



**PARK CITY PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING MEETING
SUMMIT COUNTY, UTAH
May 25, 2023**

REGULAR AGENDA - 12:00 PM

925 Woodside Avenue - Administrative Conditional Use Permit - The Applicant Requests Approval For One Retaining Wall Constructed Greater Than Four Feet In Height In the Front Setback. PL-23-05642
(A) Public Hearing; (B) Action
[925 Woodside Avenue Staff Report](#)
[Exhibit A: Draft Final Action Letter](#)
[Exhibit B: 925 Woodside Avenue 2021 HDDR Staff Report](#)
[Exhibit C: 925 Woodside Avenue 2021 HDDR Final Action Letter](#)
[Exhibit D: 925 Woodside Avenue ACUP Final Action Letter](#)

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 is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

Planning Department Staff Report



Subject: 925 Woodside Avenue
Application: PL-23-05642
Author: Lillian Zollinger
Date: May 25, 2023
Type of Item: Administrative Conditional Use Permit

Recommendation

(I) Review the request for one retaining wall constructed greater than four feet in height in the Front 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: Tyree Christensen
Location: 925 Woodside Avenue
Zoning District: Historic Residential - 1 (HR-1)
Adjacent Land Uses: Residential
Reason for Review: The Planning Director Designee reviews and takes Final Action on Administrative Conditional Use Permits¹

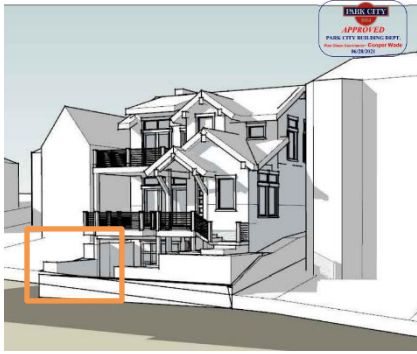
ACUP Administrative Conditional Use Permit
CUP Conditional Use Permit
HDDR Historic District Design Review
HR-1 Historic Residential - 1
LMC Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

On April 22, 2021, the Planning Department approved a Historic District Design Review (HDDR) to construct a new Single-Family Dwelling at 925 Woodside Avenue (PL-21-04741, Exhibit C and Exhibit D). Per the 2021 Staff Report (see Exhibit C), “the proposal respects existing topography, character-defining site features, and minimizes cut and fill and the use of retaining walls.” The plans approved under the HDDR show a rendering with a cut in the retaining wall in the Front Setback.

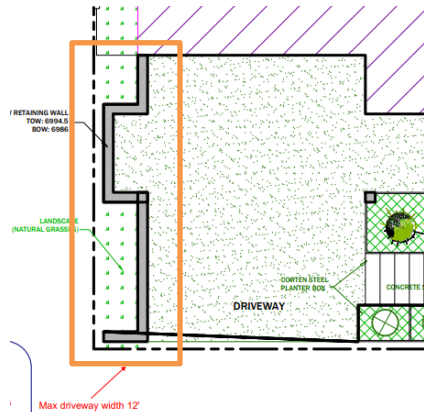
¹ LMC § [15-1-8\(E\)](#).



Approved renderings



Approved elevations



Approved location of retaining wall within the Front and Side Setback.



Built retaining wall.


The retaining wall was not constructed to the approved plans and is seven feet two inches in height from Final Grade, beginning at the property line, built through the entire ten-foot Front Setback.

Analysis

(I) The proposal complies with Historic Residential – 1 (HR-1) Zoning District requirements outlined in LMC Chapter 15-2.2.

925 Woodside Avenue is in the HR - 1 Zoning District. Pursuant to LMC [§ 15-2.2-3\(G\)](#), retaining walls that are no more than four feet in height from Final Grade are an exception to the ten-foot Front Setback. Pursuant to LMC [§ 15-4-2\(A\)\(1\)](#), retaining walls greater than four feet (4') in height from Final Grade in the Front Setback require an Administrative Conditional Use Permit. The Applicant proposes one four-foot-high retaining wall in the ten-foot Front Setback for five feet ten inches, then seven feet two inches from Final Grade at five feet ten inches to the building facade.

