



**PARK CITY ADMINISTRATIVE PUBLIC HEARING
SUMMIT COUNTY, UTAH
November 9, 2023**

The Planning Commission of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online with options to listen, watch, or participate virtually. [Click here for more information.](#)

1. REGULAR AGENDA - 12:00PM

- 1.A. **1364 Golden Way – Administrative Conditional Use Permit** – The Applicant Proposes to Construct a Temporary Improvement Platform from November 13, 2023 through May 13, 2024. PL-23-05857
(A) Public Hearing; (B) Action
- 1.B. **703 Park Avenue - Modification to Administrative Conditional Use Permit** – The Applicant Proposes to Add 40 Additional Outdoor Dining Seats Without Increasing Existing Dining Occupancy. PL-23-05873
(A) Public Hearing; (B) Continued to November 16, 2023
- 1.C. **1720 Park Avenue – Administrative Conditional Use Permit** – The Applicant Seeks an Administrative Conditional Use Permit to Install a Temporary Bus Shelter in the Residential Development Zoning District and Frontage Protection Zone to Provide Shelter for Transit Riders While the Permanent Bus Shelter is Completed. PL-23-05910
(A) Public Hearing; (B) Action

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

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

Planning Department Staff Report



Subject: 1364 Golden Way
Application: PL-23-05857
Author: Lillian Zollinger, Planner II
Date: November 9, 2023
Type of Item: Administrative Conditional Use Permit

Recommendation

(I) Review the proposed Temporary Improvement platform, (II) conduct a public hearing, and (III) 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 (see Exhibit A).

Description

Applicant: Steven Abernathy
Location: 1364 Golden Way
Zoning District: Single Family and Sensitive Land Overlay
Adjacent Land Uses: Residential, Open Space
Reason for Review: The Planning Director reviews and takes Final Action on Administrative Conditional Use Permits¹

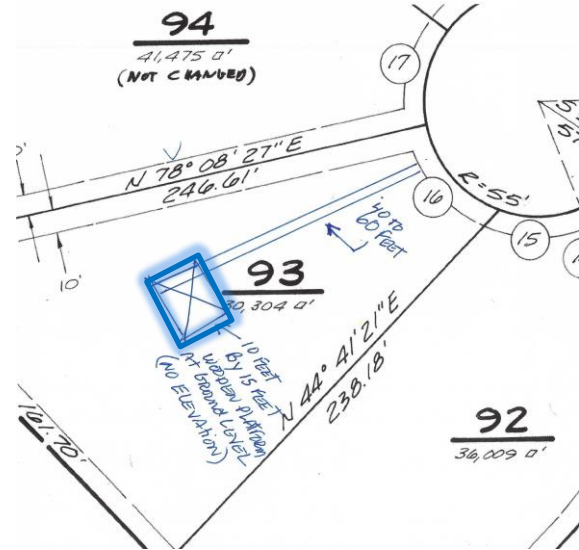
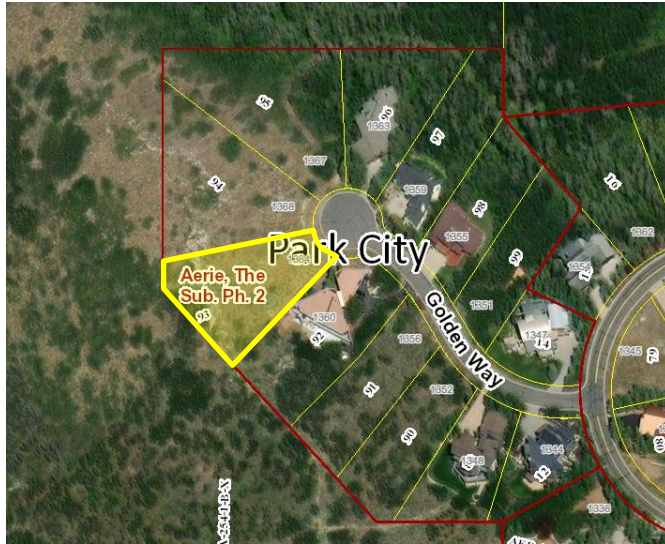
ACUP Administrative Conditional Use Permit
LMC Land Management Code
SF Single Family
SLO Sensitive Land Overlay

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

Background

1364 Golden Way is a vacant 0.70-acre Lot and is Lot 93 of the Aerie Phase 2 Amended Subdivision. The Applicant proposes to construct a 10' by 15' wooden platform to showcase the views from the site to aid in the sale of the property. Staff found a platform already installed on October 24, 2023. This platform shall be removed (see Condition of Approval 8) and a new platform built. The proposed platform is ten inches high with an approximately three-foot railing on the west side. The Applicant proposes to have the platform installed until the Lot is sold or until May 13, 2024, whichever is later.

