



**PARK CITY PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING MEETING
SUMMIT COUNTY, UTAH
October 28, 2022**

REGULAR AGENDA - 12:00 PM

950 Aerie Drive - Administrative Conditional Use Permit - The Applicant Proposes a Temporary Tent for a Private Event on October 29, 2022. PL-22-05419 (A) Public Hearing; (B) Final Action

[950 Aerie Drive Staff Report](#)
[Exhibit A: Draft Final Action Letter](#)
[Exhibit B: Applicant Statement](#)
[Exhibit C: Proposed Plans](#)

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.org at least 24 hours prior to the meeting.

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

Planning Department Staff Report



Subject: 950 Aerie Drive
Application: PL-22-05419
Author: Spencer Cawley, Planner II
Date: October 28, 2022
Type of Item: Administrative Conditional Use Permit

Recommendation

Staff recommends the Planning Director (I) review the proposed plan to install a temporary tent for a private event, (II) conduct a public hearing, and (III) consider approving an Administrative Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action letter (Exhibit A).

Description

Applicant: Jeffrey Kimbell – Kimbell and Associates
Location: 950 Aerie Drive
Zoning District: Estate
Adjacent Land Uses: Single-Family Dwellings
Reason for Review: The Planning Director reviews and considers approving Administrative Conditional Use Permits¹

ACUP Administrative Conditional Use Permit
E Estate
LMC Land Management Code
SLO Sensitive Land Overlay

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

Summary

The Applicant proposes to install a temporary tent for a private event on Saturday, October 29, 2022. The proposed tent is 40' X 40' feet and will include side walls. The tent is scheduled for delivery on Friday, October 28, 2022, at 9:00 AM and is scheduled for pickup on Monday, October 31, 2022, and 9:00 AM. The event will also include:

- one stage, measuring approximately 12' X 16' X 24"
- six pedestal tables
- a bar
- five 50-foot string lights (interior only)
- two heaters
- a generator
- fuel for the heating and generator

¹ LMC [§ 15-1-8](#)

Analysis

(I) The proposal complies with the Estate (E) Zoning District Requirements outlined in LMC Chapter 15-2.10.

A Temporary Improvement is defined as “A Structure built, or installed, and maintained during construction of a Development, or during a Special Event or activity and then removed prior to release of the performance Guarantee. Does not include temporary storage units, such as PODS or other similar structures used for temporary storage that are not related to a Building Permit for construction of a Development and are not part of an approved Special Event or activity” per LMC Chapter 15-15, *Defined Terms*.

Temporary structures/improvements are a conditional Use in the E Zoning District and require an Administrative Conditional Use Permit.² The Temporary Improvement tent is proposed to be up for one day for a private event. The tent is 1,600 square feet and will require a Building Permit pursuant to LMC [§ 15-4-16\(A\)\(5\)](#).

(II) The proposal complies with the Sensitive Land Overlay (SLO) Zoning District Requirements outlined in LMC Chapter 15-2.21.

The tent is a temporary structure and will not impact any Slope, Ridge Line, Wetland, Stream, or Wildlife Habitat Area. Therefore, the tent complies with the SLO Zoning Requirements.

(III) The proposal complies with the standards of LMC § 15-4-16, *Temporary Structures, Tents, and Vendors*.

Temporary Structure	Analysis of Proposal
The Applicant shall provide written notice of the Property Owner’s permission.	Not Applicable. The Applicant is the owner of record for 950 Aerie Drive.
The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant’s plan.	Complies: The Applicant propose to erect the tent in the front yard, utilizing indoor and outdoor space. Parking will be provided on site as well as any available street parking. The Applicant has notified surrounding neighbors of the intent to hold the party and encourages guests to use ride share to access the site.

² LMC [§ 15-2.10-2](#)

The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.	Condition of Approval 4: The tent will not impact Pedestrian Circulation System, nor will it impact emergency access. The Applicant shall schedule a fire inspection with the City.
The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3.	Condition of Approval 5: The Applicant shall adhere to the City's Noise Ordinance pursuant to Municipal Code Chapter 6-3 . No noise is permitted beyond 10:00 PM.
The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9.	Condition of Approval 6: All additional lighting will be inside the temporary tent. No Signs or Outdoor lighting beyond what currently exists is allowed or permitted.
The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.	Condition of Approval 7: The Applicant states there are roughly 90 guests invited to the private event. The Applicant shall ensure they follow City, County, and State regulations and licensing ordinances.
The Use shall not violate the International Building Code.	Condition of Approval 8: The Applicant shall complete the Building Permit process.

(IV) The proposal complies with criteria outlined in LMC [§ 15-1-10\(E\)](#).

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 Director 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 Director 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	Complies: The Site is zoned Estate and has an existing Single-Family Dwelling. There are no proposed changes to the Site.

Traffic	Complies: The tent will be used for one evening by guests of the private event. Guests are encouraged to use ride share to attend the event.
Utility Capacity	Not Applicable
Emergency Vehicle Access	Complies: The tent will not impede Emergency Vehicle Access.
Parking	Complies: The Applicant propose to erect the tent in the front yard, utilizing indoor and outdoor space. Parking will be provided on site as well as any available street parking. The Applicant has notified surrounding neighbors of the intent to hold the party and encourages guests to use ride share to access the site.
Internal Vehicular and Pedestrian Circulation System	Complies: The tent will not impact Pedestrian Circulation System.
Fencing, Screening, and Landscaping	Not Applicable
Building Mass, Bulk, and Orientation	Not Applicable
Useable Open Space	Complies: The temporary tent will not significantly alter the Useable Open Space.
Signs and Lighting	Condition of Approval 6: All additional lighting will be inside the temporary tent. No other Signs or Outdoor lighting is allowed or permitted.
Physical Design and Compatibility with Surrounding Structures	Not Applicable
Noise, Vibration, Odors, Steam, or Other Mechanical Factors	Condition of Approval 5: The Applicant shall follow the City's Noise Ordinance pursuant to Municipal Code Chapter 6-3 . No noise is permitted beyond 10:00 PM.
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	Complies: The tent is scheduled for delivery on Friday, October 28, 2022, at 9:00 AM and is scheduled for pickup on Monday, October 31, 2022, and 9:00 AM.

Expected Ownership and Management	Complies: The property owner is the Applicant and is responsible for all compliance.
Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	Complies: The tent is a temporary structure and will not impact any Slope, Ridge Line, Wetland, Stream, or Wildlife Habitat Area. Therefore, the tent complies with the SLO Zoning Requirements.
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: The proposed Use of the Site is consistent with the Small Town and Natural Setting Goals of the General Plan, as the yurt creates a sense of community by promoting special events.

Department Review

The Planning Department reviewed this report.

Notice

Staff published notice to the property on October 18, 2022. Staff mailed courtesy notice to adjacent property owners on October 18, 2022.³

Public Input

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

Alternatives

- The Planning Director may approve the temporary tent;
- The Planning Director may deny the temporary tent and direct staff to make Findings for the denial; or
- The Planning Director may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Applicant Statement

Exhibit C: Proposed Plans

³ LMC [§ 15-1-21](#).



Planning Department

October 28, 2022

Jeffrey Kimbell
950 Aerie Drive
Park City, UT 84060
(202) 812-1254

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 950 Aerie Drive
Zoning District: Estate
Application: Administrative Conditional Use Permit
Project Number: PL-22-05419
Action: APPROVED WITH CONDITIONS (See Below)
Date of Final Action: October 28, 2022
Project Summary: The Applicant proposes a temporary tent for a private event on October 29, 2022.

Action Taken

On October 28, 2022, the Planning Director conducted a public hearing and approved a temporary tent for a private event according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. 950 Aerie Drive is in the Estate Zoning District.
2. The Site is in the Sensitive Land Overlay Zone.
3. On October 13, 2022, the Planning Department received a complete application for an Administrative Conditional Use Permit.
4. The Applicant proposes a temporary tent for a private event.
5. The analysis section of the Staff Report is incorporated herein.

Conclusions of Law



Planning Department

1. The proposal complies with the requirements pursuant to LMC Chapter 15-2.10, *Estate (E) District*, LMC § 15-4-16, *Temporary Structures, Tents, and Vendors*; and LMC § 15-1-10(E), *Conditional Use Permit*.
2. The effects of any differences in Use or Scale have been mitigated through careful planning.

Conditions of Approval

1. Final plans and construction details shall reflect substantial compliance as required by this Final Action Letter. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a stop-work order.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
3. Any changes, modifications, or deviations from the approved scope-of-work shall be submitted in writing for review and approval/denial pursuant to the applicable standards by the Planning Director prior to construction.
4. The Applicant shall schedule a fire inspection with the City prior to the private event.
5. The Applicant shall adhere to the City's Noise Ordinance pursuant to Municipal Code Chapter 6-3. No noise is permitted beyond 10:00 PM.
6. No Signs or Outdoor lighting beyond what currently exists is allowed or permitted.
7. The Applicant shall ensure they follow City, County, and State regulations and licensing ordinances.
8. The Applicant shall complete the Building Permit process.

If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5060 or email spencer.cawley@parkcity.org.

Sincerely,

Gretchen Milliken,
Planning Director

CC: Spencer Cawley, Project Planner



Planning Department

DRAFT

To Whom It May Concern:

This is a Conditional Use Permit request to construct a 40 x 40 temporary tent with side walls for a private event on my property at 950 Aerie Drive, Park City, UT 84060. – HSTONE – 2 on Saturday, Oct. 29, 2022.

Event details:

Date: Oct. 29, 2022

Time: 7:30pm

Expected Attendance: 50-75 ppl

Music: - 4-piece Band – Spazmatics - LA

Sound/Lights: provided by Power Plus Productions

Contact: John Anderson: Account Manager

Main: 801-487-2112 Other: 801-631-5115

J.Anderson@PowerPlusPro.com

Tent/stage/heaters/generator: Provided by Diamond Event and Rent

Contact: Randy Rutherford: CERP | Event Sales

CERP | Certified Event Rental Professional

Main: 801-262-2080 | Desk: 801-869-3351

Email: randyr@diamondevent.com

Diamond Event is securing the fire permit for the event.

All guests have been encouraged to use a rideshare company but have 8 locations on property and street parking available.

The adjacent property owners, listed below, have been notified and invited but are not expected to be in town at the time of the event.

Mark and Jolene Peterson
962 Aerie Drive – HSTONE – 3
Park City, UT 84060
(714) 724-7983
markpeterson1@yahoo.com

Jubeen Vaghafi
938 Aerie Drive – HSTONE – 1
Park City, UT 84060
(305) 458-5296
Jvaghafi@yahoo.com

Sincerely,
Jeff Kimbell

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