

PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE PUBLIC MEETING MINUTES
PLANNING DEPARTMENT
<https://us02web.zoom.us/j/88167820277>
March 20, 2025

STAFF:

Rebecca Ward, Planning Director (Virtual); Lillian Zollinger, Planner III; Meredith Covey, Planner I; Jaron Ehlers, Planner I; Heather Wasden, Planning Technician.

PUBLIC:

Byron Ellenburg (Virtual), Jonathan DeGray (Virtual), Martina Nelson (Virtual), Lisa Mitnacht (Virtual).

The Planning Director called the meeting to order at 12:00.

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

2346 Park Avenue – Administrative Permit – PL 25-06426 – The Applicant Proposes the Installation of a New Wall Around the Existing Swimming Pool, a Pergola, a Fireplace, and Raising the Vestibule on the Front Facade, Located in the Residential Development - Medium Density Zoning District, Sensitive Land Overlay, and Frontage Protection Zone.

At 12:00 PM, the Planning Director opened a public hearing. There was no public input.

At 12:00 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **CONTINUED** the Administrative Permit to April 3, 2025.

64 Chambers Avenue – Historic District Design Review – PL-24-06360 – The Applicant Proposes to Construct a Rear Addition to a Landmark Historic Structure in the Historic Residential - 1 Zoning District.

Planning Director Ward indicated that the applicant was working on modifications to their proposed plan.

At 12:01, the Planning Director opened a public hearing. There was no public input.

At 12:01, the Planning Director closed the public hearing.

MOTION: The Planning Director **CONTINUED** the Historic District Design Review to April 3, 2025.

1273 and 1275 Sullivan Road – Historic District Design Review – PL-24-06206
– The Applicant Proposes Constructing a Second Story Addition on Top of an Existing Structure in the Historic Residential Medium Density Zoning District.

Planner Meredith Covey presented the application, and noted that the Alpine Retreat at Park City Units 5 and 6 had been previously approved by the Planning Commission in 2024. Planner Covey also stated that the proposal as conditioned, complied with the Land Management Code and also explained some of the Conditions of Approval.

Planning Director Ward asked if the plat process was getting close to recordation. Planner Meredith stated that the mylar was ready.

At 12:03 PM, the Planning Director opened a public hearing. There was no public input.

At 12:03, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Historic District Design Review in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. Alpine Retreat @ Park City is a six-unit condominium project located in the HRM Zoning District with units that range in size from 441 square feet to 1,945 square feet.
2. Unit 5 (1275 Sullivan Road) and Unit 6 (1273 Sullivan Road) are part of the same Structure, a Duplex Dwelling that later became a part of the Alpine Retreat @ Park City Condominium, and are both owned by the Applicant.
3. In 2024 the Applicant submitted a Plat Amendment application to the Planning Department (PL-24-06182) to amend the plat to:

- a. Expand the upper level of Unit 5 by constructing an addition above existing single-story Unit 6.
 - b. Add 441 square feet of Private Ownership to the upper level of Unit 5.
4. On October 9, 2024, the Planning Commission approved the Alpine Retreat @ Park City Units 5 and 6 Amended Plat with Conditions of Approval.
5. The approved plat has not yet been recorded with Summit County, and must be recorded with Summit County by October 9, 2025 unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director. The Applicant will be required to record the plat prior to Building Permit submittal.
6. The Planning Commission required a Condition of Approval:
 - a. "The Applicant must record an Encroachment Agreement with the Engineering Department to satisfy the required parking requirements for the Structure. There shall be a requirement in the Encroachment Agreement that if the Encroachment Agreement is revoked the Applicant shall construct a parking pad to satisfy the parking requirements for the site."
7. On December 26, 2024, the Encroachment Agreement was recorded with Summit County (Entry No. 01229479) and the Condition of Approval was satisfied.
8. On January 22, 2025, the Applicant submitted a Historic District Design Review (HDDR) to the Planning Department to construct the addition.
9. The proposal, as conditioned, complies with LMC Chapter 15-2.4 Historic Residential Medium Density Zoning District Requirements.
 - a. The Analysis section of the March 20, 2025 Historic District Design Review Staff Report is incorporated herein as Attachment 1.
10. The proposal, as conditioned, complies with LMC Chapter 15-3 Off-Street Parking.
 - a. The Analysis section of the March 20, 2025 Historic District Design Review Staff Report is incorporated herein as Attachment 1.
11. The proposal, as conditioned, complies with LMC § 15-13-8 Regulations For New Residential Infill Construction (and Non-Historic Residential Sites) In Historic Districts.
 - a. The proposal is analyzed for compliance with LMC § 15-13-8 Regulations For New Residential Infill Construction (and Non-Historic Residential Sites) In Historic Districts.

