



**PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING
SUMMIT COUNTY, UTAH
April 16, 2026**

The Planning Department of Park City, Utah, will hold a Public Hearing in person at the Marsac Municipal Building, Planning Department Conference Room, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually.

Zoom Link: <https://us02web.zoom.us/j/88167820277>

1. REGULAR AGENDA - 12:00PM

- 1.A. **322 Main Street – Administrative Conditional Use Permit** – The Applicant Proposes Outdoor Dining on the Existing Balcony and Proposed Rooftop Deck on the Landmark Historic Structure in the Historic Commercial Business Zoning District. PL-26-06855
(A) Public Hearing; (B) Action

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.gov at least 24 hours prior to the meeting.

***Parking is available at no charge for meeting attendees who park in the China Bridge parking structure.**

Planning Department Staff Report



Subject: 322 Main Street
Application: PL-26-06855
Authors: Lillian Zollinger, Planner III
Date: April 16, 2026
Type of Item: Administrative Conditional Use Permit

Recommendation

(I) Review the Administrative Conditional Use Permit (ACUP) application for Outdoor Dining at 322 Main Street, (II) conduct a public hearing, and (III) consider approving the ACUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Red Banjo Real Estate, LLC
Location: 322 Main Street
Zoning District: Historic Commercial Business
Adjacent Land Uses: Restaurants, Retail, Theatre
Reason for Review: The Planning Director reviews and takes Final Action on Administrative Conditional Use Permits.¹

ACUP Administrative Conditional Use Permit
HCB Historic Commercial Business
LMC Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§ 15-15-1](#).

Summary

The Applicant proposes Outdoor Dining on an existing balcony and new rooftop deck at 322 Main Street, a Landmark Historic Site, in the Historic Commercial Business (HCB) Zoning District. The proposed Outdoor Dining consists of 10 tables, seating a maximum of 40 patrons at a time.

Background

322 Main Street is designated a Landmark Historic Site on Park City's Historic Sites Inventory.² The [Historic Site Form](#) lists the date of construction at c.1900 during the Mature Mining Era (1894 – 1930).

¹ LMC [§ 15-1-8\(J\)](#)

² LMC [§ 15-11-10\(D\)\(2\)\(a\)](#)



Figure 1: 322 Main Street highlighted in red by staff on an excerpt of the Zoning map.



Figure 2: 322 Main Street, image from Google Maps.

On July 8, 2003, the Planning Department approved the Design Review for an opening

on the second-level front façade to access the balcony for outdoor dining (Exhibit B).

On July 16, 2010, the Planning Department approved an ACUP for Outdoor Dining on a dining deck on Main Street (Exhibit C).

On February 10, 2026, the Board of Adjustment granted a Variance for 322 Main Street from the required HCB Zoning District 25-foot minimum Lot width for the Landmark Historic Structure and Site ([Packet](#), Item 6A; [Media](#)).

On February 25, 2026, the Planning Commission approved the Red Banjo Plat Amendment creating one contiguous Lot for 322 Main Street that spans from Main Street to Swede Alley to reflect ownership and existing conditions and to resolve the encroachment of the Landmark Historic Structure onto 324 Main Street ([Packet](#), Item 6.B; [Media](#)).

On March 4, 2026, the Historic Preservation Board (HPB) approved the Material Deconstruction ([Packet](#), Item 7B; [Media](#)) for the following scope of work:

- Removal of the historic roof form to accommodate a rooftop addition,
- Removal of approximately 320 square feet of the historic siding on the tertiary façade, facing Swede Alley to accommodate a rear addition,
- Excavation 1 foot 6.5 inches deeper for upgrades to the foundation, and
- Removal of portions of the front façade historic material to install windows that comply with the solid-void ratio and 2:1 vertical orientation of Historic commercial buildings on Main Street, pursuant to LMC [§ 15-13-3](#), *Regulations for Historic Commercial Sites*.

On April 2, 2026, the Planning Director approved the Historic District Design Review (HDDR) and continued the ACUP to April 16, 2026 ([Packet](#), [Media](#))

322 Main Street has a current Business License for a Restaurant (B-000398). The Applicant proposes four tables and 16 chairs on the existing balcony and six tables and 24 chairs on the proposed rooftop deck for Outdoor Dining. The Applicant has a current Encroachment Permit for the existing balcony which overhangs Main Street Right-of-Way (see Exhibit D).

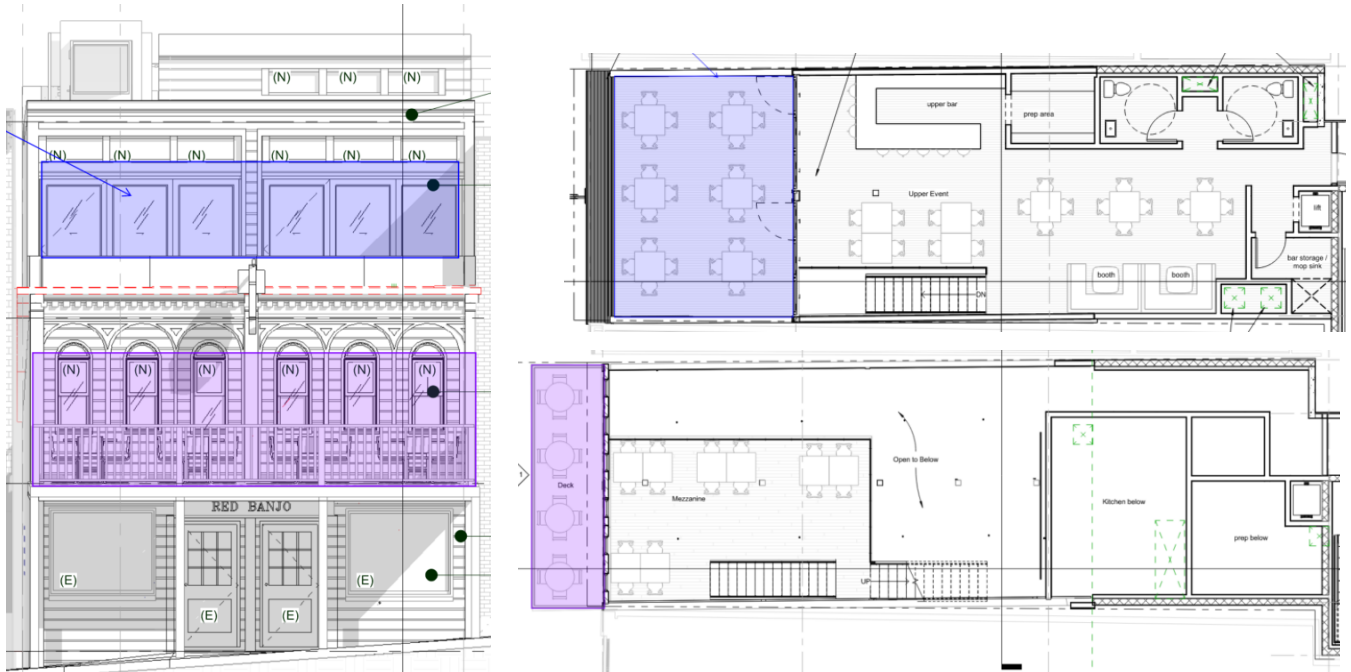


Figure 3: 322 Main Street Outdoor Dining proposal; rooftop deck dining highlighted in blue and porch dining highlighted in purple by staff.

Analysis

See the full Analysis outlined in the Draft Final Action letter (Exhibit A).

Department Review

The Planning and Executive Departments reviewed this report.

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on March 19, 2025. Staff mailed courtesy notice to adjacent property owners on March 20, 2025.³

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

The Planning Director may:

- Approve the proposed ACUP;
- Deny the proposed ACUP and direct staff to make Findings for the denial; or
- Request additional information and continue the discussion to date certain.

Exhibits

A: Draft Final Action Letter
Attachment 1- Proposed Plans

B: 2003 HDC Approval

³ LMC [§ 15-1-21](#)

C: 2010 Outdoor Dining Deck Approval
D: Encroachment Permit



Planning Department

April 16, 2026

Bryan Markkanen

CC: Red Banjo Real Estate, LLC

NOTICE OF PLANNING DEPARTMENT ACTION

Description

Address: 322 Main Street, a Landmark Historic Site

Zoning District: Historic Commercial Business

Application: Administrative Conditional Use Permit

Project Number: PL-26-06855

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: April 16, 2026

Project Summary: The Applicant proposes Outdoor Dining on an existing balcony and rooftop deck.

Action Taken

On April 16, 2026, the Planning Director conducted a public hearing and approved the Administrative Conditional Use Permit for Outdoor Dining according to the Following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. 322 Main Street is a Landmark Historic Site in the Historic Commercial Business (HCB) Zoning District.
2. The Applicant proposes Outdoor Dining on an existing balcony and rooftop deck. The existing balcony layout accommodates four tables and 16 seats. The proposed rooftop deck accommodates six tables and 24 seats.
3. **Land Management Code Chapter 15-2.6 outlines regulations in the Historic Commercial Business (HCB) Zoning District.**

Land Management Code (LMC) § 15-2.6-2(B)(13) establishes Outdoor Dining as an Administrative Conditional Use in the HCB.



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LMC § 15-2.6-3 outlines *Lot and Site Requirements* for the HCB Zoning District:

Lot and Site Requirements	Analysis
<p>Lot Size - The minimum Lot Area is 1,250 square feet.</p>	<p>Complies: The Lot is 3,131 square feet.</p>
<p>Lot Width And Depth – The minimum Lot Width is twenty-five feet (25') and Minimum Lot Depth is fifty feet (50').</p>	<p>Complies with approved Variance: On February 10, 2026, the Board of Adjustment approved a Variance from the minimum Lot width requirement for: 24.19 feet along Main Street 24.83 feet along Swede Alley. The Lot depth is 125 feet.</p>
<p>Front, Rear And Side Setbacks – There are no minimum required Front, Rear, or Side Setback dimensions in the HCB District.</p>	<p>Complies: 0 feet</p>
<p>Sidewalk Provision - Buildings must be located so as to provide an unobstructed sidewalk at least nine feet (9') wide on both Main Street and Swede Alley. The sidewalk width is measured from the front face of curb to the front of the Building. A narrower sidewalk may result from the alignment of Building fronts. The Planning and Engineering Departments may grant an exception to the minimum sidewalk width to facilitate such alignment.</p>	<p>Complies: The Planning and Engineering Departments found that no sidewalk easements are provided on the immediately adjacent properties, which are built to or nearly to the property lines; other properties within the block provide five-foot-wide pedestrian easements; and planned pedestrian improvements along Swede Alley outlined in the Main Street Area Plan pedestrian improvements are within the Right-of-Way. As a result, Planning and Engineering approved a reduction in the sidewalk width along Swede Alley to a five-foot-wide pedestrian easement, which is required to be shown on the recorded plat.</p>



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	<p>The Applicant proposes a six-foot-wide sidewalk along Swede Alley and exceeds the requirement of five-foot-wide sidewalk.</p>
<p>Balconies and Temporary Winter Balcony Enclosures – No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council.</p>	<p>Complies: The existing balcony that extends over the Main Street public pedestrian ROW is not being enlarged or altered. The property owner currently has an encroachment agreement with the City for the balcony situated above the ROW (Summit County Recorder Entry No. 00665758).</p>
<p>Vertical Zoning- For HCB Zoned Storefront Property adjacent to Main Street and Heber Avenue, new Construction and Construction adding Floor Area to a Building or Lot shall have a minimum of seventy-five percent (75%) of the width of the Building façade as Storefront Property.</p>	<p>Complies: No changes are proposed to the Main Street Property Storefront width.</p>
<p>Storefront Enhancement Zoning- The maximum width of any Storefront Property Façade abutting Main Street or Heber Avenue shall be fifty-feet (50'). Storefront Property Facades in the Historic portion of structures listed on the Historic Sites Inventory which exceed fifty-feet (50') in width are valid Non-Complying Structures. A Storefront Property Façade shall have a storefront entrance door for pedestrian access.</p>	<p>Complies: The width of the Storefront Property Façade abutting Main Street is 25 feet and includes a storefront entrance door for pedestrian access.</p>

4. Land Management Code Chapter 15-3 establishes Off-street Parking requirements.

LMC § 15-3-6(B) requires site specific review of the parking for Outdoor Dining at the time of the ACUP submittal. Pursuant to LMC § 15-2.6-12, new construction must provide Off-Street parking. However, pursuant to LMC § 15-2.6-4, “Historic Buildings and/or Structures that do not comply with, Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures... Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition



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does not create a Lockout Unit or Accessory Apartment.”

There are currently no parking spaces on site, and the Applicant does not propose any parking spaces, which meets the requirements of the code.

5. Land Management Code § 15-4-21(B) outlines requirements for Outdoor Dining.

(a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.

