

PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
December 21, 2023

STAFF:

Rebecca Ward, Planning Director; Jason Berntson, Planning Technician; Lillian Zollinger, Planner II (virtual); Jacob Klopfenstein, Planning Department Administrative Assistant

PUBLIC:

Martina Nelson (virtual), Debbie Kairys (virtual), Jeff Ward (virtual)

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The Planning Director called the meeting to order at 12:02 PM.

ROLL CALL

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

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

1825 Three Kings Drive – Administrative Conditional Use Permit – PL-23-05953 – The Applicant seeks an Administrative Conditional Use Permit to install a temporary yurt in the Residential Development Zoning District to allow for the use of their outdoor dining during winter.

Planner Berntson presented the Administrative Conditional Use Permit proposal. Planner Berntson noted that the proposal complies with zoning district requirements and is consistent with previous land use approvals at the site.

Planner Berntson presented the staff recommendation to the Planning Director.

Applicant Jeff Ward asked for clarification on Finding of Fact 4 and noted that the Area of the outdoor dining area is now smaller than in 2009 when the site received original approval for outdoor dining. Director Ward explained that the finding would be kept in the record to reflect the original size of the area.

At 12:11 PM, the Planning Director opened a public hearing. There was no public input.

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

MOTION: The Planning Director **APPROVED** the Administrative Conditional Use Permit for 1825 Three Kings Drive in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Director Ward also noted that Finding of Fact 9 would be amended to say the Planning Department approved an Administrative Conditional Use Permit for the use of a temporary structure for winter outdoor dining in 2022.

Findings of Fact

1. The property is located at 1825 Three Kings Drive in the Residential Development (RD) Zoning District.
2. The Applicant proposes erecting a Temporary Structure from December 2023 through April 2024.
3. Temporary Structures are a Conditional Use in the RD Zoning District.
4. The existing outdoor Area is approximately 2,200 square feet.
5. The Temporary Structure is 24' in diameter (452 square feet) and approximately 13' tall.
6. The Planning Department approved a Conditional Use Permit for year-round Outdoor Dining at the Silver Star Café in July 2009. Seating for 56 people was approved as part of the Outdoor Dining permit.
7. The Planning Department approved a Conditional Use Permit for the Use of a Temporary Structure for Winter Outdoor Dining in December 2009.
8. In 2020, the Planning Department issued special approval for the Use of Temporary Structures in conjunction with Outdoor Dining to accommodate restrictions to COVID-19. The Applicant obtained special approval in 2020 and 2021 for this same Temporary Structure.
9. The Planning Department approved an Administrative Conditional Use Permit for the Use of a Temporary Structure for Winter Outdoor Dining in 2022.

Conclusions of Law

1. The Application, as permitted, is consistent with LMC § 15-1-10, *Conditional Use Review Process*, LMC Chapter 15-2.13, *Residential Development (RD) District*, and LMC § 15-4-16, *Temporary Structures, Tents, and Vendors*.
2. The proposed Use, as conditioned, will be compatible with the 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 proposed project shall comply with all adopted codes and ordinances; including, but not limited to the Land Management Code, International Building Code, Fire Code, ADA Compliance, and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of Park City.
2. The Applicant shall adhere to all applicable City and State licensing ordinances.
3. The Use shall not impede vehicular circulation, pedestrian circulation, emergency Access, or any other public safety measure.
4. No signs or lighting are approved with this Permit.
5. The Use is limited to the hours of operation for the Silver Star Café.
6. The Applicant shall comply with any City, County, and State health licensing requirements. The Use shall not violate the Summit County Health Code or State Regulations on mass gatherings. The Applicant shall ensure adherence to all Fire Codes.
7. The Applicant shall obtain the proper building permits and schedule the necessary inspections with the Building Department.
8. The Applicant shall adhere to the 56 seats in the Outdoor Dining area approved as part of the Conditional Use Permit for Outdoor Dining from 2009. Any increase in the amount of outdoor seating will require the Applicant to submit a Modification of Approval.
9. Outdoor Uses must comply with the Park City Noise Ordinance (Municipal Code 6-3. If the applicant receives a complaint regarding noise generated from the Outdoor Use, the Applicant shall notify the Park City Planning Department. Upon three complaints the Planning Director will review approval of the Administrative CUP and reserves the right to modify the operations, add additional restrictions and/or Conditions of Approval, or revoke the Administrative CUP to mitigate impacts to the community.
10. This Permit expires on April 30, 2024. The Applicant shall remove all Temporary Structures by the date of expiration.

341 Ontario Avenue – Modification to an Administrative Conditional Use Permit – PL-23-05980 – The Applicant Proposes to Modify Several Retaining Walls in the Front and Side Setbacks.

Planner Zollinger presented the Modification to an Administrative Conditional Use Permit. Planner Zollinger explained that the applicant seeks to modify aspects of retaining walls from what was originally approved. Planner Zollinger explained that modified proposal was consistent with zoning regulations and setback requirements.

At 12:14 PM the Planning Director opened a public hearing. There was no public input.

At 12:15 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Modification to an Administrative Conditional Use Permit for 341 Ontario Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The property is located at 341 Ontario Avenue. The property is located in the Historic Residential-1 (HR-1) Zoning District.
2. The historic site is designated as Significant on the Historic Sites Inventory (HSI).
3. The Legal Description for this property is Lot 1 of the 341 Ontario Avenue Subdivision. On July 31, 2014, the Park City Council approved the 341 Ontario Avenue Subdivision through Ordinance 14-42.
4. The purpose of this Administrative CUP request is to allow a retaining wall greater than six feet (6') in height within the Side Yard Setback and Front Yard Setback, as allowed by the Land Management Code (LMC).
 - a. The maximum exposed portion of the retaining wall shall not exceed 7'6" as described on the May 23, 2019 approved plans.
5. All conditions of approval of the Historic District Design Review (HDDR) application Final Action Letter shall apply. See PL-15-02687.
6. The retaining wall is constructed of board formed concrete. The shoring walls shall be approved by the City Engineer.
7. The public notice was posted and notice to adjacent property owners was sent on December 8, 2023. No public comment was received.

Conclusions of Law

1. The application complies with all requirements of Section 15-1-10(E) and 15-4-2(A)(1) of the Land Management Code.
2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use and mass.
3. As conditioned the use is consistent with the Park City General Plan.
4. The effects of any differences in use or scale have been mitigated through

careful planning.

Conditions of Approval

1. All standard conditions of approval apply to this Administrative Conditional Use Permit.
2. The fence material(s) shall abide by the Land Management Code and the Park City Historic District Design Guidelines.
3. The retaining walls shall be installed as approved on the December 21, 2023, plans.
4. The retaining walls shall not violate applicable International Fire Code, International Building Code, and/or Park City Municipal Code.
5. Applicant shall comply with any Building Department process/procedures regarding obtaining proper authorization.
6. A Work In the Right-of-Way Permit will be required from the Park City Engineering Department. This approval does not constitute approval of the Work in the Right-of-Way Permit.
7. The proposed retaining walls shall be shielded with vegetation to minimize visual impact. The final Landscape Plan shall match the approved HDDR plans.
8. The Final Grade shall be within four feet of the Existing Grade.

The Park City Administrative Action meeting adjourned at 12:15 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:".