

PARK CITY PLANNING DEPARTMENT ADMINISTRATIVE HEARING SUMMIT COUNTY, UTAH September 16, 2021

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Department Administrative Hearings of Park City, Utah will hold its Planning Department Administrative Hearing at the Planning Department Conference Room, located at 445 Marsac Ave, Park City, UT 84060. To join virtually, go to https://us02web.zoom.us/j/85696949319 Meeting ID 856 9694 9319 for the purposes and at the times as described below on Thursday, September 16, 2021.

Regular Agenda

1004 Lowell Avenue - Historic District Design Review - The Applicant Proposes Building a New Single-Family Dwelling on a Vacant Lot in the Historic Residential - 1 (HR-1) Zoning District. PL-21-04899.
(A) Public Hearing; (B) Action Staff Report Exhibit A: Draft Final Action Letter Attachment 2: Approved Plans

1402 April Mountain Drive Lot 33 – Administrative Conditional Use Permit – The Applicant Proposes to Construct A Cable Rail Fence On Existing Wall and Deck Extension in the Rear Setback in the Residential Development Zone. PL-21-04947 (A) Public Hearing; (B) Action 1402 April Mountain Staff Report Exhibit A: Final Action Letter Exhibit B: Proposed Plans Exhibit C: Photos

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

*Parking validations will be provided for meeting attendees that park in the China Bridge parking structure.

Planning Department Staff Report



Subject:1004 Lowell AvenueApplication:PL-21-04899Author:Browne Sebright, Planner IIDate:September 16, 2021Type of Item:Administrative -- Historic District Design Review

Recommendation

Staff recommends the Planning Director (1) review the proposed plans for 1004 Lowell Avenue, (2) conduct a public hearing, and (3) consider approving the Historic District Design Review based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Final Action Letter (Exhibit A).

Description

Applicant:	Magnus Floden, Jamie Thomas, Mayflower Construction Inc.
Location:	1004 Lowell Avenue
Zoning District:	Historic Residential - 1 (HR-1) Zoning District
Adjacent Land Uses:	Residential, Public Use
Reason for Review:	The Planning Department reviews and approves all Historic
	District Design Review applications associated with a
	Building Permit to build or modify any Building located
	within the Historic Districts

<u>Acronyms</u>

HDDR	Historic District Design Review Application
HR-1	Historic Residential - 1 (HR-1) Zoning District
LMC	Land Management Code
ROW	Right-of-Way

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Background

The Applicant is proposing to construct a new Single-Family Dwelling on a vacant Lot. The property is located in the Historic Residential - 1 (HR-1) Zoning District.

The Applicant is proposing to develop two Lots at this location that have historically been identified by Summit County as one Tax Parcel (# SA-292-A). On May 6, 2021, the Applicant recorded a Warranty Deed (<u>Entry No. 01163019</u>) to separate the two Lots and to receive two Parcel Numbers for said Lots. Lot 32 (1004 Lowell Ave) received the Tax Parcel # SA-292-A. This was done to allow the Applicant to build two new Single-Family Dwellings on the Lots.

After recording the Warranty Deed, the Applicant submitted a Historic District Design Review Application (PL-21-04899) on July 26, 2021, to build a Single-Family Dwelling

on the Vacant Lot. Staff took the project to the Design Review Team on August 4, 2021, and indicated several elements of the proposal that were inconsistent with the Land Management Code. The Applicant made changes to the design as outlined by Staff and submitted updated drawings on August 16, 2021. Staff notified the Applicant that the Application was complete on August 30, 2021, and an HDDR hearing was held on September 16, 2021.

This Site is not listed on the Historic Sites Inventory, nor has it been included in previous historic resource surveys.

<u>Analysis</u>

(I) The proposal complies with the HR-1 Zoning District Requirements outlined in <u>LMC 15-2.2-3</u>.

Single-Family Dwellings are allowed uses in the HR-1 District.

Standard	Zoning Requirement	Analysis of Proposal
Lot Size – square feet (SF)	1,875 SF minimum for a Single- Family Dwelling	1,875 SF; Complies
Lot Width – feet (ft.)	25 ft. minimum	25 feet; Complies
Maximum Building Footprint	844 square feet	844 square feet; <i>Complies</i>
Front Yard Setbacks – feet (ft.)	10 ft. minimum	10 feet; Complies
Rear Yard Setbacks – feet (ft.)	10 ft. minimum	10 feet; Complies
Side Yard Setbacks – feet (ft.)	3 ft. minimum	3 feet each; <i>Complies</i>
Building Height	27 feet above Existing Grade	27 feet; Complies
Parking Requirements	2 spaces per dwelling unit; minimum interior dimension of eleven feet (11') wide by twenty feet (20') deep.	2 spaces; Complies

HR-1 - LMC § 15-2.2-3

(II)The proposal meets the standards of the Design Guidelines for New Residential Infill Construction in Historic Districts outlined in the LMC § <u>15-13-8</u>.

