



**PARK CITY PLANNING DEPARTMENT ADMINISTRATIVE HEARINGS MEETING  
SUMMIT COUNTY, UTAH  
March 25, 2021**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its Planning Department Administrative Hearings at the [www.parkcity.org/public-meetings](http://www.parkcity.org/public-meetings) for the purposes and at the times as described below on Thursday, March 25, 2021.

**Regular Agenda**

2346 Park Avenue -- Park City Peaks Hotel -- Versante on the Lawn Administrative Conditional Use Permit for Outdoor Use and Temporary Structures.

(A) Public Hearing; (B) Action

[Public Hearing Zoom Participation Information](#)

[Versante on the Lawn Outdoor Use and Temporary Improvement Administrative Conditional Use Permit Staff Report](#)

[Exhibit A: Draft Final Action Letter](#)

[Exhibit B: Site Plan](#)

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: [www.parkcity.org](http://www.parkcity.org)

**\*Parking validations will be provided for Council meeting attendees that park in the China Bridge parking structure.**

## Planning Department Staff Report

**Subject:** Versante on the Lawn – Peaks Hotel  
**Application:** PL-21-04764  
**Author:** Aiden Lillie, Planner I  
**Date:** March 25, 2021; 12:00 PM  
**Type of Item:** Administrative Conditional Use Permit



To participate in the public hearing, please join the Zoom meeting below at 12:00 PM:

<https://us02web.zoom.us/j/82616163817>

Meeting ID: 826 1616 3817

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## Planning Department Staff Report



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### Recommendation

Staff recommends the Planning Director (1) review the proposed Temporary Improvements and Outdoor Use for Peaks Hotel – Versante on the Lawn, (2) conduct a public hearing, and (3) consider approving an Administrative Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the draft Final Action Letter (Exhibit A).

### Description

**Applicant:** Stephanie Samuels

**Location:** 2364 Park Avenue

**Zoning Districts:** Residential Development Medium  
Frontage Protection

**Adjacent Land Uses:** Hotel, Office, Residential

**Reason for Review:** Planning staff reviews and approves Administrative Conditional Use Permits<sup>1</sup>

### Acronyms

CUP	Conditional Use Permit
FPZ	Frontage Protection Zone
LMC	Land Management Code
MCPC	Municipal Code of Park City
RDM	Residential Development Medium

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

### Background

The Peaks Hotel is in the southeast quadrant of the S.R. 224 (Park Avenue) and Holiday Ranch Loop Road intersection in the Residential Development Medium (RDM) Zoning District and Frontage Protection Zone. Approximately 60,000 square feet of the northern portion of the property is a lawn area with trees.

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<sup>1</sup> LMC [§ 15-1-8\(E\)](#)

The Park City Special Events Department issued a Level 3 Special Event Permit for this lawn for an event known as Versante on the Lawn with outdoor dining and music scheduled Friday through Sunday, 3:00 PM to 8:00 PM, June 27 through September 7, 2020, and Monday through Thursday, 4:00 PM to 8:00 PM, June 27 through August 2, 2020. The Applicant requested an extension for the Permit through September 20, 2020.

This extension was approved by the Park City Planning Department. On July 31, 2020, the Planning Director approved an Administrative Conditional Use Permit (CUP) for Temporary Improvements and Outdoor Events for Versante on the Lawn (PL-20-04570), extending the temporary approval for outdoor dining and music through September 20, 2020.

In 2021, the Applicant applied for an Administrative CUP for approval of Temporary Improvements and Outdoor Use to install temporary outdoor restrooms, four 10' x 10' weighted pop-up tents, eight tables with umbrellas for outdoor dining, a temporary food station, and bike racks, and to allow acoustic music during limited hours.

The Applicant proposes outdoor dining from 4:00 PM through 8:30 PM, Monday through Sunday from June 5<sup>th</sup> through September 12<sup>th</sup>. The Applicant proposes live acoustic music Friday and Saturdays from 6:00 PM through 8:00 PM.

