



**PARK CITY PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING MEETING  
SUMMIT COUNTY, UTAH  
January 26, 2023**

**REGULAR AGENDA - 12:00 PM**

**1385 Lowell Avenue Suite C4 - Administrative Conditional Use Permit** - The Applicant Proposes to have Outdoor Dining with a Barbeque on the Existing Patio at 1385 Lowell Avenue Suite C4. PL-22-05485

(A) Public Hearing; (B) Action

[Staff Report 1385 Lowell Outdoor Dining](#)

[Exhibit A: Draft Final Action Letter](#)

[Exhibit B: Proposed Plans](#)

[Exhibit C: HOA Approval Letter](#)

[Exhibit D: PL-16-03398 Action Letter](#)

[Exhibit E: Park City Village Plat](#)

**925 Woodside Avenue - Administrative Conditional Use Permit** - The Applicant Requests Approval for Three Retaining Walls Constructed Greater Than Six Feet in Height in the Setbacks. PL-22-05465

(A) Public Hearing (B) Action

[925 Woodside Avenue Staff Report](#)

[Exhibit B: Proposed Plans](#)

[Exhibit A: Draft Final Action Letter](#)

[Exhibit C: 925 Woodside Avenue 2021 HDDR Staff Report](#)

[Exhibit D: 925 Woodside Avenue 2021 HDDR 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](mailto: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:** 1385 Lowell Ave Suite C4  
**Application:** PL-22-05485  
**Author:** Virgil Lund, Planner 1  
**Date:** January 26, 2023  
**Type of Item:** Administrative Conditional Use Permit

## Recommendation

Staff recommends the Planning Director (1) review the proposed plan for Outdoor Dining at 1385 Lowell Ave Suite C4 within the Recreation Commercial District, (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: Kevin Mackaben  
Location: 1385 Lowell Ave Suite C4  
Zoning District: Recreation Commercial  
Adjacent Land Uses: Commercial, Recreation Open Space, Residential  
Reason for Review: The Planning Director reviews and takes Final Action on Administrative Conditional Use Permits<sup>1</sup>

ACUP Administrative Conditional Use Permit  
LMC Land Management Code  
RC Recreation Commercial  
ROS Recreation and Open Space  
CUP Conditional Use Permit

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

## Summary

The applicant proposes an Administrative Conditional Use Permit (ACUP) for Outdoor Dining with a barbeque on the existing patio at 1385 Lowell Avenue Suite C4. The Outdoor Dining is proposed to be 5,580 square feet with about 120 seats and will have daily hours of operation from 8 AM to 7 PM. The location of the Outdoor Dining is adjacent to the “Home Run” ski run at Park City Mountain Resort Base Area. The deck/patio that will be used for Outdoor Dining is commonly referred to as the “Gravel Deck”. See Exhibit B for Proposed Plans.

Blue Bird Café will be open 7 days a week in the winter (breakfast, lunch, après ski). In the summer, the café will be open 3-4 days a week (breakfast and lunch). Blue Bird will

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<sup>1</sup> LMC § [15-1-11\(D\)](#)

also cater lunches and snacks for the new daycare opening at the base of the resort - including their summer camp programs.

## **Background**

This location (1385 Lowell Avenue Suite C4) has been used as a restaurant in the past. The restaurant was called “Ziggy’s” and was in service from around 1985 until 2001. No prior approvals have been found for this location as a restaurant or Outdoor Dining. The Outdoor Dining for Ziggy’s is where the proposed Outdoor Dining is located. The most recent use for this location was a Sunglass shop.

The Lodge at the Mountain Village Homeowners Association approved the proposed Outdoor Dining and barbeque on December 21, 2022 (Exhibit C).

An ACUP for 1385 Lowell Avenue Suite AC-106 was approved by the Planning Department on January 9, 2017. This permit approved 44 seats of Outdoor Dining adjacent to the coffee shop. (Exhibit D)

The PCMR Development Agreement approved in 1997 shows restaurant seating as under appointed. Based on Park City Mountain’s calculated skier capacity of 9,910 skiers in 1996, there was not sufficient restaurant seating at that time. Seating capacity was calculated in the Development Agreement by using an average turnover rate of 4.5, since there is a predominance of cafeteria-style food service. Pages 260, 261, and 262 show detailed calculations.

Park City Mountain Resort applied for an amendment to the Master Planned Development Agreement in 2014. Page 166 of that agreement states that the resort can experience on peak days approximately 10,000 people. According to the Amended Development Agreement, on peak days, there is a shortage of restaurant seating.

## **Analysis**

### **(I) The proposal complies with the Recreation Commercial (RC) Zoning District requirements outlined in LMC Chapter 15-2.16.**

The purpose of the Recreation Commercial RC District is to:

- A. allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- B. allow for resort-related transient housing with appropriate supporting commercial and service activities,
- C. encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- D. limit new Development on visible hillsides and sensitive view Areas,
- E. provide opportunities for variation in architectural design and housing types,
- F. promote pedestrian connections within Developments and to adjacent Areas,

- G. minimize architectural impacts of the automobile,
- H. promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,
- I. promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and
- J. promote the preservation and rehabilitation of Historic Buildings.<sup>2</sup>

The proposed Restaurant and Outdoor Dining complies with the purpose of the Recreation Commercial District as outlined above. Section A and C are applicable to the proposal because it will be constructed on an existing Site and building and will provide recreational users with additional informal dining options.

In the RC Zoning District, a Restaurant with Outdoor Dining is an Administrative Conditional Use.<sup>3</sup> Outdoor Dining is subject to LMC Chapter 15-2.16-10 which requires certain conditions be met for the Planning Director to approve the ACUP. The table below shows the requirements of that chapter.<sup>4</sup>

Outdoor Dining Criteria	Analysis of Proposal
The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.	<b>Complies:</b> The proposed seating area is located at PCMR Base on Common Area part of the Park City Village Subdivision Condominium (see Exhibit E) and The Lodge at the Mountain Village Homeowners Association approved the proposed Outdoor Dining and barbeque on December 21, 2022. No landscaping or planter boxes are proposed, and no landscaping will be impacted as part of this project. The proposed Outdoor Dining will not take up any existing parking spaces.
The proposed seating Area does not impede pedestrian circulation.	<b>Complies:</b> Proposed Outdoor Dining is located on an existing site that has been used previously for outdoor seating and will not affect pedestrian circulation. see Exhibit B
The proposed seating Area does not impede emergency Access or circulation.	<b>Complies:</b> Proposed Outdoor Dining is located on an existing site that has been used previously as outdoor seating and will not impede emergency vehicle access. The Applicant is required to submit architectural drawings prior to building permit approval showing exits and exit pathways and how exits will be identified. <b>See Condition of Approval 8</b>
The proposed furniture is	<b>Complies:</b> Applicant is proposing to use

<sup>2</sup> LMC § [15-2.16-1](#)

<sup>3</sup> LMC § [15-2.16-2\(B\)](#)

<sup>4</sup> LMC § [15-2.16-10\(B\)](#)

Compatible with the Streetscape.	metal/plastic picnic tables similar to other outdoor furniture being used at PCMR Base Area. See Exhibit B
No music or noise in excess of the City Noise Ordinance.	<b>Complies:</b> See Condition of Approval 4. The proposed Outdoor Dining is not permitted to exceed or violate the Park City Municipal Code, Title 6-3-8, concerning noise.
No Use after 10:00 p.m.	<b>Complies:</b> Proposed hours are from 8 AM to 7 PM
Review of the restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.	<b>Complies:</b> Parking is managed through Vail, which requires reservations in the Winter Season. Proposed Dining and Seating is for recreational users already at the Resort. During off-season summer months, parking will not be diminished.