A. Universal Guidelines	Analysis of Proposal
Universal Guideline No. 1 New infill residential buildings shall reflect the historic character—simple building forms, unadorned materials, restrained ornamentation—of Park City's Historic Sites.	Complies; the proposal reflects historic character of Park City Historic Sites.
Universal Guideline No. 2 New infill residential buildings shall not directly imitate existing historic structures in Park City. Roof pitch, shape, and configuration, as well as scale of building elements found on Historic Sites may be duplicated, but building elements such as moldings, cornice details, brackets, and porch supports shall not be directly imitated. Reconstruction of non-surviving historic buildings is allowed.	Complies; the proposal does not directly imitate existing historic structures in Park City.
Universal Guideline No. 3 A style of architecture shall be selected, and all elevations of the new infill residential building shall be designed in a manner consistent with a contemporary interpretation of the chosen selected style. Stylistic elements shall not simply be applied to exteriors. Styles that never appeared in Park City shall be avoided. Styles that radically conflict with the character of Park City's Historic Sites shall also be avoided. Styles that never appeared in Park City shall be avoided.	Complies; a style of architecture has been selected and all elevations of the proposal are a contemporary interpretation of the chosen selected style.
Universal Guideline No. 4 New infill residential buildings shall differentiate from historic structures but be compatible with historic structures in materials, features, size, scale, and proportion, and massing to protect the integrity of the Historic District as a whole. The massing of the new infill residential buildings shall be further broken up into volumes that reflect the original massing of historic buildings; larger masses shall be located at the rear of the lot.	Complies; the proposal differentiates from historic structures but is compatible with materials, features, size, scale, proportion, and massing.

Universal Guideline No. 5	Complies; the proposal respects
Building and site design shall respect the existing	existing topography, character
topography, the character-defining site features,	defining site features, and
including existing trees and vegetation, and shall	minimizes cut and fill and the use
minimize cut, fill, and the use of retaining walls.	of retaining walls.
Universal Guideline No. 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 exterior elements are of human scale and compatible with neighboring Historic Structures.
Universal Guideline No. 7	Complies; the proposed scale
Scale and height of new infill residential buildings	and height follow the
shall follow the predominant pattern and respect the	predominant pattern and
architecture of the Streetscape or character area with	respects the architecture of the
special consideration given to Historic Sites.	Streetscape.
Universal Guideline No. 8 Size and mass of a structure shall be compatible with the size of the site so that lot coverage, building bulk, and mass are compatible with Historic Sites within the Streetscape or character area.	Complies; the proposal complies as the size and mass of the structure is compatible with the size of the site.
Universal Guideline No. 9	New construction activity shall
New construction activity shall not physically damage	not physically damage nearby
nearby Historic Sites	Historic Sites.

Universal Guideline No. 10		Compliant the propagal
Universal Guideline No. 10		Complies; the proposal reinforces visual unity within the
New infill residential buildings shall r unity within the context of the Street area. The specific context of each S character area is an important featur District.	scape or character treetscape or	context of the Streetscape.
The context of each Streetscape or shall be considered in its entirety, as when standing on the street viewing street for the entire length of the Stre character area. Special consideratio to adjacent and neighboring Historic order to reinforce existing rhythms a	s one would see it both sides of the eetscape or on should be given sites in	
Universal Guideline No. 11		Compliant The proposed
New materials should reflect the Historic District. Sustainable technol changing resulting in new alternative alternative materials may be review Review Team for compliance bein following characteristics: • Longevity (50 year lifespan) • Energy performance • Durable in this climate • Environmental benefit (high recycles sourced) • Compatibility with the character of	blogy is constantly ve materials. New ved by the Design ng judged on the led content, locally	Complies; The proposed materials reflect the character of the Historic District.
B. Specific Guidelines	Analysis of Propos	al
1. Site Design		
a. Building Setback and Orientation	with the surroundir located in a way th the street. The prin	posed Lot coverage is compatible ng Historic Sites and the building is at follows the predominant pattern of nary entrance is clearly defined and e street. The pattern of built and ntained.
b. Topography and Grading		nal topography of the site has been feasible. The Building responds to s of the Site.

c. Landscaping and Vegetation	Complies; The landscape plan balances water efficient irrigation methods and drought tolerant and native plant material with the existing plant material on site.
d. Retaining Walls	Complies; the proposed retaining walls are consistent with historic retaining walls in terms of mass, scale, design, materials, and scale of materials.
e. Parking Areas and Driveways	Complies; The new driveway will be less than 27' wide, and two parking spaces are provided.
2. Primary Structures	
a. Mass, Scale, and Height	Complies; the proposed Structure is compatible with surrounding Structures and abides by height restrictions in the HR-1 Zone. The front Façade is a similar scale to the surrounding as viewed from the Lowell Avenue Public Right-of-Way.
b. Foundation	Complies; the foundation materials for the proposed addition are simple in form and minimally visible above grade when viewed from the primary public right-of- way.

c. Doors	Complies; the front door is a similar scale to those seen in the Historic Districts. The other proposed doors are an appropriate scale for the Structure.
d. Windows	Complies; the proposed ratios of solid-to-void are compatible with surrounding historic buildings.
e. Roofs	Complies; the main roof is visually compatible with roof shapes and orientation of surrounding Historic Sites and adjacent buildings that contribute to the character of the Historic District.
3. Mechanical and Utility Systems and Service Equipment	Complies; All mechanical and utility equipment is located below grade and is not visible from the street.
4. Materials	Complies; the proposed materials on the new build are compatible in scale, proportion, texture, finish and color to materials used on Historic Structures in the Historic District. The primary siding materials appear similar to those on historic structures in the Streetscape or character area. Building materials are proposed to be applied in a manner similar to that used historically.
5. Paint and Color	Complies;
6. Garages	Complies;
a. Garages: General Compatibility	Complies; the Applicant has proposed a 8' x 8' single- car garage door.
7. Decks	Complies; the proposed decks on the front and rear façades are compatible.

Department Review

The Design Review Team and Planning Department reviewed this application.

Notice

Staff published notice on the City's website and posted notice to the property on September 1, 2021. Staff mailed courtesy notice to property owners within 100 feet on September 1, 2021. LMC $\frac{\$ 15-1-21}{\$}$.

Public Input

There was no public input received at the time this Staff Report was published.

Alternatives

- The Planning Director may approve the HDDR Application,
- The Planning Director may deny the HDDR Application and direct staff to make Findings for the denial; or
- The Planning Director may request additional information and continue the discussion to September 23, 2021.