## **Analysis**

### **(I) The proposal complies with the Residential Development Medium (RDM) and Frontage Protection Zoning District requirements.**

One of the purposes of the Residential Development Medium (RDM) Zoning District is to allow limited generated businesses that are Compatible with residential neighborhoods.<sup>2</sup> Outdoor Uses are an Administrative Conditional Use in the RDM Zoning District.<sup>3</sup>

Outdoor Uses and Events are defined as “[a]ny land Use, Business, or activity that is not conducted entirely within an enclosed Building or Structure . . . Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts . . . and outdoor events and music.”<sup>4</sup>

Outdoor Uses and Events must meet Setback requirements. The table below outlines the Setback requirements in the RDM Zoning District and Frontage Protection Zone (FPZ). The proposal complies.

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<sup>2</sup> LMC [§ 15-2.14-1\(C\)](#).

<sup>3</sup> LMC [§ 15-2.14-2\(B\)\(25\)-\(26\)](#).

<sup>4</sup> LMC [§ 15-15-1](#).

Setback	RDM	FPZ	Proposal
Front	20'	30'	70' - 95'
Rear	10'	30'+	62.5' - 79.5'
Side	10'	30'+	45'

**(II) The proposal complies with the Conditional Use Review requirements.**

Outdoor Uses in the RDM Zoning District must comply with LMC [§ 15-1-10\(E\)](#), *Conditional Use Review*.<sup>5</sup> Additionally, the proposed Outdoor Use triggers an Administrative CUP review because it proposes activity within 30 feet to 100 feet from S.R. 224 in the FPZ.

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 evaluates all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.<sup>6</sup>

The Planning Department must review sixteen criteria when considering whether the proposed Conditional Use mitigates impacts:<sup>7</sup>

CUP Criteria	Proposal
Size and Location of the Site	<b>No Required Mitigation</b> The proposed outdoor dining area is 15,475 square feet in size. Versante on the Lawn will be located 113' 7" from Park Avenue, 59' 5" from Holiday Ranch Loop Road, and 78' 10" from Jupiter View Drive. The site is on grass lawn north of the existing restaurant.
Traffic	<b>No Required Mitigation</b> The proposed outdoor dining site is designed to accommodate Versante restaurant visitors and Peak hotel guests with 133 parking spots and two bike racks. Emergency response vehicles will temporarily impede traffic for important public safety purposes. No mitigation is recommended.

<sup>5</sup> LMC [§ 15-2.14-9](#).

<sup>6</sup> LMC [§ 15-1-10](#).

<sup>7</sup> LMC [§ 15-1-10\(E\)](#).

Utility Capacity	<p><b>Conditions of Approval 5</b></p> <p>The outdoor dining site must be capped at 12 total tables.</p>
Emergency Vehicle Access	<p><b>Conditions of Approval 20, 23 &amp; 24</b></p> <p>The parking lot located between the proposed outdoor dining area and the Versante Restaurant/ Peak hotel is large enough for emergency vehicle access.</p> <p>The temporary food station shall be located on gravel or a concrete pad and shall not encroach into any parking spaces</p> <p>No on-street parking is permitted on Jupiter View Drive, S.R. 224 (Park Avenue), or in the nearby residential areas. The Applicant shall manage parking to ensure that parking for Versante on the Lawn remains on site. If parking cannot be accommodated on site, the Applicant shall cap the guests allowed until on-site parking becomes available.</p> <p>If the Applicant cannot maintain parking for uses on site, including hotel, restaurant, and outdoor uses within the existing 133 parking spaces, the Planning Department will provide notice to the Applicant and they may be required to reduce attendance of the event, terminate programming, or create additional mitigation strategies to stay within parking spaces on site. If the Outdoor Use parking exceeds on-site parking, the Planning Director reserves the right to terminate this Administrative CUP.</p>
Parking	<p><b>Conditions of Approval 20, 23 &amp; 24</b></p> <p>The Versante Restaurant has 133 designated parking spots, located off a private street, Jupiter View Drive.<sup>8</sup></p> <p>See Conditions of Approval 20, 23, &amp; 24 restricting parking for the Outdoor Use to the 133 on-site parking spaces.</p>
Internal vehicular and pedestrian circulation	<p><b>Condition of Approval 16</b></p> <p>The Applicant shall install two bike racks by June 5, 2021, so that cyclists to safely leave their bikes and access Versante on the Lawn. Bike racks must accommodate bike storage medium-security racks, in which both the bicycle frame and the wheels may be locked by the user. The spaces must be designed to prevent damage to the bikes and to facilitate easy and secure storage without interference from or to adjacent bikes. Bike racks must be anchored and be of solid</p>

<sup>8</sup> LMC § [15-3.6\(B\)](#).

	construction, resistant to rust, corrosion, hammers, and saws. <sup>9</sup>
Fencing, Screening, and landscaping	<b>Condition of Approval 15</b> Any existing vegetation that is impacted by this Admin CUP shall be replaced in-kind.
Building mass, bulk, and orientation	<b>Not Applicable</b>
Useable Open Space	<b>No Required Mitigation</b> The 15,475 square feet includes more useable space than unusable space.
Signs and Lighting	<b>Conditions of Approval 9 &amp; 17</b> All exterior lights must conform to the City outdoor lighting code.  Versante on the Lawn signs must comply with the Park City Sign Code, Title 12
Physical Design and Compatibility with surrounding Structures	<b>No Required Mitigation</b> Staff reviewed the proposed design for compliance with the Guidelines. See <b>Exhibit B</b> for the proposed plans.
Noise, vibration, odors, steam, or other mechanical factors	<b>Conditions of Approval 11 &amp; 13</b> Outdoor Uses must comply with the Park City Noise Ordinance, <sup>10</sup> which establishes a maximum of 55 dBA from 6:00 AM through 10:00 PM. <sup>11</sup> As a result, Condition of Approval 19 requires compliance with Municipal Code Chapter 6-3, <i>Noise</i> , prohibits amplified music, and restricts music from 5:00 PM to 8:30 PM. 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.
Control of delivery and service vehicles, loading and unloading zones, and	<b>No Required Mitigation</b> This CUP will not interfere with existing delivery and service vehicles as well as loading and unloading zones. The Applicant has two recycling trash and recycling facilities that

<sup>9</sup> LMC [§ 15-3-9\(D\)](#).

<sup>10</sup> LMC [§ 15-2.14-9\(B\)](#).

<sup>11</sup> MCPC [§ 6-3-9](#).

Screening of trash and recycling pickup areas	are located on the back lawn. They are in possession of a building permit to enclose the trash structure and pour a concrete pad to conceal these areas.
Expected Ownership and management	<b>No Required Mitigation</b> The property is owned by Damon Navarro and will be managed by Stephanie Samuels.
Within and adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes	<b>Not Applicable</b>
Reviewed for Consistency with the Park City General Plan	<b>No Required Mitigation</b> Goal 1: Park City will protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Objective 1A: Direct complimentary land use and development into existing neighborhoods that have available infrastructure and resource capacity.  The proposed outdoor dining area is a temporary use of the FPZ and will not include permanent development of this land.

**(IV) The proposal complies with LMC § 15-4-16, *Temporary Structures, Tents, And Vendors*.**

<b>Criteria</b>	<b>Proposal</b>
Written notice of Property Owner's Permission	The Property Owner submitted permission to staff on March 23, 2021.
Shall not diminish existing parking	<b>Condition of Approval 20</b> The Applicant has 133 parking spots available during operating hours in addition to an underground parking lot. Both lots are owned by the Peak Hotel and are located off a private street, Jupiter View Drive.  The temporary food station shall be located on gravel or a concrete pad and shall not encroach into any parking spaces.