The Lot is 37.50' in width and 75' in length, or 2,812.5 square feet (sq. ft.). The building footprint is 1,200 sq. ft. LMC [§ 15-2.2-3](#), *Lot and Site Requirements*, establishes the following for the HR – 1 Zoning District:

| Requirement | Analysis of Constructed Wall |
|---|--|
| <p>Front Setback- 10' (for Lots greater than 75' in length)</p> <p>LMC Section 15-2.2-3(G)(1) allows for retaining walls not more than 4' in height to be in the front setback.</p> | <p>Recommended Condition of Approval: The built wall is seven feet two inches in height from Final Grade. Condition of Approval 7 requires the Applicant to cut the wall down to four feet in height from Final Grade, five feet 10 inches from the property line, similar to the approved renderings.</p>  |
| Rear Setback- 10' (for Lots 75' in length) | <p>Complies - On January 23, 2023, the Planning Department approved an Administrative Conditional Use Permit (ACUP) for retaining walls over six feet in the Rear Setback (see Exhibit D).</p> |
| Side Setback- 3' minimum (for Lots greater 37.5' in width) | <p>Complies - On January 23, 2023, the Planning Department approved an ACUP for retaining walls over six feet in the Side Setbacks (see Exhibit D).</p> |

(II) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

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 Director 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 Director

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 Constructed Walls |
|--|---|
| Size and Location of the Site | Condition of Approval: The retaining wall in the Front Setback is visible from neighboring properties. Neighboring properties do not have walls as impactful, but there are similar retaining walls in the neighborhood. The wall was constructed to hold up the grade on the south neighboring property. The height of the wall exceeds needed grade retention, and per Condition of Approval 7 must be cut. The remainder of the wall may be compliant with Code under this ACUP. |
| Traffic | Not Applicable |
| Utility Capacity | No unmitigated impacts |
| Emergency Vehicle Access | Not Applicable |
| Parking | Not Applicable |
| Internal Vehicular and Pedestrian Circulation System | Not Applicable |
| Fencing, Screening, and Landscaping | <p>Condition of Approval: As conditioned, the new wall complies with LMC § 15-5-5 and LMC § 15-4-2. The new proposed wall height will support the amount of grade on the south side neighboring property. Retaining walls that do not exceed four feet in height from Final Grade are allowed in the Front Setback and require an ACUP when greater in height than four feet.</p> <p>The Applicant will regrade the site to match the natural grade as much as possible (see Condition of Approval 6). Additionally, per the 2021 HDDR Staff Report, “as Conditioned, all Significant Vegetation on Site will either be maintained or replaced in kind. The landscape plan balances water-efficient irrigation methods and drought tolerant and native plant material with the existing</p> |

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| | plant material on site.” See Condition of Approval 7 . |
| Building Mass, Bulk, and Orientation | Condition of Approval: As built, the wall is bulky, visible from the road, and not compliant with the HDDR or Historic District Design Guidelines in LMC § 15-13-8(B)(1)(d) . Condition of Approval 7 requires the Applicant to cut the wall down to four feet in height and significantly reduces the visual impact of the wall from the road. |
| Useable Open Space | Not Applicable |
| Signs and Lighting | Not Applicable |
| Physical Design and Compatibility with Surrounding Structures | Complies: Per the 2021 HDDR Staff Report, which showed the proposed cut cement and stone wall, “the proposed retaining wall is consistent with historic retaining walls in terms of mass, scale, design, materials, and scale of materials.” |
| Noise, Vibration, Odors, Stream, or Other Mechanical Factors | Not Applicable |
| Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas | Complies: The wall is designed to screen the trash and recycling. Cutting the wall will not impact this screening. |
| Expected Ownership and Management | Condition of Approval 8: The Temporary Certificate of Occupancy (CO) or CO shall not be issued until the as-built-structure and all plans submitted under the building permit (21-889) are verified by the Planning Department to be compliant with the Land Management Code, what was approved under the HDDR (PL-21-04741), and what is required under this ACUP. |
| Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, | Not Applicable |

| | |
|--|--|
| and Appropriateness of the Proposed Structure to the Existing Topography of the Site | |
| Reviewed for Consistency with the Goals and Objectives of the Park City General Plan | Complies: The Single-Family Dwelling is consistent with the Park City General Plan's Goal 1, in encouraging growth in existing neighborhoods. |