Exhibits

Exhibit A: Draft Final Action Letter

Attachment 1 – Standard Conditions of Approval Attachment 2 – Approved Plans



Planning Department

September 16, 2021

Magnus Floden, Jamie Thomas P.O. Box 2275 Park City, Utah 84060

NOTICE OF PLANNING DEPARTMENT ACTION

Application # Subject Address Description Action Taken Date of Action

PL-21-04899 Historic District Design Review (HDDR) 1004 Lowell Avenue New Single-Family Dwelling Approved September 16, 2021

Summary of Staff Action

Staff reviewed this HDDR application for compliance with Land Management Code (LMC) Chapter 15-13, *Design Guidelines for Historic Districts and Historic Sites*. Staff reviewed the non-Historic Site in accordance with Land Management Code (LMC) Section 15-13-8, *Design Guidelines for New Residential Infill Construction in Historic Districts*, and LMC Chapter 15-2.2, *Historic Residential – 1 (HR-1) District*. On September 16, 2021, the Planning Director approved plans for the project located at 1004 Lowell Avenue subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

- 1. The Site is located at 1004 Lowell Avenue.
- 2. The Site is located within the Historic Residential 1 (HR-1) Zoning District.
- 3. On May 6, 2021, the Applicant recorded a Warranty Deed (Entry No. 01163019) with Summit County) to receive two Parcel Numbers for Lots 31 and 32.
- 4. The Applicant proposes to construct a new Single-Family Dwelling.
- 5. Staff reviewed 1004 Lowell Avenue's HDDR application for compliance with LMC Chapter 15-13, *Design Guidelines for Historic Districts and Historic Sites*.
- The application was reviewed per LMC § 15-13-8 Design Guidelines for New Residential Infill Construction in Historic Districts and LMC Chapter 15-2.2, Historic Residential – 1 (HR-1) District.
- 7. Staff published notice on the City's website and posted notice to the property on September 1, 2021.

- 8. Staff mailed courtesy notice to property owners within 300 feet on September 1, 2021.
- 9. The Analysis Section of the Staff Report is incorporated herein.

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 meets the criteria for the *Design Guidelines for New Residential Infill Construction in Historic Districts* outlined in the LMC § 15-13-8.

Conditions of Approval:

- 1. Final building plans and construction details shall reflect substantial compliance with the plans approved September 16, 2021, by the Planning Department. 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. 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.
- 3. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
- 4. 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.
- 5. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate the impacts to the existing neighboring structures, and existing infrastructure/ streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
- 6. The City Engineer shall review and approve all grading, utility installations, public improvements, drainage plans, and flood plain issues for compliance with City and Federal standards, and this is a condition precedent to building permit issuance.
- 7. The designer, architect, and/or applicant shall be responsible for coordinating the approved architectural drawings and documents with the approved construction drawings and documents. The overall aesthetics of the approved HDDR architectural plans shall take precedence. Any discrepancies found among these documents that would cause a change in the approved construction drawings shall be reviewed and approved by Planning Staff prior to construction.
- 8. Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.
- 9. The property is located 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.

- 10. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
- 11. New construction activity shall not physically damage nearby Historic Sites.
- 12. New materials should reflect the character of the Historic District.
- 13. No more than two feet (2') of the foundation shall be visible above Final Grade on the secondary and tertiary façades; no more than 8" of foundation shall be visible above Final Grade on the primary façade.
- 14. Downspouts shall be located away from architectural features and shall be visually minimized when viewed from the primary public right-of-way.
- 15. All proposed mechanical equipment and hot tubs shall meet all Setback requirements per LMC § 15-2.4-3 and shall be screened. All proposed mechanical equipment and utility systems and service equipment shall be noted and shown in plan on the construction documents. If the equipment is located on a secondary façade, it shall be placed behind the midpoint of the structure or in a location that is not visible from the primary public right-of-way Street. Ground-level equipment shall be screened using landscape elements such as low fences, low stone walls, or perennial plant materials.
- 16. No doors or windows may be vinyl or aluminum; all new doors and windows shall be wood or aluminum-clad wood.
- 17. Synthetic building materials shall not be used unless the materials are made of a minimum of 50% recycled and/or reclaimed material.
- 18. All exterior wood shall have an opaque rather than transparent finish. When possible, low-VOC (volatile organic compound) paints and finished shall be used. Rustic, unfinished wood is inappropriate.
- 19. 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.
- 20. Construction waste should be diverted from the landfill and recycled when possible.
- 21. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the 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.
- 22. Per LMC § 15-2.2-3(K) Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
- 23. Project Conditions shall apply (attached).

If you have questions regarding your application or the action taken please contact the project Planner, Browne Sebright, at 435-615-5036 or <u>browne.sebright@parkcity.org</u>.

Sincerely,

Gretchen Milliken, Planning Director

CC: Browne Sebright, Planner II

Attachments

Attachment 1: Standard Conditions of Approval Attachment 2: Approved Plans

Exhibit A: Standard Conditions of Approval

PARK CITY MUNICIPAL CORPORATION STANDARD PROJECT CONDITIONS

- 1. The applicant is responsible for compliance with all conditions of approval.
- 2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the <u>Land Management Code</u> (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City <u>Design Standards, Construction Specifications, and Standard Drawings</u> (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
- 3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
- 4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
- 5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
- 6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
- 7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
- 8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
- 9. Any removal of existing building materials or features on historic buildings shall be

approved and coordinated by the Planning Department according to the LMC, prior to removal.