Shall not impede pedestrian circulation, emergency access, or public safety	<p><b>No Required Mitigation</b></p> <p>The proposed outdoor dining area will include two bike racks for pedestrians to safely leave their bikes and access Versante on the Lawn. The parking lot located between the proposed outdoor dining area and the Versante Restaurant/ Peak hotel is large enough for emergency vehicle access. This proposal will not impede public safety as access is located off a private road and city fire inspections will be completed.</p>
Shall not violate MCPC Chapter 6-3, <i>Noise</i>	<p><b>Conditions of Approval 11 &amp; 14</b></p> <p>Should the Applicant receive a complaint regarding noise generated from the Event, they shall be required to notify the Planning Department within one business day, and the City shall notify the Applicant upon receiving any complaint within one business day. Upon the notice of 3 such complaints, the Planning Director will review the approval of this Permit. The Planning Director Reserves the right to modify the operations, add additional restrictions and/or Conditions of Approval to mitigate community impacts from the event.</p> <p>No amplified music is approved with this Permit. Acoustic music is restricted to 5:00 P.M. to 8:00 P.M. on Fridays and Saturdays, as stated by the Permit proposal. The applicant will orient any music toward the Outdoor Use area, as opposed to facing any street.</p>
Signage shall comply with MCPC Title 12	<b>Condition of Approval 17</b>
Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering	<p><b>Condition of Approval 2</b></p> <p>Applicant must obtain required licensing through the Summit County Health Department</p>
Applicant shall adhere to all applicable City and State licensing ordinances	<p><b>Conditions of Approval 18 &amp; 19</b></p> <p>The Applicant shall secure a State Department of Alcohol Beverage Control license to serve liquor in the outdoor area and shall comply with State law.</p> <p>The Applicant shall obtain a Business License for outdoor food sold through Point of Sale that is not Versante's Point of Sale.</p>

### **Department Review**

The Planning Department reviewed this application.

### **Notice**

Staff posted notice to the property on March 12, 2021. Staff mailed courtesy notice to property owners within 300 feet on March 15, 2021.

### **Public Input**

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

### **Alternatives**

- The Planning Director may approve the Administrative CUP;
- The Planning Director may deny the Administrative CUP; or
- The Planning Director may request additional information and continue the discussion to a date certain.

### **Exhibits**

Exhibit A: Draft Planning Director Determination

Exhibit B: Site Plan



March 25, 2021

Stephanie Samuels  
Peaks Hotel  
2346 Park Avenue  
Park City, UT 84060

### NOTICE OF PLANNING DEPARTMENT ACTION

<u>Application #</u>	PL-21-04764
<u>Address</u>	2346 Park Avenue
<u>Description</u>	Administrative Conditional Use Permit (Admin CUP) for an Outdoor Use and Temporary Improvement
<u>Action Taken</u>	Approved
<u>Date of Action</u>	March 25, 2021

On March 25, 2021, the Park City Planning Department Staff made an official determination of approval of your Administrative Conditional Use Permit for a Temporary Improvements and Outdoor Use (Versante on the Lawn) beginning on June 5, 2021 and ending on September 12, 2021.

### Findings of Fact:

1. This Site is within the Residential Development – Medium Density (RDM) Zoning District. The proposed Admin CUP Temporary Improvements and Outdoor Use comply with Setbacks for this Zone.
2. This Site is within the Frontage Protection Zone (FPZ). The Temporary Structures are more than 30' from S.R. 224, Park Avenue. The Temporary fencing is wooden rail fencing.
3. The Outdoor Use is located within the northern lawn Area of the Park City Peaks Hotel property, located at 2346 Park Avenue. Outdoor Use and Temporary Structure details include:
  - a. Outdoor dining Monday – Sunday, 4:00 P.M. – 8:30 P.M.,
  - b. Up to 100 people in the Outdoor Use area,
  - c. Four temporary 10' x 10' weighted tents for shade, eight temporary tables with umbrellas, and a temporary wooden Outdoor Use perimeter fence.
  - d. A temporary food station.
  - e. Two bike racks.
  - f. Outdoor restroom facilities.
  - g. Acoustic music on Friday and Saturday from 6:00 P.M. to 8:00 P.M.
4. The Peaks Hotel has 133 parking spaces available. Event attendance is projected to be mainly from onsite hotel or restaurant guests. All parking shall take place onsite.

5. The Outdoor Use, as measured by the Applicant, is 113' 7" from Park Avenue, 59' 5" from Holiday Ranch Loop Road, and 78' 10" from Jupiter View Drive. The area totals 15,475 square feet.

Conclusions of Law:

1. The Application Permit, as conditioned, is consistent with LMC § 15-1-10 Conditional Use Review Process, LMC § 15-2.14-2 Uses, LMC § 15-2.14-3 Lot and Site Requirements, LMC § 15-2.14-9 Outdoor Events and Music, 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 differences in Use or scale have been mitigated through careful planning.