Complies: The Outdoor Dining on the new proposed rooftop deck is on private Property. The Outdoor Dining on the existing balcony is over Main Street Right-of-Way (ROW). The property owner has an encroachment agreement with the City for the balcony above the ROW (Summit County Recorder Entry No. 00665758). If either party were to dissolve the agreement, any Outdoor Dining approved on the balcony would also be revoked. The proposal does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

Complies: The Outdoor Dining proposed on the balcony is on a second level above the ROW sidewalk and does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

Complies: The proposed seating Area is located on the existing balcony and proposed rooftop deck and does not impede emergency Access or circulation. On March 4, 2025, the Park City Fire District reviewed the proposal and found it complies with their requirements.

(d) The proposed furniture is Compatible with the Streetscape.

See Condition of Approval 7: The Applicant has not yet finalized the proposed chairs and tables. The proposed furniture shall be compatible with the streetscape and comply with Historic District regulations.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.



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See Condition of Approval 4: The Applicant proposes speakers which must comply with the City Noise Ordinance, Municipal Code of Park City Chapter 6-3. Pursuant to MCPC § 6-3-8, music is limited to 11 a.m. to 10 p.m. and may not emanate beyond the boundaries of the outdoor dining area.

(f) **No Use after 10:00 p.m.**

Complies: The Red Banjo Pizza restaurant does not operate after 10:00 p.m.

(g) **Review of the Restaurant’s seating capacity to determine appropriate mitigation measures in the event of increased parking demand.**

Complies: The maximum occupancy of the restaurant is 250. No additional parking is required for the proposal as outlined above.

6. Land Management Code § 15-1-10(E) outlines the Conditional Use Permit criteria.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Department may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC § 15-1-10.

CUP Review Criteria	Analysis of Proposal
Size and location of the Site	<p>Complies</p> <p>322 Main Street, also known as Red Banjo Pizza, is accessed off Main Street. The proposed Outdoor Dining takes place on site, above pedestrians and vehicles. The Applicant proposes Outdoor Dining on an existing balcony and new proposed rooftop deck. The existing balcony layout</p>



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	accommodates four tables and 16 seats and the rooftop deck accommodates six tables and 24 seats.
Traffic capacity	Complies Pursuant to LMC § 15-2.6-4, Historic Structures and additions to Historic Structures are exempt from Off-Street parking requirements and the deck expansion is not expected to increase traffic to the site.
Utility capacity	Complies On March 4, 2025, the Water and Sewer Departments confirmed the proposal complies with their required standards.
Emergency vehicle access	Complies On March 4, 2025, the Park City Fire District confirmed the proposal complies with their required standards.
Off-street parking	Complies Pursuant to LMC § 15-2.6-4, Historic Structures and additions to Historic Structures are exempt from Off-Street parking requirements.
Internal vehicular and pedestrian circulation system	Complies The Outdoor Dining proposed on the balcony is on a second level above the ROW sidewalk and does not impede pedestrian or vehicular circulation.
Fencing, screening, and landscaping	No unmitigated impacts No fences, screening, or landscaping are proposed with this application.
Structure Mass, bulk, and orientation	Complies The proposed addition was reviewed under the HDDR. The proposed Outdoor Dining rooftop deck will be minimally visible from Main Street.
Useable open space	No unmitigated impacts



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	No changes to open space are proposed.
Signs and lighting	See Conditions of Approval 5 and 6 Any proposed signs must comply with Park City Municipal Code Title 12, <i>Signs</i> . Any proposed exterior lighting shall comply with the City's dark sky code in LMC § 15-5-5(J).
Physical design and compatibility with surrounding structures	See Condition of Approval 7: The Applicant has not yet finalized the proposed chairs and tables. The proposed furniture shall be compatible with the streetscape and comply with Historic District regulations. Pursuant to LMC § 15-13-3(B)(2)(g), "A roof deck on a historic structure or new addition shall be visually minimized when viewed from the primary public right-of-way." The proposed rooftop deck is minimally visible from Main Street.
Noise, vibration, odors, steam, or other mechanical structures	See Condition of Approval 4: The proposed speakers and Outdoor Dining shall comply with the City Noise Ordinance outlined in Park City Municipal Code Chapter 6-3.
Expected ownership	No unmitigated impacts No changes to ownership are proposed.
Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, or Steep Slopes	No unmitigated impacts The site is not located on environmentally sensitive lands.
General Plan Consistency	Complies The proposed Outdoor Dining supports the General Plan's Strategy 5Q, which is to "Support the activation of Main Street, promoting and strengthening this area as the vibrant historic core of Park City."



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7. **Land Management Code § 15-13-3 outlines design requirements for Historic Commercial Sites.**

LMC § 15-2.5-12 requires compliance with Chapter 15-13, Regulations for Historic Districts and Historic Sites. LMC § 15-13-3(B)(1)(d)(1) requires, "All Streetscape or character area elements should work together to create a coherent visual identity and public space. The visual cohesiveness and historic character of the area shall be maintained through the use of complementary materials." The Applicant has not yet finalized the proposed chairs and tables. The proposed furniture shall be compatible with the streetscape and comply with Historic District regulations (see Condition of Approval 7). Pursuant to LMC § 15-13-3(B)(2)(g), "A roof deck on a historic structure or new addition shall be visually minimized when viewed from the primary public right-of-way." The proposed outdoor dining on the deck will be minimally visible from Main Street and is expected to be compatible in character to Main Street.

8. **The Development Review Committee reviewed the proposal on March 4, 2025, and confirmed the proposal complies with their required standards.**

Conclusions of Law

1. The proposal, as conditioned, complies LMC § 15-1-10 *Conditional Use Review*.
2. The proposal, as conditioned, complies with LMC Chapter 15-2.6 *Historic Commercial Business Zoning District*.
3. The proposal complies with the LMC requirements in Chapter 15-3 *Off-Street Parking*.
4. The proposal, as conditioned, complies LMC § 15-4-12(B) *Outdoor Dining*.
5. The proposal, as conditioned, complies with LMC § 15-13-3 *Regulations for Historic Commercial Sites*.

Conditions of Approval

1. Final Outdoor Dining usage shall reflect substantial compliance with the plans approved April 2, 2026, by the Planning Department. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in this permit being revoked.
2. The Outdoor Dining shall consist of no more than four tables and 16 seats on the balcony and six tables and 24 seats on the rooftop deck.
3. The Applicant is responsible for notifying the Planning and Building Departments prior to making any changes to the approved plans. Any changes, modifications,



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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 their Designee prior to changes taking place. Failure to do so may result in Code Enforcement Action.

4. The Outdoor Dining and speakers shall comply with the City Noise Ordinance outlined in Park City Municipal Code Chapter 6-3, wherein music is limited to 11 a.m. to 10 p.m. and may not emanate beyond the boundaries of the outdoor dining area.
5. Any proposed signs must comply with the Municipal Code of Park City Title 12, *Signs*.
6. Any proposed exterior lighting shall comply with the City's dark sky code in LMC § 15-5-5(J).
7. The final proposed furniture shall be reviewed by the Planning Department prior to installation, be compatible with the streetscape, and comply with Historic District regulations.

Final Action by the Planning Director may be appealed pursuant to LMC § 15-1-18. If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5068 or email lillian.zollinger@parkcity.gov.

Sincerely,

Rebecca Ward, Planning Director

CC: Lillian Zollinger, Project Planner

Attachment 1 - Approved Plans



Height Diagram

General Notes - Site Plan

1. Refer to Sheet G-000 for General Project Notes & Architectural Notes.
2. Before Digging or Trenching, Contact 'Blue Stakes' to Locate Underground Utilities.
3. L.O.D. (Limits of Disturbance) shall be Defined by the Area Contained within All Property Lines of the Site and shall Also Include Driveway and Areas of Utility Connection within Right-Of-Way. Total L.O.D. Area is Approximately The size of the platted lot.
4. Building is not Located within the Flood Hazard Zone as Defined by FEMA.
5. Refer to Site Survey on Sheet SV-1 for Reference Information.
6. T.O. Ridge Elevations Based Upon Laser Scanning Services and are Slightly Different from Surveyed Elevations. (See As-Built Drawings)
7. Water Service to Site will be located with Blue Stakes, Existing Location into Building is Unknown but Exists.
8. Lot lines and coordinates are aligned to Plat not yet submitted. This will be submitted shortly and will at that point align

General Notes - Land Management Code

- 15-2-6-3 Lot And Site Requirements
 C. FRONT, REAR AND SIDE SETBACKS. There are no minimum required Front, Rear, or Side Setback dimensions in the HCB District.
- F. VERTICAL ZONING. For HCB Zoned Storefront Property adjacent to Main Street and Heber Avenue, new Construction and Construction adding Floor Area to a Building or Lot shall have a minimum of seventy-five percent (75%) of the width of the Building façade as Storefront Property.
- 15-2-6-5 Maximum Building Volume And Height
 A. The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane.

Notes

1. Located HCB Zoning District
2. Refer to Area Plan Sheet HR0.2 for Additional Building Square Footage Analysis.

Legal Description

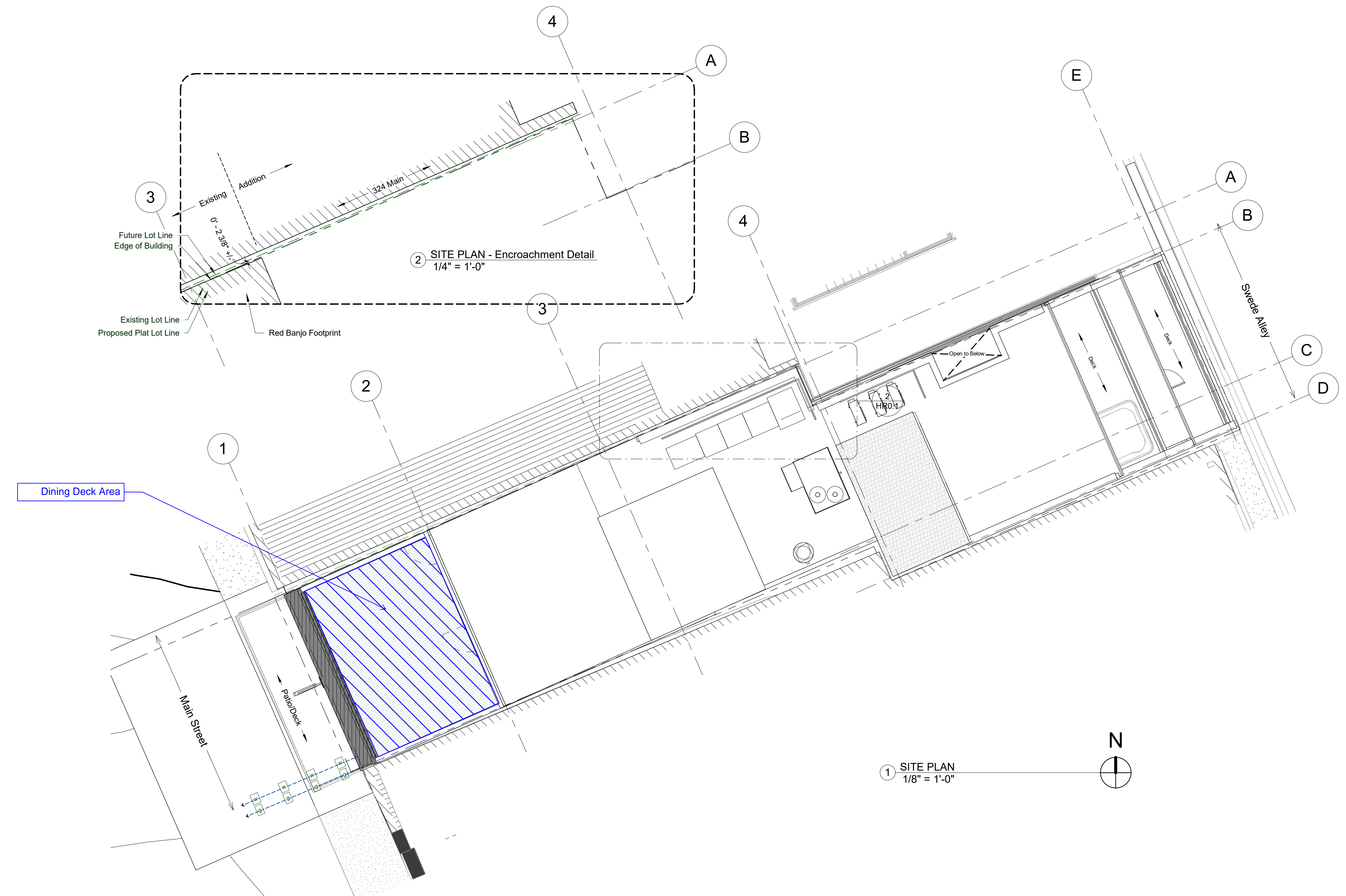
Parcels PC-279-1 & PC-556-B

Datum Reference

Architectural Elevation 100' - 0" = USGS 7101.5 Survey Dated 2020

Legends

- Existing Contour Line
- New Contour Line
- Water Line (approximate location)
- Sanitary Sewer Line
- Gas Line
- Electric Line (overhead)
- Cable/ Teledata
- Property Line Existing
- Property Line Revised Plat (not submitted)
- Property Line Moved & to be Recorded (in negotiation to avoid encroachment issue)