- b. The Analysis section of the March 20, 2025 Historic District Design Review Staff Report is incorporated herein as Attachment 1.
12. The Development Review Committee reviewed the proposal on February 18, 2025 and requires a Condition of Approval: the addition must be equipped with fire sprinklers.
13. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on March 5, 2025. Staff mailed courtesy notice to property owners within 100 feet on March 5, 2025. The Park Record published courtesy notice on March 5, 2025.

Conclusions of Law

1. The proposal, as conditioned, complies with LMC Chapter 15-2.4 Historic Residential Medium Density (HRM) Zoning District.
2. The proposal, as conditioned, complies with LMC Chapter 15-3 Off-Street Parking.
3. The proposal, as conditioned, complies with LMC § 15-13-8 Regulations For New Residential Infill Construction (and Non-Historic Residential Sites) In Historic Districts.

Conditions of Approval

1. The Applicant shall record the approved Alpine Retreat @ Park City Units 5 and 6 Amended Plat with Summit County prior to submitting a Building Permit application.
2. All roofs shall be designed to minimize snow shedding onto adjacent properties and pedestrian paths. The Applicant shall resolve snow release issues to the satisfaction of the Chief Building Official prior to building permit issuance.
3. Roofing materials shall have a Solar Reflectivity Index (SRI) of 35 or less.
4. Downspouts shall be located away from architectural features and shall be visually minimized when viewed from the primary public right-of-way
5. Rustic, unfinished wood siding on the new structure is prohibited. Low-VOC (volatile organic compound) paints and finishes shall be used when possible.
6. The addition shall be equipped with fire sprinklers.

91 King Road – Historic District Design Review – PL-24-06328 – The Applicant Proposes to Construct a New Single-Family Dwelling in the Historic Residential - Low Zoning District.

Planner Lillian Zollinger presented the application. She stated that the site had a Variance that was approved for the minimum Lot size and minimum Lot width, which would remain unchanged by the current proposal. The proposed Steep Slope Conditional Use Permit Single -Family Dwelling was approved by the Planning Commission in February of 2025.

Planner Zollinger also stated that the proposed design as conditioned complied with the Land Management Code and highlighted some of the Conditions of Approval.

Planning Director Ward inquired with the applicant about the proposed Retaining Wall being under 4 feet. Applicant Jonathan DeGray confirmed it would be under 4 feet.

At 12:08 PM, the Planning Director opened a public hearing. There was no public input.

At 12:09, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Historic District Design Review in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. 91 King Road is an unusual Lot because it is not a rectangle.
2. The property is in the Historic Residential - Low Density (HRL) Zoning District.
3. An existing non-historic Single-Family Dwelling (SFD) was constructed in 1970 on site.
4. The Applicant proposes to demolish the existing SFD and construct a new one.
5. On August 24, 2021, the Board of Adjustment approved a Variance from the minimum Lot size, Lot width, and Setbacks for 91 King Road, which allowed the Applicant to complete a Plat Amendment. Condition of Approval 5 of the Variance states, "all future development on the Lot shall comply with the requirements of the Historic Residential - Low Density (HRL) Zoning District."
6. 91 King Road is Lot B of the 91 & 95 King Road Plat Amendment approved under Ordinance No. 2021-39 by the City Council on October 7, 2021.
7. On February 26, 2025, the Planning Commission approved a Steep Slope Conditional Use Permit (SSCUP) for the site.
8. The minimum Lot size in the HRL Zoning District is 3,750 square feet. In 2021, the Board of Adjustment found the property met the Variance criteria and granted a Variance from the minimum Lot size for the 2,298-square-foot Lot.
9. The maximum Lot size in the HRL Zoning District is 5,625 square feet. The Lot is 2,298 square feet and complies.