(IV) The Development Review Committee reviewed the proposal on May 2, 2023, and did not identify any issues.²

Notice

Staff published notice on the City's website, City Hall, posted notice to the property, and mailed courtesy notice to adjacent property owners on May 15, 2023.³

Public Input

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

Alternatives

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

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: 925 Woodside Avenue 2021 Staff Report

Exhibit C: 925 Woodside Avenue 2021 HDDR Final Action Letter

Exhibit D: 925 Woodside Avenue 2022 ACUP Final Action Letter

² The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

³ LMC [§ 15-1-21](#)



Planning Department

May 25, 2023

Anthony Forbes-Roberts
1531 N. Morningside Dr. NE
Atlanta, GA 30306

CC: Tyree Christensen
tyree@utahmdb.com; (801) 821-1059

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 925 Woodside Avenue

Zoning District: Historic Residential - 1 (HR-1)

Application: Administrative Conditional Use Permit

Project Number: PL-23-05642

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: May 25, 2023

Project Summary: The Applicant Requests Approval for a Retaining Wall Constructed Greater Than Four Feet in Height in the Front Setback

Action Taken

On May 25, 2023, the Planning Director Designee conducted a public hearing and approved a retaining wall greater than four feet in height in the Front Setback, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Site is located at 925 Woodside Avenue.
2. The Site is in the Historic Residential – 1 (HR-1) Zoning District.
3. The plans for the new Single-Family Dwelling were approved under a Historic District Design Review (PL-21-04741) on April 22, 2021.
4. The retaining wall built in the Front Setback is not constructed to the approved plans.
5. The retaining wall is four feet high in the ten-foot Font Setback for five feet ten inches, that is then seven feet two inches in height from Final Grade at five feet

ten inches to the building façade.

6. The Lot is 37.50 feet in width and 75 feet in length.
7. The Lot Area is 2,812.5 square feet.
8. The building footprint is 1,200 square feet.
9. The Front Setback is 10 feet.
10. On January 23, 2023, the Planning Director approved an Administrative Conditional Use Permit for retaining walls over six feet in height in the Side and Rear Setbacks.
11. The Planning Director or their Designee evaluates the proposal based on the following 16 criteria for Conditional Use Permits:
 - a. Size and Location of the Site: The retaining wall in the Front Setback is visible from neighboring properties. Neighboring properties do not have walls as impactful, but there are similar retaining walls in the neighborhood. The wall was constructed to hold up the grade on the south neighboring property. The height of the wall exceeds needed grade retention and must be cut to meet Code. The remainder of the wall may be compliant with Code under this ACUP.
 - b. Traffic: Not applicable.
 - c. Utility Capacity: No unmitigated impacts.
 - d. Emergency Vehicle Access: Not applicable.
 - e. Parking: Not applicable.
 - f. Internal Vehicular and Pedestrian Circulation: Not applicable.
 - g. Fencing, Screening, and Landscaping: The new wall complies with LMC § 15-5-5 and LMC § 15-4-2. The new proposed wall height will support the amount of grade on the south side neighboring property. Retaining walls that do not exceed four feet in height from Final Grade are allowed in the Front Setback and require an ACUP when greater than four feet in height. See Condition of Approval 6 and 7.
 - h. Building Mass, Bulk, and Orientation: Condition of Approval 7.
 - i. Useable Open Space: Not applicable.
 - j. Signs and Lighting: Not applicable.
 - k. Physical Design and Compatibility with Surrounding Structures: Per the 2021 Historic District Design Review (HDDR) Staff Report, which showed the proposed cut cement and stone wall, “the proposed retaining wall is consistent with historic retaining walls in terms of mass, scale, design, materials, and scale of materials.”
 - l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors: Not

applicable.

- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas: The wall is designed to screen the trash and recycling bins, and cutting the wall will not impact this screening.
- n. Expected Ownership and Management: Condition of Approval 8.
- 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: Not applicable.
- p. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan: The Single-Family Dwelling is consistent with the Park City General Plan's Goal 1, in encouraging growth in existing neighborhoods.