Outdoor Grills are subject to LMC Chapter 15-2.16-10 which requires certain conditions be met for the Planning Director to approve the ACUP. The table below shows the requirements of that chapter.<sup>5</sup>

Outdoor Grills/Beverage Service Stations Criteria	Analysis of Proposal
The Use is on private Property or leased public Property, and does not diminish parking or landscaping.	<b>Complies:</b> The Lodge at the Mountain Village Homeowners Association approved the proposed Outdoor Dining and barbeque on December 21, 2022. No landscaping or planter boxes are proposed, and no landscaping will be impacted as part of this project. The proposed Outdoor Dining will not take up any existing parking spaces.
The Use is only for the sale of food or beverages in a form suited for immediate consumption.	<b>Complies:</b> see Condition of Approval 5
The Use is Compatible with the neighborhood.	<b>Complies:</b> A restaurant with Outdoor Dining is an appropriate Use for the Resort Base Area. Page 192 in the "Resort Center" Chapter in the General Plan encourages Resort support commercial uses to be concentrated at the Resort Base, such as restaurants and Outdoor Dining.
The proposed service station does not impede pedestrian circulation.	<b>Complies:</b> The proposed BBQ/Smoker is not commercial grade and will be less than four feet tall/wide. The Applicant is required to submit architectural drawings prior to building permit approval showing exits and exit pathways and how

<sup>5</sup> LMC § [15-2.16-10\(B\)](#)

	exits will be identified. See <b>Condition of Approval 8.</b>
The proposed service station does not impede emergency Access or circulation.	<b>Complies:</b> Proposed Outdoor Dining is located on an existing site that has been used previously as outdoor seating and will not impede emergency vehicle access. See Exhibit B
Design of the service station is Compatible with the adjacent Buildings and Streetscape.	<b>Complies:</b> Proposed Outdoor Dining is located on an existing site that has been used previously as outdoor seating. There are many nearby restaurants at the Park City Resort Base Area with Outdoor Dining and outdoor seating areas. The Corner Store, Pig Pen Saloon, Baja Cantina, Restaurant Center Ice Rink, and Legend Pub all have Outdoor Dining and seating. See Exhibit B
No violation of the City Noise Ordinance.	<b>Complies:</b> See <b>Condition of Approval 4.</b> The proposed Outdoor Dining is not permitted to exceed or violate the Park City Municipal Code, Title 6-3-8, concerning noise.
Compliance with the City Sign Code, Title 12.	Complies: No Signs are proposed as part of this application. <b>See Condition of Approval 6</b>

**(III) 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 Staff 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 Staff 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](#).

<b>CUP Review Criteria</b>	<b>Analysis of Proposal</b>
Size and Location of the Site	<b>Complies:</b> This is an existing Site utilized for Commercial use. There are many nearby restaurants at the Park City Resort Base Area with Outdoor Dining and outdoor seating areas. The Corner Store, Pig Pen Saloon, Baja Cantina,

	Restaurant Center Ice Rink, and Legend Pub all have Outdoor Dining and seating.
Traffic	<b>Complies:</b> The proposed Restaurant and Outdoor Dining is for recreational users already at the resort.
Utility Capacity	The Development Review Committee reviewed this proposal on January 17, 2023 and did not find any issues regarding utility capacity.
Emergency Vehicle Access	<b>Complies:</b> The Development Review Committee reviewed this proposal on January 17, 2023 and did not find any issues regarding utility capacity. Proposed Outdoor Dining is located on an existing site that has been used previously as outdoor seating and will not impede emergency vehicle access. See Exhibit B
Parking	<p><b>Complies:</b></p> <p>Parking requirements for Outdoor Dining are found in LMC Chapter 15-3-6. Non-Residential Parking Ratio Requirements for Outdoor Dining are based on Site specific review at the time of CUP or ACUP. <sup>6</sup></p> <p>The intended customers for the proposed Outdoor Dining are existing recreational users at the Park City Mountain Resort. The Outdoor Dining is not intended to attract additional vehicles. Parking is managed through Vail, which requires reservations in the Winter Season. Proposed Dining and Seating is for recreational users already at the Resort. During off-season summer months, there is sufficient parking at the Resort Base.</p>
Internal Vehicular and Pedestrian Circulation System	<b>Complies:</b> The proposed Outdoor Dining is not located on an existing pedestrian pathway or circulation system. The Applicant is required to submit architectural drawings prior to building permit approval showing exits and exit pathways and how exits will be identified. <b>See Condition of Approval 8.</b>
Fencing, Screening, and Landscaping	Existing fencing will be utilized. No landscaping or planter boxes are proposed, and no landscaping will be impacted as part of this project.
Building Mass, Bulk, and	Not Applicable

<sup>6</sup> LMC § [15-3-6](#)

Orientation	
Useable Open Space	Not Applicable
Signs and Lighting	<b>Complies:</b> No Signs or lighting are proposed as part of this application, see <b>Condition of Approval 6</b>
Physical Design and Compatibility with Surrounding Structures	<b>Complies:</b> Proposed Outdoor Dining is located on an existing site that has been used previously as outdoor seating and where Restaurant and Outdoor Dining is expected. The Outdoor Dining area will be un-covered. The furniture and materials the Applicant are proposing to use are metal/plastic picnic tables similar to other outdoor furniture being used at PCMR Base Area. See Exhibit B
Noise, Vibration, Odors, Steam, or Other Mechanical Factors	<b>Complies:</b> See Condition of Approval 4
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	<b>Complies:</b> See Condition of Approval 7
Expected Ownership and Management	<b>Complies:</b> The proposed seating area and BBQ are located at PCMR Base on platted Common Area part of the Park City Village Subdivision Condominium (see Exhibit E). The Lodge at the Mountain Village Homeowners Association approved the proposed Outdoor Dining and barbeque on December 21, 2022.
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
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	The proposed Use of the Site is consistent with the Sense of Community Goal 11 of the General Plan regarding supporting the success of the multi-seasonal tourism industry.



### **(V) The Development Review Committee requires Conditions of Approval.<sup>7</sup>**

The Development Review Committee reviewed this proposal on January 17, 2023. The Applicant is required to submit architectural drawings prior to Building Permit approval showing exits and exit pathways and how exits will be identified. See **Condition of Approval 8**.

### **Department Review**

The Planning Department, Engineering Department, and City Attorney's Office reviewed this report.

### **Notice**

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on January 12, 2023. Staff mailed courtesy notice to adjacent property owners on January 12, 2023

### **Public Input**

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

### **Alternatives**

- The Planning Director may approve the Administrative Conditional Use Permit;
- The Planning Director may deny the Administrative Conditional Use Permit and direct staff to make Findings for the denial; or
- The Planning Director may request additional information and continue the discussion to a date uncertain.

### **Exhibits**

Exhibit A: Draft Final Action Letter

Exhibit B: Proposed Plans

Exhibit C: HOA Approval Letter

Exhibit D: ACUP PL-16-03398

Exhibit E: Park City Village Recorded Plat

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<sup>7</sup> 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).



## Planning Department

January 26, 2023

Kevin Mackaben  
PO Box 981385  
Park City, UT 84098  
435-640-5406

CC: Kevin Mackaben

### **NOTICE OF Planning Director ACTION**

#### **Description**

Address: 1385 Lowell Ave, Suite C4

Zoning District: Recreation Commercial

Application: Administrative Conditional Use Permit

Project Number: PL-22-05485

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: January 26, 2023

Project Summary: The Applicant is proposing to put a new restaurant with a barbeque and Outdoor Dining at 1385 Lowell Ave Suite C4.

#### **Action Taken**

On January 26, 2023, the Planning Director conducted a public hearing and approved the proposal to put a new restaurant with a barbeque and Outdoor Dining at 1385 Lowell Ave Suite C4 according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

#### **Findings of Fact**

1. The Site is located at 1385 Lowell Avenue Suite C4.
2. The Site is located in the Recreation Commercial (RC) Zoning District.
3. The Applicant proposes to put a new restaurant with a barbeque and Outdoor Dining.