¹ LMC [§ 15-1-8\(E\)](#)



Analysis

(I) The proposal for a Temporary Improvement structure complies with the Single Family Zoning District regulations outlined in Land Management Code Chapter 15-2.11.

Land Management Code (LMC) [§ 15-15-1](#) defines a *Temporary Improvement* as “[a] Structure built, or installed, and maintained during construction of a Development, or during a Special Event or activity and then removed prior to release of the performance Guarantee. Does not include temporary storage units, such as PODS or other similar structures used for temporary storage that are not related to a Building Permit for construction of a Development and are not part of an approved Special Event or activity.”

The proposed structure is to aid in selling the property and will be removed upon sale of the Lot.

A Temporary Improvement structure is an Administrative Conditional Use in the Single Family Zoning District pursuant to LMC [§ 15-2.11-2\(11\)](#).

LMC [§ 15-2.11-3](#) requires the following:

Requirement	Analysis of Proposal
Front Setback- 20'	Complies: 40'
Rear Setback- 15'	Complies: 50'
Side Setbacks- 15'	Complies: 30'

LMC [§ 15-2.11-4](#) sets a maximum height of 28'. The proposed platform will be ten inches at its highest point and is compliant.

(II) The Aerie Phase 2 Amended Subdivision was approved in 1983 before the Sensitive Land Overlay (SLO) Zone was adopted in 1992, and the proposal is exempt from the SLO review.

(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\(E\)](#).

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	No Required Mitigation. This is an existing Lot in the Aerie Phase 2 Amended Subdivision. The platform is proposed to be constructed on 1364 Golden Way/Lot 93 and is 150 square feet.
Traffic	See Condition of Approval 5: The traffic will be limited by requiring appointments to visit the site.
Utility Capacity	No Required Mitigation
Emergency Vehicle Access	No Required Mitigation. The proposed platform construction does not impede access to the site.
Parking	Complies: LMC § 15-3-6(B) requires 1 parking spot per employee plus two guest spaces. The undeveloped Lot 93, owned by the Applicant, has parking space in front of the Lot, on the street, for 1 employee and 2 guest spaces, and is compliant.
Internal Vehicular and Pedestrian Circulation System	No Required Mitigation. The proposal will not impede circulation.
Fencing, Screening, and Landscaping	No Required Mitigation. No proposed fencing, screening, or landscaping or landscaping removal.
Building Mass, Bulk, and Orientation	No Required Mitigation

Useable Open Space	No Required Mitigation
Signs and Lighting	Signs and lighting are not included in this approval. Signs and lighting are prohibited for the temporary platform.
Physical Design and Compatibility with Surrounding Structures	No Required Mitigation
Noise, Vibration, Odors, Stream, or Other Mechanical Factors	No Required Mitigation
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	No Required Mitigation No proposed ongoing deliveries, trash, or recycling collection.
Expected Ownership and Management	See Condition of Approval 5: The owner will limit the number of visitors on site at a time through a real estate agent scheduling process. Use of the platform will be scheduled through an appointment and be limited to one employee and one interested party.
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	No Required Mitigation The proposed construction does not significantly or permanently impact the Site and is exempt from SLO review. The platform is constructed on an approximately 12% slope and will have four posts that may impact the existing vegetation. A 40' to 60' trail will be established from walking from the road to the platform. The posts shall be placed in a location and trail created in a way that impacts the least amount of vegetation (see Condition of Approval 7).
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: The Use is consistent with the Park City General Plan's Goal 4 and 7, wherein the platform will help buyers to see the Park City Community and natural space. The proposal is allowed with an Administrative Conditional Use Permit.

(V) The proposal, as conditioned, complies with the Temporary Structure criteria outlined in LMC [§ 15-4-16](#).

Review Criteria	Analysis of Proposal
The Applicant shall provide written notice of the Property Owner's permission.	The Owner is the Applicant and provided permission for the proposal.
The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.	No unmitigated impacts. The current number of required parking spots is zero and the required number of parking spots for the Temporary Improvement is three.
The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.	No unmitigated impacts. The proposal will not impede circulation.
The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3.	No unmitigated impacts.
The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9.	No unmitigated impacts. Signs and lighting are not allowed for the temporary platform.
The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.	See Condition of Approval 4. There are no proposed mass gatherings.
The Use shall not violate the International Building Code.	See Condition of Approval 4.
The Applicant shall adhere to all applicable City and State licensing ordinances.	No unmitigated impacts.

(VI) The Development Review Committee reviewed the proposal and did not identify any issues.²

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on October 26, 2023. Staff mailed courtesy notice to adjacent property owners on October 26, 2023.

Public Input

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

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

Alternatives

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

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Proposed Plans



Planning Department

November 9, 2023

Hunter Murry
485 Park Ave #3A
New York, NY 10022
(917) 495-5500;
sabernathy@abbygroup.com

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 1364 Golden Way

Zoning District: Single Family and Sensitive Land Overlay

Application: Administrative Conditional Use Permit

Project Number: PL-23-05857

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: November 9, 2023

Project Summary: The Applicant Proposes to Construct a Temporary Improvement, a wooden platform.