12. The Development Review Committee reviewed the proposal on May 2, 2023, and did not identify any issues.

13. Planning Staff published public notice to the City website, City Hall, and the property on May 15, 2023.

14. Planning Staff mailed courtesy notices to the adjacent property owners on May 15, 2023.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Section 15-1-10(E), Section 15-2.2 *Historic Residential (HR-1) District*, and Chapter 15-4-2 *Fences and Retaining Walls*.
2. The Use is compatible with surrounding Structures in Use, scale, mass, and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans reviewed May 25, 2023, by the Planning Department. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a stop work order.
2. The Applicant is responsible for notifying the Planning Department of any changes, modifications, or deviations from the approved scope of work and shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior construction.
3. Additional walls four feet or less from Final Grade may be constructed in the Front

Setback without additional Planning Review. Additional walls greater than four feet in the Front Setback require an Administrative Conditional Use Permit.

4. A building permit is required for any retaining wall greater than four feet.
5. Any future project proposals shall be subject to a Historic District Design Review before construction may begin.
6. All Significant Vegetation on Site will either be maintained or replaced in kind. The landscaping on the site shall be returned to natural grade as much as possible.
7. The retaining wall in the Front Setback shall be cut down and reduced to four feet in height from final grade, five feet ten inches back from the start of the wall.
8. The Temporary Certificate of Occupancy (CO) or CO shall not be issued until the as-built-structure and all plans submitted under the building permit (21-889) are verified by the Planning Department to be compliant with the Land Management Code, what was approved under the HDDR (PL-21-04741), and what is required under this ACUP.

If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5068 or email lillian.zollinger@parkcity.org.

Sincerely,

Rebecca Ward,
Assistant Planning Director

CC: Lillian Zollinger, Project Planner

Planning Department Staff Report



Subject: 925 Woodside Avenue
Application: PL-21-04741
Author: Aiden Lillie, Planner I
Date: April 22, 2021
Type of Item: Administrative -- Historic District Design Review

Recommendation

Staff recommends the Planning Director (1) review the proposed plans for 925 Woodside 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: Antony and Victoria Forbes-Roberts
Location: 925 Woodside Avenue
Zoning District: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
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 Districts¹

Acronyms

HDDR Historic District Design Review
HR-1 Historic Residential District
LMC Land Management Code
SLO Sensitive Lands Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

The Applicant proposes an addition onto a Non-Historic Single-Family Dwelling on Lot A of the 925 Woodside Re-Plat (Exhibit B). The property is located in the Historic Residential (HR-1) Zoning District, Sensitive Lands Overlay (SLO).

On March 9, 1992, previous owners applied for a Historic District Design Review (HDDR) to enclose a deck above the garage and to add a gable to the north elevation to expand the upstairs square footage. The Application for a Proposed Addition went to the Historic District Commission on March 17, 1992 (Exhibit C) and was approved.

On August 25, 2015, a HDDR Pre Application was submitted by the property owner (Exhibit D).

¹ LMC [§ 15-11-12](#).

On October 29, 2017, the property owner applied for a Plat Amendment . On March 15, 2018, City Council adopted [Ordinance No. 18-11](#), approving the 925 Woodside Re-Plat located at 925 Woodside Avenue.

On October 6, 2020, the Applicant submitted a HDDR Pre-Application to the Planning Department to construct an addition to the existing Non-Historic Site. On November 4 and November 11, 2020, the Design Review Team reviewed the Pre-Application proposal.

On January 11, 2021, the Applicant submitted a full HDDR application to the Planning Department to construct a New Single-Family Dwelling on a Non-Historic Site. Staff deemed the application complete on April 7, 2021.

Analysis

(I) The proposal to construct a new Single-Family Dwelling complies with HR-1 Zoning District Requirements outlined in LMC Chapter 15-2.2 and the SLO Requirements outlined in LMC Chapter 15-2.21.

