

Administrative Action Meeting
November 21, 2024
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
<https://us02web.zoom.us/j/88167820277>
November 21, 2024

STAFF:

Elissa Martin, Assistant Planning Director; Jaron Ehlers, Planner I; E. Roman, Administrative Assistant.

PUBLIC:

Bruce Taylor, Kreg Vanstralen.

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The Assistant Planning Director called the meeting to order at 12:02 P.M.

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

1300 Snow Creek Drive – Modification to Administrative Conditional Use Permit – PL-24-06217 – Proposing a Modification to the 2008 Administrative Conditional Use Permit for Outdoor Dining for Wasatch Bread and Bagel in the Snow Creek Master Planned Development and Recreation Commercial Overlay and Residential Development -Medium Density Zoning District.

Planner Jaron Ehlers presented the application for a Modification to Administrative Conditional Use Permit and explained recommended modifications to the Final Action letter and advised that the changes be reviewed by the Assistant Planning Director, conduct a public hearing and consider approval of the Modifications.

Applicant Bruce Taylor asked if there was a timeline for the County and Water Department's process of drafting the Encroachment Agreement and getting the signatures.

Planner Jaron Ehlers indicated that the process would take about one week approximately.

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

At 12:08, the Planning Director closed the public hearing.

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

Findings of Fact

1. The Applicant proposes to modify the existing Administrative Conditional Use Permit (ACUP) for Outdoor Dining at Wasatch Bagel and Grill (Wasatch Bagel) by expanding the seating capacity and adding more tables.
2. Wasatch Bagel is in the Snow Creek Master Planned Development (MPD) within the Regional Commercial Overlay (RCO) and Residential Development – Medium Density (RDM) Zoning Districts.
3. It is located on the Lot Line between Lots 2 and 3 of the Snow Creek Crossing Subdivision.
4. The original ACUP for Wasatch Bagel approved Outdoor Dining with a patio and trellis structure for four tables.
5. The Applicant proposes to re-construct the trellis structure and expand the patio area for Outdoor Dining to accommodate three tables, as well as construct a new Outdoor Dining area made from decomposed granite with a fire pit in the center and six additional tables to bring the total number of tables up to ten.
6. The area under the trellis structure (the concrete pad) will have planters to serve as a barrier due to Utah Department of Alcoholic Beverage Service (DABS) regulations.
7. The proposal includes a board-formed concrete seating wall at the south end of the courtyard and bike racks to accommodate several bicycles.
8. The outdoor dining area will be accessible to the public.
9. On June 7, 2008, the Planning Department approved an ACUP for Outdoor Dining at Wasatch Bagel.
10. Condition of Approval 3 in the original ACUP approval established that the tables were not for exclusive use by Wasatch Bagel and instead are available to all patrons of the Snow Creek development.
11. Finding of Fact 8 states that “The outdoor dining tables will be round and wood with umbrellas and matching chairs.”
12. Condition of Approval 4 states that “The permit is not allowing the option of a fence.”
13. While the 2008 ACUP was for only four tables, the existing patio currently includes six tables.
14. On July 29, 2024, the Applicant submitted an application (PL-24-06217) for modification to the existing ACUP.

15. The proposal to expand Outdoor Dining for Wasatch Bagel meets the standards of the Regional Commercial Overlay in Land Management Code Chapter 15-2.17.
 - a. LMC § 15-2.17-2(B)(30) establishes that Outdoor Dining is subject to an ACUP.
 - b. LMC § 15-2.17-8(B)(1) sets additional Criteria for Outdoor Dining.
 - c. LMC § 15-2.17-9 requires the protection of Significant Vegetation. To ensure compliance, Staff recommends Condition of Approval 6 which requires that any removal of Significant Vegetation must be approved by the Forestry Board and that Significant Vegetation must be replaced in kind in a form and location approved by the Forestry Board.
16. The proposal to expand Outdoor Dining for Wasatch Bagel meets the standards of the Residential Development – Medium Density Zoning District in Land Management Code Chapter 15-2.14.
 - a. LMC § 15-2.14-2(B)(25) establishes that Outdoor Dining is subject to an ACUP.
 - b. The proposed project straddles Lots 3 and 4 in the Snow Creek MPD. The project is allowed to cross these Lot Lines because the Lots are under the same ownership and the area is treated as common ownership with an agreement in place for the expansion of Outdoor Dining.
 - c. LMC § 15-2.14-3(E) requires a minimum Rear Setback of ten feet. The closest Property Line for a Lot under separate ownership to the proposed Outdoor Dining area is the Rear Lot Line, at least 135 feet to the north. The proposal complies with all Front and Side Setbacks.
 - d. LMC § 15-2.14-10 requires the protection of Significant Vegetation. Refer to Condition of Approval 6 for compliance with this criteria. Three Evergreens and two Aspens will be removed as part of construction. Suitable replacement vegetation must be planted somewhere on the Snow Creek site with approval of the Forestry Board.
17. The proposal to expand the Outdoor Dining for Wasatch Bagel meets the standards of the Snow Creek Master Development Agreement.
 - a. Condition of Approval 5 of the Snow Creek MPD (Exhibit E) states that “Outdoor dining may be considered by the Planning Commission as a conditional use.” However, In 2000, the City Council enacted Ordinance 00-51 approving a comprehensive rewrite of the LMC. As part of that overhaul, the ACUP process was established and the RDM Zoning District and RCO were amended so that Outdoor Dining requires an ACUP with staff review rather than a CUP with Commission review.
 - b. All Outdoor Dining permits in the Snow Creek MPD were issued after 2000 and were subject to staff-level review and approval of an ACUP, including Wasatch Bagel.

18. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in Land Management Code § 15-1-10(E).
- a. Size and location of the Site
 - i. Complies: The proposed Outdoor Dining is in an appropriate location between the restaurant and 1400 Snow Creek. The Outdoor Dining is situated to provide additional seating for users of Snow Creek Shopping Center.
 - b. Traffic capacity
 - i. Complies: A Traffic Impact Study (TIS) is required for Sit-Down Restaurants 2,500 square feet or greater. The proposal does not require a TIS as the expanded patio area is 1,844 square feet. The Outdoor Dining will be open to patrons of the Snow Creek Shopping Center, as contemplated in the lease agreement. Because the project serves the entire development and is not limited to customers of Wasatch Bagel, it will result in a minimal overall increase in traffic.
 - c. Utility capacity
 - i. Complies: The Water Department is drafting an Encroachment Agreement allowing access to the underground waterline at any time for maintenance or emergencies. The easement must be recorded prior to building permit issuance. See Condition of Approval 16.
 - d. Emergency vehicle access
 - i. Complies: On August 20, 2024, the Park City Fire District reviewed the proposal and confirmed it complies with their requirements.
 - e. Off-street Parking
 - i. Complies: See Finding of Fact 20.
 - f. Internal vehicular and pedestrian circulation system
 - i. Complies: The proposal will not affect the internal vehicular or pedestrian circulation system. The proposal provides additional seating for users of Snow Creek Shopping Center near existing sidewalks. Condition of Approval 8 prohibits this seating from obstructing pedestrian circulation.
 - g. Fencing, screening, and landscaping
 - i. Complies: The proposed Outdoor Dining will be screened on the north by existing vegetation. The Applicant has not finalized proposed landscaping for the project area. Staff recommends Condition of Approval 2 requiring the Applicant to submit a final landscape plan prior to Building Permit issuance.
 - h. Structure Mass, bulk, and orientation
 - i. Complies: The proposed Outdoor Dining is in an appropriate

location between the restaurant and 1400 Snow Creek. The Outdoor Dining is situated to provide additional seating for users of Snow Creek Shopping Center. The seating area is oriented toward an existing sidewalk.

- i. Usable open space
 - i. Complies: The proposed Outdoor Dining does not diminish any required Open Space for the Snow Creek MPD and will create additional usable Open Space for users of Snow Creek Shopping Center.
- j. Signs and lighting
 - i. Complies: No Signs or Outdoor Lighting are proposed or approved with this Application. See Condition of Approval 3.
- k. Physical design and compatibility with surrounding structures
 - i. Complies: The proposed Outdoor Dining is in an appropriate location for pedestrians and will not affect the existing pedestrian circulation system at Snow Creek Shopping Center.
- l. Noise, vibration, odors, steam, or other mechanical structures
 - i. Complies: Condition of Approval 4 requires adherence to the Noise Ordinance outlined in Park City Municipal Code (PCMC) Chapter 6-3.
- m. Control of delivery and service vehicles; loading and unloading; screening of trash and recycling pickup areas
 - i. The proposed location of the proposed Outdoor Dining will not affect any loading or unloading zones. There are existing trash and recycling containers both inside Wasatch Bagel and on the existing Patio. Another trash and recycling bin will be added as part of this proposal.
- n. Expected ownership
 - i. Complies: The owner of Wasatch Bagel, Kreg VanStralen, signed off on the Application. The Applicant provided a Lease Agreement signed by the Property Manager owner of Snow Creek Shopping Center approving the proposed plans.
- o. Environmentally Sensitive Lands, Physical Hazards, Historic Mining Waste, Park City Soils Ordinance, or Steep Slopes
 - i. Complies: The proposed Outdoor Dining is not on or near Steep Slopes, Physical Mine Hazards, or Mine Waste, and is outside of the Park City Soils Ordinance Boundary.
- p. General Plan Consistency
 - i. Complies: Snow Creek Shopping Center is within the Bonanza Park neighborhood of the General Plan. Goal 3.1 of the General Plan encourages mixed-use neighborhoods and opportunities for

pedestrian oriented development. The proposed Outdoor Dining will provide Snow Creek guests with additional seating and does not expand on-site parking requirements.