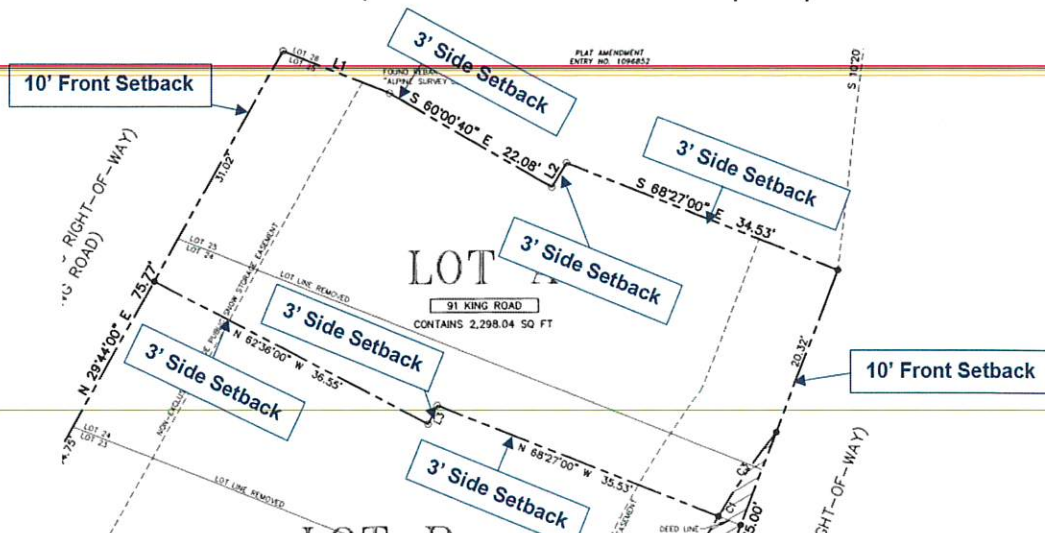
10. The minimum Lot width in the HRL Zoning District is 35 feet. In 2021, the Board of Adjustment found the property met the Variance criteria and granted a Variance from the minimum Lot width, approving the 32-foot Lot width.

11. **The proposal to construct a Single-Family Dwelling complies with Historic Residential - Low Zoning District requirements outlined in LMC Chapter 15-2.1.**

One of the purposes HRL Zoning District is to “preserve the character of Historic residential Development in Park City.”

LMC [§ 15-4-17](#) outlines the Setbacks for an unusual Lot. On February 13, 2025, the Planning Director determined the Setbacks for 91 King Road were as follows:

- Proposed new SFD on a Steep Slope



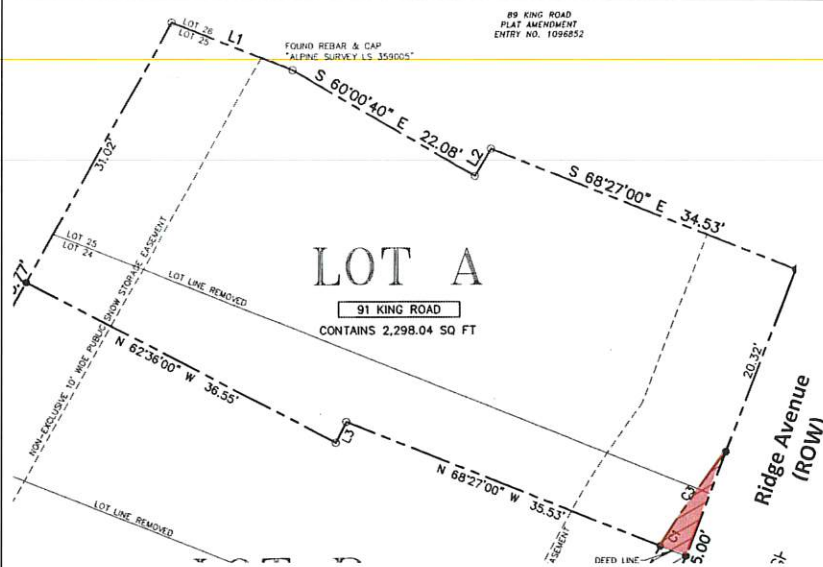
LMC [§ 15-2.1-3](#) outlines Lot and site requirements for the HRL Zoning District, shown in the table below:

Zoning Requirement	Analysis
Minimum Lot Size – 3,750 square feet	2021 Variance approved a 2,298-square-foot Lot
Maximum Lot Size – 5,625 square feet	Complies: 2,298 square feet
Minimum Lot Width measured 15' back	2021 Variance approved 32-foot minimum Lot width measured 15' back from the Front Lot Line

from the Front Lot Line- 35'	
Maximum Building Footprint – 1,010 square feet ¹	Complies: 988 square feet
Front Setbacks for Lots up to 75 feet in depth – 10 feet ²	Conditions of Approval recommended See Exhibit D for the full Setback Determination
	West Front Setback - Complies: 10' LMC § 15-2.1-3(G)(3) states the Front Setback must be open and free of any Structure except: "Roof overhangs, eaves, or cornices projecting not more than three feet (3') into the Front Setback." The Applicant proposes roof overhangs that extend one and a half feet into the west Front Setback and is compliant. LMC § 15-2.1-3(G)(6) states the Front Setback must be open and free of any Structure except: "Driveways leading to either a garage or an approved Parking Area." The Applicant proposes a driveway and one parking space that partially extends into the Front Setback and is compliant. East Front Setback – Conditions of Approval Recommended: 10' LMC § 15-15-1 defines <i>Setback</i> as "[a] line parallel to a Property Line (or a Right-of-Way, platted Street, existing curb or edge of a Street, whichever line may extend furthest into the lot) at a distance established by the Zoning District." The Applicant is required to update the east Front Setback to be measured from the Ridge Avenue Right-of-Way (ROW), as shown on the 91 & 95 King Road Plat Amendment.

¹ MAXIMUM FP = (A/2) x 0.9^{A/1875} where FP = maximum Building Footprint and A = Lot Area.

² LMC [§ 15-2.1-3\(F\)](#)



Ridge Avenue dedication highlighted in red as recorded on the 91 & 95 King Road Plat.

While the Applicant's plans do not show the Setback in the correct location, the proposed plan does comply with the 10-foot Front Setback requirement and exceptions outlined below.

LMC § 15-2.1-3(G)(1) states the Front Setback must be open and free of any Structure except: "Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2 Fences and Retaining Walls." The Applicant proposes a retaining wall that does not exceed three feet in height in the Front Setback and is compliant.

LMC § 15-2.1-3(G)(2) states the Front Setback must be open and free of any Structure except: "Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection." The Applicant proposes stairs in the Front Setback that do not exceed 30" above Final Grade and are compliant

LMC § 15-2.1-3(G) states the Front Setback must be open and free of any Structure, except for exceptions stated above. LMC § 15-2.1-3(G)(6) also states, “No portion of a Front Yard, except for

	driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.” The proposed hot tub and patio are in the Front Setback and are not allowed exceptions and must be removed from the plans (see Condition of Approval 19).
Side Setbacks for Lots up to 37.5 feet in width – 3’ each ³	Complies: 3’ LMC § 15-2.1-3(J)(7) states the Side Setback must be open and free of any Structure except: “ Fences, walls, and retaining walls as permitted in Section 15-4-2 Fences and Retaining Walls.” LMC § 15-4-2(A) states, “Fences and retaining walls shall not exceed six feet (6’) in height measured from Final Grade within any required Rear Setback or Side Setback.” The Applicant proposes several retaining walls that do not exceed six feet in height in the Side Setbacks and are compliant. Pursuant to the SSCUP approval Conditions of Approval 15 and 17, any modifications or additional retaining walls must return to the Planning Commission for review (see Exhibit E).

LMC [§ 15-2.1-5](#) outlines structure's height requirements, shown in the table below:

Zoning Requirement	Analysis
Building Height- 27 feet above Existing Grade	Complies: 26’ 8”
Maximum interior height of 35 feet	Complies: 35’

³ LMC [§ 15-2.1-3\(I\)](#)

	 <i>Interior side elevation plans provided by the Applicant.</i>
Step-back- Required at a height of 23' for 10' back	Complies: Pursuant to LMC § 15-2.1-5(B), “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. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade.” The entire First Story is located under the finish grade on all sides of the structure. However, the Applicant still proposes a 20-foot step back at approximately 22 feet, eight inches.
Roof Pitch- 7:12 - 12:12	Complies: Pursuant to LMC § 15-2.1-5(C), “The roof pitch of a Structure’s Contributing Roof Form shall be between seven: twelve (7:12) and twelve: twelve (12:12).” The proposed roof form is 7:12 and compliant.
Final Grade within 4 feet of Existing Grade	Complies: The proposed final grade is within four feet of Final Grade.

Spaces within a garage must be at least 11 feet by 20 feet.⁵ The Applicant proposes one garage Parking Space that is 11 feet by 20 feet. Pursuant to the SSCUP approval Condition of Approval 19, parking for 91 King Road is limited to the garage and driveway that is not to exceed 10 feet in width. No additional parking pad on site is allowed (see Exhibit E).