- 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
- 11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
- 12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City <u>Design Standards, Construction Specifications and Standard Drawings</u>. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
- 13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
- 14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
- 15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
- 16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the <u>Land Management Code</u>, or upon termination of the permit.
- 17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
- 18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
- 19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.



Residence for Magnus Floden

1004 Lowell Avenue Park City, Utah

> SQUARE FOOTAGES: FOOTPRINT=844 S.F. SECOND FLOOR=535 S.F. FIRST FLOOR/ENTRY LEVEL: LIVABLE= MAIN FLOOR=844 S.F. BASEMENT=844 S.F. TOTAL LIVABLE=2813 S.F. TOTAL LIVABLE=2813 S.F.



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THESE DRAWINGS ARE AVAILABLE FOR LIMITED REVIEW AND EVALUATION BY CLIENTS, CONSULTANTS, CONTRACTORS, GOVERNMENTAL AGENCIES, VENDORS AND OFFICE PERSONNEL ONLY IN ACCORDANCE WITH THIS NOTICE.





COVER SHEET

FIRST FLOOR/ENTRY LEVEL: LIVABLE=590 S.F., GARAGE=254 S.F., TOTAL=844 S.F.





NOTES:

1. DRIVEWAY SHALL BE GRADED SUCH THAT WATER DRAINING OFF THE DRIVE DOES NOT FLOW ONTO THE ROAD AND IS DIVERTED INTO A ROADSIDE DITCH OR GUTTER.

2. MIN, DRIVEWAY FLARES TO BE 2'-O" AS REQ'D BY CODE. 3. HOUSE DRAINAGE FINAL GRADES TO BE MIN. 6" OF FALL FOR FIRST 10' FROM HOME,

4. LOT IS TO BE GRADED AND LANDSCAPED IN A MANNER THAT WILL PREVENT WATER RUNOFF FROM ADVERSELY AFFECTING ADJOINING PROPERTY LINES.

PROVIDE GROUND SURFACE TREATMENT PER CITY REQUIREMENTS

5. PROVIDE METALLIC WATER SERVICE & CONCRETE ENCAGED ELECTRODE PER 2017 NEC. 6. ALL CONSTRUCTION TO COMPLY W/ THE 2015 INTERNATIONAL BUILDING

CODE, 1. STORM DRAINAGE TO FLOW TO APPROVED STORM DRAIN SYSTEM.

8. PROVIDE ROAD BASE RAMP TO PROTECT PAYED ROAD, CURB AND SIDEWALK AS REQUIRED. 9. SILT FENCE TO BE INSTALLED ON ALL DOWNHILL PROPERTY LINES

PRIOR TO CONSTRUCTION. 10. DUST, MUD AND EROSION SHALL BE CONTROLLED BY WHATEVER MEANS NECESSARY, AND THE ROADWAY SHALL BE KEPT FREE OF MUD AND DEBRIS AT ALL TIMES.

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7707 SOUTH MAIN STREET MIDVALE, UT 84047 801.285.8885





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revisions:	
Project number	

June 3, 2021 Date Drawn by J Bailey Engineered by



SQUARE FOOTAGES: FOOTPRINT=844 S.F. FOOTPRINT=844 S.F. SECOND FLOOR=535 S.F. FIRST FLOOR/ENTRY LEVEL: LIVABLE=590 S.F., GARAGE=254 S.F., TOTAL=844 S.F. MAIN FLOOR=844 S.F. BASEMENT=844 S.F. TOTAL LIVABLE=2813 S.F. TOTAL OVERALL=3061 S.F.

ROOF/DECK EL: 1010'-0"





N RS(2)

PARK CITY HIGH ELEVATION PLANT LIST

C(1) FLOWERING CRAP, "PRAIRIE FIRE" N RS(2) NINEBARK, "RUBY SPICE" PT WG(3) WHITE SPRUCE "PENDULA TOWER" WSC(3) WESTERN SAND CHERRY VDW(3) VARIEGATED DOGWOOD



- = LANDSCAPE BOULDER
- = LANDSCAPE BOULDER RETAINING COORDINATE WITH BUILDING ELEVATIONS





NOTES: 1. DRIVEWAY SHALL BE GRADED SUCH THAT WATER DRAINING OFF THE DRIVE DOES NOT FLOW ONTO THE ROAD AND IS DIVERTED INTO A ROADSIDE DITCH OR GUTTER.

2. HOUSE DRAINAGE FINAL GRADES TO BE MIN, 6" OF FALL FOR FIRST 10' FROM HOME, 3. LOT IS TO BE GRADED AND LANDSCAPED IN A MANNER THAT WILL

PREVENT WATER RUNOFF FROM ADVERSELY AFFECTING ADJOINING PROPERTY LINES.

4. SILT FENCE TO BE INSTALLED ON ALL DOWNHILL PROPERTY LINES PRIOR TO CONSTRUCTION. 5. DUGT, MUD AND EROSION SHALL BE CONTROLLED BY WHATEVER MEANS

NECESSARY, AND THE ROADWAY SHALL BE KEPT FREE OF MUD AND DEBRIS AT ALL TIMES,

LANDSCAPING PLAN







THE DESIGNS SHOWN AND DESCRIBED HEREIN INCLUDING ALL TECHNICAL DRAWINGS, GRAPHIC REPRESENTATION AND MODELS THEREOF, ARE PROPRIETARY AND CAN NOT BE COPIED, DUPLICATED OR COMMERCIALLY EXPLOITED IN WHOLE OR IN PART WITHOUT THE SOLE AND EXPRESS WRITTEN PERMISSION FROM ARKITEKTUR

THESE DRAWINGS ARE AVAILABLE FOR LIMITED REVIEW AND EVALUATION BY CLIENTS, CONSULTANTS, CONTRACTORS, GOVERNMENTAL AGENCIES, VENDORS AND OFFICE PEDSONNEL ON Y IN PERSONNEL ONLY IN ACCORDANCE WITH THIS NOTICE.