Action Taken

November 9, 2023, the Interim Planning Director conducted a public hearing and approved a Temporary Improvement, a wooden platform, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Site is located at 1364 Golden Way (Lot 93), in the Aerie Phase 2 Amended Subdivision, and is 0.70 acres.
2. The Site is in the Single Family (SF) Zoning District and Sensitive Land Overlay (SLO).
3. The Aerie Phase 2 Amended Subdivision was approved in 1983 prior to adoption of the SLO in 1992.
4. The Applicant proposes to construct a Temporary Improvement wooden platform to aid in the sale of the Lot.
5. The SF Zoning District has a Front Setback of 20', Rear Setback of 15', and Side Setbacks of 15'. The proposed Temporary Improvement wooden platform will be 40' from the Front property line, 50' from the Rear Property



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- Line, and 30' from the Side Property Lines.
6. The total square footage of the Temporary Improvement platform is 150 square feet.
 7. The maximum height in the SF Zoning district is 28'. The proposed platform is ten inches at its highest point.
 8. LMC Section 15-3-6 requires one parking space for each employee, and two parking spaces for guests for a Temporary Improvement.
 9. The site will have one employee and one interested party on the Lot at a time, with three parking spaces available on the street.
 10. Administrative Conditional Use applications are required to meet the following Conditional Use Permit criteria:

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	No Required Mitigation. This is an existing Lot in the Aerie Phase 2 Amended Subdivision. The platform is proposed to be constructed on 1364 Golden Way/Lot 93 and is 150 square feet.
Traffic	See Condition of Approval 5: The traffic will be limited by requiring appointments to visit the site.
Utility Capacity	No Required Mitigation
Emergency Vehicle Access	No Required Mitigation. The proposed platform construction does not impede access to the site.
Parking	Complies: LMC § 15-3-6(B) requires 1 parking spot per employee plus two guest spaces. The undeveloped Lot 93, owned by the Applicant, has parking space in front of the Lot, on the street, for 1 employee and 2 guest spaces, and is compliant.
Internal Vehicular and Pedestrian Circulation System	No Required Mitigation. The proposal will not impede circulation.
Fencing, Screening, and Landscaping	No Required Mitigation. No proposed fencing, screening, or landscaping or landscaping removal.
Building Mass, Bulk, and Orientation	No Required Mitigation
Useable Open Space	No Required Mitigation
Signs and Lighting	Signs and lighting are not included in this approval. Signs and lighting are prohibited for the temporary platform.



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Physical Design and Compatibility with Surrounding Structures	No Required Mitigation
Noise, Vibration, Odors, Stream, or Other Mechanical Factors	No Required Mitigation
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	No Required Mitigation No proposed ongoing deliveries, trash, or recycling collection.
Expected Ownership and Management	See Condition of Approval 5: The owner will limit the number of visitors on site at a time through a real estate agent scheduling process. Use of the platform will be scheduled through an appointment and be limited to one employee and one interested party.
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	No Required Mitigation The proposed construction does not significantly or permanently impact the Site and is exempt from SLO review. The platform is constructed on an approximately 12% slope and will have four posts that may impact the existing vegetation. A 40' to 60' trail will be established from walking from the road to the platform. The posts shall be placed in a location and trail created in a way that impacts the least amount of vegetation (see Condition of Approval 7).
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: The Use is consistent with the Park City General Plan's Goal 4 and 7, wherein the platform will help buyers to see the Park City Community and natural space. The proposal is allowed with an Administrative Conditional Use Permit.

11. The Temporary Structure platform is required to meet the following Temporary Structure criteria:

Review Criteria	Analysis of Proposal
The Applicant shall provide written notice of the Property Owner's permission.	The Owner is the Applicant and provided permission for



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	the proposal.
The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.	No unmitigated impacts. The current number of required parking spots is zero and the required number of parking spots for the Temporary Improvement is three.
The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.	No unmitigated impacts. The proposal will not impede circulation.
The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3.	No unmitigated impacts.
The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9.	No unmitigated impacts. Signs and lighting are not allowed for the temporary platform.
The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.	See Condition of Approval 4. There are no proposed mass gatherings.
The Use shall not violate the International Building Code.	See Condition of Approval 4.
The Applicant shall adhere to all applicable City and State licensing ordinances.	No unmitigated impacts.

12. Staff posted public notice to the site and mailed notice to adjacent property owners on October 26, 2023.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Section 15-1-10, *Conditional Use Review Process*, Chapter 15-2.11, *Single Family Zoning District*, and Section 15-4-16, *Temporary Structures, Tents, And Vendors*.
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 November 9, 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.