1 SITE PLAN
1/8" = 1'-0"

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 DRIFT STUDIO
 1775 PROSPECTOR AVE SUITE 300 #6
 PARK CITY, UT 84060
 https://www.driftstudio.com

RED BANJO RENOVATION
 322 Main Street
 Park City UT 84060

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HR0.1
 SITE PLAN

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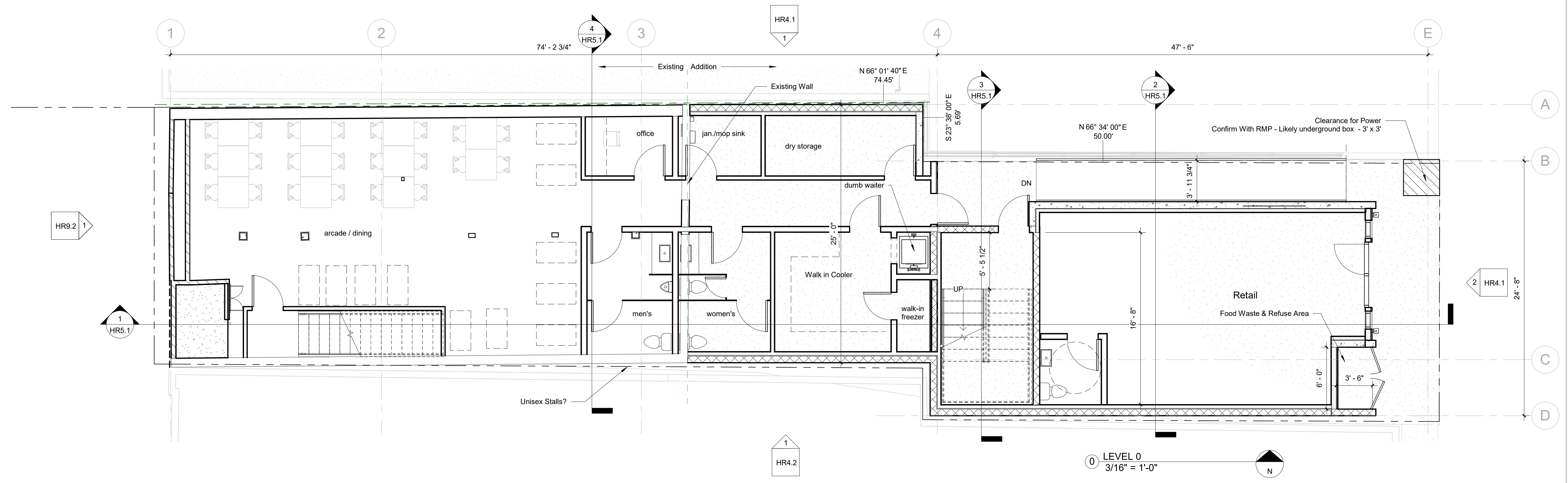
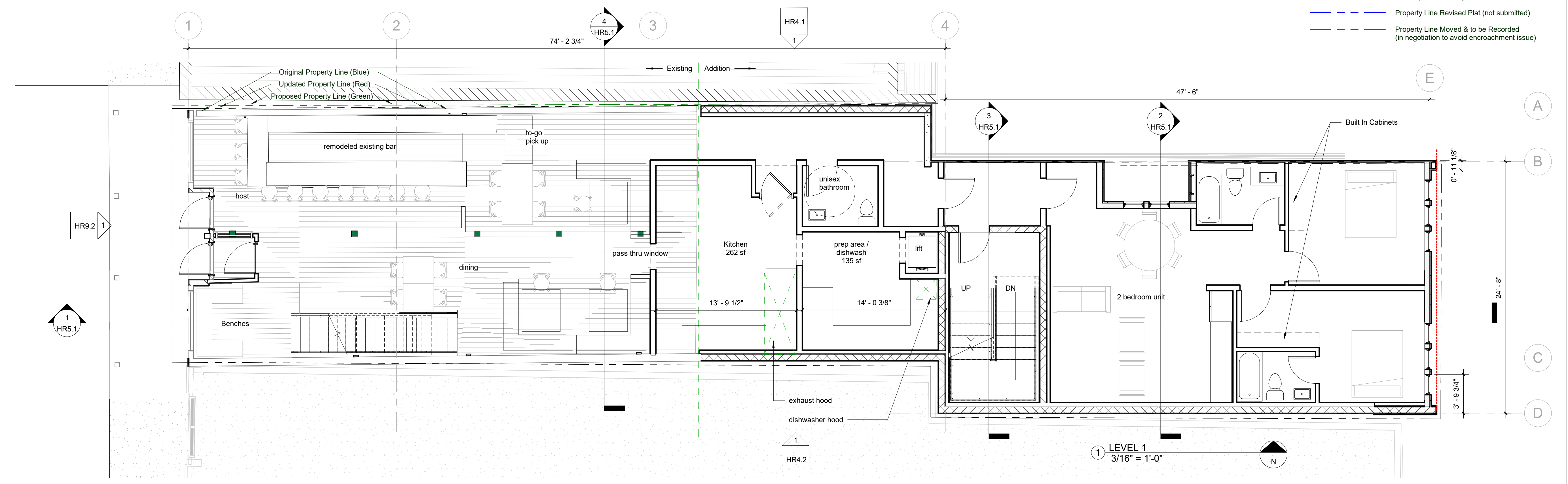
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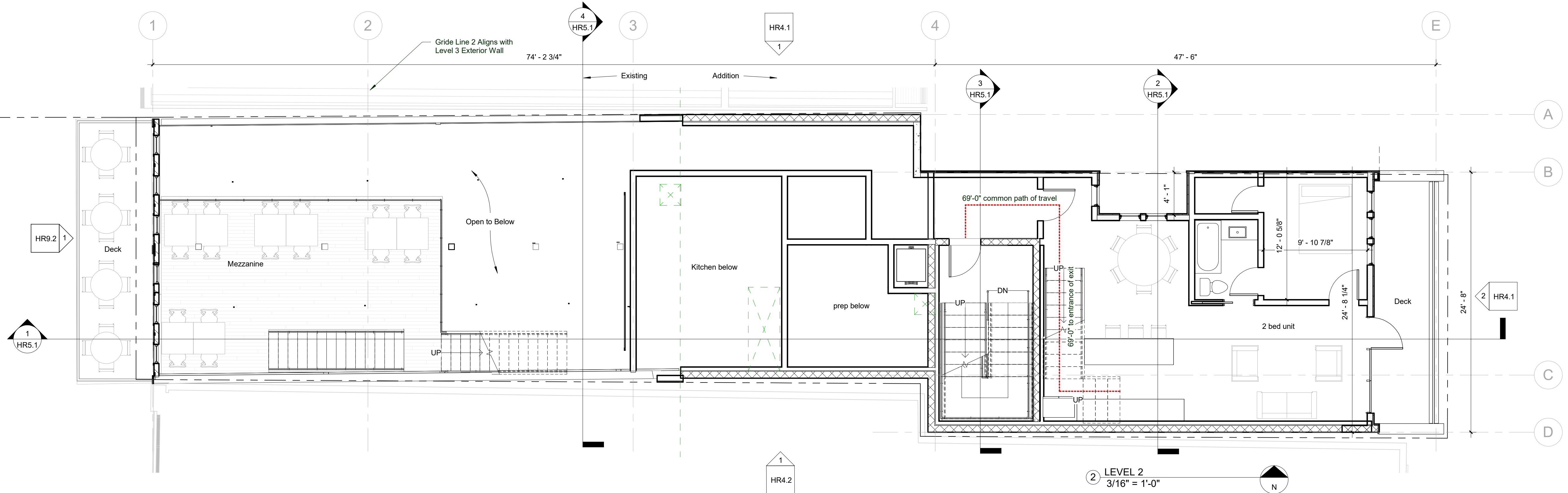
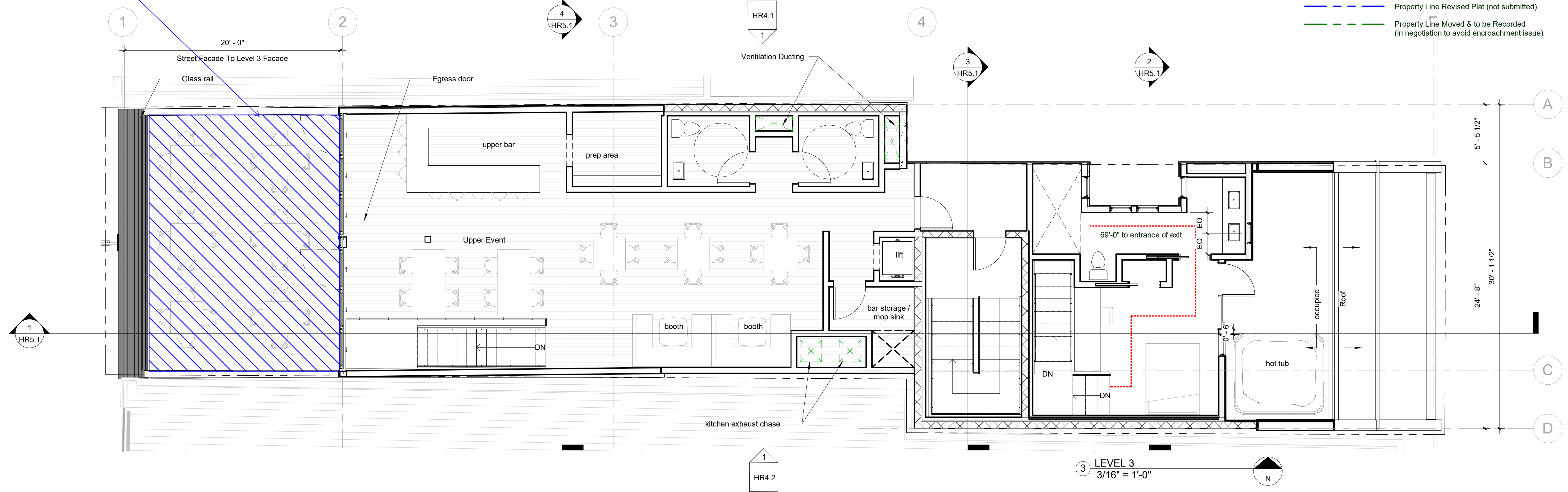
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HR1.1
FLOOR PLANS

- LEGEND**
- 11 Window Tag- Refer To Window Schedule
 - 101 Door Tag- Refer To Door Schedule
 - Room name Room Name And Number- Refer To Room Finish Schedule
 - Spot Elevation Marker
 - Edge Of Roof Above
 - 1 Wall Tag (See Wall Sections)
 - Property Line Existing
 - Property Line Revised Plat (not submitted)
 - Property Line Moved & to be Recorded (in negotiation to avoid encroachment issue)



Dining Deck Area



- LEGEND**
- 1t Window Tag- Refer To Window Schedule
 - 10t Door Tag- Refer To Door Schedule
 - 101 Room name
Room Name And Number- Refer To Room Finish Schedule
 - + Spot Elevation Marker
 - Edge Of Roof Above
 - 1i Wall Tag (See Wall Sections)
 - Property Line Existing
 - Property Line Revised Plat (not submitted)
 - Property Line Moved & to be Recorded (in negotiation to avoid encroachment issue)

