



**PARK CITY MUNICIPAL CORPORATION
PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING MINUTES
PLANNING DEPARTMENT CONFERENCE ROOM
MARSAC MUNICIPAL BUILDING
AUGUST 21, 2025**

STAFF PRESENT: Rebecca Ward, Planning Director; Jaron Ehlers, Planner I; Elissa Martin, Planning Project Manager

Planning Director, Rebecca Ward called the meeting to order at 12:00 p.m.

1. REGULAR AGENDA

- A. 7955 Red Tail Court – Administrative Conditional Use Permit –** The Applicant Proposes to Construct Three Retaining Walls Greater than Six Feet in Height from Final Grade in the Residential Development Zoning District and Sensitive Land Overlay. PL-24-06285.

Planner I, Jaron Ehlers, presented the Staff Report and indicated that the proposal was for three retaining walls exceeding six feet in height. The property is located in the Residential Development (“RD”) Zoning District and Sensitive Land Overlay (“SLO”).

Photographs of the site were displayed, indicating the changes in grade and existing stone retaining walls on the site. One eight-foot and one seven-foot retaining wall were proposed to support a cantilevered driveway to allow access to the garage of a planned single-family dwelling. The third proposed retaining wall would support the dwelling itself.

Planner Ehlers reported that an Administrative Conditional Use Permit (“ACUP”) application for the retaining walls was received in 2024. That item was continued to a date uncertain because a Plat Amendment showing the building envelope was required. The Plat Amendment was approved by the Planning Commission on May 28, 2025, and recorded with Wasatch County on July 29, 2025.

The proposal complied with all RD, SLO, and ACUP criteria. All retaining walls would be located within the proposed building envelope. It was noted that steep slopes in proximity to the proposed retaining walls were created by site disturbances in relation to a previous single-family dwelling on the site.

Planner Ehlers reported that a Condition of Approval was that vegetation would be required to screen the proposed retaining walls from potential visual impacts to other

homes in the subdivision and from the ski run. Staff recommended that the Planning Director review the proposed ACUP, conduct a public hearing, and consider approving the proposed based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter.

The Applicant's representative, Josh Arrington of Upwall Design, stated that the retaining walls were necessary to stabilize the driveway. In response to a question raised by Director Ward, Mr. Arrington reported that the height of the driveway over grade would be 8398, and the bottom of the auto court retaining wall would be at 8392. Anything below the driveway on the existing grade would be backfilled to the retaining wall.

Director Ward opened the public hearing. There were no public comments. The public hearing was closed.

Director Ward APPROVED the Administrative Conditional Use Permit for 7955 Red Tail Court based on the following:

Findings of Fact

1. The Applicant proposes three retaining walls that exceed six feet in height associated with the construction of a Single-Family Dwelling (SFD) at 7955 Red Tail Court, which is Unit 44 of the Bald Eagle Club of Deer Valley. 7955 Red Tail Court is in the Residential Development (RD) Zoning District and Sensitive Land Overlay (SLO).
2. The property is adjacent to the Sunrise Deer Valley Ski Run. There are existing rock retaining walls on-site, and the Applicant proposes to build three new retaining walls on top of the existing walls.
3. Two of the proposed retaining walls will be used to support the driveway of the SFD. The third retaining wall is to support the SFD's structure.
4. On September 19, 2024, the Applicant applied for an ACUP for three retaining walls.
5. On October 10, 2024, the Planning Director held a public hearing and continued the application to a date uncertain.
6. On May 28, 2025, the Planning Commission held a public hearing and approved a Plat Amendment to shift the Building Envelope for 7955 Red Tail Court.
7. On July 29, 2025, the Plat Amendment was recorded with Wasatch County as Entry No. 562488.