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2. The Applicant is responsible for notifying the Planning Department of any changes, modifications, or deviations from the approved scope of work. Changes 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. Snow removed from the Temporary Improvement wooden platform shall remain on the Lot.
4. A Building Permit is required for the project completion, per LMC § 15-4-16(A)(5).
5. Use of the platform will be scheduled through an appointment and be limited to one employee and one interested party.
6. The Temporary Improvement platform shall be removed upon the sale of the Lot, or no later than May 13, 2023, at 5:00 p.m.
7. The Temporary Improvement platform and walking path shall be placed in a location that creates the least amount of impact on existing vegetation.
8. The existing platform shall be removed, the new platform shall be constructed as proposed, and then shall be inspected by the Planning Department.

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

Sincerely,

Rebecca Ward,
Interim Planning Director

CC: Lillian Zollinger, Project Planner

94

41,475 sq'
(NOT CHANGED)

N 78° 08' 27" E
246.61'

93

30,304 sq'

10 FEET
BY 15 FEET
WOODEN PLATFORM
AT GROUND LEVEL
(NO ELEVATION)

N 44° 41' 21" E
238.18'

92

36,009 sq'

N 39° 57' 29" E
124.64'

91

27,247 sq'

17

16

15

14

13

11

12

19

14

10

R=55'

S 56° E
57.45'

25' 25'

58.12'

" E

Planning Department Staff Report



Subject: 703 Park Avenue
Application: PL-23-05873
Author: Lillian Zollinger, Planner II
Date: November 9, 2023
Type of Item: Modification to Administrative Conditional Use Permit

Recommendation

(I) Open a Public Hearing; and (II) continue the public hearing and consideration of the 703 Park Ave Modification of Outdoor Dining to November 16, 2023.

Description

Applicant: High West Properties, LLC represented by Michelle Billington
Location: 703 Park Avenue | High West Saloon
Zoning District: Historic Recreation Commercial
Adjacent Land Uses: Residential, Commercial
Reason for Review: The Interim Planning Director reviews Modifications to Administrative Conditional Use Permits¹

Background

Staff requests additional time to review the proposal for an increase in Outdoor Dining.

¹ LMC [§ 15-1-8\(E\)](#)

Planning Commission Staff Report



Subject: Temporary Improvement – Bus Shelter Tent
Application: PL-23-05910
Author: Jason Berntson, Planning Technician
Date: November 9, 2023
Type of Item: Administrative Conditional Use Permit

Recommendation

(I) Review the proposed Administrative Conditional Use Permit (ACUP) to install a temporary bus shelter while the permanent bus shelter is constructed, (II) conduct a public hearing, and (III) consider approving the ACUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Park City Transit
Location: 1720 Park Avenue
Zoning District: Residential Development and Frontage Protection Zone
Adjacent Land Uses: Park Avenue Condos
Reason for Review: The Planning Department reviews ACUPs, conducts a public hearing, and takes Final Action pursuant to LMC [§ 15-1-8](#).

ACUP Administrative Conditional Use Permit
FPZ Frontage Protection Zone
LMC Land Management Code
RD Residential Development

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

Summary

The Applicant seeks an ACUP to install a temporary bus shelter in the Residential Development Zoning District and Frontage Protection Zone (FPZ). This temporary bus shelter will serve as a temporary bus stop in front of the Park Avenue Condominiums at 1720 Park Avenue until construction of a permanent bus stop is completed. Construction of the permanent bus shelter is anticipated to be completed by the end of the year. The Applicant proposes to install a 10' x 10' temporary bus shelter with clear walls to ensure that the buses are visible to the passengers. One bench is proposed to be installed inside for passengers while they wait. The temporary bus stop is conditioned to be removed once the permanent bus stop is completed, sometime around December 31, 2023, but no later than January 31, 2023. Condition of Approval 4

requires the temporary bus shelter to be removed prior to January 31, 2023, unless the Applicant submits a written request to the Planning Department requesting an extension prior to the expiration of the ACUP.

Background

On August 24, 2023, the Planning Department approved an ACUP for new bus shelters to be constructed at 1755 and 1760 Park Avenue. As outlined in the Applicant's Narrative, due to ongoing construction of the bus shelters, the Applicant has determined there is a need for a temporary bus shelter to ensure the comfort of passengers while waiting for the bus.

Applicant will need approval from the Park Avenue Condominiums to install the temporary bus shelter. Condition of Approval 2 requires the Applicant to submit documentation of property owner permission prior to submitting a building permit application.

Analysis

(I) The proposal to install a temporary bus shelter at 1720 Park Avenue complies with the Residential Development Zoning District requirements.

In the Residential Development Zoning District, Temporary Improvements require an ACUP.¹ Land Management Code (LMC) [§ 15-15-1](#) defines a Temporary Improvement as:

TEMPORARY IMPROVEMENT. A Structure built, or installed, and maintained during construction of a Development, or during a Special Event or activity and then removed prior to release of the performance Guarantee. . . .

