

Administrative Public Meeting
August 22, 2024
Page 1

PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE PUBLIC MEETING MINUTES
PLANNING DEPARTMENT
<https://us02web.zoom.us/j/88167820277>
August 22, 2024

STAFF:

Rebecca Ward, Planning Director; Lillian Zollinger, Planner III; Virgil Lund, Planner II, E. Roman, Administrative Assistant.

PUBLIC:

Amanda Angevine, Patricia Crafton (virtual), Josh Hackman (virtual), Charles Pearlman (virtual), Hannah Tyler (virtual), Justin Keys (virtual), Steve Graff (virtual).

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

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

600 Gilmore Way – Administrative Conditional Use Permit – PL 24-06202 –
The Applicant Proposes an ACUP To Allow Outdoor Third-Party Vendor Sales On the Existing Patio At The Park City Ice Arena In the Recreation and Open Space Zoning District And Sensitive Land Overlay.

Planner Virgil Lund presented the application and provided background information, he stated that the City Council had approved the annexation of the National Ability Center and Municipal Recreation Complex in 2004. He also noted that the proposal complies with the ROS Zoning District and Temporary Vendor requirements, the Sensitive Land Overlay, and the CUP criteria.

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

At 12:03 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

1. According to the Applicant's Narrative, "individuals or entities contracting ice from the Park City Ice Arena, may request the presence of a third-party vendor to sell merchandise to their guests." Any third-party vendor must enter into a contract with the Ice Arena, and the contract will specify location (as shown on the Proposed Site Plan) and time for sales.
2. The proposal to allow outdoor third-party vendor sales complies with the Recreation and Open Space (ROS) Zoning District Requirements outlined in LMC Chapter 15-2.7
 - a. Setbacks
 - i. The west side of the existing patio where the location of the outdoor sales will be occurring is approximately 35 feet from the nearest public Right-of-Way, Gillmor Way. All other sides of the patio are located greater than 100 feet from any Lot line or public Right-of-Way.
 - b. Vegetation Protection
 - i. No Significant Vegetation will be impacted by the proposed third-party sales location, as the proposed location for third-party sales is within an existing hard-scaped patio and contains no existing vegetation.
3. The proposal to allow outdoor third-party vendor sales complies with the Sensitive Land Overlay (SLO) Requirements outlined in LMC Chapter 15-2.21
 - a. The proposed location for third-party sales is within an existing hard-scaped patio and contains no Significant Vegetation. A Sensitive Lands Analysis was completed as part of the original MPD/CUP approval for the Ice Arena.
4. The proposal to allow outdoor third-party vendor sales complies with the Temporary Structures, Tents, and Vendors Requirements outlined in LMC Chapter 15-4-16
 - a. The Applicant shall provide written notice of the Property Owner's permission
 - i. The submitted application form is signed by Matt Dias, City Manager.

- b. The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.
 - i. The proposed location for third-party sales is located on an existing patio and will not occupy any existing Parking Spaces.
 - c. The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure
 - i. The patio is currently occupied by some small picnic tables, and some outdoor grilling stations. On August 6, 2024, the Development Review Committee review the proposal and confirms it conforms with their requirements. The Fire Marshall requires any temporary third-party sales equipment must be located at least 20 feet from the main Building
 - d. The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3
 - i. Condition of Approval 4 requires adherence to the Noise Ordinance found in municipal Code Chapter 6-3.
 - e. The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9
 - i. No Signs or Outdoor Lighting are proposed or approved with this Application.
 - f. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.
 - g. The Use shall not violate the International Building Code
 - h. The Applicant shall adhere to all applicable City and State licensing ordinances
5. 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. The proposed location for third-party vendors is in an appropriate area where pedestrian access to the Ice Arena will not be impacted and will be screened with existing vegetation surrounding the patio.
 - b. Traffic considerations including capacity of the existing Streets in the Area
 - i. The proposed third-party sales of merchandise will be for users of the Ice Arena and will not attract additional traffic or increase the demand for parking.

