

Administrative Action Meeting
January 11, 2024
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
January 11, 2024
<https://us02web.zoom.us/j/88167820277>

STAFF:

Rebecca Ward, Planning Director; Lillian Zollinger, Planner II; Spencer Cawley, Planner II; Jacob Klopfenstein, Planning Department Administrative Assistant

PUBLIC:

Dave March (virtual), Heidi Hughes (virtual), Mario Janssen (virtual), Kristin Conte (virtual), Martina Nelson (virtual)

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

ROLL CALL

The Planning Director noted that Staff and Members of the Public are in attendance.

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

313 Park Avenue – Modification to Historic District Design Review – PL-23-05971 – The Applicant Proposes Exterior Modifications to a New Single-Family Dwelling in the Historic Residential - 1 Zoning District.

Planner Zollinger noted that the item was scheduled for continuation due to a request for additional time from the applicant.

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

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

MOTION: The Planning Director **CONTINUED** the Modification to Historic District Design Review for 313 Park Avenue to January 25, 2024.

2466 Meadows Drive – Administrative Conditional Use Permit – PL-23-05972
– The Applicant Requests Approval for a Retaining Wall Constructed Greater Than Six Feet in the Front Setback.

Planner Zollinger noted that the item was scheduled for continuation so the applicant may have more time to provide additional geotechnical information regarding the retaining wall.

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 **CONTINUED** the Administrative Conditional Use Permit for 2466 Meadows Drive to January 25, 2024.

657 Park Avenue – Administrative Permit – PL-23-05991 – The Applicant Proposes a Temporary Change of Occupancy for a Meeting and Hospitality Space from January 18-22, 2024.

Planner Cawley presented the Administrative Permit proposal. He noted that the temporary change of occupancy is to change from a nightly rental and private club to a private event facility during the Sundance Film Festival.

Planner Cawley also requested that Finding of Fact 17-k be amended to reflect that the nightly rental business license for the property was renewed on October 1, 2023.

Applicant Representative Dave March noted that the space has been used for a similar purpose and under similar conditions for the past several years. Applicant Representative Kristin Conte noted that most employees for the events will either walk to the property or be dropped off by drivers.

At 12:10 PM, the Planning Director opened a public hearing. There was no public input.

At 12:10 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Administrative Permit for 657 Park Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended with Finding of Fact 17-k reflecting that the nightly rental business license for the property was renewed on October 1, 2023.

Findings of Fact

1. 657 Park Avenue is in the Historic Recreation Commercial (HRC) Zoning District.
2. 657 Park Avenue is designated a Significant Historic Site on the Park City Historic Sites Inventory.
3. 657 Park Avenue is known as the Big Moose Yacht Club.
4. On May 12, 2021, the City issued a business license for a three-bedroom Nightly Rental at 657 Park Avenue (B-017664).
5. The Applicant proposes a Temporary Change of Occupancy from Nightly Rentals to a Private Event Facility for Apple TV+ from January 18-22, 2024.
6. Land Management Code (LMC) Section 15-15-1 defines *Private Event Facility* as a facility where the primary use is for staging, conducting, and holding private events.
7. LMC Section 15-2.5-2 *Uses* prohibits Private Event Facilities in Storefront Property in the HRC Zoning District.
8. LMC Section 15-15-1 defines *Storefront Property* as a separately enclosed space, floor area, tenant space, or unit that includes a storefront window and/or storefront entrance that fronts a Public Street.
9. LMC Section 15-2.5-2 *Uses* footnote five excludes HRC Zoning District properties that are on the west side of Park Avenue.
10. 657 Park Avenue is on the west side of Park Avenue and is therefore excluded from the Storefront Property prohibition of Private Event Facilities.
11. The Applicant does not propose any changes to the exterior Structure; only the interior Use is changing temporarily to a Private Event Facility.
12. LMC Section 15-4-20(A) requires an Administrative Permit for the proposed Temporary Change of Occupancy.
13. LMC Section 15-4-20 states the purpose of Temporary Change of Occupancy Permits is to allow Administrative Permits only if adverse impacts on the character of the neighboring property can be mitigated and issues of public safety, traffic, and parking are provided for. Such uses are permitted when the adjacent street system is sufficient to accommodate the traffic impacts generated by the Temporary Change of Occupancy, and the property can accommodate adequate Off-Street parking. The Structure must be designed to safely accommodate the Temporary Change of Occupancy, and the type of Use must be compatible with the uses otherwise permitted in the Zoning District.
14. LMC Section 15-4-20(B) establishes a 15-day maximum for a Temporary Change of Occupancy with no more than 12 use changes per year. The

Temporary Change of Occupancy Administrative Permit is proposed once in 2024 for five days (January 18 – January 22, 2024).