8. The proposal to construct three retaining walls exceeding six feet in height complies with the Residential Development District requirements outlined in Land Management Code Chapter 15-2.13.
 - a. Retaining walls greater than six feet in height from Final Grade require an ACUP (LMC § 15-2.13-2(B)(40)). The Applicant proposes three retaining walls greater than six feet in height.
 - b. LMC § 15-2.13-3(F) establishes a 12-foot Side Setback. All Retaining Walls are within the Building Envelope, which is 15 feet from the Lot Line.
 - c. LMC § 15-2.13-4 establishes the Zone Height of 27 feet from Existing Grade. The tallest proposed retaining wall is eight feet in height.
9. The proposal to construct three retaining walls exceeding six feet in height complies with the Sensitive Land Overlay requirements outlined in Land Management Code Chapter 15-2.21.
 - a. The Bald Eagle Club of Deer Valley is part of the Deer Valley Master Planned Development (MPD).
 - b. LMC § 15-2.21-4 outlines development restrictions for Steep Slopes: No Development is allowed on or within 50 feet, map distance, of Very Steep Slopes. An Area of Very Steep Slopes must cover a topographic Area at least 25 feet vertically, upslope or downslope, and 50 feet horizontally in any direction to be subject to this prohibition. Very Steep Slopes are defined as any slope greater than 40 percent.
 - c. Very Steep Slopes are present near where the retaining walls are proposed. The Steep Slopes analysis was conducted during the Plat Amendment review, and the Building Envelope shifted to minimize the overall impacts to Steep Slopes on the property.
 - d. While the retaining walls were not specifically analyzed, the Building Envelope is the area where the Density, granted by the Deer Valley MPD, may be built, subject to the limitations of the SLO analysis imposed by the Deer Valley Large Scale MPD. The proposed retaining walls are located along the existing rock retaining walls and the ski run. They also sit by the area that has been flattened by the Footprint of the now-demolished SFD. These retaining walls are a manipulation of an already substantially manipulated grade. Natural Steep Slopes will not be affected.
10. The proposal, as conditioned, to construct three retaining walls exceeding six feet in height complies with the Fences and Retaining Wall requirements in Land Management Code Section 15-4-2.

- a. The proposed retaining walls are not in a Setback area.
- 11. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in Land Management Code Section 15-1-10(E).
 - a. Size and location of the Site.
 - i. The proposed retaining walls are on the northwest side of the Lot above the Sunrise Ski Run.
 - b. Traffic considerations including capacity of the existing Streets in the Area.
 - i. 7955 Red Tail Court will serve as a private residence. The Park City Transportation Impact Study Guidelines require a transportation impact study when a proposed development or redevelopment will generate 25 or more net new vehicle trips during the weekday AM or PM peak hour. The proposed Use of the property as an SFD does not trigger a Transportation Impact Study.
 - c. Utility capacity, including Storm Water run-off.
 - i. No utilities will be impacted by the proposed retaining walls.
 - d. Emergency vehicle Access.
 - i. As there was an SFD at this location, and access will continue to be from the cul-de-sac, the methods of emergency vehicle access are unchanged. The Development Review Committee reviewed the proposal on October 1, 2024, and confirmed that the proposal conforms to their requirements.
 - e. Location and amount of off-street parking.
 - i. LMC § 15-3-6 requires two Parking Spaces for SFDs. Two of the proposed retaining walls support the driveway and access to the garage, helping to meet the requirements for off-street parking and internal vehicular circulation.
 - f. Internal vehicular and pedestrian circulation system.
 - i. The proposed retaining walls will not impact the internal vehicular or pedestrian circulation system. Skiers using the Sunrise Ski Run will not be impacted.
 - g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses.
 - i. No fencing is proposed with this Application.
 - ii. To mitigate the impacts to views from the ski run, staff recommends a Condition of Approval requiring vegetation to be planted to ensure that the proposed retaining walls are fully screened from the north in all seasons.
 - iii. No other Landscaping is proposed with this application
 - h. Building mass, bulk, and orientation, and the location of Buildings on the Site.