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HR1.2
FLOOR PLANS

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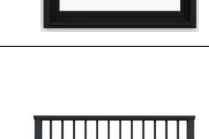
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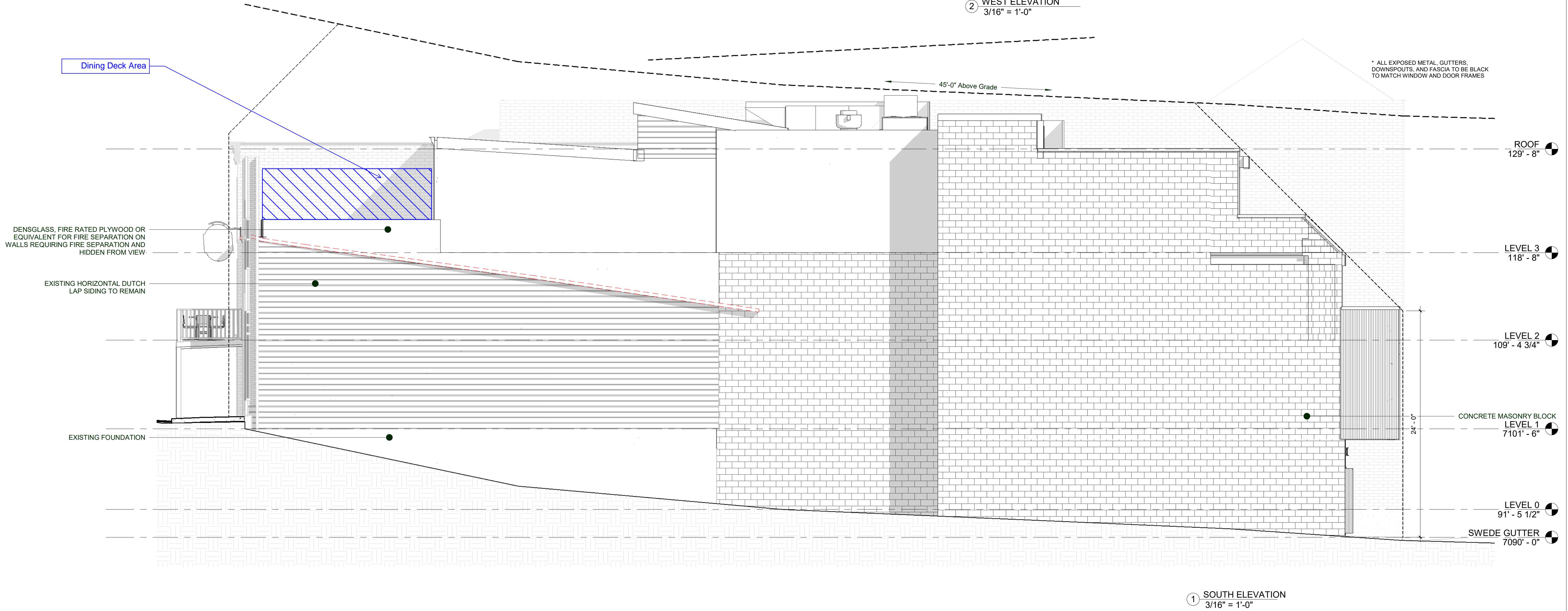
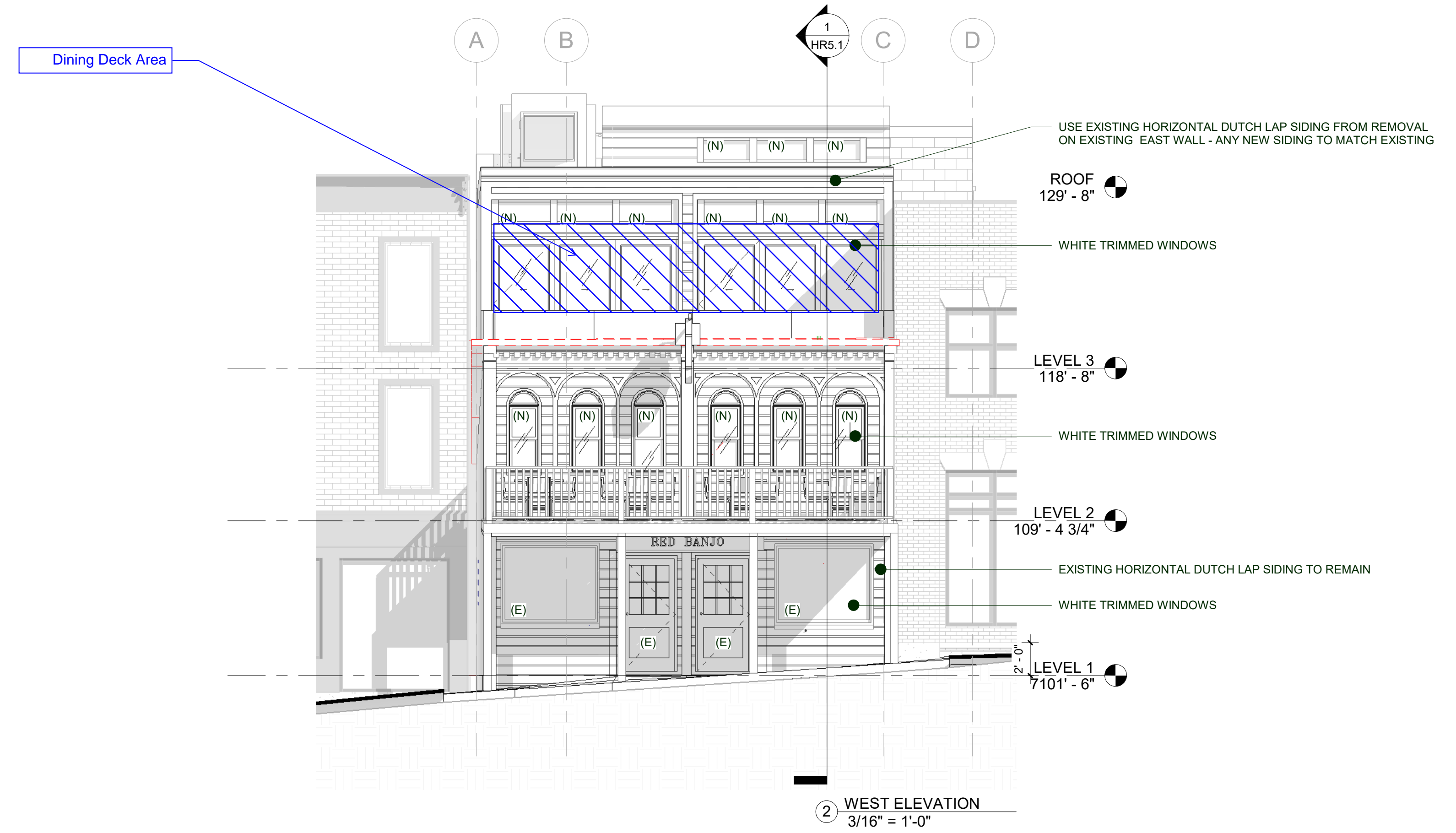
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HR4.2
ELEVATIONS

MATERIAL / COLOR CONCEPT	
EXISTING BUILDING	
	EXISTING HORIZONTAL DUTCH LAP SIDING WHITE TRIM RETAIN, CLEAN AND PAINT TO MATCH
	WHITE TRIMMED WINDOWS / RADIUS (E) - EXISTING (N) - NEW
BUILDING ADDITION	
	CONCRETE ARCHITECTURAL FINISH
	CONCRETE MASONRY BLOCKS @ HIDDEN CONDITIONS
	HORIZONTAL WOOD SIDING STAINED CEDAR OR EQUIV
	VERTICAL GAP CEMENT BOARD SIDING RED OR APPROVED COLOR
	WINDOW AND DOORS BLACK FRAMES WHITE TRIM TO MATCH STUCCO
	RAILINGS BLACK STEEL OR ALUMINUM



1 SOUTH ELEVATION
3/16" = 1'-0"



SE PERSPECTIVE



NW PERSPECTIVE



NE PERSPECTIVE



WEST PERSPECTIVE



SW PERSPECTIVE

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HR9.1

IMAGERY



Department of Community Development
Engineering • Building Inspection • Planning

July 8, 2003

Mary Lou Toly
PO Box 489
Park City, Utah 84060

FILE COPY

NOTICE OF PLANNING STAFF ADMINISTRATIVE ACTION

Project Address: **322 Main Street**

Project Description: **Design Review of Modification to an Existing
Historic Commercial Building**

Date of Action: **July 8, 2003**

Action Taken By Planning Department Staff: Approved in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as written below:

Findings of Fact

1. The findings discussed in the analysis section of this report are incorporated herein.
2. The existing structure is historic.
3. The existing deck is not historic.
4. This idea of making the deck accessible to the public for outdoor dining was reviewed by the HDC on June 21, 1999, and was generally supported.
5. The incorporation of a door on the upper facade will need to be executed in a manner that will not disrupt the existing architectural pattern of the wall.
6. The existing structure is located within the HCB zone.

Conclusions of Law

1. The proposed work complies with the Park City Historic District Design Guidelines as conditioned.

Conditions of Approval

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Community Development Department is a condition precedent to the issuance of any building permit.
2. The final building plans and construction details shall reflect substantial compliance with the drawings dated May 20, 2003, and as reviewed and approved by the Preservation Planner on July 8, 2003.

ACTION LETTER - 322 Main Street

July 8, 2003

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3. The General Contractor shall field verify all existing conditions prior to executing any work and match replacement materials/features accordingly. All discrepancies found between the final approved plans and the existing conditions must be reported to the Preservation Planner for direction prior to construction.
4. Repair and retain all existing historic wood siding and missing trim elements (ex: corner boards, fascia boards, etc.) in kind. All ghost outlines and general wear exhibited by the existing original wood siding shall remain. Replacement of any original wood siding or trim elements shall be made only in cases of structural failure or major deterioration. All replacement or missing elements (ex: corner boards, fascia boards, etc.) shall match existing historic material in profile, dimension, configuration, texture and finish as determined by the Preservation Planner, according to the HDC's Illustrated Building Materials Handbook.
5. The new exterior deck shall match in size, shape, configuration, material, overall construction, etc. to the original. No expansion of the deck is permitted. The flooring of the deck may be stained/treated redwood, or Trek material in a neutral color. The underside of the deck shall be covered in beadboard material and painted out to match that of the building.
6. Any change in use and occupancy may result in a modification to the deck pursuant to compliance with International Building Code and LMC requirements.
7. The new exterior second-story facade shall incorporate a single, 3'x6'-8" door for access. This new door shall be located within one of the existing decorative bays on the front facade and open into the building. The door shall be solid, and faced with the existing wood siding removed from said area in order to accommodate the door. This sided finish of the door shall align with the siding found on the adjacent surrounding exterior wall surface.
8. The new deck shall incorporate porch brackets (on the underside of the deck) centered on each post. The type, profile and general dimensions of the wood brackets shall be reviewed and approved by the Preservation Planner according to the HDC's Illustrated Building Materials Handbook, prior to the issuance of full building permit.
9. All existing exterior lighting fixtures (including lighting for signing) shall be upgraded for compliance with the Park City Light Code. All fixtures, quantity and design shall be reviewed and approved by the Preservation Planner for compliance with the Land Management Code and the Historic District Design Guidelines prior to issuance of full building permit. No new lighting is permitted as part of this deck upgrade. Excessive exterior lighting on, around or under porches, decks, etc. shall not be permitted.
10. The building colors shall include a body and trim color. A third accent color may be utilized. The colors shall be complementary of each other, but provide sufficient visual contrast. The Guidelines encourage neutral earth-tone colors and hues. A Paint Application shall be submitted for review and approved by the Preservation Planner prior to the issuance of full building permit.
11. All standard conditions of approval shall apply.
12. This approval shall expire on July 8, 2003, if a building permit has not been issued within a year of this approval.

ACTION LETTER - 322 Main Street

July 8, 2003

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Any person who submitted written comment on a proposal, the owner of any property within three hundred (300) feet of the boundary of the subject site, or the owner of the subject property may appeal to the Historic District Commission any action pertaining to the approval or denial. The petition must be filed in writing with the Planning Department within ten (10) calendar days of a Planning Staff decision.

Respectfully,

A handwritten signature in black ink, appearing to read 'Derek Satchell', written over a horizontal line.

Derek Satchell
Preservation Planner

CDD STAFF APPROVAL REPORT

DATE: June 16, 2003
DEPARTMENT: Planning Department
AUTHOR: Derek Satchell
TITLE: 322 Main Street - Design Review of Modifications
to an Existing Historic Commercial Building
TYPE OF ITEM: Work Session

FILE COPY

SUMMARY RECOMMENDATIONS: Staff to approve with the following Findings of Fact, Conclusions of Law and Conditions of Approval.

A. PROJECT STATISTICS

Applicant: Mary Lou Toly
Location: 322 Main Street
Proposal: Design review for modifications to an existing historic
commercial building
Zoning: Historic Commercial Business (HCB) zone
Adjacent Land Uses: Commercial
Date of Application: May 20, 2003

B. BACKGROUND

The applicant is proposing to structurally upgrade the existing non-historic deck located on the front facade of the historic building. Additionally, the applicant is proposing to make the re-built deck accessible for outdoor dining. This idea was formerly presented to the HDC on June 21, 1999. At that time, the applicant was also a 1999 HDC grant recipient. During the meeting, the HDC had expressed general support for the work, and in making the deck accessible, but was concerned about using HDC grant monies to make improvements to an existing non-historic feature on the building. No action was taken and the file was eventually deemed inactive and closed by the CDD. On May 20, 2003, the applicant resubmitted the same information to proceed with the work. Because grant monies will not be used, the applicant is seeking action.

C. ANALYSIS

The applicant proposes to remove the existing non-historic exterior deck, and replace it in-kind with a new structurally upgraded one. Additionally, the deck will be made accessible to the general public for outdoor dining on the premises. The work has been reviewed and approved by the Chief Building Official for compliance with the Uniform Building Code. The building is located within the Historic Commercial Business District (HCB), and the Main Street Historic District.

Outlined below are specific Historic District Design Guidelines which relate to the proposed alterations to this property:

Historic District Guidelines for Commercial Renovation

Guideline #1: Maintain the Stepping Alignment of Storefronts

- The top edge of most storefronts is usually defined by a horizontal band.
Finding: Not Applicable. The historic building shall maintain its current architectural configuration.

Guideline #2: Maintain Original Storefront Openings.

- The size and shape of the original windows and doors are important historic characteristics.
Finding: Not Applicable. The proposal does not include any changes to the existing storefront openings.

Guideline #3: Maintain Original Storefront Components.