15. LMC Section 15-4-20(C) requires a complete Administrative Permit Application more than 15 days before the proposed Temporary Change of Occupancy. On December 18, 2024, the applicant submitted an application to the Planning Department.
16. LMC Section 15-4-20(C) requires the applicant to submit a crowd management, security, delivery, and parking plan.
17. Staff reviewed the application for compliance with the criteria in LMC Section 15-4-20(D):

- a. **The Applicant shall provide written notice of the Property Owner's consent to the proposed Temporary Change of Occupancy.**

The Applicant provided a copy of the written notice to the Planning Department from the Property Owner giving consent for the use of the site from January 18-22, 2024.

- b. **The proposed Use shall not preclude Public Use of public Parking Spaces.**

Two existing, private Off-Street parking spaces on site will be used for load in and out. The Use will not prevent the public from using street or public garage parking.

- c. **The Applicant shall provide an entrance plan, including patron waiting line capacity. Any Use of exterior space for waitlist 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.**

The Applicant's submittal includes Area/Occupancy breakdowns according to the 2021 International Building Code. Assembly Occupancy uses intended for food and/or drink consumption include, but are not limited to, nightclubs, restaurants, cafeterias, taverns, bars, and similar dining facilities. The governing capacity for a lounge is 80 occupants per

fixture. Daily events will have 25-75 attendees, and capacity changes per scheduled event/floor layout. The Applicant proposes:

- i. Hospitality Layout – First Floor – 50 Guests
- ii. Dinner Layout – First Floor – 25 Guests
- iii. Hospitality Layout – Basement – 15 Guests
- iv. Panel Layout – First Floor – 40 Guests

The Applicant proposes using an outdoor patio heater near the venue's entrance and applied for an Operational (Fire) Permit (Permit #: 24-725).

See Conditions of Approval 4 and 5.

- d. **The Use shall not violate Municipal Code Chapter 6-3, the Noise Ordinance.**

Outdoor music is not proposed as part of the activation of this site. The Applicant proposes indoor music that must comply with the City's Noise Ordinance.

See Condition of Approval 6.

- e. **All signage and lighting shall comply with the Sign Code, Title 12, and Illumination, Section 12-4-9.**

Outdoor lighting is not proposed as part of the temporary change of occupancy activation. The Planning Department issued a Temporary Sign Permit on December 27, 2023 (PL-23-05990).

- f. **The Use shall comply with the Summit County Health Code, the Fire Code, and State regulations on mass gatherings.**

See Condition of Approval 7.

- g. **The Use shall not violate the International Building Code.**

See Condition of Approval 8.

h. The Applicant shall submit a delivery plan.

The Applicant proposes to use the site's existing driveway and Off-Street parking spaces for load in and load out. The proposed schedule was reviewed by Park City's Parking and Transportation Demand Supervisor, and the Applicant was issued the appropriate parking permits. The proposed schedule is:

i. Load In

1. January 16, 7:00 AM – 3:00 PM
2. January 17, 7:00 AM – 10:00 AM

ii. Load Out

1. January 22, 2:00 PM – 5:00 PM
2. January 23, 7:00 AM – 10:00 AM

i. The Applicant shall adhere to all applicable City and State licensing requirements.

The City issued a Convention Sales License (C-001652) and Single Event Liquor License (L-009386), pursuant to Utah Code 32B-9, for the Private Event Facility valid from January 18-22, 2024.

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.

The Applicant applied for an Operational Permit on December 18, 2023. See Condition of Approval 9.

k. The Property may not be in violation of the LMC or International Building Code.

The Property is not in violation of the LMC or 2021 IBC. The Property's Nightly Rental Business License was renewed on October 1, 2023.

l. Notice shall comply with LMC Section 15-1-21.

Staff published notice on the City's website and posted notice to the property on December 28, 2023. Staff mailed courtesy notice to adjacent property owners on December 28, 2023.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.5 *Historic Recreation Commercial (HRC) District* and Section 15-4-20 *Temporary Change of Occupancy Permits*.
2. The effects of any difference in Use or Scale have been mitigated through careful planning.