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SEE SHEET A2.0 FOR WINDOW & DOOR SCHEDULES PROVIDE RADIANT FLOOR HEATING ALL FLOORS WINDOWS TO BE WINDSOR PINNACLE

NOTES:

1, DO NOT PROVIDE LOOSE BACK FILL UNTIL FLOOR FRAMING & BASEMENT SLAB ARE IN PLACE & CONCRETE FOUNDATION WALLS HAVE ACHIEVED AT LEAST 75% OF DESIGN STRENGTHS OR 1750 PSI. (VERIFY NUMBER OF DAYS TO REACH DESIRED STRENGTH FROM CONCRETE PROVIDER).

2. DO NOT PROVIDE COMPACTED BACK FILL UNTIL CONCRETE WALLS HAVE CURED AT LEAST 28 DAYS. 3. COORDINATE WITH MECHANICAL AND OTHER SUBCONTRACTORS CONCERNING PERFORATIONS IN CONCRETE WALLS FOR DUCTWORK, ETC.

4. PROVIDE 4" LEDGE AT FOUNDATION WALL FOR PORCH CAP (SUSPENDED OR OTHERWISE) W/ STEEL PER ENGINEERS SPECS. SEE DETAIL SHEET A5.0. 5. CONTRACTOR AND / OR PLUMBER TO VERIFY ELEVATION OF SEWER LATERAL BEFORE EXCAVATION,

6. HOLD DOWNS SHOWN ON FOUNDATION PLAN. REFER TO MAIN FLOOR PLAN FOR EXACT LOCATION. IT IS THE RESPONSIBILITY OF THE FOUNDATION WALL SUBCONTRACTOR TO PLACE ALL APPLICABLE HOLDOWNS ACCURATELY.

1. PROVIDE 1/2" GYP. WALLBOARD @ ENCLOSED SPACE UNDER STAIRS,

8. PROVIDE 2x6 FRAMING FOR ALL PLUMBING WALLS,

9. SECURE TOP & BOTTOM 1/3 OF WATER HEATER W/ APPROVED SEISMIC STRAPS AND INSTALL

EXPANSION TANK PER LOCAL REQUIREMENT 10. PROVIDE COMBUSTION AIR FROM OUTSIDE TO FURNACE & WATER HEATER 11. HOT WATER LINES TO HAVE 1/2" FOAM INSULATION 12. EXTERIOR WALL FRAMING TO BE 2×6, INTERIOR WALL FRAMING TO BE 2X4 U.N.O. 13. PROVIDE 36" LANDING W/ 1 1/2" MAX. DROP

BETWEEN THRESHOLD AND LANDING (7 3/4" MAX. DROP IF DOOR SWINGS IN). -IRC 2015, R311.3

14. PROVIDE INSULATION ON WATER LINES ON EXTERIOR WALLS TO PREVENT FREEZING 15. PROVIDE 1/2" GYP. WALLBOARD @ ENCLOSED SPACE UNDER STAIRS 16. PROVIDE +36" GUARDRAIL W/ VERT. BALUSTERS

SPACED LESS THAN 4" @ ALL PORCHES, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW,

-IRC 2015, R312.1.1 17. PROVIDE +36" GUARDRAIL W/ YERT, BALUSTERS SPACED LESS THAN 4" @ ALL PORCHES, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW. -IRC 2015, R312.1.1

ALL MECHANICAL VENTILATION OUTDOOR AIR DUCT INTAKES OR EXHAUST DUCT OUTLETS (BATHROOM EXHAUST FANS) MUST BE PROVIDED WITH AN AUTOMATIC OR GRAVITY INSTALLED AT THE BUILDING'S THERMAL ENVELOPE,

POST PERMANENT CERTIFICATE ON/IN ELECTRICAL DISTRIBUTION PANEL LISTING PREDOMINANT R-VALUES OF INSULATION INSTALLED IN/ON CEILING, ROOF, WALLS, FOUNDATION, DUCTS OUTSIDE CONDITIONED SPACES, WINDOW U-FACTORS & SOLAR HEAT GAIN COEFFICIENT, & TYPE/EFFICIENCY OF HEATING, COOLING, & WATER HEATING EQUIPMENT. (PANEL/COVER MAY NOT BE DRILLED/MODIFIED IN ANY WAY TO ACCOMPLISH THIS.)

FOR FOUNDATIONS REBAR INSPECTIONS FOR FOUNDATION WALLS OVER & FEET HIGH, FORMS ARE NOT TO BE INSTALLED ON ONE SIDE UNTIL AFTER THE REBAR HAS BEEN INSPECTED AND APPROVED.



arkitektur

7707 SOUTH MAIN STREET MIDVALE, UT 84047 801.285.8885







THESE DRAWINGS ARE AVAILABLE FOR LIMITED REVIEW AND EVALUATION BY CLIENTS, CONSULTANTS, CONTRACTORS, GOVERNMENTAL AGENCIES, VENDORS AND OFFICE PERSONNEL ONLY IN ACCORDANCE WITH THIS NOTICE.



revisions:	
Project number	









SEE SHEET A2.0 FOR WINDOW & DOOR SCHEDULES PROVIDE RADIANT FLOOR HEATING ALL FLOORS WINDOWS TO BE

WINDSOR PINNACLE

NOTES:

1. EXTERIOR WALL FRAMING TO BE 2×6, INTERIOR WALL FRAMING TO BE 2X4 U.N.O. 2. IF TUB IS JETTED: PROVIDE TUB MOTOR ACCESS -REMOVEABLE W/O SPECIAL TOOLS OR KNOWLEDGE. 3. GARAGE: PROVIDE 5/8" TYPE 'X' GYPSUM BOARD ON GARAGE CEILING, WALLS, BEAMS ETC. PROVIDE (2) LAYERS TYPE 'X' GYP. BD. PERPENDICULAR TO CEILING FRAMING FOR GARAGE CEILINGS BENEATH HABITABLE ROOMS. 4. PROVIDE 20 MIN, RATED DOOR W/ CLOSER @ DOOR BETWEEN GARAGE AND HOUSE. 5. ALL CONCRETE STEPS TO HAVE A MIN, RUN OF 6. PROVIDE 36" LANDING W/ 1 1/2" MAX, DROP BETWEEN THRESHOLD AND LANDING (7 3/4" MAX. DROP IF DOOR SWINGS IN). -IRC 2015, R311.3

1. DRYER EXHAUST NOTE: THE MAX, LENGTH OF A CLOTHES DRYER EXHAUST DUCT SHALL NOT EXCEED 25 FEET FROM THE DRYER LOCATION TO THE WALL OR ROOF TERMINATION, THE MAX, LENGTH OF THE DUCT SHALL BE REDUCED 2.5 FEET FOR EACH 45-DEGREE BEND AND 5 FEET FOR EACH 90-DEGREE BEND, THE MAX, LENGTH OF THE EXHAUST DUCT DOES NOT INCLUDE THE TRANSITION DUCT,

-IRC 2015, M1535.4.4
8. PROVIDE INSULATION ON WATER LINES ON EXTERIOR WALLS TO PREVENT FREEZING
9. PROVIDE 1/2" GYP. WALLBOARD @ ENCLOSED
SPACE UNDER STAIRS
10. PROVIDE +36" GUARDRAIL W/ VERT. BALUSTERS

SPACED LESS THAN 4" @ ALL PORCHES, BALCONIES OR RAISED FLOOR SURFACES

LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW. -IRC 2015, R312.1.1

ALL MECHANICAL VENTILATION OUTDOOR AIR DUCT INTAKES OR EXHAUST DUCT OUTLETS (BATHROOM EXHAUST FANS) MUST BE PROVIDED WITH AN AUTOMATIC OR GRAVITY INSTALLED AT THE BUILDING'S THERMAL ENVELOPE.

PROVIDE NOT LESS THAN 1/2" GYPSUM BOARD ON GARAGE SIDE OF WALL/CEILING SEPARATING A GARAGE & DWELLING.



arkitektur





revisions:	
Project number	
Date	June 3, 2021
Drawn by	J Bailey
Engineered by	
FIRST / SECON PLAN	

A1.1



		Window So	chedule	
	Type Mark	Level	Туре	
	W12	SECOND FLOOR		
	W12 W6	SECOND FLOOR		
	W10		2'-6"x2'-6" FIXED, TEMP	<u>.</u>
	W10		2'-6"x2'-6" FIXED, TEMP	
	W10		2'-6"x2'-6" FIXED, TEMP	
	W4	SECOND FLOOR		
	W4	SECOND FLOOR	2'-6"x2'-6" FIXED	
	W4	SECOND FLOOR		
	W11	SECOND FLOOR		
T	W11	SECOND FLOOR		
	W1		2'-6"x5'-0" CSMT	
	W1 W1	ENTRY LEVEL	2'-6"x5'-0" CSMT 2'-6"x5'-0" CSMT	
	W2	GARAGE T.O.S.	2'-6"x3'-0" FIXED	
	W2	GARAGE T.O.S.	2'-6"x3'-0" FIXED	
	W2	GARAGE T.O.S.	2'-6"x3'-0" FIXED	
	W1	FIRST FLOOR	2'-6"x5'-0" CSMT	
	W1	FIRST FLOOR	2'-6"x5'-0" CSMT	
	W13	FIRST FLOOR	2'-6"x4'-6" FIXED, TEMP).
	W13	FIRST FLOOR	2'-6"x4'-6" FIXED, TEMP	
	W3	FIRST FLOOR	2'-6"x4'-0" CSMT, TEMP	· _
	W6	FIRST FLOOR	2'-6"x4'-0" CSMT	
	W4	FIRST FLOOR	2'-6"x2'-6" FIXED	
	W4 W4	FIRST FLOOR	2'-6"x2'-6" FIXED 2'-6"x2'-6" FIXED	
	W1	MAIN FLOOR	2'-6"x2'-6" FIXED 2'-6"x5'-0" CSMT	
	W3	MAIN FLOOR	2'-6"x4'-0" CSMT, TEMP	,
	W6	MAIN FLOOR	2'-6"x4'-0" CSMT	·
	W6	MAIN FLOOR	2'-6"x4'-0" CSMT	
	W6	MAIN FLOOR	2'-6"x4'-0" CSMT	
l	W6	MAIN FLOOR	2'-6"x4'-0" CSMT	
	W4	MAIN FLOOR	2'-6"x2'-6" FIXED	
	W8	MAIN FLOOR	2'-0"x5'-0" FIXED	
	W8	MAIN FLOOR	2'-0"x5'-0" FIXED	
	W8	MAIN FLOOR	2'-0"x5'-0" FIXED	
	W6 W6	BASEMENT	2'-6"x4'-0" CSMT 2'-6"x4'-0" CSMT	
STREET				STREET
				ທ
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8 				
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1004 LOWELL AVENUE FRONT ELEVATION AND CONTEXT PHOTO



arkitektur

7707 SOUTH MAIN STREET MIDVALE, UT 84047

801.285.8885





THE DESIGNS SHOWN AND DESCRIBED HEREIN INCLUDING ALL TECHNICAL DRAWINGS, GRAPHIC REPRESENTATION AND MODELS THEREOF, ARE PROPRIETARY AND CAN NOT BE COPIED, DUPLICATED OR COMMERCIALLY EXPLOITED IN WHOLE OR IN PART WITHOUT THE SOLE AND EXPRESS WRITTEN PERMISSION FROM ARKITEKTUR