- i. The proposed retaining walls will be of a large mass and bulk. However, they are sited on top of an already steep hill created by the ski run. Large retaining walls are common in Upper Deer Valley.
- i. Usable Open Space.
 - i. The retaining walls will all be located within the platted Building Envelope, with the rest of the site remaining as Open Space.
- j. Signs and lighting.
 - i. No signs or lighting are proposed with this application.
- k. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing.
- a. The proposed retaining walls are stone veneer, a material which is often used for the construction of retaining walls in the Upper Deer Valley area. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site.
 - i. The Applicant must comply with the City's noise regulations in Municipal Code of Park City (MCPC) Chapter 6-3.
- m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas.
 - i. The retaining walls will not impact trash and recycling pickup Areas.
- n. 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.
 - i. 7955 Red Tail Court is owned by Laurie Platek. It is planned to be used as an owner-occupied residence. The ownership of the property is not proposed to change.
- o. Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site.
 - i. The property is not within the Park City Soils Ordinance Boundary and there are no known Physical Mine Hazards or Historic Mine Waste.
 - ii. While Steep Slopes may be impacted, that analysis was conducted as part of the Plat Amendment and many were created by the Ski Run and the now demolished house.
 - iii. While the retaining walls were not specifically analyzed, the Building Envelope is in the area where the Density, granted by the Deer Valley MPD, may be built, subject to the limitations of SLO analysis imposed by the Deer Valley MPD. The proposed retaining walls are located along the existing

rock retaining walls and the grade change where the ski run is carved into. They also sit by the area that has been flattened by the Footprint of the now-demolished SFD. These retaining walls are a manipulation of an already substantially manipulated grade. Natural Steep Slopes are not being affected.

- iv. Conditions of Approvals require screening of the retaining walls, considering the visual impacts that may be caused to skiers on the ski run as well as the SFDs on the other side of the ski run.
 - p. Reviewed for consistency with the goals and objectives of the Park City General Plan; however, such review for consistency shall not alone be binding.
 - i. Goal 9.5 of the General Plan addresses the aesthetic of the Upper Deer Valley. Part of that aesthetic is “large retaining walls.” The proposed retaining walls exceed six feet in height, large enough to be subject to additional review.
12. The Development Review Committee reviewed the proposal on October 1, 2024, and confirmed it meets its standards. Wasatch County had no comments when their review was requested.
13. Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on August 11, 2025. Staff mailed courtesy notice to adjacent property owners on August 11, 2025.

Conclusions of Law

- 1. The proposal complies with LMC Chapter 15-2.13 *Residential Development District*, Chapter 15-2.21 *Sensitive Land Overlay Zone*, Section 15-4-2 *Fences and Retaining Walls*, and Section 15-1-10(E) *Conditional Use Review Process*.
- 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. Any changes, modifications, or deviations from the approved plans 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 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. Vegetation complying with the City's waterwise landscaping and wildland-urban interface requirements must be planted by the Applicant to fully screen the proposed retaining walls from the northwest and the Sunrise Ski Run in all seasons.

- B. 1825 Three Kings Drive – Outdoor Dining Conditional Use Permit Modification** – The Applicant Proposes Modifying the 2009 Conditional Use Permit to Increase the Outdoor Dining Seating Capacity from 56 to 75 and Allow a Temporary Improvement. PL-25-06628.

Planning Project Manager, Elissa Martin, presented the Staff Report for the Silver Star Café CUP modification. The Silver Star Café is located in the Spiro Condominiums in Silver Star Plaza, which is part of the Spiro Tunnel Master Planning Development ("MPD") approved in 2004 as a mixed-use development. The café has a support commercial use allowed pursuant to the MPD. The property is within the RD Zoning District.

In 2009, an outdoor dining CUP approved a total of 56 seats in two distinct outdoor dining areas. Manager Martin reviewed the Site Plan, indicating one 40-seat dining area in the plaza of Building A and an additional 16 seats in a Spiro Condominium common area. Three ACUPs were subsequently approved to allow for a temporary structure for winter outdoor dining. The Applicant proposed increasing the outdoor seating capacity from 56 to 75 seats, which would be accomplished by rearranging the current dining table configuration, reducing the plaza seating area, and increasing seating in the common area. The Applicant also proposed a seasonal temporary improvement for winter outdoor dining, not to exceed 180 days annually. The RD Zoning District requires an ACUP for both outdoor dining and temporary improvements.