19. The proposal complies with the Outdoor Dining Requirements outlined in LMC Section 15-4-21(B)(1) Outdoor Dining.

- a. The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
 - i. Complies: The owner of Wasatch Bagel, Kreg VanStralen, signed the Application. The Applicant provided a Lease Agreement signed by the owner of Snow Creek Shopping Center approving the proposed plans.
- b. The proposed seating Area does not impede pedestrian circulation.
 - i. Complies: The proposed Outdoor Dining is in an appropriate location between the restaurant and 1400 Snow Creek The dining area is situated to provide additional seating for users of Snow Creek Shopping Center.
- c. The proposed seating Area does not impede emergency Access or circulation.
 - i. Complies: On August 20, 2024, the Park City Fire District reviewed the proposal and confirmed it complies with their requirements. The Water Department is drafting an Encroachment Agreement allowing access to the underground waterline at any time for maintenance or emergencies. The easement must be recorded prior to building permit issuance. See Condition of Approval 16.
- d. The proposed furniture is Compatible with the Streetscape.
 - i. Complies: The proposed outdoor furniture includes round steel picnic tables with a thermoplastic coating, similar to existing furniture.
- e. No music or noise is in excess of the City Noise Ordinance, Title 6.
 - i. Complies: Condition of Approval 4 requires adherence to the Noise Ordinance outlined in PCMC Chapter 6-3.
- f. No Use after 10:00 p.m.
 - i. Complies: See Condition of Approval 5.
- g. Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.
 - i. Complies: Wasatch Bagel has an indoor seating capacity of 38 people, with six outdoor tables that seat four people each, for a total seating capacity of 62 people. The Applicant proposes to increase the outdoor seating capacity with six more tables for a total seated capacity of 82 people. Outdoor seating is not for exclusive use of Wasatch Bagel and its patrons.

20. The proposal to expand the Outdoor Dining for Wasatch Bagel meets the standards of the Off-Street Parking Requirements in Land Management Code Chapter 15-3.
 - a. LMC § 15-3-6(B) states that the Parking Ratio for Outdoor Dining is “Based on Site specific review at the time of CUP.” Staff was unable to find any parking analysis conducted as part of the 2008 ACUP approval for Wasatch Bagel.
 - b. The proposal to expand the Outdoor Dining area for Wasatch Bagel does not trigger any additional parking requirement. The expansion is not intended for exclusive use by Wasatch Bagel and instead will provide any users of Snow Creek Shopping Center access to the new tables. This distributed nature of potential users means that Wasatch Bagel is not substantially increasing its own contribution to the needed Parking for the Snow Creek MPD.
21. The Development Review Committee reviewed the proposal on August 20, 2024, and required changes to the proposal to ensure compliance.
 - a. The existing concrete patio covers a waterline. The Park City Water Department required an Encroachment Permit, which was recorded with Summit County on October 1, 2024.
22. Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on October 23, 2024. Staff mailed courtesy notice to adjacent property owners on October 21, 2024.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.15, *Residential Development – Medium Density Zoning District Requirements*, LMC Chapter 15-17, *Regional Commercial Overlay Requirements*, LMC § 15-1-10, *Conditional Use Review Process*, LMC § 15-4-2, *Goods and Uses to be Within Enclosed Building*, and Chapter 15-3, *Off-Street Parking Requirements*.
2. The Use will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval

1. The Conditions of Approval for the 2006 ACUP remain in effect unless they have been modified by this approval.
2. The Applicant will submit a final landscape plan with species identified prior to Building Permit issuance.
3. No Signs or Outdoor Lighting are proposed or approved with this Application.
4. The Applicant shall comply with the Noise Ordinance outlined in Municipal Code Chapter 6-3 which establishes that noise shall not exceed 65 Decibels from 6 AM

- to 10 PM. From 10 PM to 6 AM, 60 Decibels shall not be exceeded.
5. Hours of Operation are limited to 6:30 AM to 10:00 PM.
 6. Any removal of Significant Vegetation must be approved by the Forestry Board and Significant Vegetation must be replaced in kind in a form and location approved by the Forestry Board.
 7. 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.
 8. The outdoor tables and chairs must be placed in a location so as they do not obstruct pedestrian circulation.
 9. Approval is required from the Summit County Health Department before pets are allowed on the courtyard and patio.
 10. The fire pit shall be operated according to the manufacturer's instructions and the listed distances to combustibles maintained.
 11. Any Bicycle Parking installed either on the concrete pad or outdoor dining area must be compliant with LMC § 15-3-9(A)(1).
 12. The outdoor concrete pad must remain in full compliance with DABS regulations regarding the barrier. The gate shall not be locked or be used to restrict access to anyone in the development.
 13. The ten tables will be round steel picnic tables with a thermoplastic coating.
 14. No Mechanical Equipment, except which is shown on the approved plans (Attachment 1) and referenced in this Final Action Letter, is approved as part of this modified ACUP approval.
 15. Unauthorized parking in the western hammerhead must cease prior to the closure of the Building Permit in order to allow unobstructed delivery access to Wasatch Bagel.
 16. No Building Permit may be issued until an Encroachment Agreement granting the Water Department access to the underground waterline at any time for maintenance or emergencies is recorded with Summit County.

The Park City Administrative Action meeting adjourned at 12:08 P.M.

Approved by Assistant Planning Director:

A handwritten signature in blue ink, appearing to read "Elissa Martin".