## Planning Department

4. This location (1385 Lowell Avenue Suite C4) has been used as a restaurant in the past. The restaurant was called “Ziggy’s” and was in service from around 1985 until 2001. No prior approvals have been found for this location as a restaurant or Outdoor Dining.
5. An Administrative Conditional Use Permit for 1385 Lowell Avenue Suite AC-106 was approved by the Planning Department on January 9, 2017. This permit approved 44 seats of Outdoor Dining adjacent to the coffee shop.
6. Staff reviewed the 1385 Lowell Avenue Administrative Conditional Use Permit Application for compliance with LMC Section 15-1-10, Conditional Use Review Process, and Chapter 15-2.16, Recreation Commercial (RC) Zoning District
7. Administrative Conditional Use Permits require Planning Director evaluation of 16 criteria:
  - **Size and Location of the Site-** This is an existing Site utilized for Commercial use. No changes are being made to the Lot.
  - **Traffic-** The proposed Restaurant and Outdoor Dining is for recreational users already at the resort.
  - **Utility Capacity-** The Development Review Committee reviewed this proposal on January 17, 2023 and did not find any issues regarding Utility Capacity.
  - **Emergency Vehicle Access-** Proposed Outdoor Dining is located on an existing site that has been used previously as outdoor seating and will not impede emergency vehicle access.
  - **Parking-** The intended customers for the proposed Restaurant and Outdoor Dining are existing recreational users at the Park City Mountain Resort. The Restaurant and Outdoor Dining is not intended to attract additional vehicles. Parking is managed through Vail, which requires reservations in the Winter Season. Proposed Dining and Seating is for recreational users already at the Resort. During off-season summer months, there is sufficient parking at the Resort Base.
  - **Internal Vehicular and Pedestrian Circulation System-** The proposed Outdoor Dining is not located on an existing pedestrian pathway or circulation system. The Applicant is required to submit architectural drawings prior to building permit approval showing exits and exit pathways and how exits will be identified.
  - **Fencing, Screening and Landscaping-** Not applicable
  - **Building Mass, Bulk, and Orientation-** Not applicable



## Planning Department

- **Useable Open Space-** Not applicable
  - **Signs and Lighting-** No signs or lighting have been proposed as part of this event, see Condition of Approval 6.
  - **Physical Design and Compatibility with Surrounding Structures-**
  - **Noise, Vibration, Odors, Steam, or Other Mechanical Factors-** See Condition of Approval 4.
  - **Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas-** See Condition of Approval 7
  - **Expected Ownership and Management-** The proposed seating area and BBQ are located at PCMR Base on Common Area part of the Park City Village Subdivision Condominium and The Lodge at the Mountain Village Homeowners Association approved the proposed Outdoor Dining and barbeque on December 21, 2022.
  - **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 for the temporary event.
  - **Reviewed for Consistency with the Goals and Objectives of the Park City General Plan-** The proposed Use of the Site is consistent with the Sense of Community Goal 11 of the General Plan regarding supporting the success of the multi-seasonal tourism industry.
8. Staff published notice to the City Website, City Hall, and the property on January 12, 2023
  9. Staff mailed courtesy notices to the adjacent property owners on January 12, 2023

### Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Section 15-1-10, Conditional Use Review Process, and Chapter 15-2.16, Recreation Commercial (RC) Zoning District.
2. The use will be compatible with surrounding Structures in use, scale, mass and circulation
3. The effects of any difference in use or scale have been mitigated through careful planning.



## Planning Department

### Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans reviewed January 19, 2023, by the Planning Department. Any changes, modifications, or deviations from the approved design 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 to construction
4. The proposed Outdoor Dining is not permitted to exceed or violate the Park City Municipal Code, Title 6-3-8, concerning noise. (Please visit [www.parkcity.org](http://www.parkcity.org) to view the entire ordinance.)
5. The proposed barbeque is only permitted for the sale of food in a form suited for immediate consumption, and must not be commercial grade or over four feet.
6. All signs must be reviewed and approved by a Temporary Sign Permit by the Park City Planning Department (435) 615-5060 prior to installation. All outdoor lighting must also be reviewed and approved prior to installation.
7. Deliveries may not affect traffic or impede transit bus flow and must comply with Park City Municipal Code, Title 15-2.6-11. (Please visit [www.parkcity.org](http://www.parkcity.org) to view the entire ordinance.) Deliveries must be prearranged with the Parking Department. Parking (435) 615-5301.
8. The Applicant is responsible for submitting architectural drawings to scale showing exits, exit pathways, and how exits will be identified prior to Building Permit approval.

If you have questions or concerns regarding this Final Action Letter, please call 435-616-5067 or email [virgil.lund@parkcity.org](mailto:virgil.lund@parkcity.org).

Sincerely,

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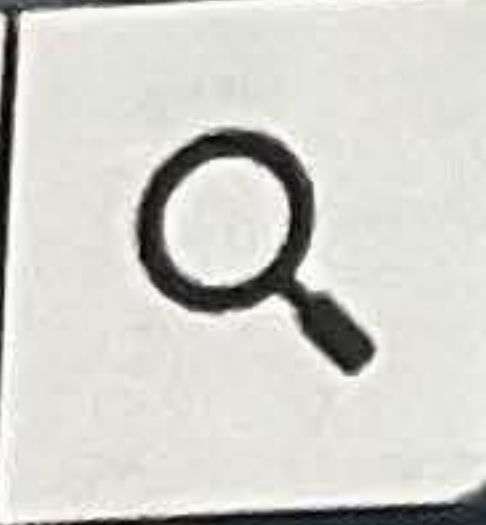
Gretchen Milliken  
Planning Director