13. The proposal to construct a Single-Family Dwelling complies with Historic Regulations outlined in LMC § 15-13-8.

LMC [§ 15-13-8](#) outlines the requirements for new residential infill in Historic Districts:

B. Specific Guidelines

1. Site Design	Analysis of Proposal
a) Building Setback and Orientation LMC § 15-13-8(B)(1)(a) states, "A new building shall be oriented parallel to the site's lot lines, similar to that of historic building orientations. When similar front yard setbacks are characteristic of the Streetscape or character area, a new building's façade shall be aligned with neighboring buildings' facades. When a variety of building setbacks is part of the historic context, a new building shall be located within the range of setbacks seen historically. New buildings shall have a clearly defined primary entrance oriented toward the street consistent with historic buildings within the Streetscape or character area."	Complies: The Proposed Structure follows Setbacks designated above and per the HRL Zoning Requirements. The proposed structure follows its unique Lot lines but still matches the rhythm of the neighboring structures as viewed from King Road. The front entrance is clearly defined, and the front of the structure is in a similar location to adjacent properties on King Road.
b) Topography and Grading: LMC § 15-13-8(B)(1)(b) states, "Building and site design shall respond to natural features. New infill residential buildings shall step down or up to follow the existing contours of steep slopes."	Complies: The proposed design illustrates how the structure steps up with the slope of the site. Eleven retaining walls keep the Final Grade within four feet of Existing Grade and mitigate possible erosion of the site.

⁵ LMC [§ 15-3-4\(A\)\(1\)](#)

c) Landscaping and Vegetation	See Condition of Approval 15: The proposed vegetation shall be at least 50% Water Wise and compliant with § 15-5-5(N) . The Applicant shall provide an updated Water Wise irrigation plan at the building permit submission.
d) Retaining Walls – LMC § 15-13-8(B)(1)(d) states, “When retaining walls are necessary, the visual impact shall be minimized by creating gradual steps or tiers and by using perennial plant material.”	See Condition of Approval 15: The proposed design uses eleven retaining walls. The SFD is designed so the Final Grade is within four feet of Existing Grade. On the final landscape plan, the Applicant shall include additional plantings near the retaining walls and between the walls to screen some of the terracing.
f) Paths, Steps, Handrails, & Railings (Not Associated with Porches) – LMC § 15-13-8(B)(1)(f) states, “New hillside stairs and any associated railings or handrails shall be visually subordinate to the associated building(s) or structure(s) in size, scale, and proportion, and shall complement the Historic District in material, size, scale, and proportion, and massing.”	Compiles: The proposed stairs at the rear of the property are modest in size and lead to the rear entrance.
h) Parking Area & Driveways LMC § 15-13-8(B)(1)(h)(7) states, “New driveways shall not exceed ten (10) feet in width”	Complies: The Applicant proposes a 10’ driveway.
2. Primary Structures	Analysis of Proposal
a) Mass, Scale, & Height	Complies: The SFD is compliant with Zoning District regulations regarding Building Footprint, Setbacks, and Height.
b) Foundation -- LMC § 15-13-8(B)(2)(b) states, “Window or egress wells, when needed, shall not be located on the primary facade. Window or egress wells shall be located beyond the midpoint of the secondary facades, on the tertiary elevation, or in a location that is not visible from the primary public right-of-way.”	See Condition of Approval 18: Most of the window wells are located beyond the midpoint of the structure. The Applicant shall screen the one window well in front of the midpoint of the structure with vegetation or a screen.