HR-1- LMC Chapter [15-2.2](#)

| Zoning Requirement | Analysis of Proposal |
|--|--|
| Minimum Front and Rear Setback for Lots under 75 feet in depth – 10 feet | Complies; the proposal maintains the Front Setback is at least 10 feet and the Rear Setback is at least 10 feet. |
| Minimum Lot Size – 1,875 square feet | Complies; the lot contains 3,049 square feet. |
| Maximum Building Footprint – 1,201 square feet | Complies; the proposed Footprint is 1,200 square feet as measured on the submitted plans. |
| Minimum Side Setbacks for Lots up to 37.5 feet – 3 feet | Complies; the proposal maintains the Side Setback of 3 feet on each side. |
| Building Height – 27 feet from Existing Grade | Complies; the proposed height is below 27 feet from Existing Grade. |
| Final Grade within 4 feet of Existing Grade | Complies; the proposed final grade is within 4 feet of Existing Grade. |
| Maximum interior height of 35 feet | Complies; the proposal does not exceed an interior height of 35 feet. |
| Roof Pitch- between seven: twelve and twelve: twelve | Complies; the Contributing Roof Form is within 7:12 and 12:12 pitch. |

SLO - LMC Chapter [15-2.21](#)

| Requirement | Analysis of Proposal |
|--|---|
| Slope Protection | Complies; the property is not within fifty feet, map distance, of Very Steep Slopes. |
| Ridge Line Area Protection | Complies; the proposed structure will not be constructed on the Ridge Line Area. |
| Wetlands and Stream Protection | Complies; there is no area proposed to be removed, filled, dredged, cleared, or destroyed within the Wetlands and Stream Corridors or their respective setbacks. |
| Wildlife and Wildlife Habitat Protection | Condition of Approval 22 - Construction shall be organized and timed to minimize disturbance of Sensitive or Specially Valued Species occupying or using on-Site and adjacent natural Areas. ² |

(II) The proposal meets the standards of the Design Guidelines for New Residential Infill Construction in Historic Districts outlined in the LMC § [15-13-8](#).

| A. Universal Guidelines | Analysis of Proposal |
|---|--|
| <p>Universal Guideline No. 1</p> <p>New infill residential buildings shall reflect the historic character—simple building forms, unadorned materials, restrained ornamentation—of Park City’s Historic Sites.</p> | Complies; the proposal reflects historic character of Park City Historic Sites. |
| <p>Universal Guideline No. 2</p> <p>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.</p> | Complies; the proposal does not directly imitate existing historic structures in Park City. |
| <p>Universal Guideline No. 3</p> <p>A style of architecture shall be selected, and all elevations of the new infill residential building</p> | Complies; a style of architecture has been selected and all elevations of the proposal are a contemporary interpretation of the chosen selected style. |

² LMC [§ 15-2.21-8\(B\)\(1\)](#).

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| <p>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.</p> | |
| <p>Universal Guideline No. 4</p> <p>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.</p> | <p>Complies; the proposal differentiates from historic structures but is compatible with materials, features, size, scale, proportion, and massing.</p> |
| <p>Universal Guideline No. 5</p> <p>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.</p> | <p>Complies; the proposal respects existing topography, character defining site features, and minimizes cut and fill and the use of retaining walls.</p> |
| <p>Universal Guideline No. 6</p> <p>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.</p> | <p>Complies; the exterior elements are of human scale and compatible with neighboring Historic Structures.</p> |

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| <p>Universal Guideline No. 7</p> <p>Scale and height of new infill residential buildings shall follow the predominant pattern and respect the architecture of the Streetscape or character area with special consideration given to Historic Sites.</p> | <p>Complies; the proposed scale and height follow the predominant pattern and respects the architecture of the Streetscape.</p> |
| <p>Universal Guideline No. 8</p> <p>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.</p> | <p>Complies; the proposal complies as the size and mass of the structure is compatible with the size of the site.</p> |
| <p>Universal Guideline No. 9</p> <p>New construction activity shall not physically damage nearby Historic Sites</p> | <p>Condition of Approval 11:</p> <p>New construction activity shall not physically damage nearby Historic Sites.</p> |
| <p>Universal Guideline No. 10</p> <p>New infill residential buildings shall reinforce visual unity within the context of the Streetscape or character area. The specific context of each Streetscape or character area is an important feature of the Historic District. The context of each Streetscape or character area shall be considered in its entirety, as one would see it when standing on the street viewing both sides of the street for the entire length of the Streetscape or character area. Special consideration should be given to adjacent and neighboring Historic Sites in order to reinforce existing rhythms and patterns.</p> | <p>Complies; the proposal reinforces visual unity within the context of the Streetscape.</p> |
| <p>Universal Guideline No. 11</p> <p>New materials should reflect the character of the Historic District. Sustainable technology is</p> | <p>Complies; The proposed materials reflect the character of the Historic District.</p> |

