

Planner Ananth presented the Staff recommendation to the Interim Planning Director.

At 12:08 PM the Planning Director opened a public hearing. There was no public input.

At 12:08 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Administrative Permit for 4849 Legacy Way in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. 4849 Legacy Way is a 0.67 acre lot located in the Residential Development zone.
2. The Lot is Lot 7 of the Huntsman Estates Subdivision, Summit County Recorded Entry 1150632, recorded on 12/17/2020, and approved by Ordinance 2020-31.
3. LODs are shown on the Plat and the Single Family Residence must be located within the LOD.
4. The Applicant is proposing an Internal Accessory Dwelling Unit within the Single Family Dwelling.
5. An Internal Accessory Dwelling Unit is defined in Utah Code Section 10-9a-511.5 as an accessory dwelling unit located within a primary dwelling and within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created.
6. Primary dwelling is a single family dwelling that is occupied as the primary residence of the owner of record.
7. Accessory Apartments require an Administrative Permit in the Residential Development zone.
8. The Lot complies with the 6,000 square foot minimum lot size requirement of LMC § 15-4-7.1(A)(1).
9. The Lot complies with the Parking Requirements of one stall for the IADU.
10. The proposal for an Internal Accessory Dwelling Unit complies with LMC § 15-2.13, Residential Development, and LMC § 15-4-7.1, Internal Accessory Dwelling Units.
11. The proposal complies with all Plat Notes and Conditions of Approval (COA) of Ordinance No. 2023-35.
12. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law

1. The Application complies with LMC § 15-2.13, Residential Development and LMC § 15-4.7, Internal Accessory Dwelling Units.

Conditions of Approval

1. The Single Family Dwelling shall be occupied by the owner and the IADU shall not be sold separately.
2. A Deed Restriction must be filed with the County Recorded, see LMC 15-4-7.1(A)(6) prior to occupancy of the Single Family Dwelling or IADU.
3. Neither the Single Family Dwelling nor the IADU may be rented for periods of time less than 30 days.
4. The Huntsman Estates First Amended Plat shall be recorded prior to the issuance of any building permits.
5. Any deviations from the LOD shown on the plat must be approved by the Planning Director prior to the issuance of a building permit.
6. A certified arborist assessment must be submitted for review and approval prior to the issuance of a building permit.

2236 Morning Star Drive – Administrative Conditional Use Permit – PL-23-05826 – The Applicant Proposes a Retaining Wall Greater than 6' feet in the Front Setback in the Single Family Zoning District.

Planner Lund presented the Administrative Conditional Use Permit application. Planner Lund presented the analysis of the proposal and noted that the proposal complies with the requirements of the Land Management Code.

Planner Lund presented the Staff recommendation to the Interim Planning Director.

Applicant Kirk Baker noted that he has worked with the Engineering Department to record an Encroachment Agreement in accordance with Condition of Approval 4.

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 2236 Morning Star Drive in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Retaining Wall is located in the Front Setback at 2236 Morning Star Drive.
2. The City issued a Building Permit for a new Single Family Dwelling at 2236 Morning Star Drive.

3. The City approved a final landscape plan on June 28, 2023, that included a Retaining Wall in the Front Setback. This approval included the following Condition: "Retaining Walls in the Front Setback may only be up to 4' feet in height."
4. The application complies with the Single Family Zoning District Requirements.
 - a. During construction, the Retaining Wall was tied into the existing neighbor's Retaining Wall, to maintain the difference in Grade, and provide stabilization to the slope. The Retaining Wall constructed exceeds 4' feet in height to maintain Grade with the neighbor's property
 - b. The Retaining Wall is then terraced with landscaping to create two four-foot tall Retaining Walls.
5. The application complies with LMC § 15-4-2 Fences and Retaining Walls.
6. The application complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E)
 - a. Size and Location of the Site
 - i. The Retaining Wall ties into the existing neighboring Retaining Wall and helps to maintain the Natural Grade of the site and helps to stabilize the slope.
 - b. Traffic
 - i. No Mitigation Required.
 - c. Utility Capacity
 - i. No Mitigation Required.
 - d. Emergency Vehicle Access
 - i. No Mitigation Required.
 - e. Parking
 - i. No Mitigation Required.
 - f. Internal Vehicular and Pedestrian Circulation System
 - i. No Mitigation Required.
 - g. Fencing, Screening, and Landscaping
 - i. The Retaining Wall ties into the existing neighboring Retaining Wall and helps to maintain the Natural Grade of the site and helps to stabilize the slope.
 - h. Building Mass, Bulk, and Orientation
 - i. No Mitigation Required.
 - i. Useable Open Space
 - i. No Mitigation Required.
 - j. Signs and Lighting
 - i. No Mitigation Required.
 - k. Physical Design and Compatibility with Surrounding Structures

- i. The Retaining Wall ties into the existing neighboring Retaining Wall and helps to maintain the Natural Grade of the site and helps to stabilize the slope. The Retaining Wall continues northward down the property and separates into two terraced walls. The exposed walls are separated by approved landscaping and vegetation.
- 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. No Mitigation Required.
- n. Expected Ownership and Management
 - i. The property is owned by 2236 Morning Star LLC.
- o. 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
 - i. The Retaining Wall ties into the existing neighboring Retaining Wall and helps to maintain the Natural Grade of the site and helps to stabilize the slope. The property is not within the Sensitive Lands Overlay or the soils Ordinance Boundary.
- p. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan
 - i. No Mitigation Required.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.11 *Single Family (SF) Zoning District*, Section 15-4-2 *Fences and Retaining Walls*, and Section 15-1-10 *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 property owner of 2236 Morning Star Drive shall record an Encroachment Agreement with the Engineering Department for the portion of the Retaining Wall that encroaches into City Owned Right-of-Way.

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 horizontal stroke, positioned below the text "Approved by Planning Director:".