c) Doors -- LMC § 15-13-8(B)(2)(c) states, "All buildings that face the street shall have a well-defined primary entrance...New doors shall be similar in location, size, and material to those seen traditionally in the Historic District."	See Condition of Approval 20: The front door is proud of the garage door by two feet, seven inches on the main level, facing the street. The covered porch area helps to define the front entrance. The rear door, as viewed from Ridge Avenue, shall be reduced in glazing to comply with materials traditionally seen in the Historic District.
d) Windows -- LMC § 15-13-8(B)(2)(d) states, "Ratios of solid-to-void that are compatible with surrounding historic buildings shall be used" and "Windows shall be historic size and shall relate to the human scale of the Historic District."	Complies: The plans achieve a solid-to-void ratio that is balanced, reducing the glazing on the structure. The window styles are limited in design types, and a majority match the historic 2:1 ratio.
e) Roofs -- LMC § 15-2.2-5 requires a roof pitch of at least 7:12. LMC § 15-13-8(B)(2)(e) , states, "Roofs of new residential infill buildings shall be visually compatible with roof shapes and orientation of surrounding Historic Sites and adjacent buildings that contribute to the character of the Historic District."	Complies: The primary roof pitch is 7:12, and the height and slope of the secondary roofs (also 7:12) are compliant with roofs in the Historic District, and on the streetscape. The roof pitch measures 7:12 20' back from the Right-of-Way. The primary roof pitch and standing seam metal roof is consistent with the style of the Historic District.
i) Porches - LMC § 15-13-8(B)(2)(i) states, "Locate porches on new infill construction in a way that follows the predominant pattern of historic porches along the street."	Complies: The covered porch spans half of the front of the structure, is reflective of the neighboring historic properties, and helps to define the front entrance.
3. Mechanical and Utility Systems and Service Equipment	See Condition of Approval 16: Any mechanical equipment shall be three feet from the property line and screened.
4. Materials	Complies: Pursuant to LMC § 15-13-8(B)(4) , the proposed materials of cedar siding, standing seam roof, metal railings, wood aluminum clad windows, and concrete are compliant with the Historic District.
5. Paint and Color - LMC § 15-13-8(B)(5)(d) states, "Materials, such as wood, that are traditionally painted shall have an opaque rather than transparent finish."	Complies: The proposed plans indicate a painted or stained cedar siding. See Condition of Approval 17.

6. Garages LMC § 15-13-8(B)(6)(b) states, "Single vehicle garage doors not greater than 9 feet wide by 9 feet high shall be used to access the garage."	Complies: The proposed SFD will have a single-car garage, with an seven foot, six inches tall by nine-foot-wide door, which is compliant.
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14. The Development Review Committee⁶ reviewed the proposal on December 17, 2024 and did not require Conditions of Approval.
15. Staff published notice on the City's website and posted notice to the property on March 6, 2025. Staff mailed courtesy notice to property owners within 100 feet and posted notice to the property on March 6, 2025.

Conclusions of Law

1. The proposal, as conditioned complies with the LMC requirements in Chapter 15-2.1, Historic Residential - Low (HRL) District.
2. The proposal complies with the LMC requirements in Chapter 15-3, Off-Street Parking.
3. The proposal, as conditioned, complies with the LMC requirements in Chapter 15-13-8, Regulations For New Residential Infill Construction (and Non-Historic Residential Sites) In Historic Districts.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans reviewed March 20, 2025, by the Planning Director, pending design modifications conditioned, and as required for this approval. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
2. If the Applicant does not obtain a building permit within one year of the date of this approval, this HDDR approval will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Director approves an extension.

⁶ 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. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
4. Any changes, modifications, or deviations from the approved scope of work, in 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.
5. Residential fire sprinklers are required for all new construction on this lot, per requirements of the Chief Building Official.
6. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste-impacted soils they must handle the material in accordance with State and Federal law.
7. Any areas disturbed during construction surrounding the proposed work shall be brought back to their original state. The Final Grade shall be within four feet of Existing Grade.
8. City approval of a Construction Mitigation Plan (CMP) is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
9. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
10. All outdoor lighting must be down-directed, fully shielded, with bulbs 3000 degree Kelvin or less. A fully shielded light is installed in such a manner that all light emitted either directly from the bulb, or indirectly by reflection or refraction, is below the horizontal plane through the fixture's lowest light-emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture. Final lighting details shall show compliance with this condition and shall be reviewed by the Planning Staff prior to installation.
11. The Applicant shall submit final slope stability prior to submitting a building permit, subject to City Engineer approval.
12. The Applicant shall provide soil stabilization and drainage details documenting how the disturbed area will be restored and stabilized prior to submitting a building permit, subject to City Engineer approval.

13. Prior to submitting a building permit, the Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction, subject to City Engineer approval.
14. The Applicant shall obtain an Encroachment Agreement for driveway access with the Engineering Department for the heated driveway.
15. The Applicant shall provide an updated Water Wise irrigation and landscape plan at building permit submission, compliant with LMC § 15-5-5(N), MCPC Chapter 11-21, and § 14-1-5. The final landscape plan shall show plantings near the retaining walls, between the walls, and to screen some of the terracing.
16. The mechanical equipment shall be three feet from the property line and screened.
17. All wood materials shall be painted or stained opaque.
18. The first window well on the south side of the structure shall be screened by vegetation or screening.
19. The Applicant shall update the final plans to show the Front Setback complies with Ridge Avenue Right-of-Way according to the LMC § 15-15-1 definition of *Setback*. The plans shall also be updated to comply with Front Setback regulations outlines in LMC § 15-2.21-3(G).
20. The rear door, as viewed from Ridge Avenue, shall be reduced in glazing to comply with materials traditionally seen in the Historic District.