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| constantly changing resulting in new alternative materials. New alternative materials may be reviewed by the Design Review Team for compliance being judged on the following characteristics: • Longevity (50 year lifespan) • Energy performance • Durable in this climate • Environmental benefit (high recycled content, locally sourced) • Compatibility with the character of the Historic District | |
| B. Specific Guidelines | Analysis of Proposal |
| 1. Site Design | |
| a. Building Setback and Orientation | Complies; the proposed Lot coverage is compatible with the surrounding Historic Sites and the building is located in a way that follows the predominant pattern of the street. The primary entrance is clearly defined and oriented toward the street. The pattern of built and open space is maintained. |
| b. Topography and Grading | Complies; the original topography of the site has been maintained where feasible. The Building responds to the natural features of the Site and steps down the lot. |
| c. Landscaping and Vegetation | Complies; as Conditioned, all Significant Vegetation on Site will either be maintained or replaced in kind. 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 wall is consistent with historic retaining walls in terms of mass, scale, design, materials, and scale of materials. |
| e. Parking Areas and Driveways | Condition of Approval 19: The new driveways shall not exceed twelve (12) feet in width. ³ |
| 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 Woodside Public Right-of-Way. |
| b. Foundation | Complies; the foundation materials for the proposed addition are simple in form and minimally visible above |

³ LMC [15-8-3\(H\)\(7\)](#)

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| | grade when viewed from the primary public right-of-way. As conditioned, no more than two feet of foundation material will be visible on the secondary and tertiary facades. |
| 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. As conditioned, no doors or windows may be vinyl or aluminum, all new doors and windows shall be wood or aluminum-clad wood. |
| 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 | Condition of Approval 15: All proposed mechanical equipment and hot tubs shall meet all Setback requirements per LMC § 15-2.2-3 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 along Woodside Avenue. Ground-level equipment shall be screened using landscape elements such as low fences, low stone walls, or perennial plant materials. |
| 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 | Condition of Approval 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. |
| 6. Garages | |
| a. Garages: General Compatibility | Complies; the Applicant has proposed a 9 x 7 single-car garage door. |
| 7. Decks | Complies; the proposed deck is compatible. |

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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 April 12, 2021. Staff mailed courtesy notice to property owners within 300 feet on April 12, 2021. LMC [§ 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 April 27, 2021.

Exhibits

Exhibit A: Draft Final Action Letter

Attachment 1 – Standard Conditions of Approval

Attachment 2 – Approved Plans

Exhibit B: 928 Woodside Re-Plat Summit County 1103264

Exhibit C: 1992 Historic District Commission Review

Exhibit D: 2015 HDDR Pre Application

Exhibit E: 2018 HDDR Final Action Letter



Planning Department

April 21, 2021

Antony and Victoria Forbes-Roberts
925 Woodside Avenue,
Park City, Utah

NOTICE OF PLANNING DEPARTMENT ACTION

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| <u>Application #</u> | PL-21-04741 |
| <u>Subject</u> | Historic District Design Review (HDDR) |
| <u>Address</u> | 925 Woodside Avenue |
| <u>Description</u> | New Single-Family Dwelling |
| <u>Action Taken</u> | Approved |
| <u>Date of Action</u> | April 22, 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 (HR-1) District*. The plans for the project located at 925 Woodside Avenue are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Site is located at 925 Woodside Avenue.
2. The Site is located within the Historic Residential (HR-1) Zoning District and the Sensitive Lands Overlay (SLO) Zoning District.
3. On January 11, 2021, the Planning Department received a Historic District Design Review (HDDR) application for the property at 925 Woodside Avenue; it was deemed complete April 7, 2021.
4. The Applicant proposes to construct a new Single-Family Dwelling.
5. A previous owner applied for a Historic District Design Review on March 9, 1992. The Application for a Proposed Addition was approved by the Historic District Commission on March 17, 1992.
6. On August 25, 2015, a HDDR Pre Application was submitted by previous owner Stephen DeFalco.
7. On October 29, 2017, a Plat Amendment was applied for by Stephen DeFalco. On