- Most storefronts have similar components that are combined in different ways for each building, but the repetition of these standard elements creates an important visual unity on the street.
Finding: Not Applicable. The proposal does not include any changes to the existing storefront components.

Guideline #4: Maintain Original Upper Story Windows.

- The size and shape of these windows contribute to the character of the building front, and when repeated along the street, creates a visual unity.
Finding: Not Applicable. There are no upper story windows on the front facade of this building. However, the building does maintain an articulated facade pattern consisting of decorative siding and trim elements. The proposed new door will incorporate the same siding and trim treatment in order not to disrupt the existing architectural pattern of the wall.

Guideline #5: Preserve the Pattern Created by Recessed Entrances

- Most buildings have a recessed entry, and when repeated along the street, they create an important visual pattern.
Finding: Not Applicable. The existing recessed entry below will not be affected.

Guideline #6: Preserve Original Door Proportions.

- Retain original doors where feasible.
Finding: Not Applicable. The proposal does not include any changes to the existing storefront components.

Guideline #7: Preserve the Original Dimensions of Window and Door Frames

Frames used historically were wider than many stock frames available today. Narrow frames will alter the proportions of these openings, and negatively affect the historic integrity of the building.

Historic District Guidelines for Commercial Renovation

Guideline #1 Maintain the Stepping Alignment of Storefronts

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Finding: Not Applicable. The historic building shall maintain its current architectural configuration.

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- The size and shape of these windows contribute to the character of the building front, and when repeated along the street, creates a visual unity.
Finding: Not Applicable. There are no upper story windows on the front facade of this building. However, the building does maintain an articulated facade pattern consisting of decorative siding and trim elements. The proposed new door will incorporate the same siding and trim treatment in order not to disrupt the existing architectural pattern of the wall.

Guideline #5: Preserve the Pattern Created by Recessed Entrances

- Most buildings have a recessed entry, and when repeated along the street, they create an important visual pattern.
Finding: Not Applicable. The existing recessed entry below will not be affected.

Guideline #6: Preserve Original Door Proportions.

- Retain original doors where feasible.
Finding: Not Applicable. The proposal does not include any changes to the existing storefront components.

Guideline #7: Preserve the Original Dimensions of Window and Door Frames

Frames used historically were wider than many stock frames available today. Narrow frames will alter the proportions of these openings, and negatively affect the historic integrity of the building.

Finding: Not Applicable. The proposal does not include any changes to the existing window and door components. The new access door on the second level will incorporate a "hidden" frame so as not to visually draw attention to it.

Guideline #8: Consider Using Awnings or Canopies to Provide Color and Depth to the Facade.

- Awnings are appropriate on most storefronts and upper story windows, and can reinforce the color scheme of the facade.

Finding: Not Applicable. The applicant is not proposing any awnings or canopies.

Guideline #9: Avoid Concealing Original Facade Materials.

- Brick, clapboards, and stone have interesting colors and textures that are assets to individual buildings and to the street.

Finding: Not Applicable. No original historic facade materials will be concealed as a result of this application.

Guideline #10: Leave Brick Unpainted Where Feasible.

- The original finish of masonry is historically important, and should be retained unless the condition is so poor that a protective coating is necessary. Sandblasting the brick will not be approved.

Finding: Not Applicable. There is no historic masonry on the front facade of this building.

Guideline #11: Retain the Original Shape of the Clerestory Glass.

- The shape of this glass panel is important to the proportion of the storefront.

Finding: Not Applicable. No clerestory glass exists.

Guideline #12: Retain the Kickplate as a Decorative Panel.

- Restore the kickplate if it is missing. Wood is preferred in most cases, but masonry may be appropriate.

Finding: Not Applicable. No kickplates exists on the facade fronting the street.

Guideline #13: Reconstruct a missing Cornice When Historic Evidence is Available.

- Historic buildings need a cornice to cap the facade. Their repetition along the street also contributes to the stair-step alignment.

Finding: Not Applicable. The existing historic cornice on the building shall remain intact.

Guideline #14: Maintain Established Horizontal Lines When Using Simplified Versions of Original Cornices.

- Most original cornices in Park City were simple in their design to begin with, and will be easy to replicate.

Finding: Not Applicable. The existing historic cornice on the building shall remain intact.

Guideline #15: Replace Decoration Where it was Known to Existed, If Feasible.

- A special concern is what to do in a renovation where details are missing. Use remaining pieces to reproduce missing parts if they exist.

Finding: Not Applicable. The prosed design does not incorporate any replication of missing exterior decoration.

Guideline #16: Contemporary Interpretation of the Original Historic Storefront design May Be Appropriate Where Original is Lost.

- If good evidence of the original condition is not available, a simple design using standard storefront components is acceptable.

Finding: Not Applicable. The prosed design does not incorporate any replication of missing exterior decoration.

Guideline #17: Trim Materials Should be Subordinate to the Major Facade Materials.

- Brick and wood are the major facade materials used in the Historic Commercial District.

Finding: Not Applicable. The prosed design does not incorporate any replication of missing exterior decoration.

D. RECOMMENDATION

Staff approves the modifications to the existing historic commercial property located at 322 Main Street pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

Findings of Fact

1. The findings discussed in the analysis section of this report are incorporated herein.
2. The existing structure is historic.
3. The existing deck is not historic.
4. This idea of making the deck accessible to the public for outdoor dining was reviewed by the HDC on June 21, 1999, and was generally supported.
5. The incorporation of a door on the upper facade will need to be executed in a manner that will not disrupt the existing architectural pattern of the wall.
6. The existing structure is located within the HCB zone.

Conclusions of Law

1. The proposed work complies with the Park City Historic District Design Guidelines as conditioned.

Conditions of Approval

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Community Development Department is a condition precedent to the issuance of **any** building permit.

2. The final building plans and construction details shall reflect substantial compliance with the drawings dated May 20, 2003, and as reviewed and approved by the Preservation Planner on July 8, 2003.
3. The General Contractor shall field verify all existing conditions prior to executing any work and match replacement materials/features accordingly. All discrepancies found between the final approved plans and the existing conditions must be reported to the Preservation Planner for direction prior to construction.
4. Repair and retain all existing historic wood siding and missing trim elements (ex: corner boards, fascia boards, etc.) in kind. All ghost outlines and general wear exhibited by the existing original wood siding shall remain. Replacement of any original wood siding or trim elements shall be made only in cases of structural failure or major deterioration. All replacement or missing elements (ex: corner boards, fascia boards, etc.) shall match existing historic material in profile, dimension, configuration, texture and finish as determined by the Preservation Planner, according to the HDC's Illustrated Building Materials Handbook.
5. The new exterior deck shall match in size, shape, configuration, material, overall construction, etc. to the original. No expansion of the deck is permitted. The flooring of the deck may be stained/treated redwood, or Trek material in a neutral color. The underside of the deck shall be covered in beadboard material and painted out to match that of the building.
6. Any change in use and occupancy may result in a modification to the deck pursuant to compliance with International Building Code and LMC requirements.
7. The new exterior second-story facade shall incorporate a single, 3'x6'-8" door for access. This new door shall be located within one of the existing decorative bays on the front facade and open into the building. The door shall be solid, and faced with the existing wood siding removed from said area in order to accommodate the door. This sided finish of the door shall align with the siding found on the adjacent surrounding exterior wall surface.
8. The new deck shall incorporate porch brackets (on the underside of the deck) centered on each post. The type, profile and general dimensions of the wood brackets shall be reviewed and approved by the Preservation Planner according to the HDC's Illustrated Building Materials Handbook, prior to the issuance of full building permit.
9. All existing exterior lighting fixtures (including lighting for signing) shall be upgraded for compliance with the Park City Light Code. All fixtures, quantity and design shall be reviewed and approved by the Preservation Planner for compliance with the Land Management Code and the Historic District Design Guidelines prior to issuance of full building permit. No new lighting is permitted as part of this deck upgrade. Excessive exterior lighting on, around or under porches, decks, etc. shall not be permitted.
10. The building colors shall include a body and trim color. A third accent color may be utilized. The colors shall be complementary of each other, but provide sufficient visual contrast. The Guidelines encourage neutral earth-tone colors and hues. A Paint Application shall be submitted for review and approved by the Preservation Planner prior to the issuance of full building permit.
11. All standard conditions of approval shall apply.
12. This approval shall expire on July 8, 2003, if a building permit has not been issued within a year of this approval.

EXHIBITS

Exhibit A - Location Map

Exhibit B - Floor Plans

Exhibit C - Elevations

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322 Main Street

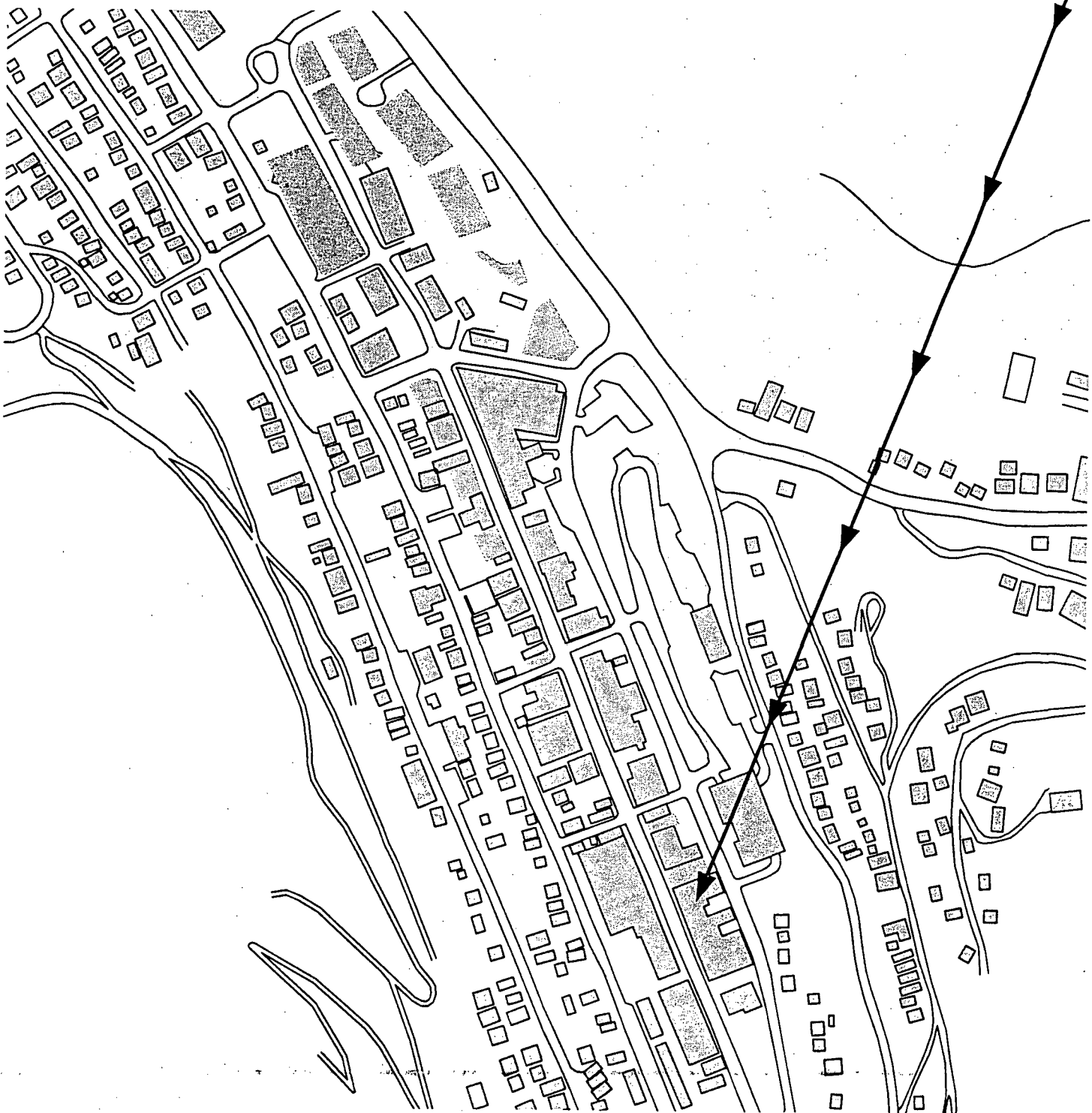
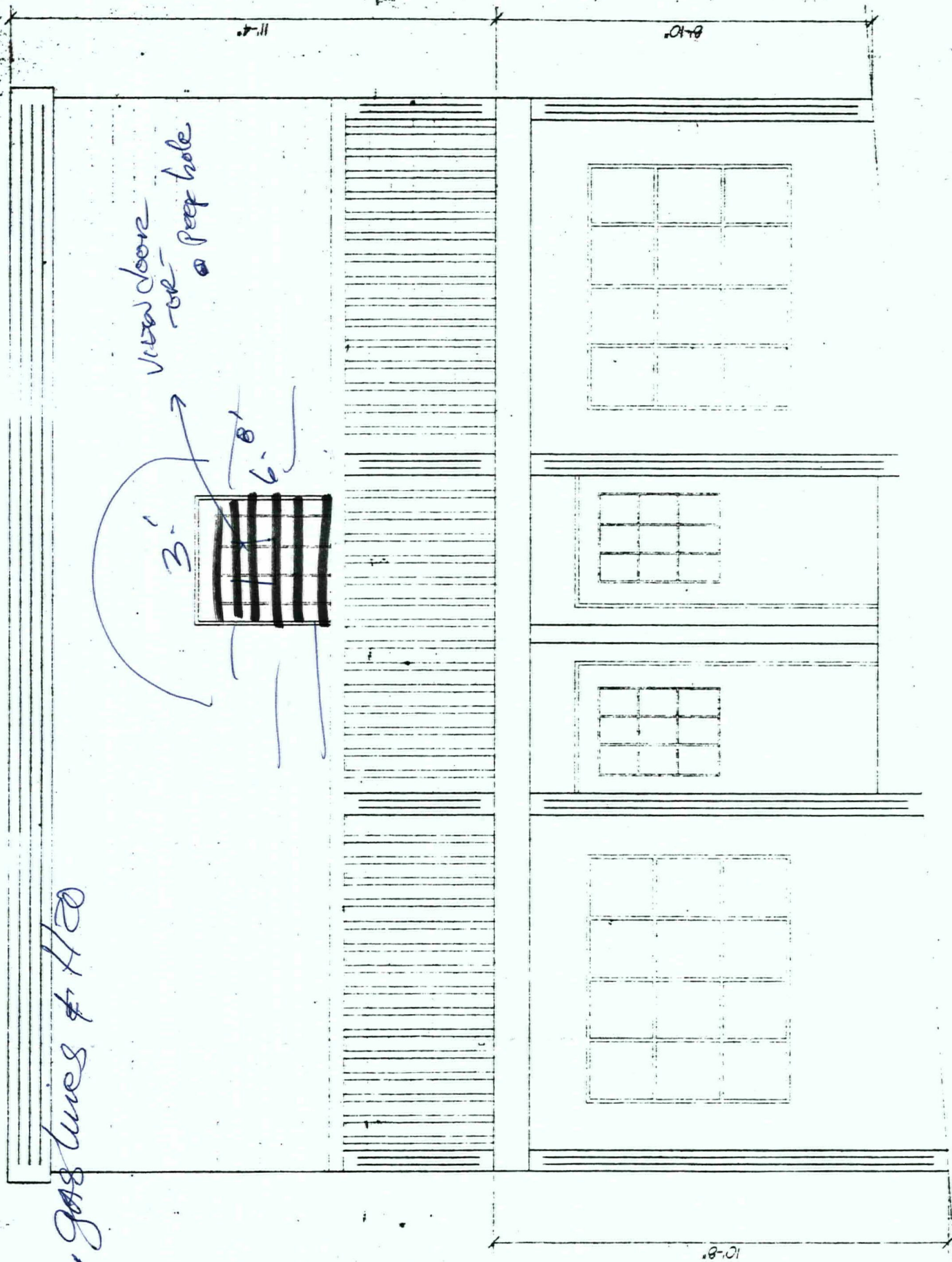


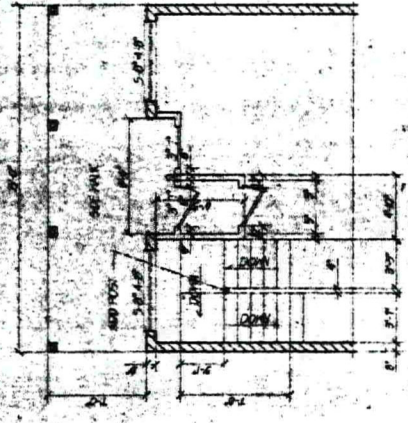
Exhibit A Vicinity Map



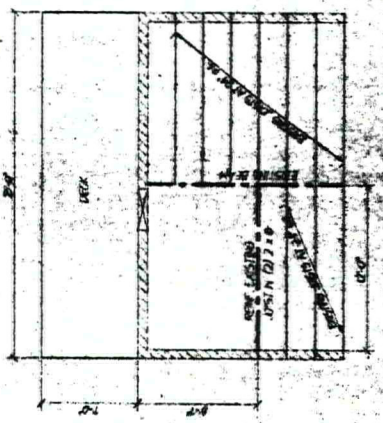




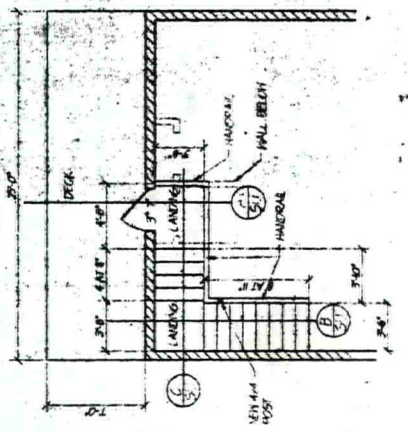
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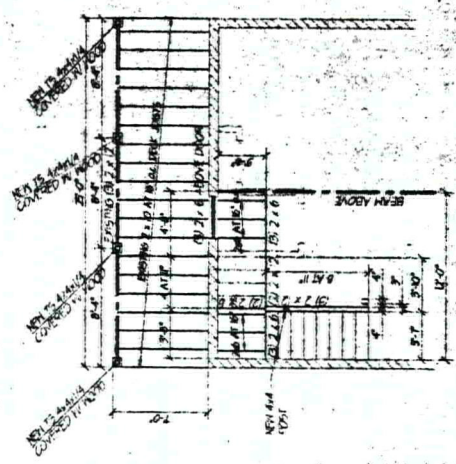
1 EXISTING MAIN FLOOR



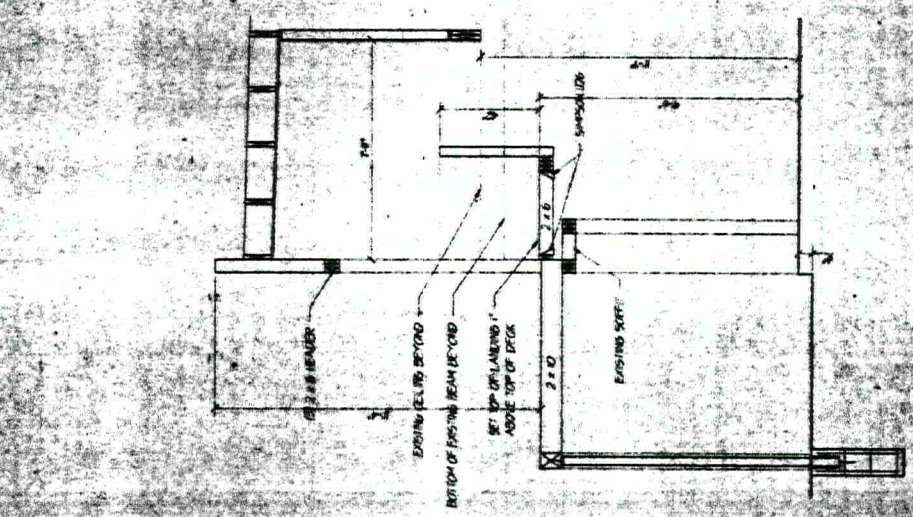
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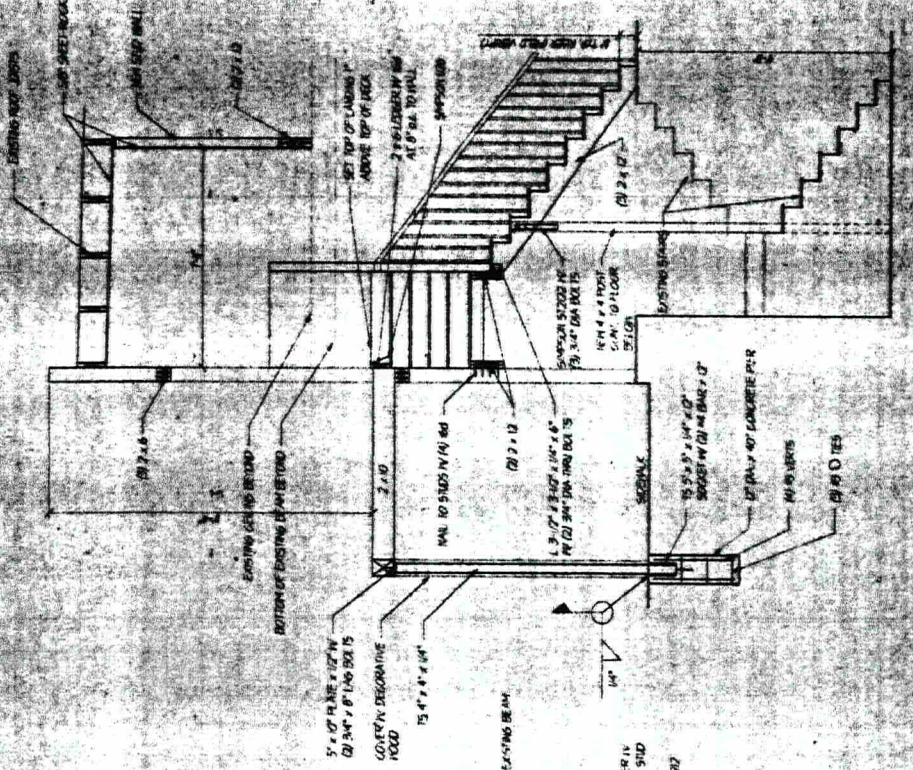
3 NEW DECK AND STAIR PLAN



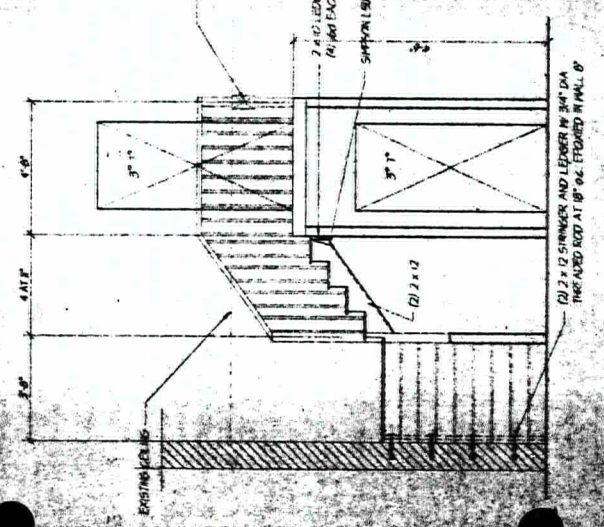
4 NEW DECK AND STAIR FRAMING PLAN



1 CROSS SECTION



2 STAIR SECTION



3 STAIR SECTION

RECEIVED
 MAY 20 2003
 PARK CITY
 PLANNING DEPT.





FILE COPY

Building • Engineering • Planning

July 27, 2010

Red Banjo
Tana Ireland
PO Box 489
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Application #</u>	PL-10-01002
<u>Subject</u>	Street Dining on Main at Red Banjo
<u>Description</u>	Administrative Conditional Use Permit
<u>Action Taken</u>	Approved
<u>Date of Action</u>	July 16, 2010

On July 16, 2010 the Park City Planning Department Staff made an official determination of approval of your application based on the following:

Findings of Fact

1. The proposed use is located at 322 Main Street.
2. The site is currently within the HCB District.
3. Outdoor dining requires an Administrative Conditional Use Permit subject to the criteria outlined in LMC § 15-2.12(B)(1).
4. The outdoor dining is to be located on the Street adjacent to the restaurant.
5. The application, as conditioned, complies with all requirements of the LMC § 15-2.6-12(B)(1).
6. The proposed street dining area is within proposed leased public property.
7. The proposed street dining deck is for a business that is current in the 1984 Main Street Parking Special Improvement District assessment and has fully paid for parking.
8. The overall stock of parking spaces on Main Street will not be negatively impacted by the loss of two (2) parking spaces.
9. The street dining deck does not diminish any landscaping.
10. The proposed street dining deck and also the sidewalk between the building and the proposed street dining deck will exceed the minimum of three feet and eight inches (44 inches) of clearance at all times to comply with ADA access; the sidewalk will maintain a width of seven (7') feet; as it currently exists.
11. In case of an emergency, including but not limited to, a flood, a storm drain

issue, utility issue, the structure may be removed or damaged by response teams at the cost of the owner.

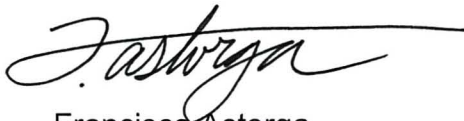
12. The proposed furniture and actual street dining deck will be compatible with the streetscape.