199 Heber Avenue – Administrative Conditional Use Permit – PL-25-06442 –

The Applicant Proposes Outdoor Dining on an Existing Deck in the Historic Recreation Commercial Zoning District.

Planner Jaron Ehlers presented the application and stated that the proposal will consist of no more than three tables with two seats each and there is no use of Outdoor Dining after 10 PM as part of the Conditions of Approval.

At 12:12 PM, the Planning Director opened a public hearing. There was no public input.

At 12:13 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Administrative Conditional Use Permit in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

16. The Applicant proposes Outdoor Dining on an existing deck at 199 Heber Avenue in the Union Square Condominiums First Amended Plat (Summit County Recorder Entry No. 879382).
17. 199 Heber Avenue is in the Historic Recreation Commercial (HRC) Zoning District.
18. The proposed Outdoor Dining consists of three round tables with two chairs per table.
19. The property is a Significant Historic Site.
20. According to the Historic Site Inventory Form the building at 199 Heber Avenue was built between 1907 and 1929. This structure is seen on the 1929 Sanborn Insurance map as part of a lumberyard operated by the Morrison-Merrill Lumber Company.
21. 199 Heber Avenue is Unit COM-2 of the Union Square Condominiums Plat, recorded with Summit County on April 12, 2006.
22. On December 4, 2008, the City Council passed Ordinance No. 08-47 approving the Union Square Condominiums First Amended Plat, which changed the Plat to reflect as-built conditions for the Pedestrian Easement, a change in ownership for multiple units, and Limited Common Areas for specific units. Unit COM-2 was established by this change, separating it from Unit COM-1.
23. According to the Historic Site Inventory Form, the building was moved in July 2006 from another site to its current location.
24. On January 9, 2025, City staff issued a Business License for a Café at 199 Heber Avenue (B-019718).
25. On February 18, 2025, the Applicant submitted an application for an Administrative Conditional Use Permit (ACUP) for Outdoor Dining associated with the Café.
26. On March 10, 2025, Planning staff deemed the Application complete.
27. The proposal for Outdoor Dining complies with the Historic Recreation Commercial Zoning District regulations outlined in Land Management Code Chapter 15-2.5:
 - a. Land Management Code (LMC) § 15-2.5-2(B)(21) establishes *Restaurant and Café, outdoor dining* as an Administrative Conditional Use in the HRC.
 - b. LMC § 15-2.5-12 requires compliance with Chapter 15-13, regulations for Historic Districts and Historic Sites. LMC § 15-13-3(B)(1)(d)(1) requires "All Streetscape or character area elements should work together to

create a coherent visual identity and public space. The visual cohesiveness and historic character of the area shall be maintained through the use of complementary materials” and LMC § 15-13-3(B)(1)(d)(4) requires “Street furniture, trash receptacles, bike racks, planters and other elements shall be simple in design and compatible with the appearance and scale of adjacent buildings and public spaces.”

- c. The proposed tables have a metal base and frame with a stone top. The Applicant proposes wicker chairs. They comply with the regulations as they are simple in design, and the dark color of the chairs and table supports complement the dark paint of 199 Heber. The Applicant is also proposing dark colored railing.

28. The proposal for Outdoor Dining complies with the Off-street Parking requirements outlined in Land Management Code Chapter 15-3.

- a. LMC § 15-3-6(B) requires site specific review of the parking for Outdoor Dining at the time of ACUP. The Applicant proposes a minimal increase of service of up to six people which will not notably increase the existing parking demand.