Conditions of Approval

1. Final plans shall reflect substantial compliance with the plans reviewed on January 4, 2024, by the Planning Department. Any changes, modifications, or deviations from the approved plans that the Planning Department has not approved in advance 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 per the applicable standards by the Planning Director or designee before activation of the site.
4. Any exterior queuing shall be mitigated through the Use of barricades and/or security and shall not spill onto the sidewalk or Park Avenue.
5. International Building Code and International Fire Code-compliant pedestrian access along the public Right-of-Way shall be maintained.
6. At no time shall the Use violate Municipal Code of Park City Chapter 6-3 *Noise*. No outdoor noise is permitted past 10:00 PM. Noise shall not exceed 65 dBA between 6:00 AM and 10:00 PM.
7. The Use shall comply with the Summit County Health Code, the Fire Code, and State regulations on mass gatherings.
8. The Use shall comply with the International Building Code.
9. The Applicant shall obtain an approved Operational (Fire) Permit prior to activation of the site for the Private Event Facility use on January 18, 2024.
10. The Fire Marshal may conduct a site inspection at any time during the Temporary Change of Occupancy to ensure compliance with this permit and relevant regulations.

268 Main Street – Administrative Permit – PL-23-05992 – The Applicant Proposes a Temporary Change of Occupancy for a Media Hub and Interview Space from January 18-22, 2024.

Planner Cawley presented the Administrative Permit proposal. He noted that the temporary change of occupancy is for a private event facility during the Sundance Film Festival.

Planner Cawley recommended that Finding of Fact 16-e be amended to reflect that the applicant received a temporary sign permit for the property on January 8, 2024.

Planner Cawley also noted that the applicant has obtained a temporary sign permit and requested amending Condition of Approval 6 to remove language requiring the applicant to obtain a temporary sign permit, and leaving language requiring that temporary signs shall not be affixed to the historic structure.

At 12:16 PM, the Planning Director opened a public hearing. There was no public input.

At 12:16 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Administrative Permit for 268 Main Street in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended with changes to Findings of Fact 16-e and 16-i and Condition of Approval 6.

Findings of Fact

1. 268 Main Street is in the Historic Commercial Business (HCB) Zoning District.
2. 268 Main Street is designated a Significant Historic Site on the Park City Historic Sites Inventory.
3. The third floor of 268 Main Street is used as General Office space.
4. On October 28, 2020, the City issued a business license for a real estate office at 268 Main Street, 3rd Floor (B-017403).
5. The Applicant proposes a Temporary Change of Occupancy from General Office space to a Private Event Facility for NFP Lounge from January 18-22, 2024, for meeting and hospitality space during Sundance.
6. Land Management Code (LMC) Section 15-15-1 defines *Private Event Facility* as a facility where the primary use is for staging, conducting, and holding private events.

7. LMC Section 15-2.6-2 *Uses* prohibits Private Event Facilities in Storefront Property adjacent to Main Street in the HCB Zoning District.
8. LMC Section 15-15-1 defines *Storefront Property* as a separately enclosed space, floor area, tenant space, or unit that includes a storefront window and/or storefront entrance that fronts a Public Street.
9. The entrance to the upper floor of 268 Main Street is interior to the Structure and does not front the Public Street.
10. The Applicant does not propose any changes to the exterior Structure, only the interior Use is changing temporarily to a Private Event Facility.
11. LMC Section 15-4-20(A) requires an Administrative Permit for the proposed Temporary Change of Occupancy.
12. LMC Section 15-4-20 states the purpose of Temporary Change of Occupancy Permits is to allow Administrative Permits only if adverse impacts on the character of the neighboring property can be mitigated and issues of public safety, traffic, and parking are provided for. Such uses are permitted when the adjacent street system is sufficient to accommodate the traffic impacts generated by the Temporary Change of Occupancy and the property can accommodate adequate Off-Street parking. The Structure must be designed to safely accommodate the Temporary Change of Occupancy and the type of Use must be compatible with the uses otherwise permitted in the Zoning District.
13. LMC Section 15-4-20(B) establishes a 15-day maximum for a Temporary Change of Occupancy with no more than 12 changes of use per year. The Temporary Change of Occupancy Administrative Permit is proposed one time in 2024 for five days (January 18 – January 22, 2024).
14. LMC Section 15-4-20(C) requires a complete Administrative Permit Application more than 15 days before the proposed Temporary Change of Occupancy. On December 18, 2024, the applicant submitted a complete application to the Planning Department.
15. LMC Section 15-4-20(C) requires the applicant to submit a crowd management, security, delivery, and parking plan. Guest attendees are invitation-only, and security is set up in the lobby area on the main floor. Guests and staff will park in China Bridge and walk to the venue. No parking is allowed on Main Street. The delivery plan is outlined in Finding of Fact 16.
16. Staff reviewed the application for compliance with the criteria in LMC Section 15-4-20(D):

- a. **The Applicant shall provide written notice of the Property Owner's consent to the proposed Temporary Change of Occupancy.**

On January 4, 2024, the Applicant provided a copy of the written notice to the Planning Department from the Property Owner Scott Thomson giving consent for the use of the site from January 18-22, 2024.