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Planning Department Staff Report

Subject:	1402 April Mountain Drive Lot 33
Application:	PL-21-04947
Author:	Lillian Lederer, Planner I
Date:	September 16, 2021
Type of Item:	Administrative Conditional Use Permit



Recommendation

Staff recommends the Planning Director (1) review the proposed plan to construct a cable rail fence on existing wall and deck extension in the rear setback, (2) conduct a public hearing, and (3) consider approving an Administrative Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action letter (Exhibit A).

Description

Applicant:	Ron Esher; Ariel Vernell, Applicant Representative
Location:	1402 April Mountain Drive #33
Zoning District:	Residential Development (RD)
Adjacent Land Uses:	Single-Family Dwellings
Reason for Review:	Planning staff reviews and approves Administrative
	Conditional Use Permits ¹

<u>Acronyms</u>

ACUP	Administrative Conditional Use Permit
CUP	Conditional Use Permit
LMC	Land Management Code
MCPC	Municipal Code of Park City
RD	Residential Development
SLO	Sensitive Lands Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Summary

The Applicant proposes to add a cable rail Fence to an existing concrete wall and build a Deck that encroaches into the 15 foot Rear Setback. This hearing will include Planning Director review and possible final action.

Background

On August 24, 2021, the Planning Department deemed an Administrative Conditional Use Permit application, complete. The property is located at 1402 April Mountain Drive #33, in the Residential Development (RD) Zoning District.

¹ LMC <u>§ 15-1-8(E)</u>

<u>Analysis</u>

(I) The proposal complies with the Residential Development (RD) Zoning District Requirements outlined in LMC <u>§ 15-2.13-3</u>.

The Applicant is proposing to add a 30-36 inch cable rail Fence on top of an existing 36inch cement wall in the Rear Setback.

Per LMC <u>Chapter 15-4-2</u>, *Fences and Retaining Walls*, "Fences and retaining walls shall not exceed six feet (6') in height measured from Final Grade within any required Rear Setback or Side Setback." This is allowed within the RD Zoning District; the combined Fence and wall height will not exceed the 6 foot requirement.

The Applicant is also proposing to construct a Deck that encroaches into the 15 foot Rear Setback on the south side of the Single Family Dwelling.

Per LMC <u>§ 15-2.13-3</u>, the Lot and site requirements for a RD Single Family Dwelling include a rear setback of 15 feet. The lot has a ten-foot wide easement around the whole property, per the development regulation. The Subdivision Plat for this lot does not add additional restrictions and the Applicant's request complies with current easements.

According to <u>§ 15-2.13-3 (E)</u>, "The Rear Setback must be open and free of any Structure except: Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line" and "Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line."

The project plans comply with the LMC, as the Deck would not encroach more than five feet from the Lot Line, and will not be more than 30 inches above the Final Grade.

The proposed Deck will be built on the concrete wall and sit 3/4 of an inch above the wall. The Deck will be built out of IPE Hardwood. The Fence will be built directly on the wall, and the Deck will be flush around the fence posts.

The Applicant has an active permit to build a pool and spa into the deck (Permit number TEMP21-549 via Precision Pools); however, this doesn't impact the ACUP. The Applicant assured, and Staff verified, that the spa and pool will not encroach on the rear setback. The pool Mechanical Equipment is placed within the Rear Setback and close to the Single Family Dwelling.

According to LMC <u>§ 15-2.13-3 (G)</u>, "All electrical service equipment and sub-panels and all mechanical equipment, including but not limited to, air conditioning, pool equipment, fans and vents, utility transformers, except those owned and maintained by public utility companies, and solar panels, shall be painted to match the surrounding wall color or painted or Screened to blend with the surrounding natural terrain."

The pool Mechanical Equipment is placed within the Rear and Side Setback and close to the Single Family Dwelling. The equipment will be set near existing air condition equipment and hidden behind a wood horizontal fence, which complies with the code.

(II) The proposal complies with the requirements for the Residential Development (RD) Zoning District outlined in LMC \S <u>15-2.13-3</u> and the Sensitive Lands Overlay District (SLO) Requirements outlined in LMC \S <u>15-2.21-1</u>.

Zoning Requirement	Analysis of Proposal
Minimum Side Setback	12'
Minimum Rear Setback	15'
Maximum Height of Fences and Walls	6'
Maximum Extension of	5' from Rear Lot Line
Decks	
Maximum Height of Decks	30" above Final Grade

The Lot falls within the Sensitive Land Overlay (SLO) Zone, however, the proposed Fence and Deck will not impact Steep Slope, Ridge Line Area, wetlands, Stream Corridor, Wildland interface, or wildlife habitat Area.

(III) The proposal complies with Conditional Use Permit criteria outlined in LMC $\underline{\$}$ <u>15-1-10(E)</u>.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Commission shall approve a Conditional 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. The Planning Commission 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. LMC § 15-1-10.