Conditional Uses are evaluated against criteria outlined in Land Management Code ("LMC") § 15-1-10(E) and shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental impacts of the proposed

Use. Staff concluded that there were no unmitigated impacts as conditioned. Manager Martin then reviewed the proposed Conditions of Approval. Additional portions of the LMC that apply to the application include the Outdoor Dining Criteria outlined in LMC §15-4-21(B)(1) and LMC § 15-4-16(B). As conditioned, the proposal met those supplemental regulations.

Staff recommended that the Planning Director review the proposed modification to the Outdoor Dining Conditional Use Permit to increase the outdoor dining seating capacity from 56 to 75 and allow a seasonal temporary structure for winter outdoor dining, conduct a public hearing, and consider approval the CUP modification based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter.

The Applicant, Jeff Ward, stated that the increase in seating represents seasonal peak need. Depending on the final location of the seasonal structure, it may have significantly less seating in winter. In response to a question from Director Ward, Mr. Ward reported that they have had an ongoing dialogue with the Homeowners' Association ("HOA") regarding parking, but the current shared parking plan is working for all parties. The plan is reviewed annually or biannually, depending on need.

Director Ward opened the public hearing. There were no public comments. The public hearing was closed.

Director Ward APPROVED the Modification to the Outdoor Dining Conditional Use Permit for 1825 Three Kings Drive based on the following:

Findings of Fact

1. The Silver Star Café outdoor dining is located in the Silver Star Plaza common-owned space within the Spiro Master Planned Development (MPD).
2. The subject property is within the Residential Development (RD) Zoning District, which allows Outdoor Dining with an Administrative CUP pursuant to LMC § 15-2.13-2 *Uses*.
3. On July 16, 2009, the Planning Department approved the Outdoor Dining CUP for the Silver Star Café at 1825 Three Kings Drive, which allows a seating capacity of 56 within a 2,200-square-foot area.
4. Three Administrative Conditional Use Permits (ACUPs) for a 24-foot diameter Temporary Structure for winter outdoor dining have been approved by the Planning Department for the Silver Star Café in 2021 (PL-21-05049), 2022 (PL-22-05464) and 2023 (PL-23-05953).

5. A Condition of Approval of the Planning Department's December 16, 2022, Final Action Letter for the Temporary Structure ACUP requires the Applicant to amend the existing approval for year-round Outdoor Dining to include the Use of a Temporary Structure during winter months, not to exceed 180 days.
6. The Silver Star Café's outdoor dining occurs year-round and is intended to be a gathering space for Silver Star owners, guests, and the general public.
7. The Applicant submitted a request to modify the CUP to increase the seating capacity to 75 within a reduced 1,400-square-foot area and to allow a seasonal Temporary Improvement for winter outdoor dining.
8. The "Common Area Exclusive Use Agreement" between the Silver Star Café and the Spiro Condominiums Owners Association, Inc., identifies the outdoor common areas allowed to be used for the Silver Star Café outdoor dining; the agreement also allows for the installation of a seasonal structure, pending approval of its location by the HOA.
9. As conditioned, the proposed CUP modification to increase the seating capacity by 19 seats and allow a seasonal Temporary Improvement has no unmitigated impacts and meets the criteria outlined in Land Management Code (LMC) § 15-1-10 (E), CUP Review:
 - 1) Size and location of the Site:

No unmitigated impacts.

The outdoor dining is in a 2,200-square-foot area within the Silver Star Café and Silver Star Plaza area combined. The 2009 CUP allows for 14 tables and 56 chairs in the outdoor dining area within the Silver Star Plaza.

