



**PARK CITY MUNICIPAL CORPORATION  
PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING MINUTES  
PLANNING DEPARTMENT CONFERENCE ROOM  
MARSAC MUNICIPAL BUILDING  
APRIL 16, 2026**

**STAFF PRESENT:** Rebecca Ward, Planning Director; Lillian Zollinger, Planner III

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Planning Director, Rebecca Ward, called the meeting to order at 12:00 p.m.

**1. REGULAR AGENDA**

- 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.

Planner III, Lillian Zollinger, presented the Staff Report and explained that this is an Administrative Conditional Use Permit (“ACUP”) application for 322 Main Street. She reported that 322 Main Street is a Landmark Historic Structure and is located in the Historic Commercial Business Zoning District. Previously, the applicant received a variance from the minimum lot width, plat approval, Historic Preservation Board approval, and Historic District Design Review (“HDDR”) approval. The current application is for outdoor dining, which is an ACUP in the Historic Commercial Business Zoning District.

The outdoor dining is proposed to be on an existing balcony and a new roof deck. The proposal complies with the Historic Commercial Business Zoning District, as outlined in the Staff Report. There is compliance with parking and outdoor dining requirements. In addition, there is compliance with the CUP criteria. Planner Zollinger reviewed several proposed Conditions of Approval, including a condition that limits the amount of outdoor dining on the site. She shared an image with those present and reported that on the outdoor lower balcony, the proposal is to have 16 seats and four tables. On the upper rooftop deck, the proposal is to have 24 seats and six tables available for dining.

Planner Zollinger reviewed several other Conditions of Approval, including conditions related to speakers and compliance with the Noise Ordinance, proposed signage, exterior lighting, and furniture. She noted that the applicant was unable to attend the Administrative Public Hearing, but she is able to answer questions about the application.

Director Ward opened the public hearing at 12:03 p.m. There were no comments. Director Ward closed the public hearing at 12:03 p.m.

**MOTION:** Director Ward APPROVED the Administrative Conditional Use Permit for 322 Main Street, based on the following, as amended:

**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.

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

<b>Lot and Site Requirements</b>	<b>Analysis</b>
<b>Lot Size</b> - The minimum Lot Area is 1,250 square feet.	<b>Complies:</b> The Lot is 3,131 square feet.
<b>Lot Width And Depth</b> – The minimum Lot Width is twenty-five feet (25') and the minimum Lot Depth is fifty feet (50')	<b>Complies with approved Variance:</b> 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.
<b>Front, Rear And Side Setbacks</b> – There are no minimum required Front, Rear, or Side Setback dimensions in the HCB District.	<b>Complies:</b> 0 feet
<b>Sidewalk Provision</b> - 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	<b>Complies:</b> 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;

<p>face of the 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>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> <p>The Applicant proposes a six-foot-wide sidewalk along Swede Alley and exceeds the requirement of a five-foot-wide sidewalk.</p>
<p><b>Balconies and Temporary Winter Balcony Enclosures</b> – 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><b>Complies:</b> 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><b>Vertical Zoning</b> - 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><b>Complies:</b> No changes are proposed to the Main Street Property Storefront width.</p>
<p><b>Storefront Enhancement Zoning</b> - 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><b>Complies:</b> 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 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.
    - i. **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.
    - i. **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.
    - i. **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.
    - i. **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.
    - i. **See Condition of Approval 4:** The Applicant proposes speakers who 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.
    - i. **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.
    - i. **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.

<b>CUP Review Criteria</b>	<b>Analysis of Proposal</b>
Size and location of the Site	<b>Complies:</b> 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 accommodates four tables and 16 seats and the rooftop deck accommodates six tables and 24 seats.

Traffic capacity	<b>Complies:</b> 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	<b>Complies:</b> On March 4, 2025, the Water and Sewer Departments confirmed the proposal complies with their required standards.
Emergency vehicle access	<b>Complies:</b> On March 4, 2025, the Park City Fire District confirmed the proposal complies with their required standards.
Off-street parking	<b>Complies:</b> 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	<b>Complies:</b> 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	<b>No unmitigated impacts:</b> No fences, screening, or landscaping are proposed with this application.
Structure Mass, bulk, and orientation	<b>Complies:</b> The proposed addition was reviewed under the HDDR. The proposed Outdoor Dining rooftop deck will be minimally visible from Main Street.
Useable open space	<b>No unmitigated impacts:</b> No changes to open space are proposed.
Signs and lighting	<b>See Conditions of Approval 5 and 6:</b> Any proposed signs must comply with Park City Municipal Code Title 12, Signs. 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	<b>See Condition of Approval 7:</b> 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	<b>See Condition of Approval 4:</b> The proposed speakers and Outdoor Dining shall comply with the City Noise Ordinance outlined in Park City Municipal Code Chapter 6-3.
Expected ownership	<b>No unmitigated impacts:</b> No changes to ownership are proposed.
Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, or Steep Slopes	<b>No unmitigated impacts:</b> The site is not located on environmentally sensitive lands.
General Plan Consistency	<b>Complies:</b> 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.”

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 that 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, 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.

**2. ADJOURNMENT**

The Park City Administrative Public Hearing adjourned at approximately 12:05 p.m.

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:".