

# Planning Commission Staff Report



**Subject:** 1129 Park Avenue & 1128 Woodside Avenue  
**Project:** PL-21-04818  
**Author:** Brendan Conboy  
**Date:** June 9, 2021  
**Type of Item:** Administrative – Duplex Conditional Use Permit

## Recommendation

Staff recommends that the Planning Commission review the application for a Conditional Use Permit for the Duplex Dwelling at 1129 Park Avenue and 1128 Woodside Avenue, hold a public hearing, and consider approving the request based on the Findings of Fact, Conclusions of Law, and Conditions of Approval (Exhibit A).

## Description

**Applicant:** Wendy Smith c/o Jonathan DeGray  
**Location:** 1129 Park Avenue & 1128 Woodside Avenue  
**Zoning District:** Historic Residential – 1 (HR-1)  
**Adjacent Land Uses:** Single-Family and Multi-Unit Dwellings  
**Reason for Review:** Conditional Use Permit applications are reviewed and approved by the Planning Commission

## Proposal

The applicant is proposing to renovate an existing Historic Single-Family Dwelling listed as a Significant Site on the Park City Historic Sites Inventory and add an addition to the rear of the structure that will serve as a separate unit accessed from Woodside Avenue.

## Background

Staff deemed the Conditional Use Permit (CUP) for a Duplex Dwelling at 1129 Park Avenue & 1128 Woodside Avenue complete on May 3, 2021. The property is in the Historic – 1 (HR-1) Zoning District.

On May 13, 2021, City Council enacted [Ordinance No. 2021-23](#), approving a 4,699-square-foot lot for 1129 Park Avenue that extends from Park Avenue to Woodside Avenue and meets minimum Lot requirements for a Duplex Use in the HR – 1 Zoning District.

Staff is reviewing a Historic District Design Review application for the proposed rehabilitation of the Significant Historic Structure and the Duplex addition. On June 2, 2021, the Historic Preservation Board approved the Material Deconstruction of non-Historic rear additions to accommodate the Duplex addition, pending Planning Commission approval of the Duplex Conditional Use Permit ([Staff Report](#); [Audio](#)).

## Analysis

The purpose of the HR – 1 Zoning District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Per LMC [§ 15-2.2-2\(B\)\(1\)](#), a Duplex Dwelling in the HR – 1 Zoning District is a Conditional Use. Conditional Uses are subject to review according to the Conditional Use Permit Criteria set forth in [LMC § 15-1-10](#).

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 Department evaluates all proposed Conditional Uses and may recommend Conditions of Approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved 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.

If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Planning Commission may deny the Conditional Use.

Staff has provided analysis for each Conditional Use Permit Criteria below:

[LMC 15-1-10\(E\) Review](#): The Planning Department and/or Planning Commission must review each of the following items when considering whether the proposed Duplex Use mitigates impacts of and addresses the following items:

1. Size and location of the site  
**No Unmitigated Impacts**

The Lot containing the Duplex Dwelling is 4,699 square feet. [Per LMC 15-2.2-3 Lot And Site Requirements](#), Developments consisting of a Duplex Dwelling require a Lot Area at least equal to 3,750 square feet. The proposed site complies with the minimum lot size for a Duplex Dwelling.

The subject property is in the vicinity of other residential dwellings, including Single-Family and Duplex Dwellings.

The following table identifies the applicable lot and site requirements for this property.

	LMC Requirement	Proposal
Lot Size	Minimum of 3,750 square feet for Duplex Dwellings	4,699 square feet, <u>complies.</u>
Building Footprint	The maximum Building Footprint for a 4,699-square-foot lot is 1,804 square feet.	1,777.5 square feet, <u>complies.</u>
Front Setback	15 feet	Existing in excess of 12 feet, <u>complies</u>
Rear Setback	15 feet	15 feet, <u>complies</u>
Side Setback	3 feet	3-foot setback for new addition. Existing historic structure legally Nonconforming, <u>complies.</u>
Height	27 feet above existing grade, maximum.	Maximum 27 feet, <u>complies.</u>
Height (continued)	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	Maximum 35 feet, <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	4 feet, <u>complies.</u>
Vertical articulation	<p>A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure.</p> <p>The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback may encroach into the minimum 10 ft. setback but shall be limited to no more than 25% of the width of the building encroaching no more than 4 ft. into the setback.</p>	The 10 foot minimum horizontal step in the downhill façade has a maximum height of 23 feet, <u>complies.</u> New construction must also comply.

2. Traffic considerations including capacity of the existing Streets in the Area

**No Unmitigated Impacts**

The Duplex Dwelling will be adding additional vehicles to Woodside Avenue. Staff does not find that the proposed Duplex will add any more vehicles to Park Avenue than what would be added if two Single-Family Dwellings were constructed on this site (had it been divided into two lots). This site could hold two (2) Single-Family Dwellings on two lots within the same property boundary, but the applicant has proposed to construct a Duplex Dwelling on a single lot instead. The proposed design meets the requirements for parking as indicated in the Review Criteria 5.