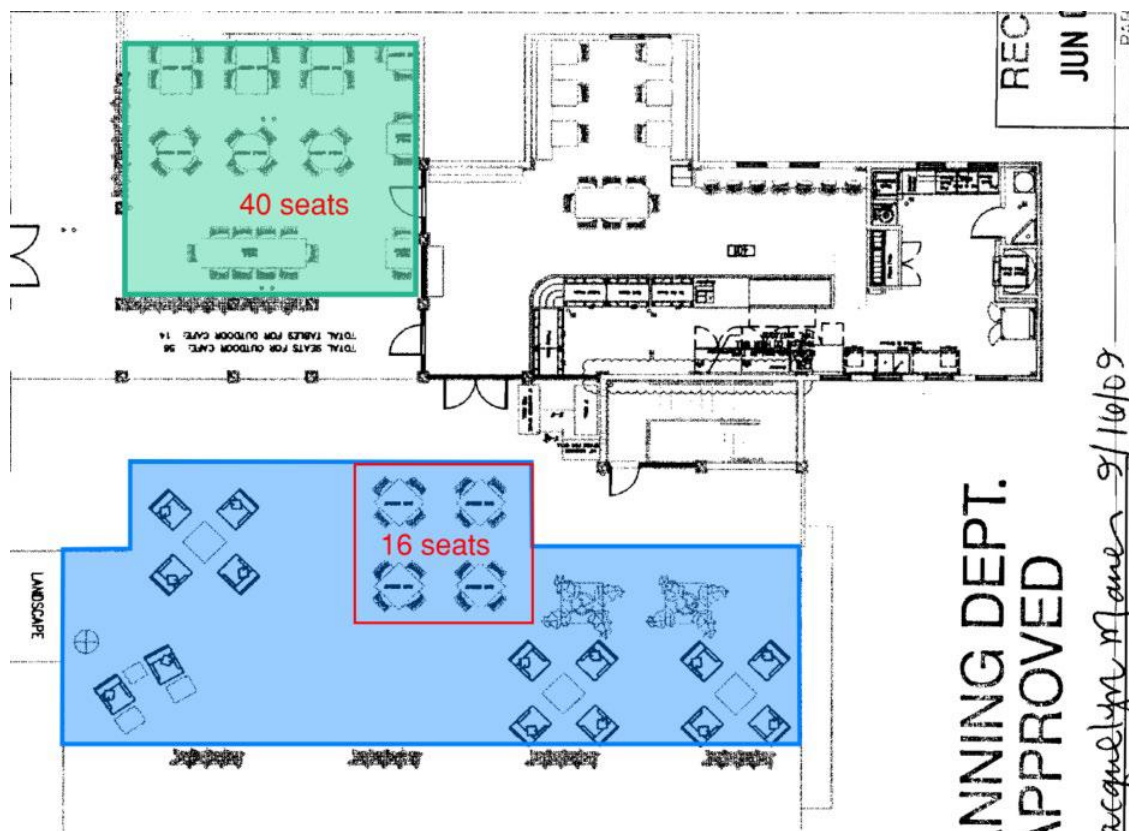


Figure 1: Excerpt from the 2009 Silver Star Café Outdoor Dining CUP Site Plan with staff's markup showing the two areas approved for outdoor dining.

The Applicant's proposal decreases the outdoor dining area shaded in green (Figures 1 and 2) from 40 to 33 seats and the seating in the plaza area (shaded in blue), owned by the Spiro Condominium Owners Association, is increased from 16 to 42 seats.