Pursuant to LMC § 152.13-2, one of the uses of the Residential Development Zoning District is to minimize impacts of the automobile on architectural design. The temporary bus shelters support transit ridership.

(II) The proposal to install a temporary bus shelter complies with the Frontage Protection Zone.

Pursuant to LMC [§ 15-2.20-4](#), the purpose of the Frontage Protection Zone (FPZ) is to preserve Park City's scenic view corridors, preserve and enhance the rural resort character of Park City's entry corridor, provide a significant landscaped buffer between Development and highway Uses, minimize curb cuts, driveways and Access points to highways, and allow for future pedestrian and vehicular improvements along the highway corridors.

LMC [§ 15-2.20-4\(D\)](#) allows for essential public facilities such as bus shelters to be

¹ LMC [§ 15-2.18-2\(B\)\(26\)](#), footnote 7

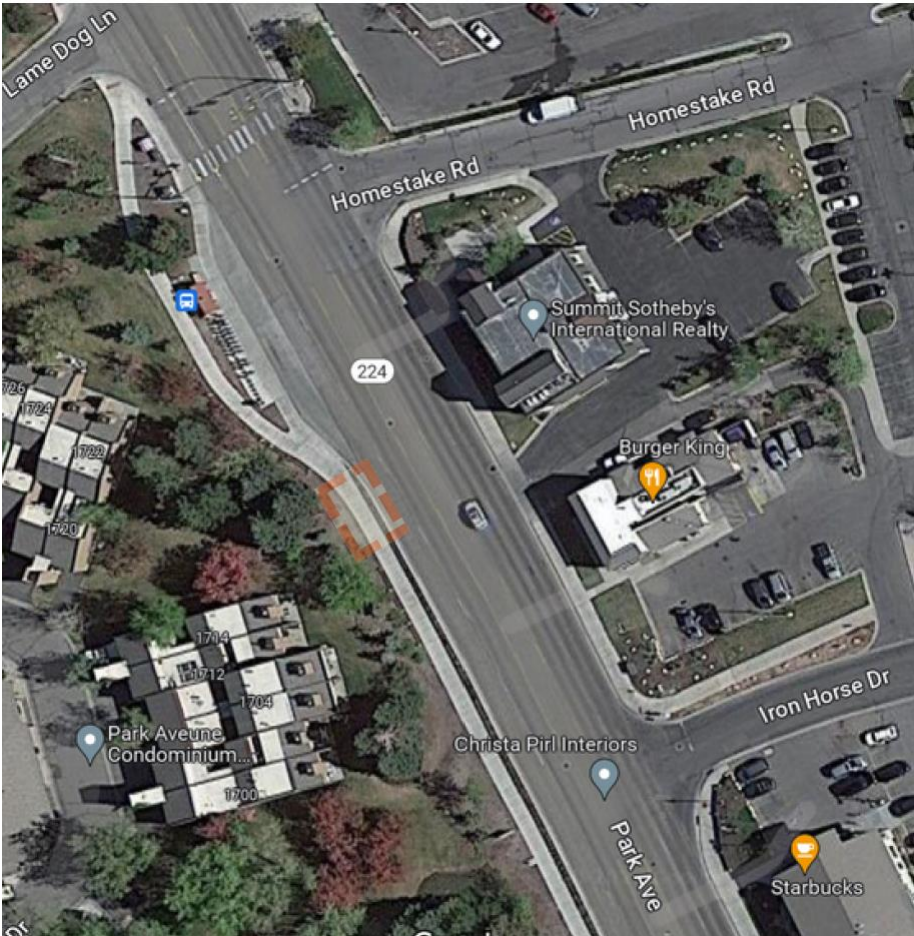
installed within the FPZ pursuant to an ACUP approval and review by the Planning, Engineering, and Building Departments. The Engineering Department reviewed the proposed temporary bus shelter on November 7, 2023, and did not require Conditions of Approval. The Applicant will be required to submit a permit with the Building Department for review and approval prior to installation.

(III) The proposal, as conditioned, complies with the Conditional Use Permit criteria.