Conditions of Approval:

1. The proposed project shall be in accordance with all adopted codes, including, but not necessarily limited to the Land Management Code; International Building, Fire and related Codes (including ADA compliance); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of Park City.
2. Applicant shall comply with all City, County, and State health and licensing requirements.
3. The Use shall not violate the Summit County Health Code or State Regulations on mass gathering.
4. Tents shall be secured to the ground with stakes or weights and are subject to Building Department review and approval.
5. Outdoor dining is capped at twelve (12) tables.
6. Applicant is responsible for obtaining any City permits that apply to the scope of work for this Permit.
7. Applicant shall not exceed the hours of operation listed in Finding of Fact 3.
8. No exterior advertising signs or lighting are approved with this Administrative CUP.
9. All exterior lights must conform to the City outdoor lighting code.
10. Applicant shall apply for a fire permit from the Building Department for the propane cooking appliance. The Applicant may only use this device upon Permit approval from the City.
11. Should the Applicant receive a complaint regarding traffic, parking, or noise generated from the Outdoor Use, they shall notify Park City within one business day. The City shall notify the Applicant upon receiving any Outdoor Use complaint within one business day. Upon the notice of 3 complaints, the Planning Director will review the approval of this Permit. The Planning Director Reserves the right to modify the operations, add additional restrictions and/or Conditions of Approval to mitigate community impacts from the Outdoor Use.
12. Applicant is responsible for all trash removal from the Site.
13. The Outdoor Use shall comply with Municipal Code of Park City Chapter 6-3, *Noise*, which establishes a maximum of 55 dBA from 6:00 A.M. through 10:00 P.M.

14. No amplified music is approved with this Permit. Acoustic music is restricted to 5:00 P.M. to 8:00 P.M. on Fridays and Saturdays, as stated by the Permit proposal. The applicant will orient any music inward toward the Outdoor Use area, as opposed to facing any street.
15. Any existing vegetation that is impacted by this Admin CUP shall be replaced in-kind.
16. The Applicant shall install two bike racks by June 5, 2021, so that cyclists to safely leave their bikes and access Versante on the Lawn. Bike racks must accommodate bike storage medium-security racks, in which both the bicycle frame and the wheels may be locked by the user. The spaces must be designed to prevent damage to the bikes and to facilitate easy and secure storage without interference from or to adjacent bikes. Bike racks must be anchored and be of solid construction, resistant to rust, corrosion, hammers, and saws.
17. Versante on the Lawn signs must comply with Municipal Code of Park City Title 12, the Sign Code. A separate sign permit shall be required.
18. The Applicant shall secure a State Department of Alcoholic Beverage Control license to serve liquor in the outdoor area and shall comply with State law.
19. The Applicant shall obtain a Business License for outdoor food sold through Point of Sale that is not Versante's Point of Sale.
20. The temporary food station shall be located on gravel or a concrete pad and shall not encroach into any parking spaces.
21. This Permit will expire on September 12, 2021. Applicant shall remove all aspects of the Use from the property by September 13, 2021.
22. No artist vendors are allowed as part of this Administrative CUP.
23. No on-street parking is permitted on Jupiter View Drive, S.R. 224 (Park Avenue), or in the nearby residential areas. The Applicant shall manage parking to ensure that parking for Versante on the Lawn remains on site. If parking cannot be accommodated on site, the Applicant shall cap the guests allowed until on-site parking becomes available.
24. If the Applicant cannot maintain parking for uses on site, including hotel, restaurant, and outdoor uses within the existing 133 parking spaces, the Planning Department will provide notice to the Applicant and they may be required to reduce attendance of the event, terminate programming, or create additional mitigation strategies to stay within parking spaces on site. If the Outdoor Use parking exceeds on-site parking, the Planning Director reserves the right to terminate this Administrative CUP.

If you have any questions regarding this approval, please contact the project planner at (435) 615-5067 or [aiden.lillie@parkcity.org](mailto:aiden.lillie@parkcity.org).

Sincerely,

Gretchen Millikin,  
Planning Director

Park City Planning Department, PO Box 1480, Park City, Utah 84060