**Planning Department**

CC: Virgil Lund, Project Planner





M1385  
MULTIPLE

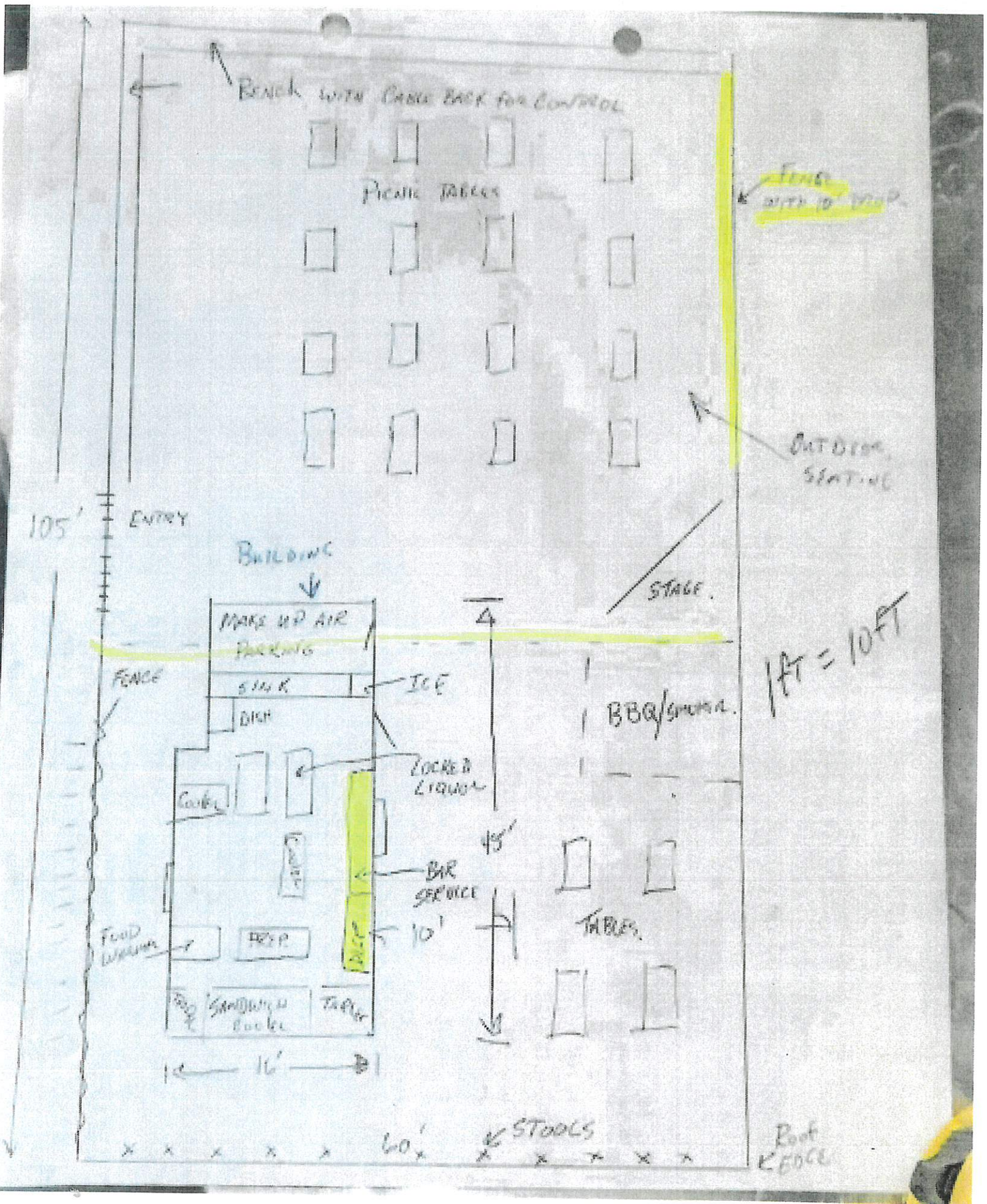
**BUILDING**

**Park City Vi**

**Bluebird  
Cafe  
Outdoor  
Seating**

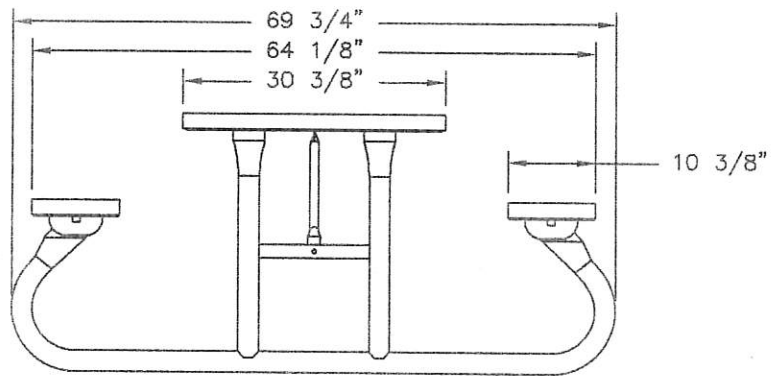
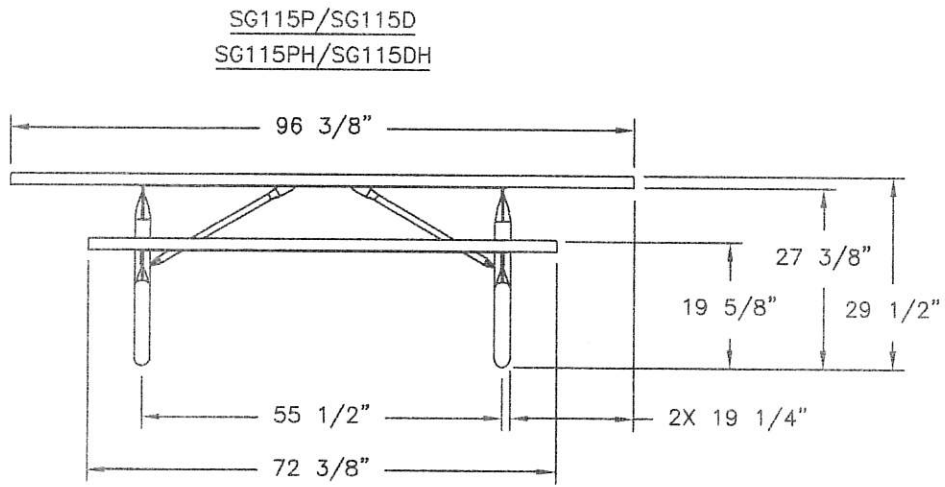




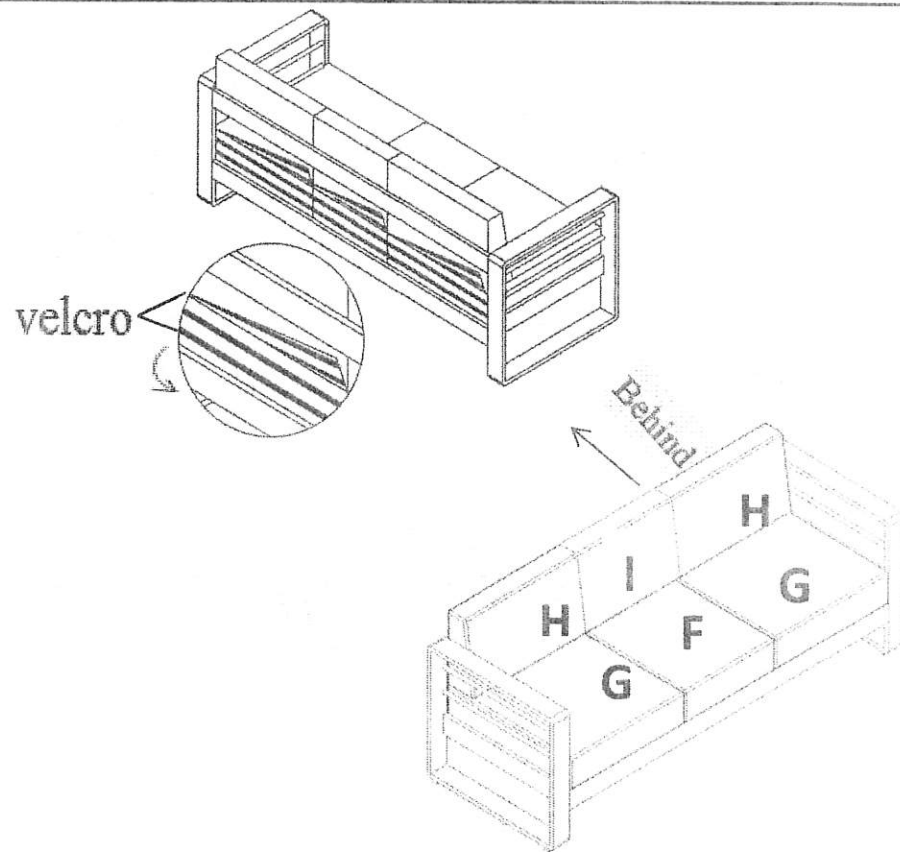




*product dimensions:*

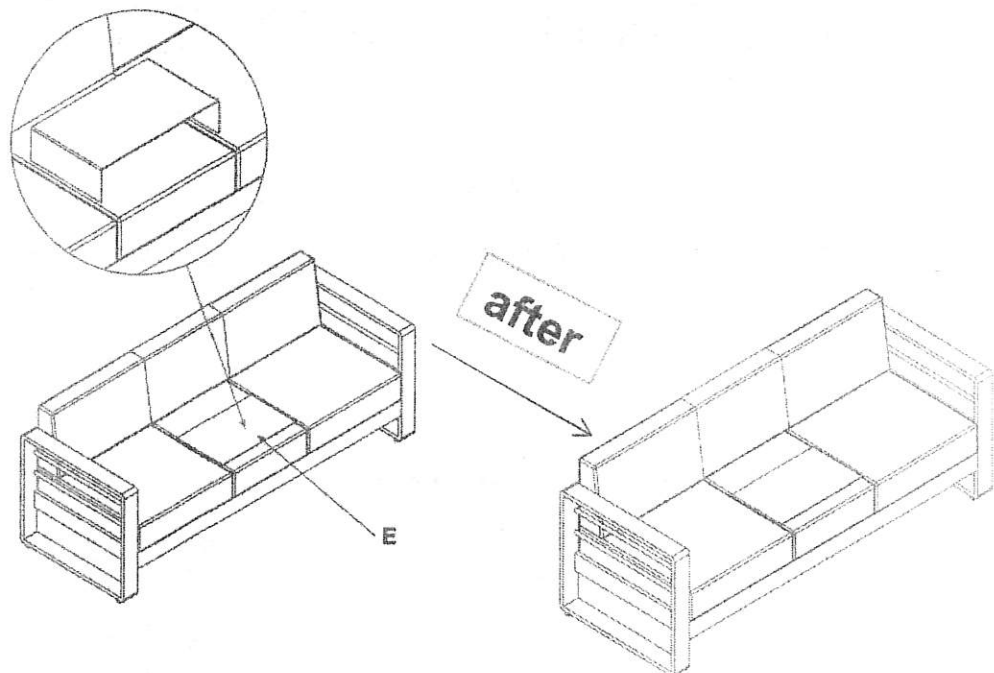


## Step 8



Put Seat Cushions(G), Back Cushions(H), Middle Back Cushion(I) and Middle Cushion(F) on the Loveseat.  
Then stick the velcro from the Back Cushions to the Seat Cushions as shown above.

## Step 9



Put the U Shape Board(E) on the Middle Cushion(F) as shown above.  
Your Loveseat is ready for use.  
**This Loveseat can only be used on a flat, level surface.**





**CAUTION!**  
ICY / SLIPPERY CONDITIONS  
TRIP HAZARDS  
WATCH FOR FALLING  
SNOW FROM ROOFS



The Lodge at the Mountain Village HOA has approved the outdoor dining, barbecue, and restaurant use located at 1385 Lowell Ave suite C-4 Commonly known as the Gravel Deck.

 12/21/22

Trent Davis as Lodge Representative and HOA Manager.





January 9, 2017

Campos Coffee USA, LLC  
PO Box 681200  
Park City, UT 84068

#### **NOTICE OF PLANNING DEPARTMENT ACTION**

**Application #:** PL-16-03398  
**Address:** 1385 Lowell Avenue, Suite AC-106, Park City, UT 84060  
(Parcel No. PVC-1A-C3)  
**Subject:** Campos Coffee  
**Description:** Administrative Conditional Use Permit for outdoor dining consisting of three (3) picnic tables (24 seats) and the ski beach dining area (20 seats) for a total of 44 seats adjacent to their coffee shop (delicatessen use).  
**Action Taken:** Approved  
**Date of Action:** January 5, 2017

On January 5, 2017 the Park City Planning Department made an official determination of Approval of your application based on the following:

#### **Findings of Fact**

1. The proposed outdoor dining seating area is immediately adjacent to the unit at 1385 Lowell Avenue, Suite AC-106.
2. 1385 Lowell Avenue, Suite AC-106, is part of retail space COM.3, a commercial unit (private ownership), Parcel No. PVC-1A-C3.
3. The proposed outdoor dining seating area is located in the Residential Commercial (RC) District.
4. The proposed outdoor dining seating area is part of the Park City Village Master Site Plan, Phase 1A.
5. The proposed outdoor dining seating area is platted as common space, arcade, within the Record of Survey Map of the Park City Village Condominiums, An

expandable Leasehold Condominium Project Phase 1-A (First Amended and Restated Declaration of Condominium for the Lodge at the Mountain Village, Know Formerly as the Resort Center Condominiums and Park City Village Condominiums).

6. Outdoor dining seating area requires an Administrative Conditional Use permit and is subject to the criteria found in Land Management Code § 15-2.16-10(B)(1).
7. The proposed seating area is located on private property, condominium common space and does not diminish parking or landscaping, see LMC § 15-2.16-10(B)(1)(a).
8. The proposed seating area does not impede pedestrian circulation, see LMC § 15-2.16-10(B)(1)(b).
9. The proposed seating area does not impede emergency access or circulation, see LMC § 15-2.16-10(B)(1)(c).
10. The proposed furniture on file is compatible with the streetscape, see LMC § 15-2.16-10(B)(1)(d).
11. The proposed seating area does not include any music or noise, see LMC § 15-2.16-10(B)(1)(e).
12. The proposed seating area hours of operation are from 7 AM to 7 PM and complies with the use restriction to end at 10 PM, see LMC § 15-2.16-10(B)(1)(f).
13. Per the Park City Village Master Site Plan, Phase 1A can accommodate a maximum of 120 restaurant seats.
14. The applicant proposes a total of 44 outdoor dining seats, plus their internal space consisting of a maximum capacity of 39 seats per the issued Park City Business license for the interior dining space.
15. Per the review of the restaurant's seating capacity, see LMC § 15-2.16-10(B)(1)(g), the proposal does not require additional mitigation measures as the existing coffee shop, Campos Coffee, and their proposed outdoor dining seating area the only restaurants with seating in this development (Phase 1A).

#### Conclusions of Law

1. The Administrative Conditional Use Permit for Outdoor Dining is consistent with the Park City Land Management Code.

#### Conditions of Approval

1. All standard conditions of approval apply to this Administrative Conditional Use Permit.
1. The outdoor dining seating area shall take place on the approved common space as authorized by the HOA, property owner.
2. The outdoor dining seating area shall not impede pedestrian circulation, emergency access, or circulation.
3. The applicant has not included any music to the outdoor dining seating area at this time. Any future music shall be regulated by the City Noise Ordinance and the Land Management Code.
4. The outdoor dining seating area shall not be used after 10 PM.
5. Applicant is responsible for obtaining a Park City Business license for the outdoor

dining seating area.

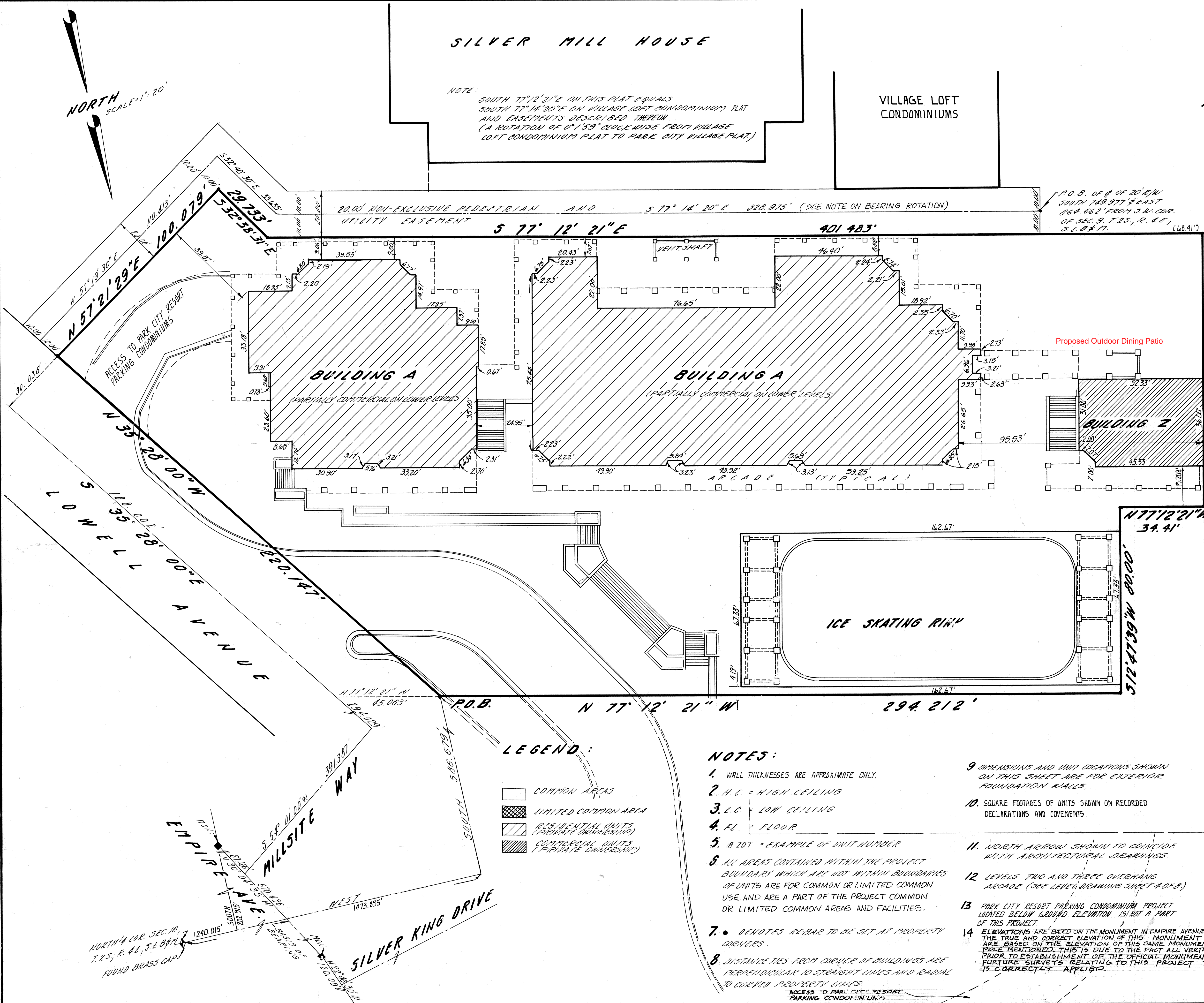
If you have questions regarding your project or the action taken please don't hesitate to contact me at 435.615.5064 or [fastorga@parkcity.org](mailto:fastorga@parkcity.org).

Respectfully,

A handwritten signature in black ink, appearing to read "F. Astorga". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Francisco Astorga, AICP  
Senior Planner





RECORD OF SURVEY MAP OF THE  
PARK CITY VILLAGE  
CONDOMINIUMS  
AN EXPANDABLE LEASEHOLD CONDOMINIUM PROJECT  
PHASE 1-A

IN SECTION 16, T.25, R.4E, S.1.B. & M.  
PARK CITY, SUMMIT COUNTY, UTAH  
PREPARED BY: DMJM/COON KING & KNOWLTON  
SALT LAKE CITY  
UTAH

**SURVEYOR'S CERTIFICATE:**  
I, GEORGE E. PATIENCE, A REGISTERED LAND SURVEYOR AS PRESCRIBED BY UTAH STATE LAW AND HOLDING LICENSE NO. 3493 DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PARK CITY VILLAGE CONDOMINIUM TRACT OF LAND SHOWN HEREON, THE EXTERNAL BOUNDARIES OF WHICH ARE DESCRIBED AS:

**DESCRIPTION:**  
BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LOWELL AVENUE SAID POINT BEING WEST 1473.895 FEET, AND SOUTH 586.679 FEET FROM THE NORTH QUARTER CORNER OF SECTION 16, T.25, R.4E, S.1.B. & M. SAID POINT OF BEGINNING ALSO BEING LOCATED THE FOLLOWING COURSES AND DISTANCES FROM A PARK CITY MONUMENT LOCATED IN EMPIRE AVENUE S 30° 04' 35" E 87.466 FEET FROM THE INTERSECTION OF MILLSITE WAY AND EMPIRE AVENUE; N 30° 04' 35" W 87.466 FEET ALONG THE MONUMENT LINE OF EMPIRE AVENUE (BASIS OF BEARING) TO THE INTERSECTION OF EMPIRE AVENUE AND MILLSITE WAY, AND S 54° 01' 00" W 391.387 FEET ALONG THE CENTERLINE OF MILLSITE WAY TO THE INTERSECTION OF MILLSITE WAY AND LOWELL AVENUE; AND S 35° 28' 00" E 294.212 FEET ALONG THE CENTER LINE OF LOWELL AVENUE; AND N 77° 12' 21" W 45.063 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LOWELL AVENUE AND RUNNING THENCE N 77° 12' 21" W 294.212 FEET; THENCE S 12° 47' 35" W 80.00 FEET; THENCE N 77° 12' 21" W 34.41 FEET; THENCE S 12° 47' 35" W 17.00 FEET TO A POINT ON THE EXTENDED NORTHERLY LINE OF A 20.00 FOOT WIDE NON-EXCLUSIVE PEDESTRIAN AND UTILITY EASEMENT THENCE S 77° 12' 21" E 401.483 FEET ALONG SAID EXTENDED AND NORTHERLY LINE; THENCE S 32° 38' 31" E 29.733 FEET ALONG THE EASTERLY LINE OF SAID EASEMENT; THENCE N 57° 21' 29" E 100.079 FEET ALONG THE NORTHERLY LINE OF SAID EASEMENT TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF LOWELL AVENUE; THENCE N 35° 28' 00" W 280.147 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, TOGETHER WITH THE FOLLOWING DESCRIBED NON-EXCLUSIVE EASEMENT TO LOWELL AVENUE: A 20.00 FOOT WIDE NON-EXCLUSIVE EASEMENT, 10.00 FEET BEING ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE: BEGINNING AT A POINT WHICH IS THE SOUTH 749.977 FEET; AND ONE EAST 864.662 FEET FROM THE SOUTHWEST CORNER OF SECTION 9, T.25, R.4E, S.1.B. & M. AND RUNNING THENCE SOUTH 77° 14' 30" EAST 328.975 FEET; THENCE SOUTH 32° 40' 30" EAST 385.638 FEET; THENCE NORTH 57° 13' 30" EAST 10.443 FEET TERMINATING AT THE WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE.

AND TOGETHER WITH A NON-EXCLUSIVE PEDESTRIAN EASEMENT DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS SOUTH 778.61 FEET AND EAST 946.45 FEET FROM THE SOUTHWEST CORNER OF SECTION 9, T.25, R.4E, S.1.B. & M. OF WHICH THE BASIS OF BEARING BEING N 89° 36' 30" W BETWEEN SAID SOUTHWEST CORNER AND THE SOUTHWEST CORNER OF SAID SECTION 9, AND RUNNING THENCE SOUTH 77° 14' 30" EAST 178.00 FEET; THENCE S 12° 45' 40" W 12.00 FEET; THENCE NORTH 77° 14' 20" WEST 145.00 FEET; THENCE SOUTH 12° 45' 40" WEST 16.50 FEET; THENCE NORTH 77° 14' 20" WEST 16.50 FEET; THENCE SOUTH 12° 45' 40" WEST 63.00 FEET; THENCE NORTH 77° 14' 20" WEST 16.50 FEET; THENCE NORTH 12° 45' 40" EAST 26.08 FEET; THENCE SOUTH 77° 14' 20" EAST 4.71 FEET; THENCE NORTH 12° 45' 40" EAST 17.33 FEET; THENCE SOUTH 77° 14' 20" EAST 3.00 FEET; THENCE NORTH 12° 45' 40" EAST 11.84 FEET; THENCE NORTH 77° 14' 20" WEST 3.00 FEET; THENCE NORTH 12° 45' 40" EAST 16.25 FEET TO THE POINT OF BEGINNING. (SEE SHEET 2 OF 8)

AND TOGETHER WITH AND SUBJECT TO A NON-EXCLUSIVE EASEMENT FOR VEHICULAR ACCESS OVER AND ACROSS THOSE PORTIONS OF PARK CITY VILLAGE CONDOMINIUMS AND PARK CITY RESORT PARKING CONDOMINIUMS IMPROVED OR TO BE IMPROVED FROM TIME TO TIME AS ROADWAYS, AND A NON-EXCLUSIVE EASEMENT FOR PEDESTRIAN ACCESS OVER AND ACROSS THOSE PORTIONS OF PARK CITY VILLAGE CONDOMINIUMS AND VILLAGE LOFT CONDOMINIUMS AND PARK CITY RESORT PARKING CONDOMINIUMS IMPROVED OR TO BE IMPROVED FROM TIME TO TIME AS STAIRWAYS, WALKWAYS, PEDESTRIAN PATHS, ELEVATORS AND RAMP. (CONTINUED ON PAGE 2 OF 8)

- NOTES:**
1. WALL THICKNESSES ARE APPROXIMATE ONLY.
  2. H.C. = HIGH CEILING
  3. L.C. = LOW CEILING
  4. FL. = FLOOR
  5. A 201 = EXAMPLE OF UNIT NUMBER
  6. ALL AREAS CONTAINED WITHIN THE PROJECT BOUNDARY WHICH ARE NOT WITHIN BOUNDARIES OF UNITS ARE FOR COMMON OR LIMITED COMMON USE AND ARE A PART OF THE PROJECT COMMON OR LIMITED COMMON AREAS AND FACILITIES.
  7. • DENOTES REBAR TO BE SET AT PROPERTY CORNERS.
  8. DISTANCE TIES FROM CORNER OF BUILDINGS ARE PERPENDICULAR TO STRAIGHT LINES AND RADIAL TO CURVED PROPERTY LINES.
  9. DIMENSIONS AND UNIT LOCATIONS SHOWN ON THIS SHEET ARE FOR EXTERIOR FOUNDATION WALLS.
  10. SQUARE FOOTAGES OF UNITS SHOWN ON RECORDED DECLARATIONS AND COVENANTS.
  11. NORTH ARROW SHOWN TO COINCIDE WITH ARCHITECTURAL DRAWINGS.
  12. LEVELS TWO AND THREE OVERHANG ARCADE. (SEE LEVEL DRAWING SHEET 4 OF 8.)
  13. PARK CITY RESORT PARKING CONDOMINIUM PROJECT LOCATED BELOW GROUND ELEVATION IS NOT A PART OF THIS PROJECT.
  14. ELEVATIONS ARE BASED ON THE MONUMENT IN EMPIRE AVENUE, 87.47 FEET SOUTH OF THE INTERSECTION OF MILLSITE WAY. THE TRUE AND CORRECT ELEVATION OF THIS MONUMENT BEING 912.75 FEET. ALL ELEVATIONS ON THIS PLAT ARE BASED ON THE ELEVATION OF THIS SAME MONUMENT BEING 6919.33 FEET, INCLUDING THE SPIKE IN POWER POLE MENTIONED. THIS IS DUE TO THE FACT ALL VERTICAL CONTROL WORK WAS DONE ON THIS PROJECT PRIOR TO ESTABLISHMENT OF THE OFFICIAL MONUMENT ELEVATION LISTED. CARE MUST BE TAKEN ON FUTURE SURVEYS RELATING TO THIS PROJECT THAT THE 0.58 FEET DIFFERENCE IN DATUM IS CORRECTLY APPLIED.

PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS 24 <sup>TH</sup> DAY OF February A.D. 1983 CHAIRMAN	ENGINEERS CERTIFICATE APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS 18 <sup>TH</sup> DAY OF February A.D. 1983 PARK CITY ENGINEER	APPROVED AS TO FORM APPROVED AS TO FORM THIS 22 <sup>ND</sup> DAY OF February A.D. 1983 PARK CITY ATTORNEY	CITY COUNCIL PRESENTED TO THE PARK CITY COUNCIL THIS 24 <sup>TH</sup> DAY OF February, 1983, AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED. MAYOR PRO-TEMPORE	RECORD NO. 202644 STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AT THE REQUEST OF William D. King DATE 2-25-83 TIME 11:01 AM PAGE 1 FEE \$ 107.00 RECORDER	RECORD OF SURVEY MAP OF THE PARK CITY VILLAGE CONDOMINIUMS AN EXPANDABLE LEASEHOLD CONDOMINIUM PROJECT PHASE 1-A IN SECTION 16, T.25, R.4E, S.1.B. & M. PARK CITY, SUMMIT COUNTY, UTAH SHEET 1 OF 8
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# Planning Department Staff Report



**Subject:** 925 Woodside Avenue  
**Application:** PL-22-05465  
**Author:** Lillian Zollinger  
**Date:** January 26, 2023  
**Type of Item:** Administrative Conditional Use Permit

## Recommendation

Staff recommends the Planning Director (1) review the request for three retaining walls constructed greater than six feet in height in the setbacks, (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

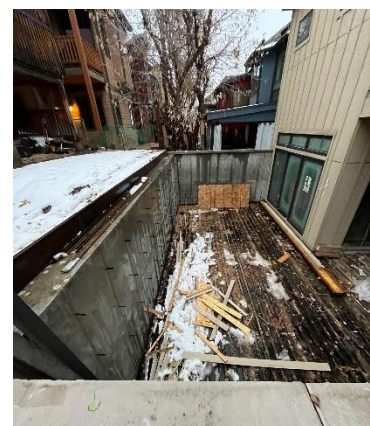
**Applicant:** Tyree Christensen  
**Location:** 925 Woodside Avenue  
**Zoning District:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** The Planning Director reviews and takes Final Action on Administrative Conditional Use Permits<sup>1</sup>

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.” However, the plans approved under the HDDR did not include the elevations for retaining walls, and upon building permit review, the walls were found to exceed six feet in height and require an Administrative

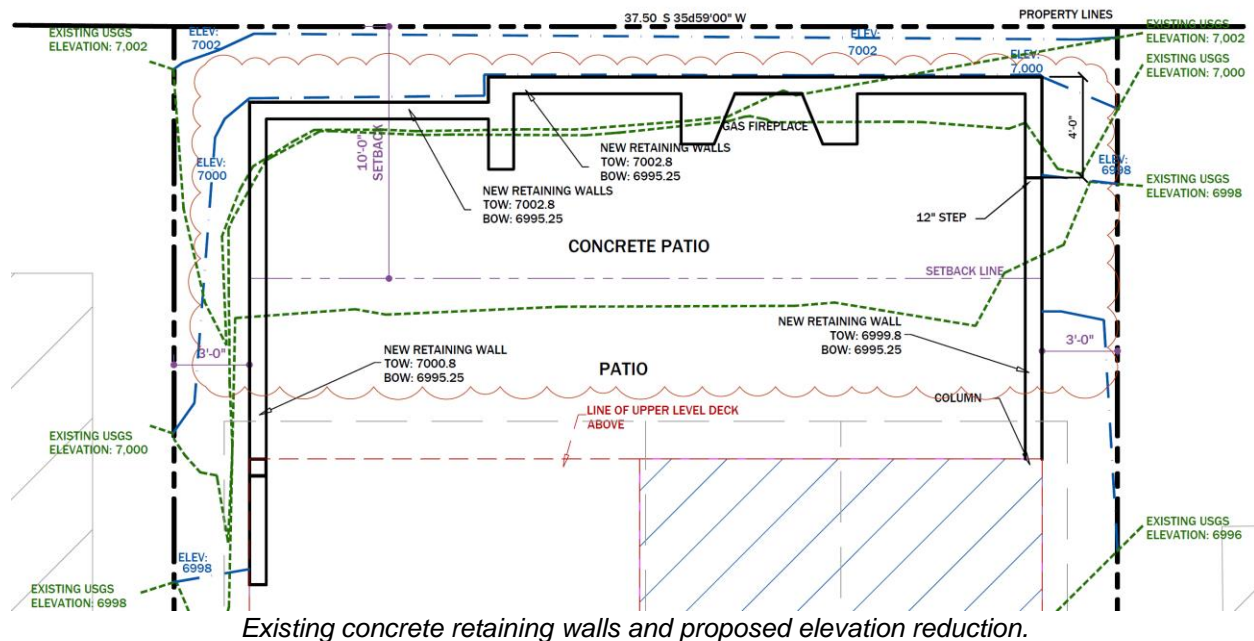


*Existing retaining walls.*

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<sup>1</sup> LMC [§ 15-1-8\(E\)](#).

Conditional Use Permit (ACUP). The Applicant agreed to reduce the north side retaining wall to approximately 4'6", while the existing west rear wall and South side wall will remain at height (approximately 7'6") for structural purposes.



## 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. Retaining walls, in the setback, greater than six feet (6') in height from Final Grade require an ACUP in this Zoning District, per LMC § [15-2.2-2\(B\)\(7\) Uses](#). The Applicant proposes three retaining walls that exceed six feet in height.

All three retaining walls are above six feet from Final Grade at some point. A portion of the Wall on the north side will be reduced to 4'6".

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. [Section 15-2.2-3 Lot and Site Requirements](#) establishes the following for Lot sizes in the HR – 1 Zoning District:

Requirement	Analysis of Constructed Walls
Front Setback- 10' (for Lots greater than 75' in length)	<b>Compliant:</b> The existing walls are 4' or less in the front setback.
LMC Section <a href="#">15-2.2-3(G)(1)</a>	

allows for retaining walls not more than 4' in height to be in the front setback.	
Rear Setback- 10' (for Lots 75' in length)	<p><b>Requires ACUP-</b> Per LMC § <a href="#">15-2.2-3(H)(9)</a>, “[t]he Rear Setback must be open and free of any Structure except: Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2, Fences and Retaining Walls.”</p> <p>The 7'6" West rear wall is in the 10-foot Rear Setback and requires an ACUP so the retaining wall can be reviewed pursuant to the CUP criteria to mitigate any impacts.</p>
Side Setback- 3' minimum (for Lots greater 37.5' in width)	<p><b>Requires ACUP-</b> Per LMC § <a href="#">15-2.2-3(H)(9)</a>, “[t]he Side Setback must be open and free of any Structure except: Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2, Fences and Retaining Walls.”</p> <p>A portion of the North and South walls on the North sit on the 3-foot Side Setback. Four feet of the North wall, and all of the South are 7'6" from Final Grade. Therefore, these walls require an ACUP so the retaining walls can be reviewed pursuant to the CUP criteria to mitigate any impacts.</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	<b>Complies:</b> All three Retaining Walls are visible from neighboring properties. Neighboring properties do not have

	walls as impactful, but there are similar retaining walls in the neighborhood. Due to the grade of the lot, the walls were designed to retain the rear neighbor's grade, to create an outdoor patio area. The currently constructed walls exceed the side neighboring property's grade. The north wall will be reduced to match closer to grade (see Condition of Approval 7). For structural purposes, the west and south walls will remain at height and All Walls may be compliant with code under this Administrative Conditional Use Permit.
Traffic	Not Applicable
Utility Capacity	<b>Complies:</b> No easements are impacted by the location of the walls.
Emergency Vehicle Access	Not Applicable
Parking	Not Applicable
Internal Vehicular and Pedestrian Circulation System	Not Applicable
Fencing, Screening, and Landscaping	<p><b>Complies:</b> The concrete walls comply with LMC § <a href="#">15-5-5</a> and LMC § <a href="#">15-13-8(B)(1)(d)</a>. The proposed wall height is required to support the amount of grade on the rear neighboring property. Retaining Walls are allowed in setbacks, and Retaining Walls greater than six feet are allowed in Side and Rear setbacks with an Administrative Conditional Use Permit.</p> <p>Per the 2021 HDDR Staff Report, "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." See Condition of Approval 6.</p>
Building Mass, Bulk, and Orientation	Not Applicable
Useable Open Space	Not Applicable
Signs and Lighting	Not Applicable
Physical Design and Compatibility with Surrounding Structures	<b>Compliant:</b> Per the 2021 HDDR Staff Report, "Complies; 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	Not Applicable
Expected Ownership and Management	Not Applicable
Within and Adjoining the Site, Environmentally	Not Applicable

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	
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	<b>Complies:</b> 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 and did not identify any issues.<sup>2</sup>**

### **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 January 12, 2023.<sup>3</sup>

### **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: 925 Woodside Avenue 2021 Staff Report

Exhibit D: 925 Woodside Avenue 2021 HDDR Final Action Letter

<sup>2</sup> 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).

<sup>3</sup> LMC [§ 15-1-21](#).



NOTE:

CONTRACTOR AND ALL SUBCONTRACTORS WORKING ON THIS PROJECT SHALL THOROUGHLY REVIEW AND VERIFY ALL DIMENSIONS, LOCATIONS, NOTES, ETC. AND ADDRESS ANY DISCREPANCIES OR CONCERNS WITH OWNER, GENERAL CONTRACTOR, & SUB CONTRACTOR BEFORE CONSTRUCTION COMMENCES. DIMENSIONS ON PLAN TAKE PRECEDENCE OVER SCALE.

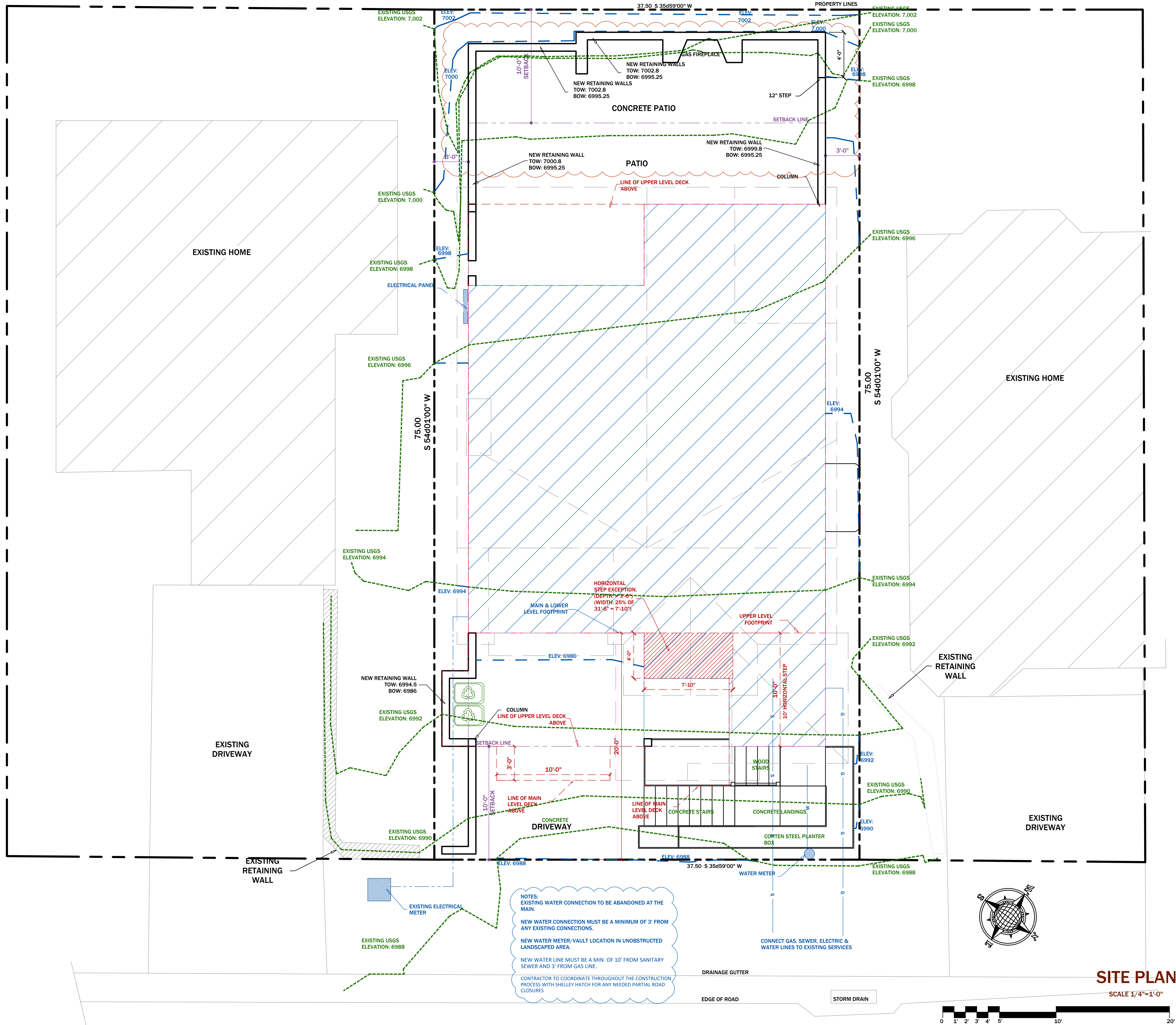
LOD SQUARE FOOTAGE CALCULATION:

LOT SQUARE FOOTAGE: 2,812.5  
FOOTPRINT OF HOME: 1,200  
IMPERVIOUS SURFACES: 1,050  
FOOTPRINT+IMPERVIOUS AREA = 2,250

TOTAL LOD AREA: 2,812  
(2,812 - 2,250 = 562)

LINE LEGEND

PROPERTY LINES =  
EXISTING USGS CONTOURS =  
PROPOSED GRADE LINES =  
SETBACK LINES =  
ROOF LINES =  
MAIN LEVEL OUTLINE =  
MAIN LEVEL DECKS =  
UPPER LEVEL OUTLINE =  
GAS UTILITY LINE =  
WATER UTILITY LINE =  
SEWER UTILITY LINE =  
ELECTRICAL UTILITY LINE =



FORBES-ROBERTS RESIDENCE

925 WOODSIDE AVE.  
PARK CITY, UT 84060

STUDIO MOXIE

3126 Quarry Rd, Suite#J  
Park City, UT 84098  
801.688.9408  
Curtis@StudioMoxieArchitects.com

SHEET TITLE

SITE PLAN

REVISION DATE  
12/9/2022

SHEET#

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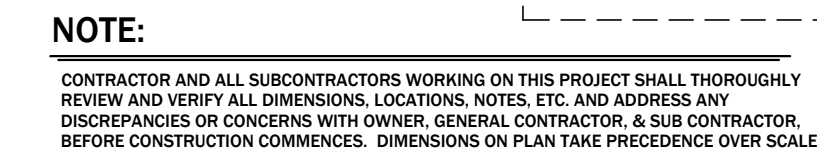
**FORBES-ROBERTS RESIDENCE**

925 WOODSIDE AVE.  
PARK CITY, UT 84060

SHEET TITLE

REVISION DATE  
12/9/2022

SHEET#  
A 2.0











## 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](mailto:lillian.zollinger@parkcity.org).

Sincerely,

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Gretchen Milliken,  
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 Districts<sup>1</sup>

### 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).

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<sup>1</sup> 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. <sup>2</sup>

**(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](#).**

<b>A. Universal Guidelines</b>	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.

<sup>2</sup> LMC [§ 15-2.21-8\(B\)\(1\)](#).

<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>

<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>

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>B. Specific Guidelines</b>	Analysis of Proposal
<b>1. Site Design</b>	
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. <sup>3</sup>
<b>2. Primary Structures</b>	
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

<sup>3</sup> LMC [15-8-3\(H\)\(7\)](#)



	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.
<b>3. Mechanical and Utility Systems and Service Equipment</b>	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.
<b>4. Materials</b>	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.
<b>5. Paint and Color</b>	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.
<b>6. Garages</b>	
a. Garages: General Compatibility	Complies; the Applicant has proposed a 9 x 7 single-car garage door.
<b>7. Decks</b>	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**

<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](mailto:aiden.lillie@parkcity.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Gretchen Milliken", with a long, sweeping horizontal line 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