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 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 Department may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

CUP Review Criteria	Analysis of Proposal
Size and location of the site	Complies: The temporary bus shelter is 100 square feet in size and is proposed to be installed proximate to the new permanent bus shelter under construction. The temporary bus shelter will provide convenience for transit riders during the construction of the new permanent bus shelters.
Traffic considerations	Complies: The temporary bus shelter is to support transit passengers and therefore will not generate additional traffic.
Utility capacity	No Mitigation Required
Emergency vehicle access	No Mitigation Required
Parking	No Mitigation Required
Internal circulation	Condition of Approval Recommended The temporary bus shelter is proposed to be constructed on the Park Avenue Condominiums property and will slightly encroach into the sidewalk along the western side of Park Avenue, illustrated in the image below. Condition of Approval 3 requires the temporary bus shelter to be installed in a location that maintains

	sufficient sidewalk width for pedestrians that meets ADA accessibility standards.
Location 	
Fencing, screening, and landscaping	No Mitigation Required
Building mass, bulk, and orientation	No Mitigation Required
Usable open space	No Mitigation Required
Signs and lighting	No Mitigation Required Pursuant to Municipal Code of Park City Section 12-8-1(A), signs erected by or at the direction of Park City Municipal Corporation are exempt from the requirements of the Sign Code. Signs related to transit services are therefore allowed. All other signage is prohibited. Outdoor lighting must comply with the requirements of the Dark Sky Code outlined in LMC Section 15-5-5(J) and must be fully shielded, down-directed, with bulbs

	3,000 degrees Kelvin or less.
Compatibility with surrounding structures	No Mitigation Required
Noise and mechanical factors	No Mitigation Required
Control of delivery and service vehicles	No Mitigation Required
Ownership	Condition of Approval Required Condition of Approval 2 requires the Applicant to submit verification from the property owner approving the temporary bus shelter location prior to submitting a building permit application.
Appropriateness of the structure to existing topography	No Mitigation Required No changes to topography are proposed.
Consistency with the General Plan	Complies: Goal 3 of the Park City General Plan is to encourage alternative modes of transportation on a regional and local scale to maintain small town character. The temporary bus shelter improves the experience for transit riders while permanent bus shelters are installed.

(IV) The Development Review Committee met on November 7, 2023 and finds the proposal meets development standards.²

Department Review

The Planning Department 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 October 23, 2023. Staff mailed courtesy notice to property owners within 300 feet on October 23, 2023.³

Public Input

No public input was received at the time of this staff report publication.

Alternatives

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

³ LMC [§ 15-1-21](#)

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

Exhibits

Exhibit A: Final Action Letter

Exhibit B: Applicant's Narrative



Planning Department

November 9, 2023

Park City Transit
1053 Iron Horse Drive
Park City, Utah 84060
435-699-4845

CC: Juan Cardona

NOTICE OF PLANNING DEPARTMENT ACTION

Description

Address:	1720 Park Avenue
Zoning District:	Residential Development Frontage Protection Zone
Application:	Administrative Conditional Use Permit
Project Number:	PL-23-05910
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	November 9, 2023
Project Summary:	The Applicant proposes installing a temporary bus shelter while a new permanent bus shelter is installed.

Action Taken

On November 9, 2023, the Planning Department conducted a public hearing and approved the temporary bus shelter according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The Applicant seeks an Administrative Conditional Use Permit (ACUP) to install a temporary bus shelter in the Residential Development Zoning District and Frontage Protection Zone (FPZ).



Planning Department

2. This temporary bus shelter will serve as a temporary bus stop in front of the Park Avenue Condos at 1720 Park Avenue until construction of a permanent bus stop is completed.
3. Construction of the permanent bus shelter is anticipated to be completed by the end of the year.
4. The Applicant proposes to install a 10' x 10' temporary bus shelter with clear walls to ensure that the buses are visible to the passengers.
5. One bench is proposed to be installed inside for passengers while they wait.
6. The temporary bus stop is conditioned to be removed once the permanent bus stop at 1755 Park Avenue is completed, sometime around December 31, 2023, but no later than January 31, 2023.
7. The temporary bus shelter is proposed to be installed at 1720 Park Avenue in the Residential Development Zoning District.
8. In the Residential Development Zoning District, Temporary Improvements require an Administrative Conditional Use Permit (ACUP).
9. Land Management Code (LMC) § 15-15-1 defines a Temporary Improvement as a Structure built, or installed, and maintained during construction of a Development, or during a Special Event or activity and then removed prior to release of the performance Guarantee. . . .
10. Pursuant to LMC § 15.2.13-1, one of the purposes of the Residential Development Zoning District is to minimize impacts of the automobile on architectural design.
11. The temporary bus shelter is proposed to be installed in the Frontage Protection Zone (FPZ).
12. Pursuant to LMC § 15-2.20-4, the purpose of the Frontage Protection Zone (FPZ) is to preserve Park City's scenic view corridors, preserve and enhance the rural resort character of Park City's entry corridor, provide a significant landscaped buffer between Development and highway Uses, minimize curb cuts, driveways and Access points to highways, and allow for future pedestrian and vehicular improvements along the highway corridors.
13. LMC § 15-2.20-4(D) allows for essential public facilities such as bus shelters to be installed within the FPZ pursuant to an ACUP approval and review by the Planning, Engineering, and Building Departments. The Engineering Department reviewed the proposed temporary bus shelter on November 7, 2023, and did not require Conditions of Approval. The Applicant will be required to submit a permit with the Building Department for review and approval prior to installation.