- c. Utility capacity, including Storm Water run-off
 - i. The Development Review Committed reviewed the proposal on August 6, 2024 and confirmed the proposal conforms with their requirements.
- d. Emergency vehicle Access
 - i. The Development Review Committed reviewed the proposal on August 6, 2024 and confirmed the proposal conforms with their requirements.
- e. Location and amount of off-Street parking
 - i. The proposed third-party sales of merchandise will be for users of the Ice Arena and will not attract additional traffic or increase the demand for parking.
- f. Internal vehicular and pedestrian circulation system
 - i. The proposed location for third-party vendors is in an appropriate area where pedestrian access to the Ice Arena will not be impacted and will be screened with existing vegetation surrounding the patio. The internal vehicular system will not be affected.
- g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses
 - i. No additional landscaping, fencing, or screening are proposed. The existing patio is screened by vegetation.
- h. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots
 - i. The proposed location for third-party vendors is in an appropriate area where pedestrian access to the Ice Arena will not be impacted and will be screened with existing vegetation surrounding the patio.
- i. Useable Open Space
 - i. The Ice Arena MPD/CUP was approved with 83% of the acreage being preserved as Open Space. The proposed location for temporary vendors does not diminish any existing Open Space.
- j. Signs and Lighting
 - i. No Signs or Outdoor Lighting are proposed or approved with this Application
- k. Physical Design and Compatibility with Surrounding Structures

- i. The proposed location for third party vendors is in an appropriate area adjacent to the entrance of the Ice Arena and will allow users of the Ice Arena additional opportunities to purchase merchandise
 - l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors
 - i. Condition of Approval 4 requires adherence to the Noise Ordinance found in municipal Code Chapter 6-3
 - m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas
 - i. There are existing trash receptacles on the patio, and no loading or unloading zones for the Ice Arena will be impacted.
 - n. Expected Ownership and Management
 - i. The submitted application form is signed by Matt Dias, City Manager. The Park City Ice Arena staff will ensure each third-party vendor completes a contract with the Ice Arena.
 - 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. There are no physical mine hazards, the patio is not located on a Steep Slope, and is not located within the Park City Soils Ordinance.
 - ii. The proposed location for third-party sales is within an existing hard-scaped patio, and no Significant Vegetation will be impacted by the proposal. A Sensitive Lands Analysis was completed as part of the original MPD/CUP approval for the Ice Arena.
 - p. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan
 - i. The Quinn's Junction chapter of the General Plan emphasizes the protection of Open Space and Recreational uses. The proposal encourages additional uses that are compatible with the existing Ice Arena.
6. The Development Review Committee reviewed the proposal on August 6, 2024 and requires Conditions of Approval.
7. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 12, 2024.
8. Staff mailed courtesy notice to adjacent property owners on August 12, 2024.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.7 Recreation and Open Space Zoning District, Chapter 15-2.21 Sensitive Land Overlay, Section 15-4-16, and Section 15-1-10(E) Conditional Use Permits.
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. 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. The Applicant is required to adhere to the Noise Ordinance found in municipal Code Chapter 6-3. No outdoor speakers or Outdoor Lighting are approved.
5. The third-party sales shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.
6. Any third-party vendor proposing a Structure must submit a Building Permit with the Building Department.
7. The Applicant shall adhere to all applicable City and State licensing ordinances.
8. The Fire Marshall requires any temporary third-party sales equipment must be located at least 20 feet from the main Building.

1234 Rothwell Road – Historic District Design Review Modification – PL 24-06112 – The Applicant Proposes to Construct an Addition on a Single-Family Dwelling in the Recreation Commercial Zoning District.

Planner Lillian Zollinger presented the application. She stated that the deck, as existing, does not count toward the Building Footprint, it is an exception outlined in the Land Management Code, and enclosing the 96.25-square-footdeck counts towards the Building Footprint. Planner Zollinger indicated that because of this, staff finds the

proposal is not compliant with LMC Chapter 15-2.16.

The applicant representative Justin Keys stated that he disagrees with the interpretation of Building Footprint definition being used, and they would like to request that the property be treated just like the surrounding properties, and that the foundation be the measure of what the Building Footprint is.

At 12:09 PM, the Planning Director opened a public hearing. There was public input.

Patricia Crafton who lives in Lowell Avenue, stated that she was in support of the staff's work, assessment of the project and enforcement of the code, and would also like remediation measures for other properties that might be in violation of the code.

At 12:11 PM, the Planning Director closed the public hearing.

Applicant Justin Keys noted that the Code provision had been previously applied differently to other surrounding homes when determining their Building Footprint. Planning Director Ward indicated that she was aware of those other properties mentioned in the submission and stated that how architects represent the Building Footprint on the plans is a challenging issue.