Conditions of Approval

1. The applicant shall sign the lease agreement and shall comply with the terms and conditions of the lease.
2. The applicant shall also comply with the Street Dining Operational Restrictions as outlined on Attachment 1 of the lease agreement.
3. The deck shall encroach a maximum of seven feet nine inches (7'-9") from the curb line onto the street. The deck may encroach a maximum of one foot three inches (1'-3") from the curb line into the sidewalk if the desire as indicated on the Operational Restrictions.
4. A minimum 44" aisle clearance shall be maintained for pedestrian circulation and emergency access at all times. The applicant is proposing to maintain a seven foot (7') wide walking area on the sidewalk.
5. Nothing herein shall allow any violation to the International Fire Code, International Building Code, or Park City Municipal Code, including any violation of the Municipal Noise Ordinance.
6. The use will not be allowed after 10:00 p.m.
7. Proposed furniture including umbrellas shall not be installed until the Park City Building Dept. receives, reviews, and approves corresponding fire resistance certificates. The applicant shall also provide fabric samples for the Park City Building Dept. to perform a burn test.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 435.615.5064 or fastorga@parkcity.org.

Respectfully,



Francisco Astorga
Planner



Administrative Conditional Use Permit Staff Report

Application: PL-10-01002
Subject: Street Dining on Main at Red Banjo
Author: Francisco Astorga
Date: July 16, 2010
Type of Item: Staff Approval – Administrative Conditional Use Permit

Action Summary

Staff reviewed the project for outdoor dining at 322 Main Street for compliance with Land Management Code § 15-2.6-12(B)(1) and approved the application according to the Findings of Fact, Conclusions of Law, and Conditions of Approval incorporated herein.

Description

Project Name: Red Banjo Street Dining on Main
Applicant: Tana Ireland
Location: 322 Main Street
Zoning: Historic Commercial Business (HCB) District
Adjacent Land Uses: Retail
Reason for Review: Outdoor Dining requires an Administrative Conditional Use Permit with Staff Review and Planning Department approval

Background

Tana Ireland, owner of Red Banjo, is requesting to build a temporary street dining deck on Main Street. The proposed deck is nine feet (9') wide and the length of the linear frontage of their building on Main Street (Exhibit A), which is twenty-four feet (24'). The applicant requests to use the street dining deck for outdoor dining from May 1 to October 30.

The City Council reviewed the applicant's request to utilize the Main Street right-of-way during their July 15, 2010 meeting. The Council approved the lease of City property/right-of-way for the use of street dining. The Council approved the deck to a maximum of width of nine feet (9') which includes a maximum encroachment from the curb line into the street of seven feet nine inches (7'-9") and a maximum encroachment from the curb line into the sidewalk of one foot three inches (1'-3"). The applicant is proposing to only use the 7'-9" width within the street; due to the posts in the sidewalk that support their second story deck, the 1'-3" encroachment into the sidewalk does not provide enough additional deck space to support the construction costs.

Analysis

Staff has attached a copy of the approved lease agreement that will be executed with the applicant prior to construction of any street dining deck (Exhibit B). Staff has also prepared operational restrictions. Any seasonal lease the City enters into would: regulate the time and duration of the use, provide for consistency in look and materials, ensure the aesthetic value of the Historic District is maintained by preventing visual clutter, preventing conflicts with Special Events/Master Festival Licenses, mitigating for conflicting uses in the public right-of-way, ensuring for clean sidewalks, and providing an ongoing monitoring mechanism and revocation provision for failure to comply with regulation.

The site is within the HCB District, which permits outdoor dining, subject to the following criteria set forth in LMC § 15-2.6-12(B)(1):

- a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping. **Complies as mitigated.**

The proposed street dining area is within proposed leased public property. The Council approved the lease of City property/right-of-way for the use of street dining. The proposed street dining deck is for a business that is current in the 1984 Main Street Parking Special Improvement District assessment and has fully paid for parking. Lots which were current in the 1984 parking assessment are exempt from the parking obligation for a floor area ratio (FAR) greater than 1.5. The parking area where the street dining deck is proposed will reduce the overall stock of Main Street parking by two (2) parking spaces. Due to the temporary nature of the request, occurring from the beginning of May to the end of October, staff finds the overall stock of parking spaces on Main Street will not be negatively affected by the loss of two (2) parking spaces. The street dining deck does not diminish any landscaping.

- b) The proposed seating Area does not impede pedestrian circulation. **Complies as mitigated.**

The proposed street dining deck and also the sidewalk between the building and the proposed street dining deck will exceed the minimum of three feet and eight inches (44 inches) of clearance at all times to comply with ADA access; the sidewalk will maintain a width of seven (7') feet; as it currently exists.

- c) The proposed seating Area does not impede emergency Access or circulation. **Complies as mitigated.**

Due to the temporary nature of the street dining deck, emergency access vehicles will have the ability to access the street dining deck to service any emergency if necessary. In case of an emergency, including but not limited to, a flood, a storm drain issue, utility issue, the structure may be removed or damaged by response teams at the cost of the owner.

- d) The proposed furniture is Compatible with the Streetscape. **Complies as mitigated.**

As designed, the proposed furniture and actual street dining deck will be compatible with the streetscape and it will complement the historic district. The deck and furniture are being reviewed to meet the Main Street Historic District Design Guidelines.

- e) No music or noise is in excess of the City Noise Ordinance, Title 6. **Complies as mitigated.**

The use shall be in compliance of the City Noise Ordinance.

- f) No Use after 10:00 p.m. **Complies as mitigated.**

Street Dining will not be permitted after 10:00 p.m.

- g) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand. **Complies as mitigated.**

Due to the temporary nature of the request taking place from the beginning of May to the end of October, staff finds that the parking demand based on the restaurant's seating capacity will not be increased; the assumption being that patrons who would otherwise sit inside for dining will choose to sit outside instead.

At a recent City Council meeting, it was determined that the term of the street dining deck shall automatically renew each year for a total of three (3) years terminating on October 30, 2012, unless terminated earlier as provided in the lease agreement. The property may only be utilized for a six (6) month period commencing on May 1st and terminating on October 30th each year except for the period of the Arts Fest (the first Friday, Saturday and Sunday of August), unless the applicant has negotiated an agreement that allows the deck to remain. An annual review by the City Council, with input from the Planning Department, will be conducted by April 1st of each year.

Process

The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC § 15-1-18. Staff review of a Building

Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Notice

The property was posted ten (10) days prior to final action. Courtesy mailing was sent to adjacent affected property owners ten (10) days prior to final action.

Public Input

No public input has been received.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Action Summary

Staff reviewed the project for outdoor dining at 322 Main Street for compliance with Land Management Code § 15-2.6-12(B)(1) and approved the application according to the Findings of Fact, Conclusions of Law, and Conditions of Approval incorporated herein.

Findings of Fact:

1. The proposed use is located at 322 Main Street.
2. The site is currently within the HCB District.
3. Outdoor dining requires an Administrative Conditional Use Permit subject to the criteria outlined in LMC § 15-2.12(B)(1).
4. The outdoor dining is to be located on the Street adjacent to the restaurant.
5. The application, as conditioned, complies with all requirements of the LMC § 15-2.6-12(B)(1).
6. The proposed street dining area is within proposed leased public property.
7. The proposed street dining deck is for a business that is current in the 1984 Main Street Parking Special Improvement District assessment and has fully paid for parking.
8. The overall stock of parking spaces on Main Street will not be negatively impacted by the loss of two (2) parking spaces.
9. The street dining deck does not diminish any landscaping.
10. The proposed street dining deck and also the sidewalk between the building and the proposed street dining deck will exceed the minimum of three feet and eight inches (44 inches) of clearance at all times to comply with ADA access; the sidewalk will maintain a width of seven (7') feet; as it currently exists.
11. In case of an emergency, including but not limited to, a flood, a storm drain issue, utility issue, the structure may be removed or damaged by response teams at the cost of the owner.
12. The proposed furniture and actual street dining deck will be compatible with the streetscape.

Conditions of Approval:

1. The applicant shall sign the lease agreement and shall comply with the terms and conditions of the lease.
2. The applicant shall also comply with the Street Dining Operational Restrictions as outlined on Attachment 1 of the lease agreement.
3. The deck shall encroach a maximum of seven feet nine inches (7'-9") from the curb line onto the street. The deck may encroach a maximum of one foot three inches (1'-3") from the curb line into the sidewalk if the desire as indicated on the Operational Restrictions.
4. A minimum 44" aisle clearance shall be maintained for pedestrian circulation and emergency access at all times. The applicant is proposing to maintain a seven foot (7') wide walking area on the sidewalk.
5. Nothing herein shall allow any violation to the International Fire Code, International Building Code, or Park City Municipal Code, including any violation of the Municipal Noise Ordinance.
6. The use will not be allowed after 10:00 p.m.
7. Proposed furniture including umbrellas shall not be installed until the Park City Building Dept. receives, reviews, and approves corresponding fire resistance certificates. The applicant shall also provide fabric samples for the Park City Building Dept. to perform a burn test.

Exhibits

Exhibit A – Plans

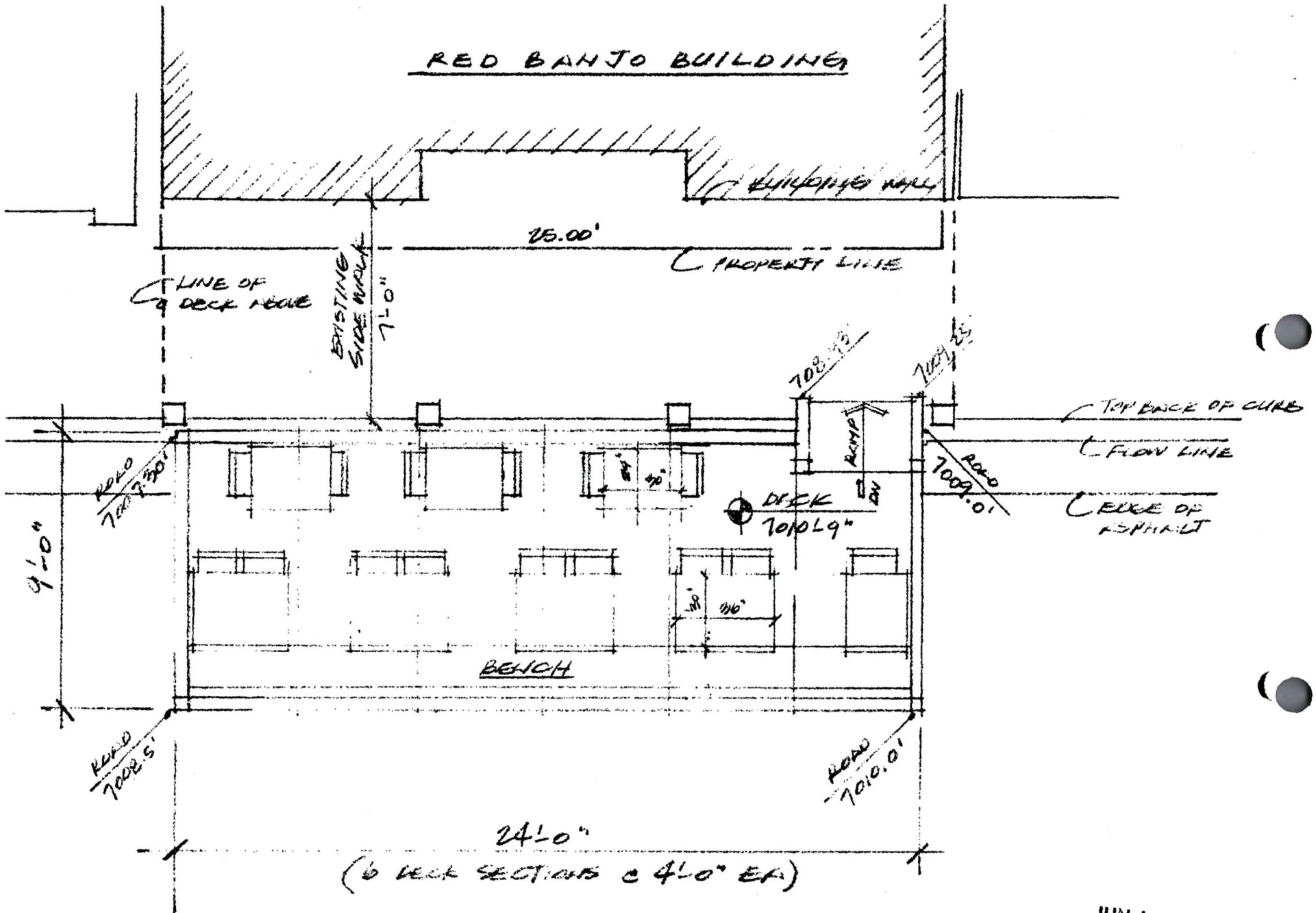
Exhibit B – Lease and Operational Restrictions