3. Utility capacity

**No Unmitigated Impacts**

The Development Review Committee did not identify any utility concerns.

4. Emergency vehicle access

**No Unmitigated Impacts**

Emergency vehicles will access the site directly from Park Avenue and Woodside Avenue. No issues have been identified at this time.

5. Location and amount of off street parking

**No Unmitigated Impacts**

Duplex Dwellings require two parking spaces per unit for a total of four parking spaces for the entire site. The following table identifies the proposed parking:

	LMC Requirement	Proposed
Parking Regulations	Two parking spaces per unit for a total of four parking spaces for the entire site.	<p>Historic Buildings that do not comply with Off-Street parking are valid Non-complying Structures. Additions to Historic Buildings that create a new unit must comply with Off-Street parking. LMC <a href="#">§ 15-2.2-4</a>.</p> <p>Two on-site parking spaces are provided for each unit, based on the Historic District Design Review plans that will be approved pending Planning Commission approval for the Duplex CUP. The unit accessed from Woodside Avenue provides one parking space in a garage and one parking</p>

		<p>space in the driveway. The unit accessed from Park Avenue provides two tandem parking spaces.</p> <p>Tandem parking is allowed for Duplexes in the HR – 1 Zoning District. LMC <a href="#">§ 15-3-3(l)</a>.</p>
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6. Internal vehicular and pedestrian circulation system

**No Unmitigated Impacts**

Vehicular and pedestrian access to the site is from Park Avenue and Woodside Avenue, both public roads.

7. Fencing, Screening and landscaping to separate the Use from adjoining Uses

**No Unmitigated Impacts**

Fencing and/or screening has not been proposed for the site. This is consistent with the Park Avenue streetscape.

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots

**No Unmitigated Impacts**

The proposed Duplex Dwelling is located on the lot in a manner that reduces the visual impacts from Park Avenue to the Significant Historic Site and complies with the Historic District Design Guidelines outlined in LMC [Chapter 15-13](#).

The proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. The applicant has staggered the units of the duplex to reduce the overall width and bulk at the street. The applicant broke up the mass of the new structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall.

Exterior elements of the new development—roofs, entrances, eaves, porches, windows, doors, steps, retaining walls, garages, etc.—are of human scale and are compatible with the neighborhood and the style of architecture selected. The scale and height of the new structure follows the predominant pattern of the neighborhood which is comprised of one- and two-story buildings as well as historic houses with two-story additions in the back. Further, the style of this structure is consistent with the Design Guidelines.

9. Usable Open Space

### **No Unmitigated Impacts**

The proposed structure complies with all applicable lot and site requirements, thus providing open space similar to that provided by other residential development on Park Avenue.

#### 10. Signs and lighting

##### **No Unmitigated Impacts**

The proposal does not include any signs. All new exterior lighting will be Fully Shielded and must comply with LMC [§ 15-5-5\(J\)](#).

#### 11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing

##### **No Unmitigated Impacts**

The proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. The applicant has staggered the units of the Duplex to reduce the overall width and bulk at the street. The applicant broke up the mass of the new structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to two stories in height, which is compatible with existing houses in the neighborhood overall.

#### 12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site

##### **No Unmitigated Impacts**

The proposed residential use is consistent with adjacent uses.

#### 13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas

##### **No Unmitigated Impacts**

No delivery, loading, or trash pick-up areas will be more intensive than the existing residential development on the street.

#### 14. Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities

##### **No Unmitigated Impacts**

The Duplex will be under one owner, unless the property owner submits a condominium plat amendment to the Planning Department to separate unit ownership, the Planning Commission reviews and recommends the condominium plat, and the City Council approves the condominium plat.

#### 15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site

##### **No Unmitigated Impacts**

The property is located outside the Soils Ordinance and therefore is 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.

16. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

**No Unmitigated Impacts**

Staff finds that the proposed Duplex involves rehabilitation of a Significant Historic Structure with an addition that complies with the Historic District Design Guidelines and fulfills Goal 15 of the General Plan to preserve the integrity, mass, scale, compatibility and historic fabric of the Historic District.

**Department Review**

The Planning, Engineering, and Legal Departments reviewed this application.

**Notice**

Staff posted notice to the property and mailed notice to property owners within 300 feet on May 26, 2021. The *Park Record* published legal notice on May 26, 2021.

**Public Input**

No public input was received at the time this report was published.

**Alternatives**

- The Planning Commission may approve the Conditional Use Permit for 1129 Park Avenue & 1128 Woodside Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit for 1129 Park Avenue & 1128 Woodside Avenue and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and continue the discussion to a date uncertain.

**Exhibits**

Exhibit A: Draft Final Action Letter

Exhibit B: Proposed Plans