PARK CITY MUNICIPAL CORPORATION

ADMINISTRATIVE ACTION MEETING MINUTES

PLANNING DEPARTMENT

Zoom and 445 Marsac Avenue, Park City, Utah 84060

Planning Department Conference Room

August 5, 2021

STAFF:

[Staff Name, Title; Staff Name, Title]

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The Planning Director called the meeting to order at [TIME].

**ROLL CALL**

The Planning Director noted that [NAMES] are in attendance.

**REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION**

**8945 Marsac Drive, Unit D – Administrative Conditional Use Permit – PL-21-04855 – The Applicant Proposes a new Single-Family Dwelling on a Vacant Lot in the Residential Development (RD) Zoning District.**

[MINUTES]

At [TIME], the Planning Director opened a public hearing.

At [TIME], the Planning Director closed the public hearing.

MOTION: The Planning Director approved in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval:

**Findings of Fact**

1. The property is located at 8945 Marsac Avenue, Moonshadow Condominiums Subdivision Plat.
2. The property is in the Residential Development (RD) Zoning District.
3. An Administrative Conditional Use Permit (ACUP) is required per the Plat Notes of the Moonshadow Condominiums Subdivision Plat.
4. On October 23, 2018, the Moon Shadow Condominiums plat for eight (8) units and a private cul-de-sac, located at 8945 Marsac Avenue on the 6.77 acre Lot 1 of the Village at Empire Pass North Subdivision, was approved by City Council.
5. Lot 1 is located in the RD-MPD and ROS-MPD zoning districts.
6. Unit D contains 0.25 acres and is located in the RD-MPD zoning district.
7. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Agreement was amended in 2007. The Amended Agreement is the equivalent of a Large-Scale Master Plan and sets forth maximum densities, location of densities, and developer-offered amenities, requirements and obligations.
8. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass that identified the area of this proposed plat for multi-family condominium units, subject to density limitations of the Amended Flagstaff Development Agreement.
9. On June 15, 2017, the City Council approved the Village at Empire Pass North Subdivision creating four lots of record. Lot 1, the subject lot of this condominium plat, is 6.77 acres in area, and sufficient in size to cluster the proposed eight PUD style units accessing a private cul-de-sac.
10. On October 23, 2018, the Moonshadow Condominiums Subdivision plat was approved by City Council.
11. Only RD zoned portions of the property are designated as private area and no units are allowed to be constructed in the ROS zoned portions.
12. The private cul-de-sac has access to Marsac Avenue (aka SR 224) and the applicant has obtained a conditional access permit and encroachment permit from UDOT for a secondary access for construction of the private street. The private cul-de-sac, to be known as Moon Shadow Court, is designed with the Fire District required total width of thirty feet (30’) (roadway plus 24” roll gutters on both sides) as well as the required cul-de-sac diameter of ninety-six (96’) feet.
13. At the time of final construction and re-platting, all floor area including basement area and garage space greater than 600 square feet, will be counted towards the Unit Equivalents as allowed by the Flagstaff Development Agreement.
14. Applicant submitted Architectural Design Guidelines for the Moon Shadow Condominiums that reflect a unified architectural character, as well as consistency with the Empire Pass Design Guidelines.
15. The PUD style units are subject to all requirements of the 2007 Amended Flagstaff Development Agreement.
16. The PUD concept is similar to the Nakoma Condominium PUDs which are predominately second homes. Only one permanent entrance to Marsac has been approved by UDOT.
17. The proposed development is consistent with the approved VEP MPD, the Village at Empire Pass North subdivision and the Amended Flagstaff Development Agreement.
18. Two parking spaces are required for each unit.
19. Maximum Building Height in the RD District is 28’ (33’ allowed with a minimum 4:12 pitched roof).
20. Fifteen foot (15’) front setbacks (20’ to the front of the garage) are proposed to cluster units closer to the private street in order to decrease cut and fill, decrease driveway area, increase the separation from areas of 40% and greater slope, and to protect additional existing vegetation. Building pads are located a minimum of 10’ from slopes 40% and greater, with the exception of topographic slope anomalies located on units A and D that are under the minimum threshold measurements of 25’ rise and 50’ run.
21. The MPD requires Construction Mitigation Plans to be submitted with each ACUP and building permit addressing all requirements of the Amended Agreement and Technical Reports.
22. Additional Recreational Trail Easements will be provided outside of those identified in the existing Flagstaff Development Agreement. Easements for both existing trails and a proposed new trail identified in Exhibit M of the Staff Report.
23. On July 21, 2021, courtesy notices were mailed to property owner within 300 feet. On July 21, 2021, noticed was published on the City’s website and placed

**Conclusions of Law**

1. The proposed Single-Family Home is consistent with the Plat Notes of the Empire Pass North Subdivision, the Empire Village MPD, and the Park City Land Management Code including Conditional Use Permits, Uses, and Lot and Site Requirements
2. The proposed Use, as conditioned, will be compatible with the surrounding structures in Use, scale, mass, and circulation.
3. As conditioned, the Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or scale have been mitigated through careful planning.

**Conditions of Approval**

1. All standard Conditions of Approval applying to this Administrative Conditional Use Permit Criteria.
	1. The Conditions of Approval apply to the Site overall.
	2. All Standard Conditions of Approval as shown below apply to the building and all the Uses identified in the Permit.
		1. The Site Owner of this Use are 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 included herein. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to the Land Management Code; International Building, Fire, and related Codes; 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 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.
		5. All modifications to plans as specified by Conditions of Approval and all final design details, such as materials, dimensions, and exterior lighting shall be submitted to and approved by the Planning Department to issuance of any Building Permits.
		6. Permits and approvals terminate upon the expiration of the approval as defined in the Land Management Code, or upon termination of the Permit.
		7. No Signs, permanent or temporary, may be constructed on a Site or building without a Sign Permit, approved by the Planning and Building Departments.
		8. All exterior lights must be in conformance with the applicable Lighting section on the Land Management Code and the Dark Skies Ordinance. Prior to installation, exterior lights shall be reviewed by the Planning Department. Lighting shall be down directed and shielded.
		9. Any violation of any City Ordinance or pertinent Code may result in criminal and/or civil action in accordance with Park City Administrative Code Enforcement Program. This process may include revoking of any Business License, Conditional Use Permit, or other City approval after a hearing in accordance with the applicable Ordinance, or if a hearing is no provided for, a show cause hearing before the Planning Commission.
2. The Site shall comply with Municipal Code Chapter 6-3, Noise. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas for this Site shall remain subject to Park City Noise Ordinance Code 6-3-9.

**75 Thaynes Canyon Drive – Administrative Conditional Use Permit – PL-21-04860 – The Applicant Proposes Maintaining a Golf Net in the Rear Setbacks that exceeds six feet (6’) in height in the Single-Family Zoning District.**

[MINUTES]

At [TIME], the Planning Director opened a public hearing.

At [TIME], the Planning Director closed the public hearing.

MOTION: The Planning Director approved in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval:

**Findings of Fact**

1. The subject property is located at 75 Thaynes Canyon Drive, Lot 96A, Shackelford Subdivision Replat.
2. The site is in the Single Family (SF) Zoning District.
3. The site is located outside of the Sensitive Lands Overlay Zone and outside of the Soils Ordinance Zone.
4. Fences exceeding six feet (6’) in height are an Administrative Conditional Use in the SF Zoning District.
5. “Fence” is defined in the Land Management Code as “A structure to separate or divide outdoor Areas. The term Fence includes, but is not limited to, next Screening for golf balls…”
6. The purpose of this Administrative Conditional Use Permit request is to allow for a golf net exceeding six feet (6’) in height within the Rear Setback. Per the plans submitted on June 22, 2021, the net is twenty feet (20’) in height, runs parallel with the rear property line, and is approximately 112 feet in length.
7. The safety golf net shall match the plans submitted on June 22, 2021.
8. Public notice was posted on the property on July 26, 2021, and notices sent to affected adjacent property owners on July 26, 2021. An Administrative Review was held on August 5, 2021, by the Planning Director, which was open to the Public. No written comments were given before or at the time of this meeting.

**Conclusions of Law**

1. The Application Permit, as conditioned, is consistent with LMC § 15-1-10, LMC § 15-2.11-3, Lot and Site Requirements, and LMC § 15-4-2(A)(1).
2. The proposed Use, as conditioned, is compatible with the surrounding structures in Use, scale, mass, and circulation.
3. As conditioned, the Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or scale have been mitigated through careful planning.

**Conditions of Approval**

1. All standard conditions of approval apply to this Administrative Conditional Use Permit.
2. The Applicant may be required to remove the golf net subject to the intended Use and/or improvement of the public utilities and drainage easement.
3. If any complaints of visual disturbance relating to the approved safety golf net are received, then the Applicant shall meet with the Planning Department to determine appropriate actions for mitigation which shall include, but are not limited to, reducing height, and adding additional landscaping.
4. The safety golf net shall be retained or replaced pursuant to the approved plans as submitted on June 22, 2021.
5. The Applicant shall comply with all Building Department process and procedures for obtaining proper authorization to install the golf net. For the Building Permit, the Applicant may be required to include a detailed review stamped by a Structural Engineer.
6. The golf net shall not encroach into any City Right-of-Way.

**ADOPTION OF MINUTES**

Planner [NAME] read the meeting minutes. The Planning Director approved the adoption of the minutes.

The Park City Administrative Action meeting adjourned at [TIME].

Approved by Planning Director: