

Administrative Public Meeting
September 26, 2024
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE PUBLIC MEETING MINUTES
PLANNING DEPARTMENT
<https://us02web.zoom.us/j/88167820277>
September 26, 2024

STAFF:

Rebecca Ward, Planning Director; Jacob Klopfenstein, Planner I; E. Roman, Administrative Assistant.

PUBLIC:

Byron Ellenburg

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

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

218 Sandridge Road – Historic District Design Review – PL-23-05692 –
Proposing a New Detached Accessory Building and New Addition to a Historic Structure
in the Historic Residential - 1 Zoning District.

Planner Jacob Klopfenstein stated that this item would be continued to a date uncertain
at this point.

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 Historic District Design Review to a
date uncertain. This item will be publicly noticed once it is scheduled for a public
hearing.

201 Heber Avenue – Administrative Conditional Use Permit – PL-24-06278 –
Proposing a Temporary Change of Occupancy and Outdoor Event for a Private Event to
Accommodate Up to 160 Guests and Scheduled to take Place on September 28, 2024.

Planner Jacob Klopfenstein presented the application which is for an event that is scheduled to take place September 28, 2024 from 4-8 PM. He noted that the proposal, as conditioned, complies with CUP criteria and Temporary Change of Occupancy criteria. Planner Klopfenstein also gave an overview of the Conditions of Approval.

Applicant Byron Ellenburg raised questions regarding the 75-guest count limitation, noting they were hoping to accommodate up to 160 guests. The Planning Director clarified that this Administrative Permit allowed for a maximum of 75 guests total, an outdoor DJ would not be allowed, and in general, she explained that land use permits are for the underlying use of the property for recurring uses, however this Administrative Permit was for a one-time event while the property undergoes transitions, and that this type of one-time event would typically be handled as a Special Event rather than through an Administrative Conditional Use Permit process.

At 12:21 PM, the Planning Director opened a public hearing. There was no public input.

At 12:21 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 Amended Conditions of Approval.

Findings of Fact

1. 201 Heber Avenue is a hotel and condominium building known as the Main & Sky Hotel.
2. 201 Heber Avenue is within the Historic Recreation Commercial (HRC) Zoning District.
3. 201 Heber Avenue is part of the Union Square Condo First Amended Plat. The Union Square Condo First Amended Plat also includes the Courchevel Bistro Building and Depot building.
4. The Applicant proposes a Temporary Change of Occupancy and Outdoor Event to accommodate up to 160 guests and to take place from 4 PM to 8 PM on September 28, 2024.
5. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on September 16, 2024. Staff mailed courtesy notice to property owners within 300 feet on September 13, 2024.

6. The proposal for a Temporary Change of Occupancy and Outdoor Event, as conditioned, complies with LMC Chapter 15-2.5 Historic Recreation Commercial (HRC) District.
 - a. Pursuant to LMC § 15-2.5-2(B), Outdoor Events and Uses are allowed as a Conditional Use in the HRC District and require an Administrative or Administrative Conditional Use permit.
 - b. LMC § 15-2.5-6 establishes the Heber Avenue Sub-Zone within the HRC District. LMC § 15-2.5-6 states that properties fronting on the north side of Heber Avenue, and east of Park Avenue, are included in the Heber Avenue Sub-Zone for a depth of 150 feet from the Street Right-of-Way. The Main & Sky Hotel fronts the north side of Heber Avenue approximately 10 feet from the Heber Avenue Right-of-Way.
 - c. LMC § 15-2.5-6 also states that for the Heber Avenue Sub-Zone, all standards of the HRC District apply, except:
 - i. The Allowed Uses within the sub-zones are identical to the Allowed Uses in the Historic Commercial Business (HCB) District.
 - ii. The Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.
 - iii. The Floor Area Ratio limitation of the HRC District does not apply.
 - d. Pursuant to LMC § 15-2.6-2(B), Outdoor Events and Uses are allowed as a Conditional Use within the HCB Zoning District.
7. The proposal for a Temporary Change of Occupancy and Outdoor Event, as conditioned, complies with LMC § 15-4-20 Temporary Change of Occupancy Permits:
 - a. The Applicant shall provide written notice of the Property Owner's consent to the proposed temporary change of occupancy.
 - i. The Applicant has provided written notice of the owner's (Sky & Main Common LLC) consent to the proposed Temporary Change of Occupancy and Outdoor Event.
 - b. The proposed Use shall not preclude Public Use of public Parking Spaces.
 - i. The Applicant proposes using 27 underground parking spaces for the event, as well as encouraging event guests to park in the China Bridge Parking Garage or on the street. The Applicant also proposes encouraging guests to use public transit or rideshare services. Staff recommends Condition of Approval 1 requiring the Applicant to restrict the number of guests to 75 or fewer at any

- given time during the event and to require guests to park at the China Bridge Parking Garage so that the private event does not substantially preclude Public Use of public Parking Spaces.
- c. The Applicant shall provide an entrance plan, including patron waiting line capacity. Any Use of exterior space for wait list or lines must be mitigated through the Use of barricades and/or security. Pedestrian International Building Code compliant Access along the public Right-of-way must be maintained, unless otherwise approved by the Chief Building Official.
 - i. The Applicant provided an entrance plan for vehicles entering the underground parking area. Staff recommends Condition of Approval 2 prohibiting the applicant from using public Right-of-Way for waiting areas and requiring the Applicant to use barricades or security for wait lines.
 - d. The Use shall not violate Municipal Code Chapter 6-3, the Noise Ordinance.
 - i. Condition of Approval 3 requires the Use to comply with the Noise Ordinance.
 - e. All signage and lighting shall comply with the Sign Code, Title 12, and Illumination, Section 12-4-9.
 - i. The Applicant does not propose any signage or lighting.
 - f. The Use shall comply with the Summit County Health Code, the Fire Code, and State regulations on mass gathering.
 - i. Condition of Approval 4 requires the Use to comply with the Summit County Health Code, the Fire Code, and State regulations on mass gathering.
 - g. The Use shall not violate the International Building Code.
 - i. Condition of Approval 5 requires the Use to comply with the International Building Code.
 - h. The Applicant shall submit a delivery plan.
 - i. The Applicant has not provided a delivery plan. Condition of Approval 6 requires the Applicant to receive deliveries utilizing private property, and to minimize street blockages or other disruptions to the public Right-of-Way as a result of deliveries if deliveries on private property are not possible.
 - i. The Applicant shall adhere to all applicable City and State licensing requirements.

- i. The Applicant has obtained a liquor license and convention sales license from the Finance Department. Condition of Approval 7 requires the Applicant to obtain a Special Permit license from State regulators prior to the event.
 - j. The Applicant must have an approved operational permit according to the requirements of the International Fire Code prior to the issue of a temporary change of occupancy permit.
 - i. Condition of Approval 8 requires the applicant to obtain a Fire Permit prior to the event.
 - k. The Property may not be in violation of the LMC or International Building Code.
 - i. There are no active code compliance investigations regarding the property that would indicate noncompliance with the LMC or building codes.
 - l. Notice shall comply with Section 15-1-21.
 - i. Courtesy mailing to adjacent property owners is required 10 days prior to Final Action. Staff mailed courtesy notice to adjacent property owners on September 13, 2024.
- 8. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).
 - a. Size and location of the Site
 - i. Condition of Approval 2 prohibits the applicant from using public Right-of-Way for guest waiting areas.
 - ii. The Applicant does not propose any changes that will affect the size of the site.
 - b. Traffic considerations including capacity of the existing Streets in the Area
 - i. Condition of Approval 1 requires the Applicant to restrict the number of guests to 75 or fewer at any given time during the event and to require guests to park at the China Bridge Parking Garage to minimize the traffic impacts of the private event to existing Streets in the Area and so that the private event does not substantially preclude Public Use of public Parking Spaces.
 - c. Utility capacity, including Storm Water run-off
 - i. The Applicant does not propose any changes that will affect utility capacity or Storm Water run-off.
 - d. Emergency vehicle Access