MOTION: The Planning Director **DENIED** the Historic District Design Review Modification in accordance with the Findings of Fact and Conclusions of Law.

Findings of Fact

1. 1234 Rothwell Road is part of the King's Crown Master Planned Development and is Lot 12 of the King's Crown Re-Subdivision.
2. 1234 Rothwell Road is in the Recreation Commercial (RC) Zoning District.
3. On May 15, 2019, the Planning Department approved a Historic District Design Review (HDDR) for a Single-Family Dwelling on the site.
4. The City issued Building Permit BD-19-26965 for the construction of the Single-Family Dwelling.
5. On November 4, 2021, the Applicant proposed modifications during construction and applied for Building Permit PLAN21-1490 to construct stairs in the side setback. The Planning Department approved the plans with the condition that the stairs must be less than 30 inches above Final Grade in accordance with Land Management Code (LMC) Section 15-2.16-3(H).
6. The Building Department did not approve PLAN21-1490 because the proposed stairs did not comply with the International Residential Code for fire separation distance to the property line.

7. However, at some point, the Applicant constructed the stairs in the side setback without Building Permit approval.
8. To address the Building Department's concerns, the Applicant eventually recorded an Access Agreement Easement for the stairs with the King's Crown Condominium Owners Association. However, the stairs in the side setback are approximately 47 inches above Final Grade, and therefore, do not comply with LMC Section 15-2.16-3(H).
9. On December 26, 2023, the Applicant submitted an HDDR Pre-Application to enclose a deck area to expand the Building Footprint, which would be accessed by these non-compliant stairs.
10. The enclosure of the deck area increases the Building Footprint by 96.25 square feet.
11. The maximum Building Footprint in the RC Zoning District for a Lot that is 2015.91 square feet is 900 square feet.
 - a. The existing Building Footprint is 896 square feet.
 - b. The proposed deck enclosure increases the Building Footprint by 96.25 square feet and would increase the total Building Footprint to 992.25 square feet.
 - c. The proposed addition exceeds the maximum Building Footprint for this Lot and does not comply with Land Management Code Section 15-2.16-5(D).
12. Staff published notice on the City's website and posted notice to the property on May 30, 2024. Staff mailed courtesy notice to property owners within 100 feet and posted notice to the property on May 30, 2024. The June 13, 2024 public hearing was continued to a date uncertain.
13. Staff re-noticed the City's website and posted notice to the property on July 23, 2024. Staff re-mailed courtesy notice to property owners within 100 feet on July 23, 2024.

Conclusions of Law

1. The proposal to enclose the deck area and increase the Building Footprint by 96.25 square feet does not comply with LMC Section 15-2.16-5(D).

9200 Marsac Avenue – Administrative Conditional Use Permit – PL 24-06197

– The Applicant Proposes a 706-Square-Foot Yurt with a 1,000-Square-Foot Deck on the Existing Lawn Outside the Empire Day Lodge in the Residential Development Zoning District and Sensitive Land Overlay.

Planner Virgil Lund presented the application and indicated that the Yurt will be removed 180 days after Building Permit Issuance, as the permit is for a temporary structure. He also noted that the proposal complies with all Zoning District Requirements, the criteria for Temporary Structures, CUP criteria and the Sensitive Land Overlay.

Applicant Hannah Tyler noted that her team had some concerns regarding the language

of Condition of Approval 10 and would like to modify it to state that the Use of the Yurt is intended to day-skiers.

At 12:19 PM, the Planning Director opened a public hearing. There was no public input.

At 12:19 PM, the Planning Director closed the public hearing.

Planning Director Ward stated that there was a concern due to the previous application that was reviewed by the Planning Commission for a similar Accessory Use that was intended for day-skiers but has since opened for the general public and asked the applicant if she had any suggestions on addressing this concern.

The applicant Hannah Tyler replied that she did not see that as a concern, because this was just an ancillary support use for the entire lodge. Planning Director indicated that Condition of Approval 10 will remain as drafted, which also aligns with the submitted materials. She also stated that if the applicant wanted to revise the submitted materials to expand the use, the item could then be Continued to a later date instead.

The applicant also provided new information to update the Findings of Fact. Planning Director Ward indicated that given the updates, it would be best to Continue this item so that it can be further evaluated.

MOTION: The Planning Director **CONTINUED** the Administrative Conditional Use Permit to August 29, 2024.

The Park City Administrative Public meeting adjourned at 12:30 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:".