Planning Department

14. 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.
15. The Planning Department 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 Department may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC § 15-1-10.

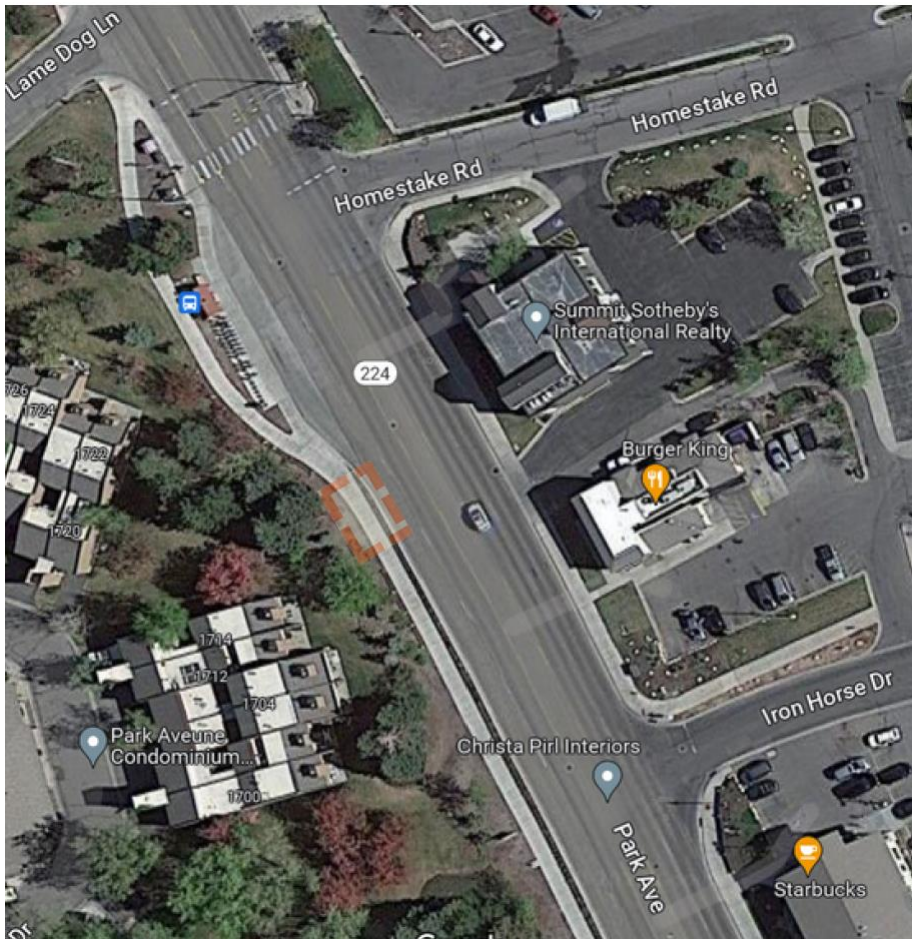
CUP Review Criteria	Analysis of Proposal
Size and location of the site	Complies: The temporary bus shelter is 100 square feet in size and is proposed to be installed proximate to the new permanent bus shelter under construction. The temporary bus shelter will provide convenience for transit riders during the construction of the new permanent bus shelters.
Traffic considerations	Complies: The temporary bus shelter is to support transit passengers and therefore will not generate additional traffic.
Utility capacity	No Mitigation Required
Emergency vehicle access	No Mitigation Required
Parking	No Mitigation Required
Internal circulation	Condition of Approval Recommended The temporary bus shelter is proposed to be constructed on the Park Avenue Condominium property and will slightly encroach into the



Planning Department

	sidewalk along the western side of Park Avenue, illustrated in the image below. Condition of Approval 3 requires the temporary bus shelter to be installed in a location that maintains sufficient sidewalk width for pedestrians that meets ADA accessibility standards.
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Location



Fencing, screening, and landscaping	No Mitigation Required
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Planning Department

Building mass, bulk, and orientation	No Mitigation Required
Usable open space	No Mitigation Required
Signs and lighting	No Mitigation Required Pursuant to Municipal Code of Park City Section 12-8-1(A), signs erected by or at the direction of Park City Municipal Corporation are exempt from the requirements of the Sign Code. Signs related to transit services are therefore allowed. All other signage is prohibited. Outdoor lighting must comply with the requirements of the Dark Sky Code outlined in LMC Section 15-5-5(J) and must be fully shielded, down-directed, with bulbs 3,000 degrees Kelvin or less.
Compatibility with surrounding structures	No Mitigation Required
Noise and mechanical factors	No Mitigation Required
Control of delivery and service vehicles	No Mitigation Required
Ownership	Condition of Approval Required The Applicant shall submit verification from the property owner approving the temporary bus shelter location prior to submitting a building permit application.