- b. **The proposed Use shall not preclude Public Use of public Parking Spaces.**

The Temporary Change of Occupancy at 268 Main Street will not preclude Public Use of Public Parking Spaces. 268 Main Street is a Significant Historic Site and pursuant to LMC Section 15-2.6-4 is exempt from parking requirements. Because this location does not have Off-Street Parking Spaces, guests of the events held at this location will park in public locations, such as China Bridge.

- 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.**

The Applicant's submittal includes Area/Occupancy breakdowns according to the 2021 International Building Code. Assembly Occupancy uses intended for food and/or drink consumption include, but are not limited to nightclubs, restaurants, cafeterias, taverns, bars, and similar dining facilities. The governing capacity for the third floor is 40 occupants per available restroom. The site had three restrooms for a maximum capacity of 120 occupants. The Applicant anticipates 100-130 attendees daily but will not exceed 120 occupants at any one time. Guest attendees will not queue outside; access to the event space is from the interior of the Structure and guest attendees must pass posted security to enter the event space.

See Condition of Approval 4.

- d. **The Use shall not violate Municipal Code Chapter 6-3, the Noise Ordinance.**

Outdoor music is not proposed as part of the activation of this site. The Applicant proposes indoor music.

See Condition of Approval 5.

- e. All signage and lighting shall comply with the Sign Code, Title 12, and Illumination, Section 12-4-9.**

Outdoor lighting is not proposed as part of the temporary change of occupancy activation. On January 8, 2024, the Planning Department issued a Temporary Sign Permit to install temporary Window Signs on the entry door.

See Condition of Approval 6.

- f. The Use shall comply with the Summit County Health Code, the Fire Code, and State regulations on mass gatherings.**

See Condition of Approval 7.

- g. The Use shall not violate the International Building Code.**

See Condition of Approval 8.

- h. The Applicant shall submit a delivery plan.**

The proposed load-in/out schedule was reviewed by Park City's Parking and Transportation Demand Supervisor and the Applicant was issued the appropriate parking permits on Main Street. The proposed schedule is:

- i. Load In: January 16, 7:00 AM
- ii. Load Out: January 22, Midnight

- i. The Applicant shall adhere to all applicable City and State licensing requirements.**

The Applicant has a pending Convention Sales License application (Condition of Approval 9) and an approved Single Event Liquor License (L-009396), pursuant to Utah Code 32B-9, for the Private Event Facility valid from January 18-22,

2024.

- 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.**

The Applicant applied for an Operational Permit on December 18, 2023. See Condition of Approval 10.

- k. The Property may not be in violation of the LMC or International Building Code.**

The Property is not in violation of the LMC or 2021 IBC. The Property's Business License was renewed in October 2023.

- l. Notice shall comply with LMC Section 15-1-21.**

Staff published notice on the City's website and posted notice to the property on December 28, 2023. Staff mailed courtesy notice to adjacent property owners on December 28, 2023.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.6 *Historic Commercial Business (HCB) District* and Section 15-4-20 *Temporary Change of Occupancy Permits*.
2. The effects of any difference in Use or Scale have been mitigated through careful planning.

Conditions of Approval

1. Final plans shall reflect substantial compliance with the plans reviewed on January 11, 2024, by the Planning Department. Any changes, modifications, or deviations from the approved plans that the Planning Department has not approved in advance 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 per the applicable standards by the Planning Director or designee before activation of the site.
4. International Building Code and International Fire Code-compliant pedestrian access along the public Right-of-Way shall be maintained.
5. At no time shall the Use violate Municipal Code of Park City Chapter 6-3 *Noise*. Noise shall not exceed 65dBA between 6:00 AM – 10:00 PM.
6. Temporary Signs shall not be affixed to the Significant Historic Structure.
7. The Use shall comply with the Summit County Health Code, the Fire Code, and State regulations on mass gatherings.
8. The Use shall comply with the International Building Code.
9. The Applicant shall obtain a Convention Sales License prior to activation of the site for the Private Event Facility use on January 18, 2024.
10. The Applicant shall obtain an approved Operational (Fire) Permit prior to activation of the site for the Private Event Facility use on January 18, 2024.
11. The Fire Marshal may conduct a site inspection at any time during the Temporary Change of Occupancy to ensure compliance with this permit and relevant regulations.

The Park City Administrative Action meeting adjourned at 12:17 PM.

Approved by Planning Director:

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