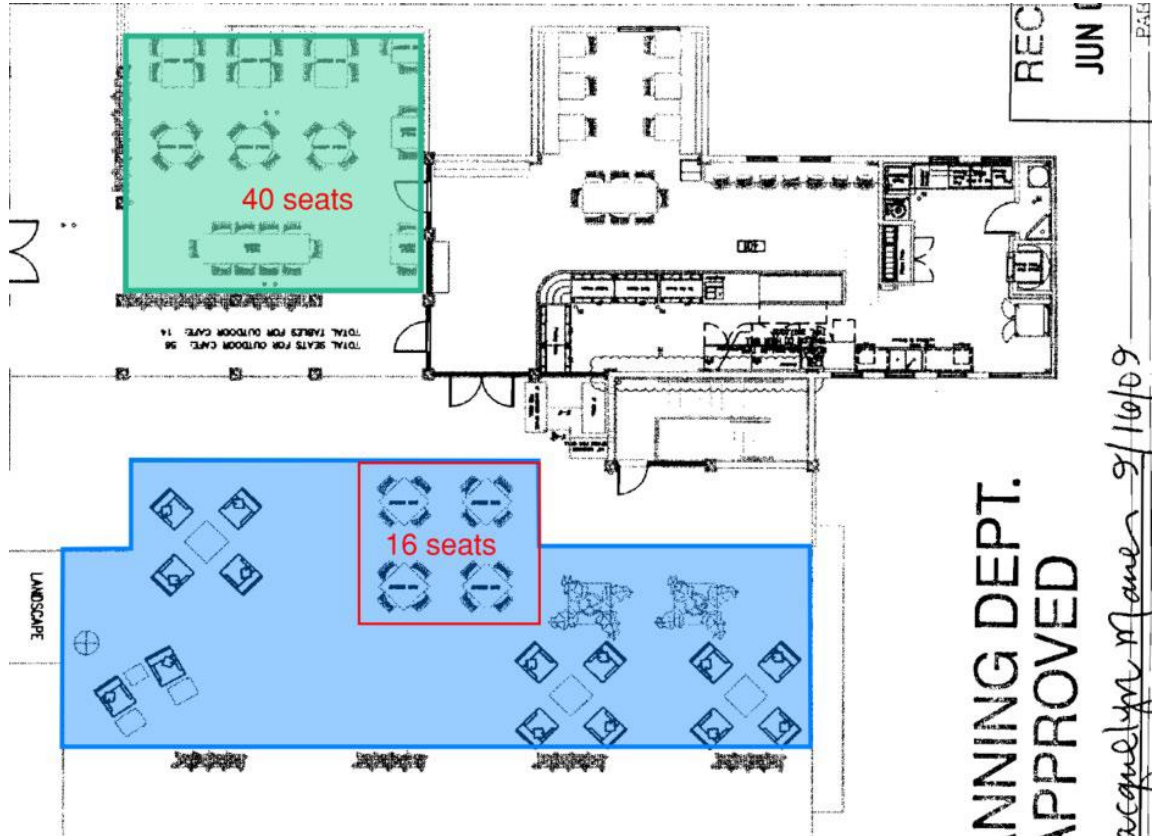


Figure 2: Proposed Site Plan showing an increase in seating capacity in the common plaza area (shaded blue).

The increase of seats in the plaza area would be achieved by rearranging the tables and seating areas within the existing outdoor dining area footprint. Additionally, the footprint is proposed to be reduced to 1,400 square feet with a more efficient arrangement of tables.

The proposed Temporary Structure for winter outdoor dining is 24 feet in diameter, consistent with past ACUP approvals for a Temporary Structure. The location of the Temporary Structure will require approval by the HOA (see Condition of Approval 8)

- 2) Traffic considerations, including the capacity of the existing streets in the area:

No unmitigated impacts.

There will not be an impact on public spaces or public rights-of-way as a result of this proposal. Tables used in the indoor dining area will be moved to the outdoor dining area. The additional seating in the outdoor dining area will not create a net increase of customers to impact traffic in the area.

3) Utility capacity:

No unmitigated impacts.

There is no increase in utility capacity required for the increase in seating capacity for the Silver Star Café. The Applicant may be required to install additional restroom fixtures based on Building Department review of the proposed increase in occupancy load (see Condition of Approval 6)

4) Emergency vehicle access:

No unmitigated impacts.

Emergency Vehicle access is from Three Kings Drive. The proposed use will not interfere with existing access routes for emergency vehicles.

5) Location and amount of off-street parking:

No unmitigated impacts, as conditioned.