March 15, 2018, City Council adopted Ordinance No. 18-11, approving the 925 Woodside Re-Plat located at 925 Woodside Avenue

8. On July 6, 2018 a HDDR Application for the construction of a New Single-Family Dwelling was submitted by Stephen DeFalco. On August 28, 2018, Staff approved the HDDR application.
9. Staff reviewed 925 Woodside's HDDR application for compliance with LMC Chapter 15-13, *Design Guidelines for Historic Districts and Historic Sites*.
10. 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 (HR-1) District*.
11. The property is located in the Sensitive Land Overlay (SLO) and the application was reviewed for compliance per LMC Chapter 15-2.21.
12. Staff published notice on the City's website and posted notice to the property on April 7, 2021.
13. Staff mailed courtesy notice to property owners within 300 feet on April 7, 2021.
14. 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 (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 April 21, 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 by April 21, 2022, 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 Building 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 his/her 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 appropriate 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 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 § 15-2.2-3 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 along McHenry 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 finishes shall be used. Rustic, unfinished wood is inappropriate.
19. All exterior lighting, on porches, decks, garage doors, entryways, etc. 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. 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. Construction shall be organized and timed to minimize disturbance of Sensitive or Specially Valued Species occupying or using on-Site and adjacent natural Areas.
- 23. The new driveways shall not exceed twelve (12) feet in width.
- 24. 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.
- 25. The Conditions of Approval noted on the approved HDDR plans shall also apply.
- 26. Project Conditions shall apply (attached).

If you have questions regarding your application or the action taken please contact the project Planner, Aiden Lillie, at 435-615-5067 or aiden.lillie@parkcity.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gretchen Milliken", with a long horizontal flourish extending to the right.

Gretchen Milliken,
Planning Director

CC: Aiden Lillie, Planner I

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 Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (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 Design Standards, Construction Specifications and Standard Drawings. 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 Land Management Code, 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.

September 2012



Planning Department

January 26, 2023

Anthony Forbes-Roberts
1531 N. Morningside Dr NE
Atlanta, GA 30306

CC: Tyree Christensen
tyree@utahmdb.com; (801) 821-1059

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 925 Woodside Avenue

Zoning District: Historic Residential (HR-1)

Application: Administrative Conditional Use Permit

Project Number: PL-22-05465

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: January 26, 2023

Project Summary: The Applicant Requests Approval for Three Retaining Walls Constructed Greater Than Six Feet in Height in the Setbacks

Action Taken

January 26, 2023, the Planning Director conducted a public hearing and approved retaining walls greater than six feet in height in the Setbacks, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Site is located at 925 Woodside Avenue.
2. The Site is located in the Historic Residential (HR-1) Zoning District.
3. The plans for the new Single-Family Dwelling were approved under a Historic District Design Review (PL-21-04741) on April 22, 2021.
4. The existing Retaining Walls are located in the Side and Rear Setbacks and are greater than six feet.
5. The proposed Retaining Walls shall match the plans reviewed January 26, 2023.
6. The public notice was posted onsite and notice to adjacent property owners was sent on January 12, 2023.



Planning Department

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Section 15-1-10(E), Section 15-2.2 Historic Residential (HR-1) District, and Chapter 15-4-2 Fences and Retaining Walls.
2. The use will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans reviewed January 26, 2023, by the Planning Department. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a stop work order.
2. The Applicant is responsible for notifying the Planning Department of any changes, modifications, or deviations from the approved scope of work and shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior construction.
3. Additional Walls six feet or less from Final Grade may be constructed in the Side Setback without additional Planning Review. Additional Walls greater than six feet in the Side Setback require and Administrative Conditional Use Permit.
4. A building permit is required for any Retaining Wall greater than four feet.
5. Any future project proposals shall be subject to a Historic District Design Review before construction may begin.
6. All Significant Vegetation on Site will either be maintained or replaced in kind.
7. The north side wall shall be cut and reduced 4'6" in height from final grade.

If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5068 or email lillian.zollinger@parkcity.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gretchen Milliken", written over a horizontal line.

Gretchen Milliken,
Planning Director

CC: Lillian Zollinger, Project Planner