**Red Banjo
322 Main Street
Street Dining Deck**



1 inch = 20 feet

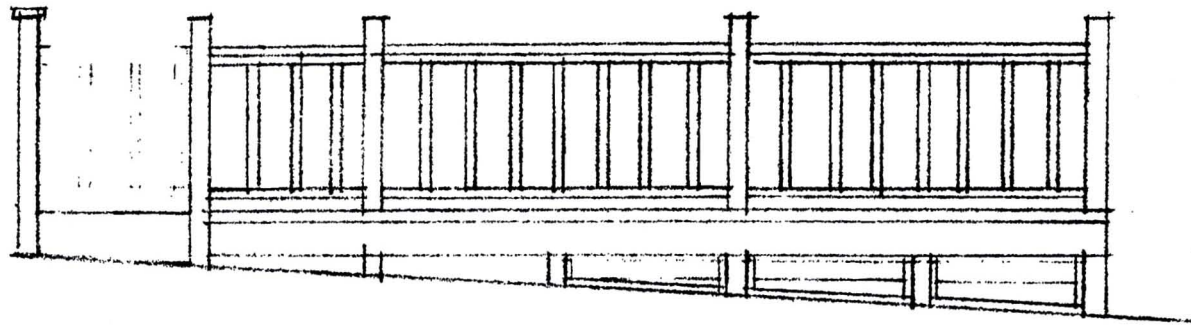




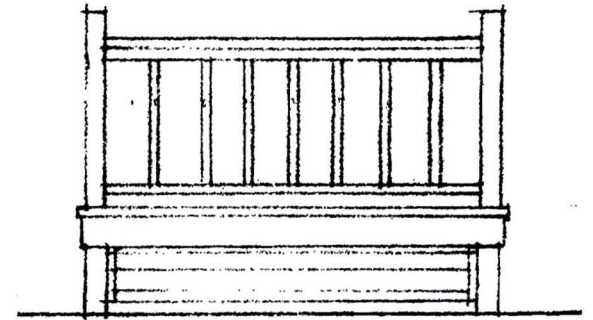
RED BANJO DECK

SCALE: 1/4" = 1'-0"

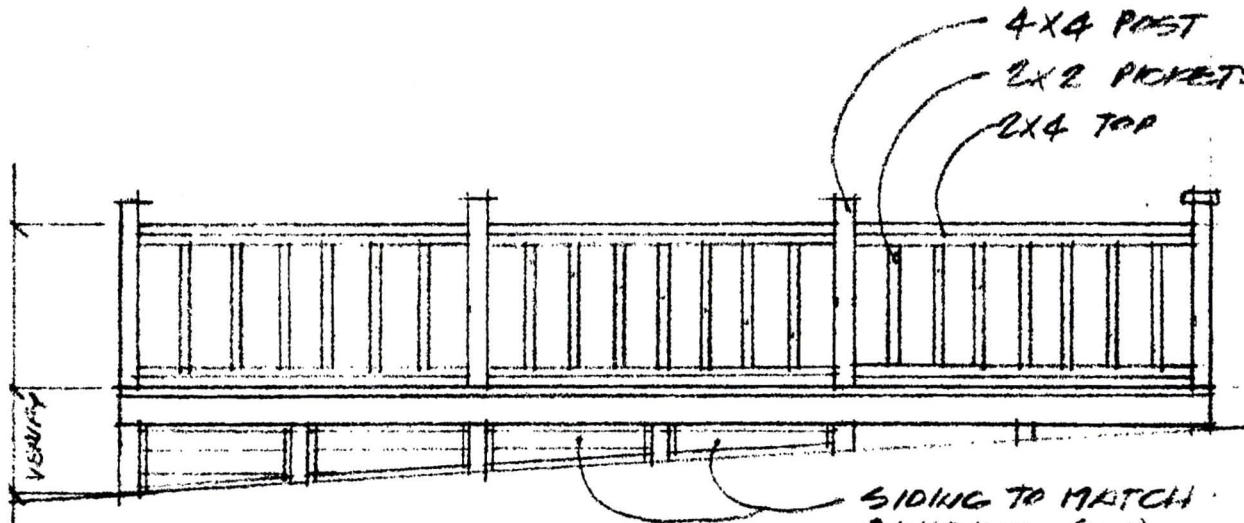
JUN 16 2010



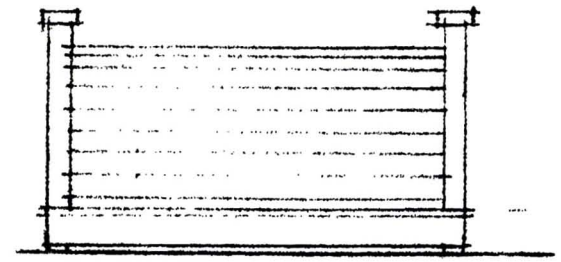
SIDEWALK ELEV.
1/4"



NORTH END
1/4"



MAIN ST. ELEV.
1/4"



SOUTH END
1/4"

JUN 16 2010

When recorded return to:
City Recorder
PO Box 1480
Park City UT 84060

**Fee Exempt per Utah Code
Annotated 1953 21-7-2**

**ENCROACHMENT PERMIT
322 MAIN STREET - MARY LOU TOLY**

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (City) and MARY LOU TOLY (Owner) to set forth the terms and conditions under which the City will permit the Owner to build and maintain certain improvements within the City street known as Main Street in front of and adjacent to 322 Main Street, Park City, Utah. Subject to the following terms and conditions of this agreement, Owner shall have the right to construct and maintain a column-supported balcony over the Main Street sidewalk in front of 322 Main Street.

1. MARY LOU TOLY is the owner of, and this encroachment agreement shall be appurtenant to, the following described property:

The northerly 20 feet of Lot 5, and the Southerly 5 feet of Lot 6, Block 22, Park City Survey, Park City Survey, Section 16, T2S, R4E, Salt Lake Base and Meridian, and Lot 6, Block 69, Park City Survey.

This agreement is not transferable to other property, but is freely transferrable with the title to these lots. The license and conditions as stated in the agreement, are binding on the successors in title or interest of Owner.

2. The improvements permitted within the City property described above shall consist of a column-supported balcony of a design approved by the Park City Building Department. No modifications to the balcony may be made without prior written permission from Park City Municipal Corporation. Park City's approval or lack thereof will be based on the Land Management Code, the Building Code, and the Historic District Design Guidelines in effect at the time of any requested modification.

3. Although it is not currently planned, the City may, at some future date, elect to make improvements to Main Street at this location and install overhead improvements to the full width of platted Main Street. Such overhead improvements may include, but are not limited to, street, lighting, bulbouts, or covered walkways. To the extent that any overhead improvements

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ALAN SPRIGGS, SUMMIT CO RECORDER
2003 JUL 17 11:08 AM FEE \$.00 BY DMG
REQUEST: PARK CITY MUNICIPAL CORP

require the removal, relocation, replacement, and/or destruction of the improvements the Owner may have built within the Main Street right-of-way, the Owner waives any right to compensation for the loss of the use of the balcony within the City street right-of-way and/or for any change in the grade and elevation of Main Street, its adjacent sidewalk and curb, and any related public improvements. This waiver of compensation, in the unlikely event the encroaching portions of the balcony are removed for purposes of installing overhead improvements or any other City improvements, is the consideration given for the granting of this encroachment permit.

4. Prior to installing City improvements in, along, or above Main Street and/or its adjacent sidewalks and curb in a manner that will require the removal or relocation of the balconies, the City will give the Owner sixty (60) days notice, in which time the Owner shall make adjustments and remodel the balcony as necessary to accommodate the changes in the City improvements within the Main Street right-of-way at Owner's cost.

5. No permanent right, title, or interest of any kind shall vest in the Owners in the City property by virtue of this agreement. The balcony may not be condominiumized or otherwise separately owned from the balance of the Owner's property. The property interest hereby created is a revocable license, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.

6. The Owner or her successor shall maintain the balcony in a good state of repair at all times, and upon notice from the City, will repair any damaged, weakened, or failed sections. The Owner agrees to hold the City harmless and indemnify the City for any and all claims which might arise from third parties, who are injured as a result of the Owner's use of the Main Street right-of-way for private purposes, or from the failure of the Owner's improvements. The Owner agrees to maintain general liability insurance in effect in perpetuity, with an aggregate insurance value of not less than \$1,000,000.00 (one million dollars) per occurrence, and Park City shall be named as an Additional Insured by the Owner's insurance carrier.

7. This agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City regarding a notice of revocation with the Summit County Recorder and sending notice to Owner or her successor.

DATED this 14th day of July, 2003.

PARK CITY MUNICIPAL CORPORATION

Eric W. DeHaan PE

Eric W. DeHaan, City Engineer

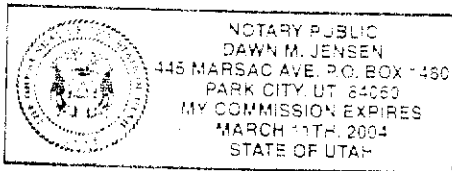
Attest: Sharon C. Bauman

Mary Lou Toly
Mary Lou Toly

STATE OF UTAH

COUNTY OF SUMMIT

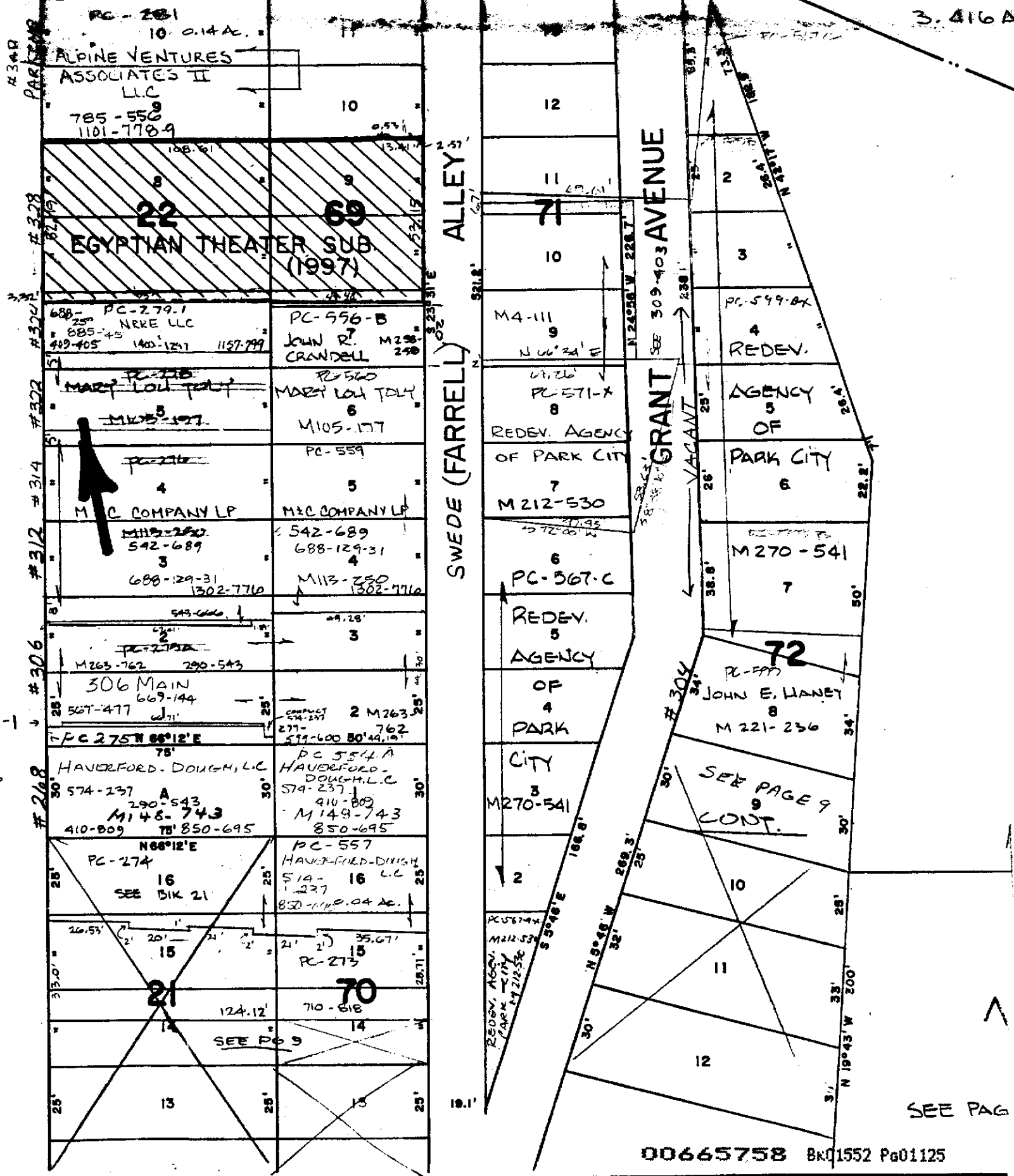
On the 14th day of July, 2003, personally appeared before me Mary Lou Toly, who, being first duly sworn and upon oath, did acknowledge to me that she is the owner of the property known as 322 Main Street, Park City, and that she signed this agreement freely and voluntarily.



Dawn M. Jensen
Notary Public
Residing at: Summit Co.

Commission expires: 3-11-2004

RECORDERS NOTE
DUE TO THE COLOR OF THE INK
OF THE NOTARY SEAL AFFIXED
TO THIS DOCUMENT, THE
SEAL MAY BE UNSATISFACTORY
FOR COPYING.



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SEE PAG

ved	REVISIONS - DATE AND INITIAL	(In Pencil)
TaxComm	Sept 579/200	
By		

SUMM