The Silver Star MPD was approved with 120 surface parking spaces and 154 underground spaces, which have been fully built out. The Silver Star Café serves Silver Star Owners and guests who are within walking distance, as well as the general public. The site can be accessed via Public Transit and the Silver Star chairlift in the winter.

Condition of Approval 4 requires compliant bike parking be installed, pursuant to LMC § 15-3-9 *Bicycle Parking Requirements* and an incentive program be implemented to encourage staff and patrons to use alternative modes of transportation, including walking, biking, and transit.

6) Internal vehicular and pedestrian circulation system:

No unmitigated impacts.

The outdoor furniture will be situated in a way that leaves adequate room for pedestrian circulation. All areas designated as pedestrian walkway on the site plan must be at least 42 inches wide and remain free of any outdoor furniture or other obstruction (see Condition of Approval 2). The internal vehicular traffic of the area will not be impacted by the outdoor dining tables and chairs.

The location of the Temporary Improvement seasonal Structure for winter outdoor dining will be approved by the HOA. Condition of Approval 10 requires that the Temporary Improvement shall not impede vehicular circulation, pedestrian circulation, emergency Access, or any other public safety measure.

- 7) Fencing, screening, and landscaping to separate the use from adjoining uses:

No unmitigated impacts.

The outdoor dining area will be located within the Spiro Master Plan Development. No screening is necessary.

- 8) Building mass, bulk, orientation, and the location of buildings on the site, including orientation to buildings on adjoining lots:

No unmitigated impacts.

There are no proposed additions or alterations of structures.

- 9) Usable open space:

No unmitigated impacts.

The Spiro Tunnel MPD includes both Natural and Landscaped Open Space at approximately 75% of the site. This is more than the MPD requirement of 60%. The Outdoor Dining application does not alter the designated Open Space.

- 10) Signs and lighting:

No unmitigated impacts.

There are no signs or lighting proposed with this outdoor dining application. Any new signs or lighting must be approved by the Planning Department prior to installation. Language or logos on outdoor dining umbrellas must be included on the site's Master Sign Plan and approved by the Planning Department. (See Condition of Approval 7).

- 11) Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing:

No unmitigated impacts.

The materials for the outdoor furniture are metal, wood, and cloth. They are compatible with the existing surrounding Structures. Temporary Improvement is a yurt, which is compatible with the mountain resort character.

- 12) Noise, vibration, odors, steam, or other mechanical factors that might affect

people and property off-site:

No unmitigated impacts.

No additional noise, vibration, odors, steam, or other mechanical factors will affect people and property off-site from the outdoor dining or Temporary Improvement.

- 13) Control of delivery and service vehicles, loading and unloading zones. and screening of trash pickup areas:

No unmitigated impacts.

Delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas will not be altered by the outdoor dining or Temporary Improvement.

- 14) Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rentals, or commercial tenancies and how the form of ownership affects taxing entities:

No unmitigated impacts

The portion of the outdoor dining area that will have an increase in seating capacity is located on common area owned and maintained by the Silver Star Condominium Owners Association, Inc. and the Applicant submitted proof of the Agreement between the Silver Star Café and the HOA for use of the common area. See Attachment 2: HOA letter of support for this CUP modification.

- 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 project is not located within the SLO. The proposed site is not a wetland, ridgeline, critical habitat, stream corridor, Very Steep Slope, sensitive hillside, or on the Entry Corridor.

10. The Silver Star Café outdoor dining area and increased seating capacity meet the criteria outlined in LMC § 15-4-21(B)(1) *Outdoor Dining Criteria*, as conditioned:

- a. The proposed increased seating Area is located on property owned and maintained by the Spiro Condominiums Owners Association and does not diminish parking or landscaping.
 - b. The existing outdoor dining area and proposed increased seating capacity does not impede pedestrian circulation (see Condition of Approval 2).
 - c. The proposed seating Area does not impede emergency Access or circulation.
 - d. The materials for the outdoor dining furniture are metal, wood, and cloth and are Compatible with the Streetscape.
 - e. The Silver Star Café's operating hours ensure compliance with the City Noise Ordinance, Title 6.
 - f. The outdoor dining area operates between 8:00 a.m. and 10:00 p.m.
 - g. The proposed increase in seating capacity from 56 to 75 is mitigated by requiring additional measures to encourage staff and patrons of the Silver Star Café to use alternative modes of transportation to travel to and from the site.
11. The proposed Temporary Improvement meets the review criteria outlined in LMC § 15-4-16(B) *Temporary Structures, Tents, and Vendors (Review Criteria)*, as conditioned:
 1. The Applicant has provided written notice of the Property Owner's permission (see Attachment 2).
 2. The proposed Use does not diminish existing parking. There is no net loss of parking with the installation of the Temporary Improvement.
 3. The proposed Use will not impede pedestrian circulation, emergency Access, or any other public safety measure (see Condition of Approval 10)
 4. The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6
 5. As conditioned, the Use complies with the LMC, signage will be permitted in accordance with the Sign Code, Title 12, and lighting will comply with Illumination Section 12-4-9.
 6. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering (see Condition of Approval 11).
 7. The Applicant is required to obtain the proper building permits and schedule the necessary inspections with the Building Department (see Condition of Approval 8).
 8. The Applicant shall adhere to all applicable City and State licensing ordinances (see Condition of Approval 11).

Conclusions of Law

1. The proposed Use complies with the Residential Development Zoning District Requirements, pursuant to LMC Chapter 15-2.13
2. There are no unmitigated impacts of the Outdoor Dining area and Temporary Improvement; the modification to the Conditional Use Permit meets the criteria outlined in LMC § 15-1-10(E), *Conditional Use Permit Review*, as conditioned.
3. The proposed Outdoor Dining area and increased seating capacity meet the criteria outlined in LMC § 15-4-21(B)(1) *Outdoor Dining Criteria*.
4. The proposed Temporary Improvement meets the review criteria outlined in LMC § 15-4-16(B) *Temporary Structures, Tents, and Vendors (Review Criteria)*.

Conditions of Approval

1. Nothing herein shall allow any violation of the International Fire Code, International Building Code, or Park City Municipal Code, including any violation of the Municipal Noise Ordinance.
2. Tables and chairs must not encroach on areas that are shown on the site plan as pedestrian walkways and access. Each walkway and pedestrian access must be at least 42 inches wide.
3. Use of the outdoor dining area is allowed from 8:00 am until 10:00 pm.
4. Compliant bike parking shall be installed pursuant to LMC § 15-3-9 *Bicycle Parking Requirements* and an incentive program shall be implemented to encourage staff and patrons to use alternative modes of transportation, including walking, biking, and transit.
5. If parking demand for the restaurant and outdoor dining area exceeds available parking on site, a modification to this ACUP may be required to reduce the number of permitted seats or to implement a parking management plan.
6. The Applicant shall submit existing occupant load and restroom fixtures and the new proposed occupant load to the Building Department for review; the Applicant may be required to install additional bathroom fixtures based on the Building Department's determination or to reduce maximum occupancy based on bathroom fixtures available.

7. A separate permit is required for any signage or lighting; any language or logos on outdoor dining umbrellas must be included in a Master Sign plan approved by the Planning department.
8. The location of the Temporary Improvement shall be approved by the Spiro Condominiums Owners Association, and the Applicant shall obtain the proper building permits and schedule the necessary inspections with the Building Department.
9. The Temporary Improvement is allowed to be erected for no more than 180 days each year for up to five years. The allowance of the Temporary Improvement may be revoked if impacts to the surrounding neighborhood are determined to be detrimental.
10. The Temporary Improvement shall not impede vehicular circulation, pedestrian circulation, emergency Access, or any other public safety measure.
11. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering and shall adhere to all applicable City and State licensing ordinances.

2. ADJOURNMENT

The Park City Administrative Public Hearing adjourned at approximately 12:15 p.m.

Approved by Planning Director:

A handwritten signature in blue ink, consisting of several fluid, overlapping loops and strokes, positioned below the text "Approved by Planning Director:".