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	Complies: This is an existing Site, utilized for residential Use in Lot 33 of the April Mountain Subdivision. No changes are being made to the Lot.
Traffic	Not Applicable
Utility Capacity	Not Applicable
Emergency Vehicle Access	Not Applicable
Parking	Not Applicable

Internal Vehicular and	Not Appliable
Pedestrian Circulation System	Not Applicable
Fencing, Screening, and	Complies: The proposed Fence will not exceed
Landscaping	more than three feet in height, and the height of
	the current wall is three feet; therefore, their
	combined heights will not exceed six feet in height.
	The proposed Deck is at least five feet from the
	Rear Lot Line.
Building Mass, Bulk, and	Not Applicable
Orientation	
Useable Open Space	Not Applicable
Signs and Lighting	Not Applicable
Physical Design and	Complies: The proposed Fence is simple in
Compatibility with Surrounding	design and will match the existing outdoor fence
Structures	on the second floor of the building. The Deck and
	matches the design of the Single Family Dwelling.
Noise Vibration Odara	The Mechanical Equipment will be hidden.
Noise, Vibration, Odors, Stream, or Other Mechanical	Not Applicable
Factors	
Control of Delivery and Service	Not Applicable
Vehicles, Loading and	
Unloading Zones, and	
Screening of Trash and	
Recycling Pickup Areas	
Expected Ownership and	Complies: The expected ownership is Private.
Management	
Within and Adjoining the Site,	Complies: The property currently falls within the
Environmentally Sensitive	SLO Zone, and the current project does not impact
Lands, Physical Mine Hazards,	the zone requirements.
Historic Mine Waste and Park	
City Soils Ordinance, Steep	
Slopes, and Appropriateness of	
the Proposed Structure to the	
Existing Topography of the Site Reviewed for Consistency with	Complies: The proposed Use of the Site is
the Goals and Objectives of the	consistent with the Small Town and Natural
Park City General Plan	Setting Goals of the General Plan.

(IV) The proposal meets the standards of the Park City Land Management Code.

The property was posted ten (10) days prior to Final Action.

Department Review The Planning Department reviewed this application.

Notice

Staff published notice to the City website and City Hall, and posted notice to the property on August 31, 2021. Staff mailed courtesy notice to adjacent property owners on August 31, 2021. LMC <u>§ 15-1-21</u>.

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Director may approve the Administrative CUP;
- The Planning Director may deny the Administrative CUP, and direct staff to make findings for the denial; or
- The Planning Director may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter Exhibit B: Proposed Plans Exhibit C: Site Photos



September 16, 2021

Ron Eshel PO Box 681836 Park City, UT 84068 roneshel@earthlink.net (310) 200-0317

CC: Ariel Vernell ariel@divinedesign.com (435) 659-4877

NOTICE OF PLANNING DIRECTOR

Description Address:	1402 April Mountain Lot 33
Zoning District:	Residential Development (RD)
Application:	Administrative Conditional Use Permit
Project Number:	PL-21-04947
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	SEPTEMBER 16, 2021
Project Summary:	The applicant proposes to construct a cable rail fence on existing wall and deck extension in the rear setback.

Action Taken

On September 16, 2021, the Planning Director conducted a public hearing and approved the construction a cable rail fence on existing wall and deck extension in the rear setback according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

- 1. The Site is located at 1402 April Mountain Drive Lot 33.
- 2. The Site is located in the Residential Development (RD) Zoning District.



- 3. The Applicant proposes to construct a cable rail fence on existing wall and deck extension in the rear setback.
- Staff reviewed 1402 April Mountain Drive's Administrative Conditional Use Permit Application for compliance with LMC <u>Chapter 15-2.13</u>, <u>Residential Development</u> (<u>RD</u>) <u>District</u> and <u>Chapter 15-4-2</u>, <u>Fences And Retaining Walls</u>.
- 5. Staff posted notice to the City website, City Hall, and the property on August 31, 2021.
- 6. Staff mailed courtesy notices to the adjacent property owners on August 31, 2021.
- 7. The Analysis Section of the Staff Report is incorporated herein.

Conclusions of Law

- 1. The proposal complies with the Land Management Code requirements pursuant to <u>Chapter 15-2.13</u>, <u>Residential Development (RD) District</u>.
- The proposal complies with the Land Management Code requirements pursuant to <u>Chapter 15-2.13</u>, <u>Residential Development (RD) District</u> and <u>Chapter 15-4-2</u> <u>Fences And Retaining Walls</u>.

Conditions of Approval

- 1. Final building plans and construction details shall reflect substantial compliance with the plans approved September 16, 2021, 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. All proposed mechanical equipment and hot tubs shall meet all setback requirements per LMC § 15-2.4-3 and shall be screened. All proposed mechanical equipment, utility systems, and service equipment shall be noted and shown in plan on the construction documents. Ground-level equipment shall be screened using landscape elements such as low fences, low stone walls, or perennial plant materials.
- 5. Fences and retaining walls shall not exceed six feet (6') in height measured from Final Grade within any required Rear Setback.



6. Unless otherwise indicated, Conditional Use permits expire one (1) year from the date of Planning Commission approval, unless the Conditional Use has commenced on the project or a Building Permit for the Use has been issued. The Planning Director may grant an extension of a Conditional Use permit 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 review criteria in Section 15-1-10 (E) or other provisions of 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 Conditional Use permit approval per Section 15-1-12. Extension requests must be submitted in writing prior to the expiration of the Conditional Use permit. The Planning Commission may grant an additional one (1) year extension 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 review criteria in Section 15-1-10 (E) or other provisions of 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 Conditional Use permit approval per Section 15-1.12. Extension requests must be submitted in writing prior to the expiration of the Conditional Use permit.

If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5060 or email <u>lillian.lederer@parkcity.org</u>.

Sincerely,

Gretchen Milliken, Planning Director

CC: Lillian Lederer, Project Planner







3' MAX FROM NATIVE GRADE PROPOSED FENCE ON TOP OF WALL

DIVINE DESIGN PARK CITY		
		SCALE: 1"=10'0"
	MT PI AN	-
		LOI 33

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