29. The proposal for Outdoor Dining complies with LMC Section 15-4-12.

- a. LMC § 15-4-21(B)(1) establishes the following criteria:
 - i. The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
 - 1. Per the Union Square Plat, 199 Heber Avenue is designated Unit COM-2. The existing deck is shown to be appurtenant to Unit COM-2 and is designated Commercial Limited Common Area on the plat.
 - ii. The proposed seating Area does not impede pedestrian circulation.
 - 1. The deck is located outside the Public Pedestrian Easement.
 - iii. The proposed seating Area does not impede emergency Access or circulation.
 - 1. The proposed seating Area is located on the existing deck and does not impede emergency Access or circulation.
 - iv. The proposed furniture is Compatible with the Streetscape.
 - 1. The proposed tables have a metal base and frame with a stone top. The Applicant proposes wicker chairs. They comply with the regulations as they are simple in design, and the dark color of the chairs and table supports complement

the dark paint of 199 Heber. The Applicant is also proposing dark colored railing

- v. No music or noise is in excess of the City Noise Ordinance, Title 6.
 - 1. Outdoor Dining Uses must comply with the City Noise Ordinance, Municipal Code of Park City Chapter 6-3.
- vi. No Use after 10:00 p.m.
 - 1. Staff recommends Condition of Approval 1, "There will be no use of Outdoor Dining after 10:00 p.m."
- vii. Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.
 - 1. See Finding of Fact 13.

30. The proposal for Outdoor Dining, as conditioned, complies with the Conditional Use Permit criteria outlined in Land Management Code Section 15-1-10(E).

CUP Review Criteria	Analysis of Proposal
Size and location of the Site	Complies Outdoor Dining is proposed on an existing deck area that is approximately 245-square-foot within the platted limited common space appurtenant to 199 Heber Avenue and does not impact the existing pedestrian or emergency access.
Traffic capacity	Complies The increase at most of six additional patrons will have minimal impacts to traffic. The location is walkable as it is right by the existing public pedestrian easement which connects the plaza to Main Street and Heber Avenue.
Utility capacity	Complies The utilities are remaining as is, and the Outdoor Dining furniture is being placed on an existing deck and as such are not reducing Storm Water prevention capacity.
Emergency vehicle access	Complies The Outdoor Dining does not impede the existing emergency vehicle access to the Site as it is in the interior of the plaza.

Off-street parking	Complies See Finding of Fact 13.
Internal vehicular and pedestrian circulation system	Complies See Finding of Fact 14(iii)(1).
Fencing, screening, and landscaping	Complies No changes to the existing fencing, screening or landscaping are proposed with this application.
Structure Mass, bulk, and orientation	Complies No changes to the existing structures are proposed.
Useable open space	Complies No changes to the existing open space are proposed.
Signs and lighting	Complies No changes to the existing signs or lighting are proposed.
Physical design and compatibility with surrounding structures	The proposed tables have a metal base and frame with a stone top. The Applicant proposes wicker chairs. They comply with the regulations as they are simple in design, and the dark color of the chairs and table supports complement the dark paint of 199 Heber. The Applicant is also proposing dark colored railing.
Noise, vibration, odors, steam, or other mechanical structures	Complies See Finding of Fact 14(v)(1).
Expected ownership	Complies No changes to ownership are proposed.
Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park	Complies There will be no disturbance of the existing topography.

City Soils Ordinance, or Steep Slopes	
General Plan Consistency	Complies The Outdoor Dining will support the General Plan Goal 6.8 (p.218) "Old Town: Main Street as the heart of Park City," by encouraging commerce, merchants, and visitors, and by gathering shoppers to enjoy Main Street.

31. The Development Review Committee reviewed the proposal on March 4, 2025, and they confirmed that the proposal complies with their required standards.
32. Staff published notice on the City's website and posted notice to the property on March 10, 2025. Staff mailed courtesy notice to adjacent property owners on March 10, 2025.

Conclusions of Law

4. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.5 *Historic Recreation Commercial Zoning*, LMC Chapter 15-3 *Off-Street Parking*, LMC Section 15-4-12 *Goods and Uses to be Within Enclosed Building*, LMC Section 15-1-10, and *Conditional Use Review Process*.
5. The Use will be compatible with surrounding Structures in Use, scale, mass, and circulation.
6. The effects of any difference in Use or scale have been mitigated through careful planning.

Conditions of Approval

21. Use of Outdoor Dining after 10:00 p.m. is prohibited.
22. No Signs or Outdoor Lighting are proposed or approved with this application.
23. The Outdoor Dining shall consist of no more than three tables with two seats each for a total of six seats.
24. The Planning Department must be informed in writing of any proposed changes to the approved Plans failure to do so may result in a Stop Work Order and Code Enforcement Action.

The Park City Administrative Public meeting adjourned at 12:13 PM.

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Approved by Planning Director: