

Administrative Action Meeting
September 14, 2023
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
<https://us02web.zoom.us/j/88167820277>

September 14, 2023
12:00 PM (MST)

STAFF:

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

PUBLIC:

Gregory Walker, Dan Fischer, Pamela Skene, Caitlyn Barhorst (virtual), David Fine (virtual), Jorie (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

402 Park Avenue - Extension of Approval – PL-23-05779 – The Applicant Requests a One-Year Extension of Approval for the July 14, 2022, Historic District Design Review for 402 Park Avenue With No Modifications Proposed.

Planner Ehlers presented the Extension of Approval application. Planner Ehlers presented the analysis of the proposal and noted that the application complies with stipulations of the Land Management Code and was submitted to the Planning Department within the one-year deadline for an Extension of Approval. Planner Ehlers presented the staff recommendation to the Interim Planning Director.

At 12:07 PM, the Planning Director opened a public hearing. There was no public input.

At 12:07 PM, the Planning Director closed the public hearing.

Interim Director Ward requested the addition of a Condition of Approval stating that Planning Department staff and the applicants follow up before construction to discuss the proposed interior uses associated with the application comply with the Land Management Code.

MOTION: The Planning Director **APPROVED** the Extension of Approval for 402 Park Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. On July 14, 2022, the Planning Director approved an HDDR for 402 Park Avenue that allowed the renovation of the existing Accessory Building.
2. The Accessory Building is used as a garage and the HDDR allowed for replacement windows, new window openings, new garage door, and a reconfiguration of the interior to the existing Accessory Building and a new parking pad for two parking spaces along Park Avenue.
3. On October 11, 2022, the Planning Director approved a Waiver Letter that modified the approved plans to reduce the number of windows and move the door pursuant to the Building Code.
4. The Applicant has filed for a Building Permit, but it has not been issued.
5. On July 10, 2023, the Applicant submitted a Request for Extension, as they are searching for a contractor.
6. The Applicant has indicated that there are no proposed modifications to the project.
7. The Application was submitted on July 10, 2023, before the July 14, 2023, deadline.

Conclusions of Law

1. The proposal complies with the Land Management Code Requirements for the Historic Residential – 2 Subzone A.
2. The proposal for an Extension to the HDDR Approval complies with the LMC § 15-11-12(E).

Conditions of Approval

1. All previous conditions from the July 14, 2022, HDDR Approval continue to apply.
2. All previous conditions from the October 11, 2022, Waiver Letter continue to apply.

3. If the Applicant does not obtain a complete building permit within one year of the date of this approval, this HDDR approval will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Department approves an extension.
4. Any changes to the approved plans will require the submittal of a Modification Application for the original HDDR approval.
5. Prior to building permit issuance (or, if the building permit is issued, prior to construction), the Applicant shall meet with Planning staff to review the proposed interior use of the accessory building and to confirm compliance with the Land Management Code. The scope of the Historic District Design Review is limited to the exterior changes only. Interior use must comply with Land Management Code regulations.

45 Hillside Avenue - Historic District Design Review – PL-23-05716 – The Applicant Proposes to Construct a Detached Accessory Building in the Front of a Non-Historic Structure.

Planner Zollinger presented the Historic District Design Review application. Planner Zollinger presented the analysis of the proposal and noted that the applicant previously had approvals for the site that have expired. Planner Zollinger noted that the current proposal is for new plans for a new project at the site, and not a modification or extension of the previous approval. Planner Zollinger presented the staff recommendation to the Interim Planning Director.

Interim Director Ward asked about the purpose of pavers that the applicant proposes to install as part of the project. Planner Zollinger clarified that the pavers are intended to provide additional space for cars to drive into the garage, as well as for snow storage and garbage can storage.

At 12:15 PM, the Planning Director opened a public hearing. There was no public input.

At 12:15 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Historic District Design Review for 45 Hillside Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. On June 20, 1996, City Council adopted Ordinance No. 2021-45, approving The Bluejay Parcel Lot Line Adjustment combining portions of Lots 10 and 11, of Block 19 of the Park City Survey. The property is described as parcel BJAY-ALL.
2. The lot contains a 200 square foot parcel of land (Parcel B), that is described in Note #3 of the Plat as being subject to the restrictions of Quit Claim entry No. 450706, Book 925, Pages 722-724. Parcel B on the plat is denoted "Open Space," and under the terms of the Quit Claim deed is subject to an open space easement that states: "Grantee shall not construct any structure or building on the parcel". Park City Municipal Corporation is the beneficiary of the easement.
3. The owner currently parks in an asphalt parking pad parallel to Hillside Avenue and accesses the house via stairs and paths. This space is not approved private parking for 45 Hillside Avenue, but, rather, it is located in the City ROW and is considered public parking. There is no other parking on site.
4. The property is located at 45 Hillside Avenue.
5. The property is located within the Historic Residential – 1 (HR-1) Zoning district.
6. The Minimum Lot Size for a Single-Family Dwelling in the HR-1 Zoning District is 1,875 square feet. The Lot is 6,534 square feet.
7. The Minimum Lot width in the HR-1 Zoning District is 25 feet. The Lot width is 87 feet.
8. There is an existing 1,408 square foot Single Family Dwelling on the property. It is a non-historic site.
9. The applicant proposes a detached garage to be constructed within a slope greater than 30% and requires a Steep Slope Conditional Use Permit (SSCUP).
10. Planning Commission approval is required for SSCUP on Lots greater than 3,750 square feet.
11. The proposed detached garage is an Accessory Building.
12. The Maximum Building Footprint for a 6,534 square-foot Lot in the HR-1 Zoning District is 2,263 square feet. The combined Building Footprint for the existing main building and the proposed accessory building is 1,794 square feet.
13. Front and Rear Setbacks for Lots up to 75 feet in depth are 10 feet, for a total of 20 feet. The Front Setback to the main building is 16 feet. The Rear Setback for the main building is 18 feet. The accessory building will have a Front Setback of 0 feet.
14. Side Setbacks for Lots with widths up to 100 feet are 10 feet, for a total of 24 feet. The main building has Side Setbacks of 6.5 feet (north), and 22 feet (south), for a total of 28.5 feet. The accessory building will have a side setback of 26 feet.

15. The Lot has an unusual configuration, and per LMC 15-4-17, the setbacks have been determined by the Planning Director, as noted in a determination letter issued on January 13, 2022.
16. On August 24, 2022, the Board of Adjustments granted the property a Variance to LMC Sections 15-2.2-3(F) to reduce the required ten-foot (10') front yard setback to zero feet (0') and to Section 15-2.2-3(G)(6) to locate a Detached Accessory Building in front of the front façade of the Main Building, to allow for a single car garage to be constructed behind the property line and within the Front Yard Setback.
17. On January 20, 2022, the Planning Director approved a Historic District Design Review for the garage, which approval expired on January 20, 2023.
18. On March 23, 2022, the Planning Commission approved a SSCUP for the garage, which approval expired on March 23, 2023.
19. The Applicant did not apply for an extension before the approvals expired.
20. The Applicant proposes to construct a detached garage in a slightly different location from the original approvals.
21. Maximum Building Height for the HR-1 Zoning District is 27 feet above Existing Grade, and 18 feet for Accessory Structures. There is no change in height for the main building, and the detached garage will be 12 feet from final grade. The maximum height measured from the lowest finish floor plane to the point of the highest wall top plate is 12 ft.
22. The Historic District Design Review applications require the Planning Director evaluation of the Design Guidelines For Historic Districts And Historic Sites:

	Analysis of Proposal
5. Building and site design shall respect the existing topography, the character-defining site features, including existing trees and vegetation, and shall minimize cut, fill, and the use of retaining walls.	Complies: The design of detached Accessory Building (garage) will be cut into the hill, sits under the house, and acts as the primary retaining structure. The proposed location reduces the depth cut into the hillside from the previous proposed location.

6. Exterior elements—roofs, entrances, eaves, chimneys, porches, windows, doors, steps, garages, etc.— of the new infill residential building shall be of human scale and shall be compatible with neighboring Historic Structures.	Complies: The design of detached garage compliments the structure, without distracting from it. The proposed stone is an appropriate choice for the garage and its location in the hillside.
11. New materials should reflect the character of the Historic District. Sustainable technology is constantly changing resulting in new alternative materials.	See Condition of Approval 15: The proposed materials of stone siding, concrete, and pavers (as shown below) are appropriate for the proposed Accessory Building.

1. Site Design	Analysis of Proposal
a) Building Setback and Orientation • Front and Rear Setbacks- 10' • 20' total for Front and Rear Setbacks • Side Setbacks – 10' • 24' total for Side Setbacks	Complies: • SFD Main Building Footprint – 1,408 sf • Accessory Building Footprint – 386 sf • Combined Footprint – 1,794 sf • The Quit Claim deed states that, the “Grantee shall not construct any structure or building on the [open space] parcel” and that, “Subject to the restriction that no floor area shall be drawn from the parcel in conjunction with development on Grantee’s adjoining property” (see Condition of Approval 14).
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 reduces the cut into the hill and sits under the house to act as the primary retaining structure.

c) Landscaping and Vegetation	See Condition of Approval 18: There construct will require the removal of some significant vegetation on the site. The proposed The Applicant shall replace the removed trees with vegetation that is Water Wise and compliant with LMC § 15-5-5(N) .
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 building will act as the primary retaining structure, minimizing the required retaining walls around the accessory garage.
h) Parking Area & Driveways Pursuant to LMC § 15-3-4 , the interior dimensions of a single car garage is 11’ by 22’. Pursuant to LMC § 15-13-8(B)(1)(h)(7) , maximum width for driveways in Historic Zoning Districts is 12 feet.	Complies: The existing structure has no off-street parking. The proposed detached garage would provide one parking spot in the garage, measured 11’ by 23’ - 11” at the closest wall points and is compliant. The proposed driveway is 12 feet in width and compliant (see Condition of Approval 14).
2. Primary Structures	Analysis of Proposal
a) Mass, Scale, & Height	Complies: The detached Accessory Building is compliant with Zone regulations and the Variance regarding building footprint, setbacks, and height.
c) Doors -- LMC § 15-13-8(B)(2)(c) states, “Doors shall be compatible with the style of both the new building and historical buildings in the Historic District.”	Complies: The front door is simplistic and does not draw away from the true front entrance of the SFD.
4. Materials	Complies: Pursuant to LMC § 15-13-8(B)(4) , the proposed stone is appropriate for the detached garage.

6. Garages LMC § 15-13-8(B)(6) states: “Single vehicle garage doors not greater than 9 feet wide by 9 feet high shall be used to access the garage. Detached garages shall be subordinate to the pedestrian entrance of the house. Where excavation is required for access to the garage, the pedestrian entrance should still be clearly articulated.”	Complies: The proposed detached garage will have an eight-foot tall by eight-foot, nine-inches wide door. There is no proposed glazing on the door. The proposed garage will not significantly impact the existing staircase to the front and primary entrance of the SFD.
9. New Accessory Structures LMC § 15-13-8(B)(9) states “Accessory structures (such as sheds and detached garages) shall be subordinate in scale to the primary structure.”	Complies: The proposed Accessory Structure shall be subordinate and smaller than the existing SFD.

23. Staff published notice on the City’s website and posted notice to the property on August 30, 2023. Staff mailed notice to property owners within 300 feet on August 30, 2023.

Conclusions of Law

1. The Application complies with Land Management Code Chapter 15-2.2 Historic Residential – 1 Zoning District, and LMC Section 15-2.2-6, Development on Steep Slopes.
2. The Use will be Compatible with surrounding Structures in scale and mass.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
2. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit and shall be reviewed and approved by the City Engineer and utility providers prior to the issuance of a building permit.
3. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards in a condition precedent to building permit issuance.

4. This approval will expire on September 14, 2024, if a building permit has not been issued by the Building Department before the expiration date, unless the Applicant submits a extension request in writing to the Planning Department prior to the expiration date and the Planning Director approves an extension of this approval.
5. Final building plans and construction details shall reflect substantial compliance with the plans reviewed September 14, 2023, by the Planning Commission. 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.
6. 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.
7. The Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction prior to submitting a building permit, subject to City Engineer approval.
8. The Applicant shall provide soil stabilization details documenting how the disturbed area will be restored and stabilized prior to submitting a building permit, subject to City Engineer approval.
9. The Applicant shall submit a landscape bond to ensure the stabilization and vegetation rehabilitation is complete prior to submission of a building permit.
10. Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.
11. The property is located just outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
12. The Hillside Avenue Public Right-of-Way is a non-compliant parcel within the Soil Ordinance boundary. Construction activity in this area, in addition to a Right-of-Way permit, requires a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.
13. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
14. No construction shall take place on the designated Open Space per the Plat.
15. The Applicant shall apply for an Encroachment Agreement with the Engineering Department before applying a building permit.

16. If at some point in the future the ROW is re-aligned, the applicant shall be responsible for the removal of the retaining walls and any parking in the ROW at their own expense.
17. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be down directed and fully shielded to prevent glare onto adjacent property and public rights-of-way and shall comply with the City's outdoor lighting code in LMC Section 15-5-5(J). Final lighting details will be reviewed by the Planning Staff prior to installation.
18. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Any removed Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size. Impacts to Significant Vegetation in the Right-of-Way shall be reviewed by the Forestry Board.
19. The driveway shall not exceed 12' in width, and have pavers with landscaping on either side of the driveway.
20. New construction activity shall not physically damage nearby Historic Sites.
21. The applicant shall remove the existing shed that encroaches into the City's Right-of-Way.
22. The area outside of the 12' driveway shall have permeable pavers installed and no cars shall park on the pavers.
23. The applicant shall submit updated plans with the Building Permit outlining garage dimension requirements showing compliance with LMC 15-3-4(A)(1).

The Park City Administrative Action meeting adjourned at 12:16 PM.

Approved by Planning Director:

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