- i. The Applicant does not propose any changes that would affect emergency vehicle Access to the Site.
- e. Location and amount of off-Street parking
 - i. The Applicant proposes using 27 underground parking spaces located at the Site. Condition of Approval 1 requires the Applicant to restrict the number of guests to 75 or fewer at any given time during the event and to require guests to park at the China Bridge Parking Garage to minimize the traffic impacts of the private event to existing Streets in the Area and so that the private event does not substantially preclude Public Use of public Parking Spaces.
- f. Internal vehicular and pedestrian circulation system
 - i. Condition of Approval 2 prohibits the Applicant from using public Right-of-Way for guest waiting areas or lines.
- g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses
 - i. The Applicant does not propose any changes affecting Fencing, Screening, or Landscaping.
- h. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots
 - i. The Applicant does not propose any changes affecting building mass, bulk, or orientation.
- i. Usable Open Space
 - i. The Applicant does not propose any changes that would affect Open Space at the Site.
- j. Signs and lighting
 - i. The Applicant does not propose any new signs or lighting.
- k. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing
 - i. The Applicant does not propose any changes to the physical design of the Site.
- l. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site
 - i. Condition of Approval 3 requires the Use to comply with Park City Municipal Code Chapter 6-3, the Noise Ordinance.
- m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas

- i. Condition of Approval 6 requires the Applicant to receive deliveries utilizing private property, and to minimize street blockages or other disruptions to the public Right-of-Way as a result of deliveries if deliveries on private property are not possible, and to utilize existing trash receptacles on the Site.
- 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. The Applicant has obtained a liquor license and convention sales license from the Finance Department that authorize the change in management for the Temporary Change in Occupancy and Outdoor Event.
- 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 Applicant does not propose any changes to the existing topography of the Site.
 - ii. The Property is not within the Sensitive Lands Overlay.
- 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. General Plan Goal 1.3 outlines the community planning strategy to continue to provide necessary commercial services within City limits by allowing a variety of commercial uses within town.
 - ii. Goal 11.3 outlines the strategy to facilitate the establishment of more year-round visitor attractions within resort neighborhoods and commercial districts of Park City.

Conclusions of Law

1. The Temporary Change of Occupancy and Outdoor Event comply, as conditioned, with the requirements of the LMC.
2. The Temporary Change of Occupancy and Outdoor Event will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any difference in Use or scale for the Temporary Change of Occupancy and Outdoor Event have been mitigated through careful planning.

Conditions of Approval

1. The Applicant shall restrict the number of guests to 75 or fewer at any given time during the event and shall require guests to park at the China Bridge Parking Garage so that the Private Event does not substantially preclude Public Use of public Parking Spaces.
2. Use of the public Right-of-Way for waiting areas or lines is prohibited. The Applicant shall also use barricades or security for wait lines on the Property.
3. The Outdoor Event Use shall comply with Park City Municipal Code Chapter 6-3, Noise Ordinance.
4. The Outdoor Event Use shall comply with the Summit County Health Code, the Fire Code, and State regulations on mass gathering.
5. The Outdoor Event Use shall comply with the International Building Code.
6. The Applicant shall receive deliveries utilizing private property. If deliveries on private property are not possible, the Applicant shall minimize street blockages or other disruptions to the public Right-of-Way as a result of deliveries.
7. The Applicant shall obtain a Special Permit license from State regulators prior to the September 28, 2024 event.
8. The Applicant shall obtain a Fire Permit prior to the September 28, 2024 event.
9. Music is prohibited on the outdoor patio. Music is limited indoors and shall at all times comply with Park City Municipal Code Chapter 6-3, Noise Ordinance:

Maximum Permissible Sound Levels: *It is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound in such a manner as to create a ninetieth percentile sound pressure level (L90) of any measurement period (which shall not be less than 10 minutes unless otherwise provided in this chapter) which exceeds the limits set forth for the following receiving land use districts, when measured at or within the property line of the receiving property:*

Use District	10:00 p.m. - 6:00 a.m.	6:00 a.m. - 10:00 p.m.
Residential	50 dBA	55 dBA
Commercial	60 dBA	65 dBA

When a noise source can be identified and its noise measured in more than one land use category, the limits of the least restrictive use shall apply at the boundaries between different land use categories.

Due to the proposed Temporary Change of Occupancy of a residential unit, the stricter Residential noise limitation shall apply.

10. This approval is a one-time approval for a single outdoor event. Future proposed outdoor events and changes of use shall require coordination between the Applicant and all relevant City Departments to determine the appropriate permitting processes.

The Park City Administrative Public meeting adjourned at 12:22 PM.

Approved by Planning Director:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned below the text "Approved by Planning Director:".