Planning Department

Appropriateness of the structure to existing topography	No Mitigation Required No changes to topography are proposed.
Consistency with the General Plan	Complies: Goal 3 of the Park City General Plan is to encourage alternative modes of transportation on a regional and local scale to maintain small town character. The temporary bus shelter improves the experience for transit riders while permanent bus shelters are installed.

16. The Development Review Committee met on November 7, 2023 and finds the proposal meets development standards.

17. Staff posted public notice to the property, mailed notice to adjacent property owners, and posted notice to the City's website on October 23, 2023.

Conclusions of Law

1. The proposal to install a temporary bus shelter complies with the Land Management Code requirements pursuant to Section 15-1-10(E) *Conditional Use Permit Criteria*, Chapter 15-2.13 *Residential Development District*, and Chapter 15-2.20 *Frontage Protection Zone*.
2. The Use is compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. The Applicant is responsible for notifying the Planning Department prior to making any changes to this approval.
2. The Applicant shall submit verification from the property owner approving the temporary bus shelter location prior to submitting a building permit application.
3. The temporary bus shelter shall be installed in a location that maintains sufficient sidewalk width for pedestrians that meets ADA accessibility standards.
4. The temporary bus shelter shall be removed by January 31, 2023, unless the Applicant submits a written request to the Planning Department requesting an extension prior to the expiration of this approval.



Planning Department

If you have questions or concerns regarding this Final Action Letter, please call Jason Berntson or email jason.berntson@parkcity.org.

Sincerely,

Interim Planning Director
Rebecca Ward

CC: Jason Berntson



Request for Temporary Bus Stop

We hereby submit a formal request for the conversion of the proposed project to establish a temporary bus stop in front of the Park Av Condos. The need for this conversion arises due to the recent remodeling of the bus stop, which has rendered it temporarily unavailable for use.. The proposed tent structure with clear walls will ensure that passengers can easily identify their buses and maintain visibility, provide shelter and comfortable seating.

Project Details:

Location: 1720 Park Ave, Park City, UT 84060 The temporary bus stop will be situated in front of the Burger King on the other side of the avenue.

Structure: We propose the installation of a tent measuring 10 feet by 10 feet.

Visibility: To ensure passenger safety and visibility, two of the tent's walls will be made of clear material, allowing for unobstructed views in and out of the shelter.

Seating: Inside the tent, we plan to install one bench to provide comfortable seating for waiting passengers.

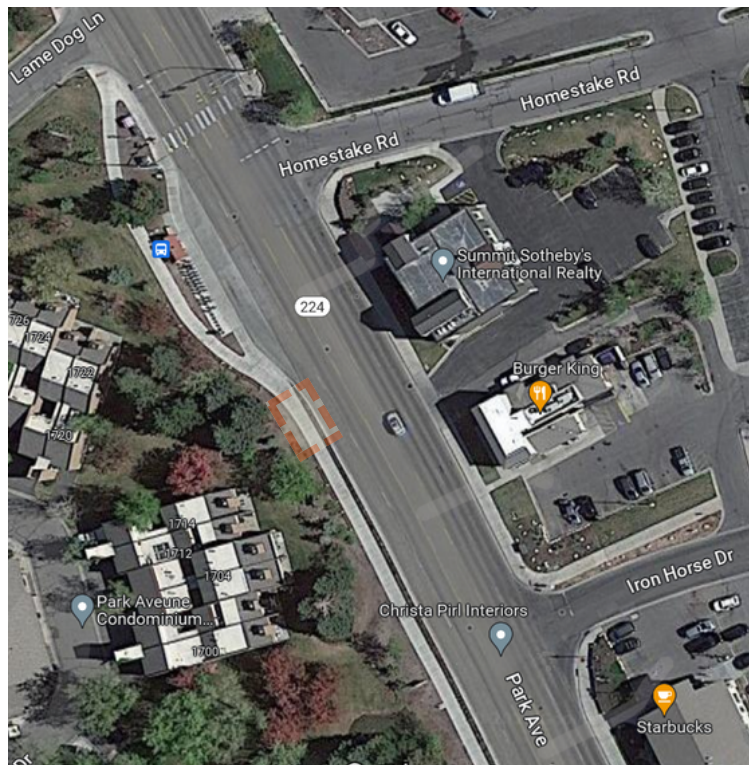
Duration: This conversion is expected to be temporary, lasting until the completion of the remodeling work. We anticipate the need for this temporary bus stop to be in effect for approximately December 31st 2023.

Installation and Removal: We want to highlight that Diamond Event & Tent will be responsible for both the installation and removal of the tent. This arrangement ensures that the setup and dismantling of the tent will be handled by professionals, guaranteeing safety and efficiency.

Bus Stop



Location



Description:

Canopy 10XEXPANDABLE Keder Frame
Cement Weight 350 Lbs 20" X 20" X 12" Cube
8x10 Clear Walls



Photos are only for reference