PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 9, 2003

Present: **Mayor Dana Williams; Council members Peg Bodell, Candace Erickson, Jim Hier, and Fred Jones**

Tom Bakaly, City Manager; Matt Twombly, Project Manager; Michelle Barrus, Special Events and Facilities Coordinator; Alison Butz, Special Events and Facilities Manager; Mark Harrington, City Attorney; Ken Fisher, Recreation Manager; Eric DeHaan, City Engineer; Kevin LoPiccolo, Planner; and Tim Twardowski, Assistant City Attorney

Frank Normile, Park City Film Series; Sara Wright and Greg Rutlidge, Blue Sky Program; Dave Staley, Liza Simpson, and Rich Miller, Recreation Advisory Board (RAB); Bill Shoaf and Craig Elliott of Fandango Resorts

Absent: **Council member Kay Calvert**

1. **Council questions and comments.** In response to a comment made by Peg Bodell about the McLeod Creek trail, Matt Twombly explained that the gravel portion to the Farm is scheduled to be paved next spring. She recognized employee Barbara Spruill and citizen Hal Compton as recipients of the Governor's Humanities Award. The Savage House received a Utah Heritage Award and Ms. Bodell suggested that we thank the many volunteers who helped on the rehabilitation of the house. Mel Flectcher is also receiving an award from the Salt Lake City ski archives group. Ms. Erickson commended the bus turn-around project. Mayor Williams read a letter from Council candidate Ron Shepard who addressed public safety issues, specifically the PACE program, and thanked staff for providing helpful information during his campaign.

2. **Santy Auditorium seats.** Michelle Barrus explained that Council discussed this topic last winter, and staff and the Park City Film Series are again before Council because the project didn't receive adequate Restaurant Tax funding. Preliminary bids to replace the seats range from $60,000 to $84,000 and the Park City Film Series is requesting full funding from the City for the project. Ms. Barrus explained that the office space improvement fund is budgeted at $110,000 and supports all City buildings. As a capital expense, the purchase could qualify as a five-year CIP Fund project. Staff is looking for direction on whether to proceed with the replacement of the chairs, and if so, the source for funding. Another option is to continue the item until the next budget cycle.

Frank Normile explained that the seats were installed about 1921 and improved with cushions around 1995. The Auditorium itself has been upgraded with improvements to the sound system and projection equipment. However, the seats remain uncomfortable and aren't staggered so when there's a crowd, patrons look at other people's heads. Sundance actually installs and positions a temporary screen so that subtitles can be read. He discussed the importance of cultural tourism, relating to the Sundance Film Festival, and pointed out that the Park City Film Series was initially created to provide opportunities for locals to see Sundance films. Ticket sales have increased about 20% every year. The Restaurant Tax committee awarded $10,000 out of the $58,000 request, because it deemed that the improvement benefits locals more than tourists, but Mr. Normile pointed out that one-third of the Film Series patrons are visitors. There are a number of groups who regularly use the Auditorium, which should be maintained at the same level as other City facilities. It has been suggested that the Film Series conduct a fund-raiser for the purchase, but it would take a long time and there is no budget. This is a public building, which is used by an estimated 20,000 people during Sundance, which directly relates to cultural tourism. The Mayor pointed out that 70 seats will be lost with the replacement and Mr. Normile didn't feel it's a major concern.

Fred Jones stated that at some point the chairs need to be replaced, but didn't see an urgency to consider the project out of the normal budget cycle. He suggested some cost sharing, like the equipment purchase several years ago. Candace Erickson felt that the seats should be replaced soon. It was explained that the seats could be ordered and installed within a month. They recline and are about two inches wider than the current seats. Frank Normile added that the reclining feature doesn't diminish leg room and the current design is ADA compliant. There was discussion about selling seats to sponsors for revenues and the argument that this is a public facility and the Film Series has no resources was reiterated. Frank Normile clarified that the City purchased projection equipment upfront, and the Film Series reimbursed the City over a five-year period. There was discussion about seats with writing trays. Jim Hier stated that he would like information on the cost of the temporary screen and the programming schedule for the facility to determine the allocation of usage if cost sharing is viable. He felt that funding should be from the CIP Fund and the project could proceed immediately. Peg Bodell felt the City needs to replace the seats and agreed that the CIP Fund should be used. She felt that the project and any fund-raising is the responsibility of the City. Dana Williams disclosed that he received a phone call from Katherine Henney who is concerned about the loss of the historic seats. Peg Bodell relayed that she shared the same concern and contacted the Historical Society, who didn't feel strongly about saving the chairs. The Mayor indicated his support for the project.

Fred Jones expressed concerns about supporting a project outside the budget cycle. Peg Bodell recalled that the Film Series approached the City last winter and were encouraged to obtain Restaurant Tax monies, which took them out of the timing of the budget review. The City Manager suggested that the City conduct a formal bid process which was supported by the Council. Candace Erickson reiterated that this is a City facility, which benefits from permanent improvements.

3. Wind Power. Alison Butz explained Council's last meeting on this where staff was directed to return with power use figures on all buildings. Sara Wright spoke on the recent conference attended by the Mayor, other elected officials, and organizations interested in renewable energy. In response to a question from the Mayor, Ms. Wright explained that Blue Sky revenues are allocated to the purchase of renewable energy credits, which drives new wind development and creates some funding for marketing. The program is regulated by the Public Service Commission. Ms. Wright explained that wind farms receive the funding and acknowledged that it is a complex process. She added that previous discussions involved a purchase by the City, followed with a challenge to the community to participate, and once goals were met, to increase the City's contribution. She referred to the program in Salt Lake City where the green power purchase was totally supported through energy-efficiency savings. Alison Butz stated that the City's electricity usage for the year totaled $495,052 and suggested an initial goal of 7.5%, representing an annual cost of $8,400. This is a Utah Power's *visionary level* and allows room to grow in the future. The challenge to the community is suggested at 5% participation; the current penetration level is 1.9%. There are a number of groups who can assist with an outreach program. Once the 5% participation is met, it is envisioned that the City would increase its contribution to perhaps 10%. A second challenge to the community could be a 2% wind power purchase, which is an accomplishment recognized by the EPA. Additionally, Ms. Butz suggested that Council adopt a resolution setting forth the City's commitment and goals. This could occur when the City signs a one-year agreement with Utah Power on a purchase. She recommended using the building maintenance fund, offsetting costs with energy efficiencies, and conducting an efficiency audit of our buildings.

There was discussion about associated costs of the program. Greg Rutlidge relayed that Utah Power has a lot of information to share in promoting the campaign and is willing to participate in public education events and sharing energy efficiency study recommendations.

Jim Hier stated he doesn't quite understand the community challenge, but felt the 7.5% to 10% range is reasonable. He emphasized that the contribution would be significant if the ski resorts and other large employers participated. Peg Bodell expressed support of a public outreach program, a public display, and banners and the recommendation of 7.5%. In response to a question from Candace Erickson, Mr. Rutlidge stated that Utah Power would purchase the banners; she volunteered to work in the community to reach the 5% goal.

Fred Jones stated that he supports the program, but sees this as a small step to a much larger issue and felt that the City should become more proactive in identifying sustainable communities initiatives. With regard to the Blue Sky Program, he suggested setting a goal of 7.5% and aggressively offsetting it with energy efficiency steps over the next year. Mr. Jones reiterated his interest in forming a sustainable communities committee to address regional environmental issues. Peg Bodell agreed and suggested meeting with the School District and Summit County. It was decided to outline the goals of 7.5% and 10% and energy conservation efforts in a resolution. There was discussion to schedule a work session on sustainable communities committees.

4. City Park Master Plan and neighborhood parks. Ken Fisher explained that on September 11, the City Council directed staff to return with priorities and associated estimates for projects at City Park. RAB was directed to develop a public input plan for neighborhood parks and a development schedule.

Mr. Fisher continued that priorities for City Park are: (1) expand and replace the playground equipment in the tot lot, (2) expand the current skate park, and (3) install curb and gutter along the north end of City Park. The playground equipment was installed in the early 1980s and does not meet current ADA or playground safety standards. Replacement equipment would target kids from ages 3 to 12 and the sand would be replaced with wood chips. This is estimated at $39,000, but the City has just been awarded a matching grant up to $30,000 from Great Western Playgrounds. It is recommended to expand the tot lot area to include the shuffleboard area and that the completion date be slated for Spring 2004. Peg Bodell expressed concerns about the equipment attracting 12 year-old kids and felt it better to design it for a younger group. Jim Hier suggested that there be a sign that the tot lot is a "dog free" area. Mr. Fisher continued that RAB is recommending expansion of the skate park into the mucking and drilling area to the north and creating a shade section. Adding approximately 8,000 square feet of skating surface is estimated at $240,000. Before any work is done, a strategy for maintaining the drilling and mucking event in the future will be identified. The basketball court will remain behind the Recreation Building and RAB will explore other possible locations for basketball. In response to a question from Jim Hier regarding our highest demands, Mr. Fisher explained that the tot lot and skate park are probably used the most, then basketball and field use. Jim Hier asked how the noise from the expanded skate park will be mitigated. Liza Simpson interjected that this is a beginner area, and after-hour use and associated noise, is not anticipated to be a problem.

It was clarified that $240,000 includes the skate park expansion, shade, and landscaping. The City Manager explained that there is a dedicated capital project for City Park totaling roughly $475,000. Dave Staley pointed out the bonds approved for

City Park and neighborhood parks. Dana Williams suggested that the City partner with the School District for access to its basketball courts. Peg Bodell added that she has input to share with regard to the spectator area, once the public input process begins. Jim Hier believed that the direction of Council is to proceed with the tot lot, and explore the expansion of the skate park. It is important to gather public input before conceptual designs are drawn.

Mr. Fisher stated that RAB is recommending completing curb and gutter along the west side of the north end of the park. (rear of 7-11), estimated at $205,000 and scheduled in Fall 2004. After these three projects are initiated, the focus will be a new location for basketball. Candace Erickson expressed her interest in the landscaping portion. The Mayor asked if the City Engineer has any concerns about the curb and gutter project. Eric DeHaan encouraged the Council to commit to a use for the area. Rich Miller pointed out that this project is anticipated to be longer term because of property line issues. Dave Staley stated that RAB has discussed basketball moving to this area, and the subcommittee will discuss an integrated plan to bring back to Council with input from the City Engineer.

With regard to soliciting input for neighborhood parks, Ken Fisher explained that RAB is suggesting distributing information about parks and meetings through hang-tags, public service announcements, *The Park Record*, and the City's website. He discussed a strategy for feedback on neighborhood amenities and added that all information will be published bi-lingual. Jim Hier discouraged offering a water feature. Mark Harrington encouraged Mr. Fisher to consider notifying residents through our water bills or other mailing, rather than hang tags. The Prospector neighborhood is the first choice and Council agreed to direct RAB to explore the City owned lot in Prospector Park.

Mark Christensen advised that the $475,000 amount consists of impact fees which can be used anywhere for parks or field complexes, etc. There is $420,000 in the MBA Fund from bond proceeds earmarked for City Park and neighborhood parks, and about $24,000 from the lower Park Avenue RDA, which must be allocated to improvements in the area and will be used first. Dave Staley stated that the subcommittee is now prepared to proceed with public input on neighborhood parks.

5. Bransford zoning application – 203 Heber Avenue. Kevin LoPiccolo explained that the property, consisting of 1.9 acres, is located in the Historic Recreation Commercial District (HRC) between Heber Avenue and Easy Street. The surrounding properties on the north side of Heber and Main Street are zoned HRC; properties located on the south side are zoned Historic Commercial Business (HCB). Properties along the west side to the north of Main Street are both HRC and HCB. He continued that Fandango submitted a conditional use permit application in February to construct 36 multi-unit dwellings. The application was submitted with the understanding that the parcels have a zoning designation of HRC and HCB but the planning staff determined that the subject property is solely zoned HRC. The confusion arose in the City's zoning map, which depicts the front portion on Heber as HRC and the rear of the property as HCB. On April 10, staff mailed a letter to Fandango explaining that the parcel is zoned HRC and not HCB. At a later date, staff prepared a chronology, outlining zoning actions from 1982 through 1988, demonstrating that the zone was never designated HCB. Mr. LoPiccolo continued that the applicant then submitted a zone change application. At meetings held on July 9 and August 13, the Planning Commission rendered findings that the proposed hotel project could be accommodated but under the underlying HRC Zone. The Commission stated that the purpose of the HRC is to allow development, which is sensitive to the Historic District. By approving a zone change to HCB, the maximum building height could be increased to a maximum height of 45 feet with zero lot line allowances. The Planning Commission was concerned with the project's mass and scale and felt it is incompatible with adjacent historic structures and stated that the proposed zone change lacked public benefit.

The HRC Zone was created in 1985 as a transition zone between Old Town residential and commercial uses. The purposes of both zones are included in the meeting packet and the main differences are height and setbacks. The applicant is requesting that the proposed project meet the HRC standards but be allowed the height under the HCB zone, a difference of 13 feet. The applicant submitted a letter, included in the meeting packet, asserting that the original purpose of the HRC Zone no longer applies to the subject property and the primary purpose of the HRC provides a transition in scale and uses between the HR-1 and HCB Districts. The HRC zone was established for the property in master plan developments. As part of the Council's work session, the applicant is requesting that the City Council entertain the following issues: (1) reconsider a rezone to HCB. Mr. LoPiccolo explained that the purpose of the HRC Zone is consistent with the provisions of the zone; (2) compare the purpose statements in both zones in relationship to Fandango's request of HCB; and (3) increase building height from 32 feet to 45 feet, provided for in the HCB Zone.

In response to a question from Fred Jones about process, Mr. LoPiccolo explained that the Planning Commission forwarded a negative recommendation to the City Council on the zone change. This is not an appeal, because the City Council takes final action on zoning. Tim Twardowski agreed and added that this is a de novo review.

Bill Shoaf, President Fandango Resorts, stated that they view Old Town as an attraction, which supports the ski resorts and named several signature hotels in other ski resort communities. Fandango's criteria specify that new buildings are sensitive to the old and to ensure a pedestrian connection between upper and lower Main Street; many people are unaware of the existence of Easy Street. Lastly, this project must have a sense of place in a historically commercial part of town with a railroad. He continued to point out title problems and confusion over the 1982 agreements. Rather than focusing on this, they decided to take the approach of presenting the merits of the project. The project was criticized by the Planning Commission for lacking net public benefit. Mr. Shoaf explained that Fandango has either purchased properties or have them under contract. Philo Smith, owner of the Utah Coal & Lumber Building and Depot Property is a partner. Fandango is pursuing acquiring the Wally Wright property and Easy Street so that all of the parcels are under one ownership to create an integrated master redevelopment plan. They are very proud of their award-winning renovations and have held community workshops with the merchants and modifications reflect input received. This project is consistent with six of the eleven goals identified in the City's Economic Development Plan. Features include Union Square, which will encompass the Heber Avenue and Main Street corner; the Bransford condominium-hotel project, and the historic downtown arts foundation. He commented in detail about his experience working for Sundance Institute and his associated background in art and commerce. It is proposed that the art foundation will be run with a representative board of directors, who will make annual grants available. The foundation will be funded with $1,000 from every ownership unit, totaling 210 and on an on-going basis, the Bransford Hotel would provide $5 for every paid room night with an opportunity for patrons to participate. This would generate about $325,000 of revenue in the first five years.

The project proposes two signature restaurants, two bars with live music, bakery and coffee shop on Easy Street, a 4,000 square foot destination spa in the hotel, and a 5,000 square foot conference facility. Mr. Shoaf stated that this will be a five star property, connected by Easy Street where outdoor art displays can be showcased. This will increase revenues to the City and help the downtown business community. Mr. Shoaf emphasized that these are truly vacation second-home units. Fandango has budgeted $2 million to market this hotel which will generate a flow of approximately 33,000 hotel guests a year, which translates into $66 million annually in net economic benefit to the community.

Architect Craig Elliott discussed the history of the zoning in the area, specifically the HRC as a transitional zone. He stated that the intent of the zone was to limit commercial activity on Park Avenue, zoned HR-1, but the Heber Avenue area is to the east and functions as a commercial zone. The Town Lift is energizing business activity and this statement has been deleted from the Code. He discussed the commercial historic buildings and uses in the project area. Additionally, there are HCB uses in the HRC transitional zone, which began emerging in 1991. In 1998, the zoning map designates their property as HCB. He continued that staff advised that this zoning is actually HRC with HCB attributes. The setbacks in the HRC Zone are ten feet on the front, five feet on the side, and ten feet in the rear. Fandango is proposing to move its underground parking under the setback.

Through illustration of a model, Mr. Elliott demonstrated the three-dimensional look of various building envelopes. Fandango is trying to create an architecture that is compatible in scale and use and their buildings are under the height of surrounding structures. He discussed the minimal visual impacts of the development from different viewpoints. He pointed out the differences between the Planning Commission project model and the current proposal. The City Manager explained that this will return to City Council on October 30 for a formal public hearing on the zone change application.

Support of tax initiative for expansion of Basin transit system – There wasn't adequate time to discuss this in work session; see regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 9, 2003

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6:25 p.m. at the Marsac Municipal Building on Thursday, October 9, 2003. Members in attendance were Dana Williams, Peg Bodell, Candace Erickson, Jim Hier, and Fred Jones. Kay Calvert was excused. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; Brooks Robinson, Planner; Ray Milliner, Planner, Jonathon Weidenhamer, Planner; Kathy Gammel, Water Manager; and Kent Cashel, Transportation Director.

II PUBLIC INPUT - (any matter of City business not scheduled on the agenda)

The Mayor invited the public to comment on any matter of City business. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Myles Rademan reported that the Leadership Class has been selected, consisting of 29 participants.

Support of tax initiative for expansion of Basin transit system – This discussion occurred at the end of the meeting, but appears here for ease of reference. Kent Cashel explained that initiatives will appear on the November ballot, including creating a transit district and a ¼ cent sales tax. The transit district will encompass the School District boundaries, excluding Park City for Snyderville Basin. The Citizens Alliance for Responsible Transportation (CART) is requesting that Council adopt a resolution of support. Fred Jones felt this is consistent with the City's goal of providing regional transportation. There was discussion about pursuing alternative equipment and fuels to lower emission levels, and the likelihood that as this technology unfolds, it will become more affordable and dependable.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF SEPTEMBER 29, 2003

Candace Erickson, "I move we approve the Minutes of the Meeting September 29, 2003". Jim Hier seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Absent
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Aye

V PUBLIC HEARINGS

1. Ordinance approving a plat amendment to combine Lots 29, 30 and 31 of Block 75 Millsite Reservation located at 85 King Road, Park City, Utah – Brooks Robinson explained that the Planning Commission forwards a positive recommendation, based on the findings of fact, conclusions of law, and conditions of approval outlined in the staff report. Hearing no comments from the public or the Council, the public hearing was closed.

2. Ordinance approving a plat amendment to combine all of Lots 13 and 20 in Block 10 of the Park City Survey, also known as 447 Main and 450 Park Avenue, into one lot of record – No Name Saloon – Planner Ray Milliner explained that the application is to remove an interior lot line and referred to the staff report containing the conditions of approval. The Mayor invited Council members and the public to comment. Fred Jones relayed that he is aware of concerns about use of the space, but can find no reason to deny the lot combination. In response to a comment from Jim Hier, Mr. Milliner confirmed that in order to obtain a building permit to modify the building, a plat amendment is required; there will be opportunities for the public to comment on allowed uses in the expanded area. Hearing no further comments, the public hearing was closed.

3. Ordinance approving the record of survey for the condominium conversion of the existing office building at 614 Main Street, Park City, Utah – Jonathon Weidenhamer explained that the Planning Commission forwarded a positive recommendation on September 24 and staff recommends approval based on the staff report. Hearing no comments from the public or the City Council, the public hearing was closed.

VI CONSENT AGENDA

Jim Hier pointed out that there was no analysis in the staff report of the costs amounting to $9,000, the recommended annual increase. Peg Bodell explained that the Council's grant subcommittee reviewed this request. Both she and Ms. Erickson are in agreement that the amendment to the special services contract for the Arts Council is appropriate. Fred Jones, "I move approval of Consent Agenda Items 1 – 5". Jim Hier seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Absent
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Aye

1. Ordinance approving a plat amendment to combine Lots 29, 30 and 31 of Block 75 Millsite Reservation located at 85 King Road, Park City, Utah – See public hearing and staff report.

2. Ordinance approving a plat amendment to combine all of Lots 13 and 20 in Block 10 of the Park City Survey, also known as 447 Main and 450 Park Avenue, into one lot of record – No Name Saloon - See public hearing and staff report.

3. Ordinance approving the record of survey for the condominium conversion of the existing office building at 614 Main Street, Park City, Utah - See public hearing and staff report.

4. License agreements for "Moose on the Loose" display of art - See staff report.

5. Amendment to Park City/Summit County Arts Council special service contract for FY 2003-04 – See comments above and staff report.

VII NEW BUSINESS

1. Amendment to Judge Tunnel Water Treatment Plant services agreement with Carollo Engineering to perform an environmental assessment - Fred Jones understood that the environment assessment is necessary to obtain the federal funding match and the Water Manager confirmed. Jim Hier, "I move we authorize the increase of $84,500 in funding under Corollo's existing agreement". Peg Bodell seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Absent
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Aye

2. Amendment to Stantec Consulting, Inc., adding $53,906 for extended design and construction management services for the reconstruction of upper Park Avenue – Eric DeHaan explained that the contract was approved in August 2001, and in January 2002, Council authorized proceeding with the bid. After the Old Town Improvement Study was completed, the scope of work was increased at the request of the residents to include a sidewalk along the west side of Park Avenue. An amendment to the contract will accommodate the increase in costs since 2001, curb and gutter relating to sidewalks, and mapping. Staff has reviewed the revised scope of work and recommends approval; see staff report. Peg Bodell, "I move that we appropriate adding

$53,906 for the extended design and construction management services for the reconstruction of upper Park Avenue to Stantec Consulting, Inc.". Candace Erickson seconded. Motion carried.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Candace Erickson, Jim Hier, and Fred Jones. Kay Calvert was excused Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Peg Bodell, "I move to close the meeting to discuss litigation and personnel". Fred Jones seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Absent
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Aye

The meeting opened at approximately 3:30 p.m.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

City Council
Staff Report

PARK CITY 1884

Author: Michelle Barrus
Subject: CHAIRS FOR SANTY AUDITORIUM
Date: October 9, 2003
Type of Item: Information/Direction Requested

Special Events and Facilities

Summary Recommendations:
Review the Park City Film Series proposal for new chairs in Santy Auditorium and provide staff with direction on how to proceed with request.

Description:

A. Topic:
Replacement of chairs in the Santy Auditorium.

B. Background:
The Park City Film Series is interested in replacing the chairs in the Santy Auditorium. The original chairs were installed in the 1920's and were then recovered in 1995. The desire to replace the chairs is due to the hard seat backs and narrow width of the current chair. The new chair would have 2 inches more width decreasing total capacity by approximately 70 chairs. The limited leg room would not be improved with the new chair due to the cement base that is currently exists.

The City applied for a Restaurant Tax grant in May of 2003 as a co-sponsor of the Park City Film Series to pay for the replacement of these chairs but were denied those monies. Three bids were solicited for the chair replacement by the Film Series and the lowest bid was close to $60,000 proposed by the Irwin Seating Company. This price includes taking out the old chairs and may increase if the removal is not part of the contract. The other two bids came in at $76,333 and $84,000. Because we did not receive any grant money for this project, the Park City Film Series is requesting that the City fund the full replacement of these chairs.

C. Analysis:
Budgeted funds for office space improvements exist in fund 31 in the amount of $110,000. This account has been used in the past for building and other building remodeling improvements. The replacement of the chairs could also qualify as a capital expense and be eligible for the 5-year CIP fund.

Policies adopted by the City Council in the budget and included in the Program and Resource Analysis section state that Council should consider requests for service level enhancements or increases together rather that in isolation. If Council would like to review this expenditure at the present time, we can do so. We can also address this request next year in the overall budget discussion, we can delay this request until that time. Council can also deny the funding for this expenditure.

D. Department Review:
Facilities and Special Events, Budget and Debt, City Manager.

Alternatives:

A. Approve the Request:
The City Council may approve the replacement of the chairs in Santy Auditorium and direct staff to allocate money from the 5 Year CIP or fund 31 or other improvement funds, and return to City Council for award of contract, or

B. Deny the Request:
The City Council may deny the request to replace the chairs in the Santy Auditorium thus leaving the facility as is, or

C. Continue the Item:
The City Council may continue the item until the next budget cycle, or

D. Do Nothing:
The City Council may choose to do nothing.

Recommendation:
Review the Park City Film Series proposal for new chairs in Santy Auditorium and provide staff with direction on how to proceed with request.

City Council Staff Report

Author: Alison Butz
Subject: Wind Power
Date: October 9, 2003
Type of Item: Administrative - Easements

PARK CITY 1884

Special Events and Facilities Department

Summary Recommendations:
Provide Staff with direction on Utah Power's Blue Sky Program, the City's contribution and goals for the community. If Council is supportive of the plan, Staff will return with a resolution and contract on November 6, 2003

Description:

A. Topic:
Blue Sky Clean Energy Communities.

B. Background:
Council discussed participation in Utah Power's Blue Sky Program at the July 31, 2003 Council Meeting. At the meeting Council expressed interest in participating in the program and wanted to look at a participation level for the City's entire power use and not just the use in one building.

Since that meeting Staff, Sarah Wright, Coordinator of the Utah Wind Power Campaign, and representatives from Utah Power met with the Mayor and Council member Bodell to discuss a plan and goals for levels of participation not only from the City, but for the entire community.

Staff has been working with Sarah Wright to understand further how the City's efforts with the Blue Sky program would impact the environment. As mentioned, the Blue Sky Program allows the City and participants to purchase wind power in 100 kWh increments, called blocks, for an additional $1.95 per block per month. By participating in Blue Sky, the City will be increasing the demand for renewable energy, and be helping to improve the environment. Blue Sky is regulated by the state utility commission, which requires Utah Power to provide detailed accounting of consumer renewable power purchases and the renewable purchases made on their behalf. Utah Power purchases the corresponding renewable energy from new wind farms.

In addition to purchasing wind power, the City can also investigate the potential for efficiency projects for municipal facilities and encourage energy efficiency projects in the community. Utah Power offers financial incentives for energy efficiency projects. Energy efficiency not only saves customers money but it is also an effective pollution prevention measure. The City would be promoting a sustainable energy system all the way the generation source to the end user.

C. Analysis:

Council requested staff to return with a City participation level outlining current and future goals as well as an outline for a public campaign to increase awareness and participation in the community.

City Participation

The entire City's power usage totals 5801808 kWh per year. When selecting participation levels for the City, the percentage levels were calculated taking into consideration different significant goals for either Utah Power's programs or the EPA's programs. A first goal for the City to achieve is becoming a Utah Power Visionary Level participant, requiring the City to purchase 7.5% of its power from wind. The 7.5% is already above the EPA Green Partnership Level.

Cost and Equivalent Environmental Benefits of a Pollution-Free Wind Power Purchase by Park City Municipal Corporation

Yearly kWh Usage	5801808				
Average monthly KWh Usage	483484				
Previous Year Total Billings	$495,052				
Estimated Average Monthly Bill	$41,254				
	EPA Green Power Leadership		*Utah Power 'Visionary Level'*	*EPA Green Power Partnership Level*	*Utah Power 'Champion Level'*
Blue Sky purchase percentage of energy	**24%**	**10%**	**7.5%**	**6%**	**3%**
Blue Sky purchase in kWh	1,392,434	580,181	435,136	348,108	179,856
Blue Sky purchases in yearly blocks	13,924	5,802	4,351	3,481	1,799
Blue Sky purchases in monthly blocks	1,160	483	363	290	150
Blue Sky monthly cost	$2,262.71	$942.79	$707.10	$565.68	$292.27
Blue Sky annual cost	$27,152.46	$11,313.53	$8,485.14	$6,788.12	$3,507.19
Increased yearly cost	5.485%	2.285%	1.714%	1.371%	0.708%
Increased monthly cost	5.485%	2.285%	1.714%	1.371%	0.708%
Environmental impact is equivalent to...					
Avoided CO2 emission (tons per year)	975	406	305	244	126
Not driving x miles per year OR	2,088,651	870,271	652,703	522,163	269,784
Planting x acres of trees per year	386	161	121	97	50

Based on independent analysis completed by the Northwest Power Planning Council and EPA data

Community Participation

Community participation is based upon two different goals. The first being number of participants. Utah Power 5% penetration would require a total of 465 customers to sign up in Park City. At this time there are 236 customers participating.

In order to achieve the EPA's recognition 2% of the entire community's power must be purchased from renewable power, requiring 3,126 blocks purchased each month. To break it down, it requires approximately 1,100 residential customers each purchasing an average of 2 blocks per month and 40 business customers purchasing on average 20 blocks per month. Currently the community participation is at 0.26% as compared to the 2% EPA Goal. To date, there is no community that has achieved the designation as an EPA Green Power

Partner Community. Many municipal governments around the county are purchasing green power. The Community Challenge is a new endeavor that was initially launched in Moab, Utah.

Goals
Through campaign outreach the City, Utah Power and the Utah Wind Power Campaign will get the message out to locals to participate. While the City can set their initial goal, a second goal is recommended to keep the program's momentum.

Goal	City's Participation	Community's Goal
Beginning 11/9/2003	7.5% of power purchased	5% penetration
Begins once first goal is achieved	10% of power purchased	2% of entire community's power purchased

Community Participation Campaign
To kick off the campaign the City would need to sign a contract for their participation level, adopt a resolution, and possibly allocate funds, if over $10,000, towards the purchase of wind power. Per City budget policies, the City is encouraged to consider additional funding requirements at one time during the budget process. Council could direct Staff to use the Building Maintenance account to purchase wind power now and adjust the budget in the Spring of 2004 or wait to consider the funding request and wind program during the budget process.

At this time the Utah Wind Power Campaign is beginning to approach local businesses to come on board. For those that sign up prior to the resolution being passed, additional recognition can also be given at the formal launch of the campaign.

Additional information about the program can be placed in newspaper, on local radio and by word of mouth. One suggestion was for Council members to assist in talking to local groups such as the Rotary Clubs, Restaurant Association, Main Street Merchants, etc. with the assistance of the Utah Wind Power Campaign.

If Council is supportive, Staff can look at pursuing Main Street or other light pole banners for the campaign or design of flags to be hung at the participating businesses. These are similar ideas Utah Power pursued with other cities. Additionally, a meter, showing the community's participation level can be updated weekly. This can be located either at a public building or key place in town.

Energy Efficiency
Once the wind power campaign is kicked off, Utah Power has given options for additional programs such as an energy evaluation of building and appliances, light bulb campaign, building codes and other building restrictions. Both Utah Power and Sarah Wright, Director of the Utah Clean Energy Alliance and Coordinator of the Utah Wind Power Campaign can help with energy efficiency messaging in our community outreach.

Energy efficiency savings and reduced emissions can also be tracked and reported.

D. Department Review:
The program has been reviewed all applicable City departments.

Issues for Discussion:

- What participation level should City's contribution be set at?
- Should Staff pursue banner designs for Main Street or other areas of town?
- Should a meter showing the progress achieved be displayed outside of City Hall?
- Are individual Council members interested in participating in the outreach to other community organizations?

Recommendation:
Provide Staff with direction on Utah Power's Blue Sky Program, the City's contribution and goals for the community. If Council is supportive of the plan, Staff will return with a resolution and contract on November 6, 2003

Exhibits:
Exhibit A – Park City Area Power Use
Exhibit B – Park City's Proposed Blue Sky Challenge

PARK CITY BLUE SKY CHALLENGE

updated 9/17/03

PARK CITY - PROPOSED BLUE SKY CHALLENGE

MARKET SIZE Incorporated area	# customers	aggregated load monthly kWh	kWh for the year	# of customers for 5% penetration	# blocks/month for 2% EPA recognition
Residential (incorporated)	[illegible]			367	
Business (incorp)	1,261			63	
Total Incorp	8,602	15,601,245	187,214,93[illegible]	430	3,120
	BLUE SKY PARTICIPANTS				
	Blue Sk y participants - Incorporated Area (8313)	# of customers			
	Residential	130			
	Business	1		*current penetration level*	
	Total	131		*1.52%*	
	Block purchases - Incorporated Area (8313)	# of blocks			
	Residential	244			
	Business	3			*current percentage level*
	Total	247			*0.158%*

	ENROLLMENTS NEEDED TO ACHIEVE GOALS				
	Customer penetration goals:	299	customers		
	Residential customers(assuming 98% resid)	*293*			
	Business customers (assuming 2% bus)	*6*			
	Renewable energy goals (blocks per month) :	2,873	blocks		
	Customers				
	Residential	1,077	customers		
	Residential (assuming 2 blocks per month and 75% of block purchases from the residential market)				
	Business	26	customers		
	• Assuming avg. purchased levesl (28 blocks per month and 25% of block purchases from the residential segment) - total number o business sign-ups needed to achieve electricity penetration goal			*translates to --*	
	Total customers	*1,103*	customers	*13%*	*penetration rate*

MARKET SIZE Unincorporated area	# of customers	aggregated load monthly kwh	kWh for the year	# of customers for 5% penetration	# blocks/month for 3% EPA recognition
Residential unincorporated	4,944			247	
Business unincorp	474			24	
Total unincorp	5,418	7,959,633	95,515,598	271	2,387.89
	BLUE SKY PARTICIPANTS				
	Blue Sk y participants - Incorporated Area (8306)	# of customers			
	Residential	105			
	Business	-		current penetration level	
	Total	105		*1.94%*	
	Block purchases - Incorporated Area (8306)	# of blocks			
	Residential	206			
	Business	-			current percentage level
	Total	206			*0.26%*

	ENROLLMENTS NEEDED TO ACHIEVE GOALS				
	Customer penetration goals:	166			
	Residential (assuming 98% resid)	*163*	*customers*		
	Business (assuming 2% bus)	*3*	*customers*		
	Renewable energy goals (blocks):	2,182	*blocks*		
	Customers				
	Residential	818	*customers*		
	Residential (assuming 2 blocks per month and 75% of block purchases from the residential market)				
	Business	19	*customers*		
	Assuming avg. purchased levesl (28 blocks per month and 25% of block purchases from the residential segment) - total number o business sign-ups needed to achieve electricity penetration goal			*translates to --*	
	Total customers	*838*	*customers*	*15%*	*penetration rate*

Customer count and usage info source: Michael Reid - Pricing/Regulation

**Usage year defined as the 12 months ending March 2003*

**Usage figures do not include street lighting.*

Note: Renewable energy purchase goals linked to EPA Green Power Partnership Program, which are based on annual electricity usage

For the incorporated and unincorporated areas this levels vary as a result of the EPA program's usage ranges and associated purchase

POTENTIAL PARK CITY AREA CHALLENGE *updated 9/17/03*

PARK CITY - PROPOSED BLUE SKY CHALLENGE	# of customers	aggregated load monthly kwh	kWh for the year*	# of customers for 5% penetration	# blocks/month for 2% EPA recognition
Incorporated area					
Residential incorporated	7,341			367	-
Businesses incorp.	1,261			63	-
Total Incorp.	***8,602***	***15,601,245***	***187,214,938***	***430***	***3,120***
Unincorporated area					
Residential unincorporated	4,944			247	-
Business unincorp.	474			24	-
Total unincorp.	*5,418*	*7,959,633*	*95,515,598*	*271*	*1,592*
Residential total	12,285	-	-	614	-
Business total	1,735	-	-	87	-
Total customers	**14,020**	**23,560,878**	**282,730,536**	**701**	**4,712**

Customers usage and customer data source: Michael Reid - Pricing/Regulation

**Usage year defined as the 12 months ending March 2003*

**Usage figures do not include street lighting.*

Park City Blue Sky participation (as of 9/4/03)

Customers --		***Blocks --***	
Residential	235	Residential	450
Business	1	Business	3
Total customers	236	Total blocks	453
Current participation rate	1.68%	Current percentage of electricity usage	0.19%
Customer sign-ups needed to achieve 5% customer penetration goal	*465*		

Environmental Benefits Associated with meeting EPA Goal

		Reduces/offsets	Environmental Equivalent[1]	
		Tons/Year CO_2	Planting X Acres of Trees/year OR	Not Driving X miles/year
*Increased block sales needed to achieve 2% goal **	4,259	5,111	2,008	10,946,081

1) These figures use an average of PacifiCorp's system generation resources and are current as of July31, 2003.
** Assumes blocks purchases over a 12-month period.*

City Council
Staff Report

PARK CITY 1884

Recreation & Library Department

Author:	**Ken Fisher**
Subject:	**City Park & Neighborhood Parks**
Date:	**September 30, 2003**
Type of Item:	**Work Session**

Summary Recommendations: Provide direction on the recommendations made by the Recreation Advisory Board (RAB) on the project priority list for City Park as well as provide direction on the RAB ideas for receiving public input on neighborhood parks.

Description:

A. Topic: Provide direction on the recommendations made by the RAB on City Park and neighborhood parks.

B. Background:

The RAB City Park & Neighborhood Parks Subcommittee appeared before City Council during questions and comments on September 11, 2003 to receive feedback and further direction on City Park & neighborhood parks. Council asked the RAB to come back with a project priority list for City Park as well as a cost estimate for each phase. For neighborhood parks, RAB was asked to come up with a plan for receiving public input on what items might go in each neighborhood park as well as a priority list for neighborhood park development.

C. Analysis: City Park

The RAB City Park Subcommittee met on September 22, 2003 and came up with the following project priority list for City Park. The priority list was based on both the ease of the project as well as the greatest need.

1. Expand and replace playground equipment in City Park: The current playground equipment in the tot lot dates back to the early 80's when the park was first constructed. The present equipment does not meet current safety regulations for playground equipment. For example the swings and tire swing are too close together and the bars on top of the slide are too far apart. The new playground equipment would target ages 3 to 12. The height of the equipment could be increased from 6 to 8 feet if the sand is replaced with wood chips. This would make the park more appealing to a wider range of kids. The cost to upgrade the equipment and replace the sand surface with wood chips would be approximately $39,600.

Through Great Western Park & Playground, Park City Recreation has applied for a Budget Extension Grant for City Park in the amount $17,529. If awarded the grant, Park City would have 45 days to accept or decline the offer. The grant would lower the price to approximately $22,029. This does not include the cost of expanding the fence, tot lot, removing the old equipment or installing the new playground equipment. The cost to do so is estimated to be $12,000.

Targeted Project Completion: Fall 2003/Spring 2004

2. Expand the current skate park: Due to the success of the current skate park and the need to enlarge the current street course to alleviate overcrowding the RAB recommends expanding the skateboard park to include the vacant area to the north of the skate park. There has been discussion on creating a beginner skate area but the RAB would prefer to engage the community in public input before deciding what amenities the additional skate area would have. The expansion would include a shade area, as currently there is no shade at the facility. The cost to add approximately 8,000 square feet of skating would be $240,000 assuming the same quality and surface as the current park. This includes the fencing, burming and landscaping of the area. Before any work is done on the skate park expansion the status and or a new location for the mucking and drilling event will be determined. The basketball court that was originally proposed to go in this location will remain in its current location behind the Recreation Building. The site is not large enough to build a full size court. Staff would like to research other possible locations in the community or park to develop an outdoor basketball facility. **Targeted Project Completion: Summer 2004**

3. Curb & Gutter the north end of City Park: The RAB recommends completing the curb and gutter along the west side of the north end of the park per the 1999 City Park Master Plan. The estimated total cost would be $205,000. **Targeted Project Completion: Fall 2004**

Currently there is $474,500 in the City Park Phase 2 account that would be used to fund the recommended improvements. The current project list comes to approximately $496,600 without figuring in the playground equipment grant. If Council is comfortable proceeding, staff will solicit proposals and return to Council for formal contract approval.

Neighborhood Parks
The RAB Neighborhood Park Subcommittee met on September 22, 2003 and came up with the following ideas for receiving public input on what should go into each neighborhood park. The RAB recommends the following:

- Create a door hangtag that would go to each house in the neighborhood. The hangtag would give the date, time, location and the reason for the public input meeting.
- Public Service Announcements with local media outlets (KPCW, The Park Record and TV8) announcing the date, time, location and the reason for the public input meeting.
- Appearances on KPCW & TV 8 news shows to talk about the exciting opportunity for members of neighborhoods to take part in choosing amenities and developing their local parks.
- Use the City and Recreation website to publicize the meeting as well as to take input from those unable to attend.
- Hold the public input meeting in each neighborhood if possible. The input would last from 4 p.m. to 7 p.m. to cover residents that work in the evening as well as those that work during the day. If residents are unable to attend they could still give input through the city website and at city buildings.
- To determine resident's priorities for the neighborhood park amenities, RAB recommends having a list of items that the residents can allocate money to. For example each household would have $100 to spend on park amenities. How they allocate the money is up to them. They could spend $100 on one item or $5 on 20 items. The various amenities would be displayed so residents would know what they

are buying with the $100. The list would include items from the 5 features to be considered for each park (play area, grass, seating, landscaping and art). A list of these items would be playgrounds, horseshoe pits, tetherball, climbing boulders, basketball, volleyball, water feature, tennis, grass area for activities, benches, tables, BBQ pit, picnic pavilion, xeriscaping, trees for shade, gardening area and passive as well as interactive art (you can climb on it).

- All information would be in Spanish and English.

The RAB recommends that the first neighborhood for public input would be Prospector because of the ease of doing improvements at the existing Prospector Park as well as the potential to develop a park on the vacant lot the city owns on Sidewinder Drive. Once the public input process is complete, the RAB and staff would create a proposal and take it back to the neighborhood.

Department Review: The City Manager, Recreation & Library Department, RAB, and the City's Parks Planner have reviewed this report.

Alternatives:

A. Approve the Request:
Providing positive direction regarding the recommendations made by the RAB on the project priority list for City Park as well as the ideas for gathering public input on neighborhood parks, the redevelopment of City Park could occur along with the development of new neighborhood parks in the community.

B. Deny the Request:
Send the RAB back to reevaluate part or all of their recommendations on City & neighborhood parks.

C. Continue the Item:
Ask for more information from the RAB before forwarding any recommendations on City & neighborhood parks.

D. Do Nothing:
Take no action, which would mean all facilities stay status quo.

Significant Impacts:
By moving forward with the recommendations on City Park, the playground equipment would be brought up to current code and ADA access standards along with improving the playground experience for the youth of the community. Expanding the current skate park facility would meet the current demand for a larger facility as well as complete an area in the middle of the park that has been an "eye sore" since the skate park was constructed. Completing the curb & gutter along the northwest boundary of the park will finish this section of the park and allow the City Park RAB Subcommittee to focus on other areas of the park. All these projects could be funded through the City Park Phase 2 account. If Council wanted to move forward with this account, the City Park Master Plan should be formally revised so it is clear that these funds will be used to expand the skate park, replace and expand the playground and finish the curb & gutter along the north end of the park.

Voters passed a $2 million bond in 2001 for the development of neighborhood parks and park improvements. To date no funds have been spent from the 2001 bond proceeds for park improvements, and the RAB wants to move forward with developing neighborhood parks in the community as per Council's direction. The 2001 Bond language requires that funds be used for park improvements on existing City land rather than for acquisition. Please see attached table. RAB has outlined a plan for taking public input as well as which neighborhood they would first like to engage in the process. By allowing RAB to take the next step, the Prospector neighborhood would see a redeveloped Prospector Park along with the development of a new Park that would meet the needs of the neighborhood.

Consequences of not taking the recommended action:
Further delay the opportunity to develop neighborhood parks and delay any redevelopment of City Park.

Recommendation:
Provide further direction on the recommendations made by the Recreation Advisory Board (RAB) on the project priority list for City Park as well as provide direction on the RAB ideas for receiving public input on neighborhood parks.

Matrix will be provided under separate cover

CITY COUNCIL
Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Planner:	**Kevin LoPiccolo**
Subject:	**203 Heber Avenue**
Date:	**October 9, 2003**
Type of Item:	**Zone Change/Legislative**

A. Topic: **Work Session Only**

Applicant:	Fandango Resorts
Location:	203 Heber Avenue
Proposal:	Zone Change
Zoning:	Historic Recreation Commercial District - HRC
Adjacent Land uses:	Commercial/Residential
Date of Application:	February 20, 2003

B. Background:

The applicant submitted to the Planning Department a Conditional Use Permit application on February 20, 2003 requesting to construct thirty-six (36) multi-unit dwellings with lockouts at 201 Heber Avenue (Exhibit A). The applicant submitted the CUP with the understanding that the parcels have zoning designation of HRC and HCB. The discrepancy is due to the City's Zoning Map that reflects both HRC and HCB on the subject property. The City Zoning Map depicts the front portion of the property fronting Heber Avenue as HRC zone and the rear of the property as HCB. The applicant submitted the CUP application reflecting both zoning designations. Through research on the HRC zone, the Planning Department determined that the zoning was in fact HRC following a review of property files (Exhibit B). The Zoning Map was never corrected to identify the subject property as HRC. On April 10, 2003, Staff prepared a letter explaining to the applicant that the zone was HRC. Staff, at a later date, prepared a chronology (Exhibit B) of actions that occurred from 1982 to 1998 that demonstrated that the zone was never HCB, but remained HRC even though the City's Zoning Map showed two different zones.

The applicant submitted a Zone Change application to the Planning Department on May 16, 2003 requesting that the property be rezoned from HRC to HCB.

<u>**201 Heber Avenue**</u>

The property is situated on 1.09 acres along Heber Avenue and Easy Street. Located on the Heber Avenue lot is the recently renovated historic building housing Easy Street Brasserie. Located on the north lot along Easy Street is the historic structure that recently housed Loyola Design. The surrounding properties located on the north side of Heber Avenue and Main Street are zoned HRC. Properties located on the south side of Heber Avenue are zoned HCB. Properties along the west side of north Main Street are both HRC and HCB.

<u>**Planning Commission**</u>

At the July 9, 2003 and August 13, 2003 Planning Commission meeting, the Commission reviewed a zone change request at 203 Heber Avenue (Exhibit E). The

(HRC) District to Historic Commercial Business (HCB) District. Following the conclusion and closing of the public hearing, the Commission expressed its preliminary findings that the proposed hotel project could be accommodated with the underlying HRC zone. The Commission stated that the purpose of the HRC is to allow development that is sensitive to historic structures and characteristics of the Historic District. By approving a zone change, the maximum building height would increase to a maximum of 45 feet, zero lot line development would be possible, and the mass and scale of the proposed development could be incompatible with nearby historic buildings. The Planning Commission stated that the proposed zone change lacked a demonstrated net public benefit.

Purpose Statements for HRC & HCB - The HRC zone was created in 1985. Prior to 1985, the Historic District was primarily comprised of HCB (commercial) and HR-1 (residential) zoning. The HRC District was primarily created as a transition zone between the Old Town residential and commercial uses. It was established to accommodate commercial and resort base uses while protecting the numerous historic buildings in the area. The following is a synopsis of the purpose statements of the HRC and HCB Districts.

<u>Historic Residential Commercial (HRC) District</u>

The purpose of the Historic Recreation Commercial (HRC) District, Land Management Code, Section 15-2.5-1 is to:

(A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,

(B) encourage pedestrian oriented, pedestrian-scale Development,

(C) minimize the visual impacts of automobiles and parking,

(D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,

(E) provide a transition in scale and land uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,

(F) provide a moderate density bed base at the Town Lift,

(G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,

(H) encourage preservation and rehabilitation of Historic Buildings and resources.

<u>Historic Commercial Business (HCB) District</u>

The purpose of the Historic Commercial Business (HCB) District, Land Management Code, Section 15-2.6-1 is to:

(A) preserve the cultural heritage of the City's original Business, governmental and

(B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,

(C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,

(D) encourage the preservation of Historic Structures within the district,

(E) encourage pedestrian-oriented, pedestrian-scale Development,

(F) minimize the impacts of new Development on parking constraints of Old Town,

(G) minimize the impacts of commercial Uses and business activities including parking, access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,

(H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and

(I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

The primary distinctions between the two zones are as follows:

	Height	Setbacks	Floor Area Ratio	
HRC	32'	10/5/10	N/A	
HCB	45'	zero	4.0 maximum	

<u>Applicant's Request</u>
The applicant requested that the Planning Commission review the following:

The property is zoned Historic Recreation Commercial (HRC) District. The surrounding properties located on the north side of Heber Avenue and Main Street are zoned HRC. Properties located on the south side of Heber Avenue are zoned HCB. Properties along the west side of north Main Street are both HRC and HCB. The applicant requested that the Commission review the intent of the HRC Ordinance and evaluate the zone with the proposed use and the surrounding zones. The applicant requested that the zone be changed to Historic Commercial Business (HCB) District. The HRC and HCB zones are similar when it comes to uses, but differs in that the HCB zone allows multi-family dwellings as an allowed use, a greater building height, does not require a setback, and includes a floor area ratio of 4.0.

The applicant questions whether HRC is the appropriate zone for his property given that much of the development in the area is HCB. The applicant suggested that the project would comply with all of the HRC zoning requirements, but is requesting that the height be consistent with the HCB zone. The only true difference between the two zones with this particular request is a zone height differential of thirteen (13') feet.

The applicant has submitted a letter (Exhibit F) explaining their reasoning why the property should be rezoned from HRC to HCB . In summary, the applicant asserts that:

1) Much of the original purpose for HRC zoning no longer applies to the subject property. One of the primary purposes of the HRC District is to provide a transition in scale and land uses between the HR-1 and HCB Districts;

2) At the time the HRC zoning was established for the property, Master Planned Developments were permitted in order to create appropriate uses that varied from HRC guidelines; and

3) The proposed project adds transient bed base to the key economic area centered around Main Street and the Town Lift. The subject property to this application is within an area of relatively high density.

City Council Discussion Points

As part of the Council's Work Session, the applicant is requesting that the Council entertain the following issues:

1) Is the request to consider a rezone to HCB appropriate? The purpose statement of the HRC zone, the applicant feels, is inconsistent with what the HRC zone is, and feels that due to the conflicting purpose statements that the zone is intended to be a transition between residential and commercial, and that the zone no longer allow MPD's, the zone of HRC should be reconsidered.

2) The applicant is requesting that the City Council compare the purpose statements in both zones and discuss the purpose of the HRC zone in relationship to their request of HCB. The applicant feels that when the HRC zone was created, it was intended to create a transition zone between the commercial district and the residential district for Old town. As for the HRC/HCB Districts and their intent to preserve Historic buildings, the applicant asserts they have met the required standards.

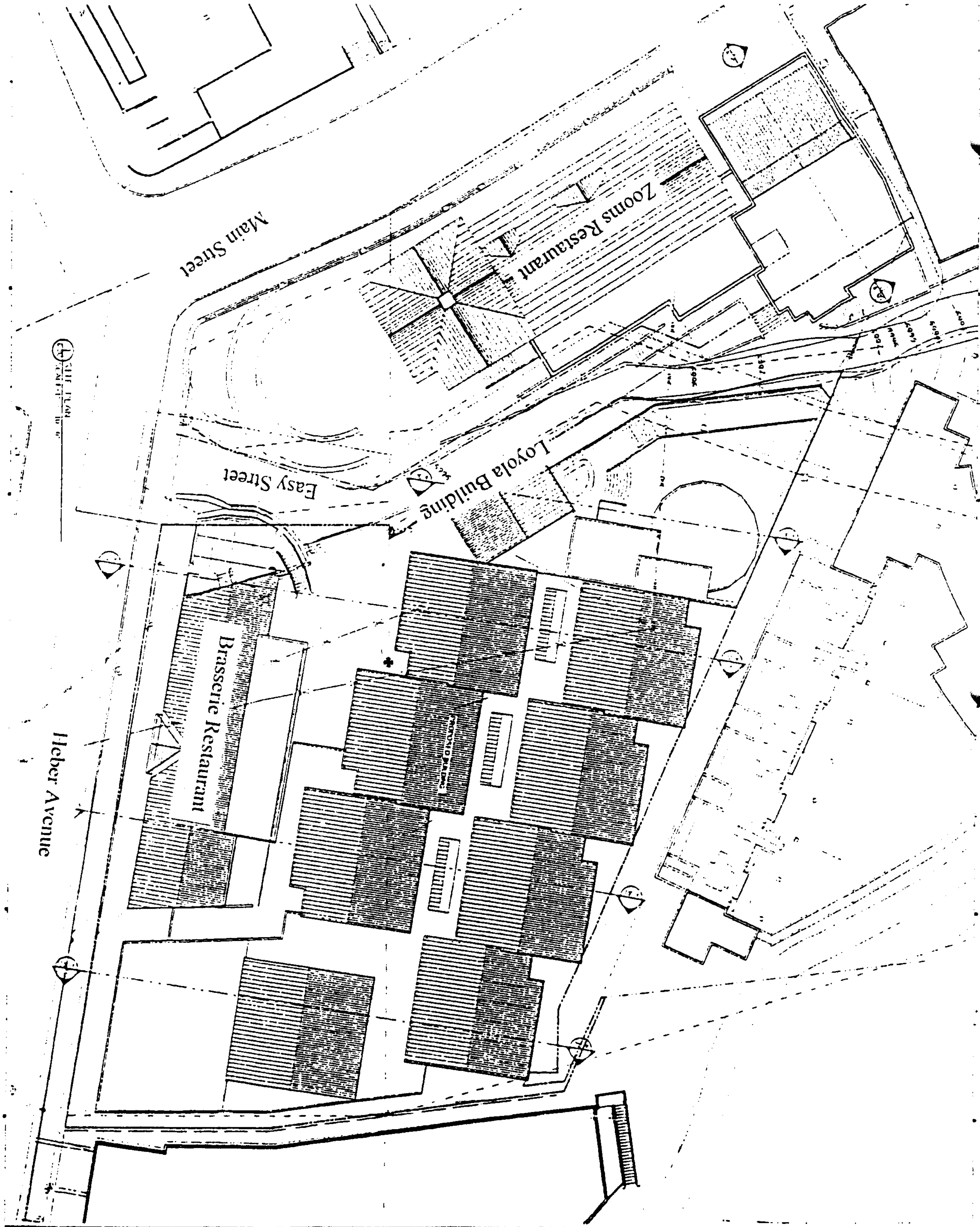
3) The request to HCB would allow the applicant to increase the building zone height to 45' feet from 32' feet which is the zone height of the HRC zone. The applicant's proposal would be at the same height level of the Poison Creek Mercantile (HRC) building due to the applicant's terrain, which is approximately 16 feet below the grade of Heber Avenue.

Staff Recommendation

Staff is requesting that the Council provide staff with the appropriate direction on whether a zone change is warranted for the subject property. Depending on Council's direction, staff will prepare the necessary findings on whether to uphold the Commissions direction, or modify to the Council's direction.

A. Site Plan
B. Staff's Letter on Zoning Designation
C. HRC Zone
D. HCB Zone
E. July 9 and August 13, 2003 Planning Commission Minutes
F. August 6, 2003 Craig Elliott Letter
G. Letter from property owner

M:\KL\CC 2003\heber210zonechange.wpd



UNION SQUARE

FANDANGO RESORTS

A. Site Plan

SITE PLAN

G-002

PARK CITY
1884
Department of Community Development
Engineering • Building Inspection • Planning

April 10, 2003

Fandango Resorts
Att: Todd Reeder
P.O.Box 680127
Park City, Utah 84060

Dear Mr. Reeder:

On April 2, 2003, Derek Satchell and Kevin LoPiccolo met with you and Craig Elliot to discuss the proposal for a mixed use development that consists of residential condominiums and retail space at 201 Heber Avenue. During our discussion, one of the primary issues that was not fully addressed was the zoning of the property. The City's zoning map indicates that your property possibly has two zoning designations, but after further research, we have determined that the zoning for the project has been identified as HRC. A 1992 amendment to the 1982 Town Lift Development Agreement allowed Marriott to use certain HCB criteria as part of their Master Planned Development. However, the zoning was never officially changed. There is no record of any zone change from HRC on your property.

I would be happy to review any documentation that you might have that suggests otherwise. If you have any questions, Kevin LoPiccolo be reached at 615-5068, and Derek Satchell at 615-5070.

Sincerely,

Patrick J. Putt
Planning and Zoning Administrator

B. Staff's Letter on Zoning Designation

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, Utah 84060-1480
Community Development (435) 615-5055 • Engineering (435) 615-5055 • Building (435) 615-5100
Planning (435) 615-5060 • FAX (435) 615-4906

April 24, 2003

To: Tim Twardowski
From: Kevin LoPiccolo
Subject: Chronology of zoning along Heber Avenue & Deer Valley Drive (201 Heber Ave)

Included is Ordinance 85-12 (creation of HRC), Amendment to 1982 "Agreement", 1995 Variance application request by Nick Powell at 201 Heber Avenue & Petition of Variance, Zoning Maps from 1985, 1992, 1998 & 2002.

1982 - Park City Municipal & Park City Depot Corporation entered into an " Agreement " which Park City Municipal granted certain zoning and regulatory concessions for the Town Lift Project. 1982 Zoning Map shows area as HCB.

1985 - Ordinance 85-12 creating the Historic Recreation Commercial Zone & Sub Zone. Explains intent of zone change. Prior to the creation of the HRC, HCB zoning existed.

1992 - Zoning Map designates 201 Heber Avenue & Town Lift Project as HRC.

1995 - Board of Adjustment reviews Variance request at 201 Heber Avenue (Old Lumber Yard, Nick Powell) Application designates existing zoning as HRC - Heber Avenue Sub-Zone.

1998 - Zoning Map designates 201 Heber Avenue as HRC & HCB. The zoning map also designates the Town Lift project as HCB, although the zone was never changed, done by 1992 " Agreement ".

The current zoning map (2002) designates 201 Heber Avenue as HRC & HCB.

Based on 1992 amendment to the 1982 Town Lift " Agreement " allowed Marriott to use certain HCB criteria as part of their Master Planned Development. That seems very odd since the zoning in 1982 for that parcel was zoned HCB. However, the zoning was never officially changed. There is no record of any zone change from HRC to HCB on the subject property. Based on city records, and or "Agreements" the city entered into, the current zoning map appears to be in error. It should be HRC.

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

C. HRC Zone

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

The purpose of the Historic Recreation Commercial (HRC) District is to:

(A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,

(B) encourage pedestrian oriented, pedestrian-scale Development,

(C) minimize the visual impacts of automobiles and parking,

(D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,

(E) provide a transition in scale and land uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,

(F) provide a moderate density bed base at the Town Lift,

(G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,

(H) encourage preservation and rehabilitation of Historic Buildings and resources.

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) ALLOWED USES.

(1) Single Family Dwelling
(2) Duplex Dwelling
(3) Secondary Living Quarters
(4) Lockout Unit[1]
(5) Accessory Apartment[2]
(6) Nightly Rental
(7) Home Occupation
(8) Child Care, In-Home Babysitting
(9) Child Care, Family
(10) Child Care, Family Group[3]
(11) Child Care Center
(12) Accessory Building and Use

---

[1]Nightly rental of Lockout Units requires a Conditional Use Permit

[2]See LMC Chapter 8.19, Supplementary Regulations for Accessory Apartments

[3]See LMC Chapter 14 for Child Care Regulations

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

PARK CITY 1884

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

The purpose of the Historic Commercial Business (HCB) District is to:

(A) preserve the cultural heritage of the City's original Business, governmental and residential center,

(B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,

(C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,

(D) encourage the preservation of Historic Structures within the district,

(E) encourage pedestrian-oriented, pedestrian-scale Development,

(F) minimize the impacts of new Development on parking constraints of Old Town,

(G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,

(H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and

(I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) <u>ALLOWED USES</u>.

(1) Single Family Dwelling
(2) Multi-Unit Dwelling
(3) Secondary Living Quarters
(4) Lockout Unit[1]

[1]Nightly Rental of Lock Units requires a Conditional Use Permit

PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
JULY 9, 2003

Present: Chair Andrew Volkman, Bruce Erickson, Chris Larson, Bob Powers, Patrick Putt, Ray Milliner, Eric DeHaan, Tim Twardowski

WORK SESSION ITEMS

201/203 Heber Avenue, The Bransford at Union Square - Rezone and Conditional Use Permit

Due to a conflict of interest, Commissioner Erickson recused himself from discussing this item.

Planning and Zoning Administrator Patrick Putt presented the staff report for a proposal involving a zone change, Conditional Use Permit, and subdivision application for redevelopment of a currently vacant parcel at 201 Heber Avenue that includes a number of historic buildings. The property is located in the HRC zone, is slightly larger than one acre in size, and currently consists of two legally subdivided lots along Heber Avenue and Easy Street. The applicant is requesting action on the zone change, CUP, and subdivision to construct a 36-nit multi-unit dwelling with lockouts which would be operated as a hotel. The residential units are intended to be sold as fractional units. The project includes two meeting rooms, a reservation desk, and limited support commercial uses, along with redevelopment of the existing historic buildings on the site. This proposal constitutes Phase II of the overall redevelopment of the property. This property is currently zoned HRC, and the surrounding zones on the north side of Heber Avenue and Main Street are also zoned HRC. Properties located on the south side of Heber are HCB, and properties along the west side of north Main Street are HRC and HCB. Administrator Putt referred to a letter from the applicant explaining the reason for requesting a zone change. Administrator Putt explained the distinctions between the HRC and the HCB zones and noted that they have less to do with permitted land uses than with overall square footage and setbacks. He stated that the applicant has prepared an overview of the project, and the Staff and applicant would like feedback from the Planning Commission on the rezone request.

Chair Volkman asked if the lockout units would affect the parking requirement. Administrator Putt replied that there is an absolute parking requirement in the parking section of the Code based on the number of units and the unit size and configuration. Since this will be processed as a CUP, the applicant intends to ask the Planning Commission to consider a reduction in the overall parking. Chair Volkman clarified that the number of units in the proposal increases to 80+ when taking the lockout units into account. He asked if the parking requirement in the Code would increase based on that configuration. Administrator Putt offered to research that information.

Craig Elliott, representing the applicant, suggested that the Planning Commission discuss the HRC/HCB zone during the work session and the merits of the design concept during the regular meeting. He reviewed the process to date and the issues they had dealt with regarding HRC versus HCB zoning. He stated that they have developed a project they feel is comfortable on the site and meets the mass, character, and scale in Old Town. He commented on the discrepancies between the law and the zoning map and complimented the Staff on their effort to research the history of the zoning maps. He noted that the original zone for the property was HCB, and then it moved to HRC. He noted that there is no longer an HR-1 zone in this area which allows the Planning Commission to consider a rezone from HRC.

Commissioner Larson explained that MPD's were removed from the HRC zone because they are growth inducing, and the Planning Commission did not want that in the Historic District. MPD's require 60% open space, making the chances for an MPD impossible because they cannot meet the open space requirement. Commissioner Larson stated that he would not consider a parking reduction for this area. He believed the applicant would have a difficult time coming up with a net public benefit for a parking reduction since they will lose net parking as a result of developing this parcel.

Chair Volkman echoed Commissioner Larson's comments and stated that he could not see a compelling reason for an upzone. There is no trade-off benefit to the City, and he believed this parcel of land was tailor made for an HRC zone.

Commissioner Larson commented that the purpose of the HRC zone is to, maintain and enhance the characteristics of historic streetscape elements, such as yards, trees, vegetation, and porches, which is accomplished through setbacks. It encourages pedestrian-oriented, pedestrian-scale developement by reducing heights. It also preserves and enhances landscaping and public spaces adjacent to streets and thoroughfares through setbacks. It provides for a transition in scale and land uses and allows for limited retail and commercial uses. Commissioner Larson stated that, looking at the adjacent structures, he would have a difficult time finding a public benefit for an upscale to HCB on this parcel.

Commissioner Powers agreed that there would be no public benefit in granting this rezone and stated that he was opposed to additional density. He believed the parking request was ridiculous and disagreed with the anticipated numbers considering the number of bedrooms per unit with lockouts. He noted that Park City does not have enough parking now, and there is a large deficit in this area.

Mr. Elliott stated that the applicant has engaged Fehr and Peers to do a traffic and parking study. He hoped to address the public benefit in the public hearing this evening.

Administrator Putt responded to the earlier question about parking requirements for lockouts and explained that parking for a building of this nature would be calculated on the overall unit size. A lockout unit is part of the overall unit size and does not have a separate parking requirement.

801-817 Park Avenue

Administrator Putt asked if the Planning Commission would consider looking at a parking reduction based on the Parking and Master Plan section of the CUP uses based on the fact that the uses would overlap the commercial spaces and serve those residing in the area. Commissioner Erickson stated that he was willing to look in that direction. However, in terms of studying the other malls, he would like to know the current tenant mix and what the required parking was for that tenant mix. He hoped to be able to find a perfect ratio between too much and too little parking.

Administrator Putt recommended that the Planning Commission continue this item to the first meeting in August to allow the applicant sufficient time to conduct the parking study.

MOTION: Commissioner Erickson moved to CONTINUE this item to August 13. Commissioner Larson seconded the motion.

VOTE: The motion passed unanimously.

4. **201/203 Heber Avenue, the Bransford at Union Square - Rezone and Conditional Use Permit**

Due to a potential business conflict, Commissioner Erickson recused himself from discussing and voting on this item.

Administrator Putt noted that the Planning Commission discussed this item during work session this evening and the applicant is prepared to make a formal presentation to the public before the public hearing. The Staff and applicant would like the Planning Commission to provide input and direction. The applicant is Fandango Resorts, and the location of the proposed project is 201 Heber Avenue. Administrator Putt reviewed the application for a zone change that is tied to a CUP in a subdivision. The applicant is requesting that the zone be changed from HRC to HCB to construct a 36-unit multi-unit dwelling, with lockouts to be operated as a hotel and residential units sold as fractional units.

Bill Schiff, representing the applicant, clarified that there are two lots on this property, not one. When the property was first purchased, it was a back lot and a series of residential standard Old Town lots with the Utah Coal and Lumber building running over the property line. Mr. Schiff noted that they have been working with the Staff since August of last year and have always had the same scheme in mind, which is to take the model originally planned for another developer and put in a five-star condominium/hotel project.

Mr. Schiff provided a brief background on Fandango and their operations. He noted that their corporate headquarters are located in Park City. He stated that they are aware of the sensitivity of this site. He discussed what has occurred throughout the application process. The first item was to clean up the fragment parcels that were not lots. They determined that the back lot is HCB according to the City Plan, and the front lots are HRC. When they re-did the Easy Street Brasserie it was replatted. The front lot lines were erased, creating one big lot in the front and one big lot in the back. Over a period of time they have gone through four generations of building to land mass planning, space planning, elevations, and models, being as careful as they could and realizing that they are at the epicenter of the commercial center of downtown Park City. Mr. Schiff remarked that they need to develop something that is in keeping but also accept the fact that this is a commercial mixed-use development in a commercial section of Old Town that needs to have more commerce so fellow businesses will have enough business to stay here.

Mr. Schiff commented on the zoning issue and his frustration with what happened during the work session. He noted that they have a point of disagreement that has been created by a series of overlays, laws, and thoughts that have happened on this piece of property over the last 100 years. He explained that they are trying to put a thoughtful development on this piece of property, and it has certain impacts they have tried to address. He commented on the community meetings held with the neighbors and various organizations and stated that they have had nothing but positive support from business owners and citizens. He explained that the requested rezone came about because they are trying to solve a problem that was created by the City plat map. He understood that parts of the development are in the HRC, but they do not want to put density on the edge of Easy Street at Heber and Main and would prefer to pull it back to create a cascade going up.

Mr. Schiff commented on discussions during the work session about the greater good and stated that he believed they were doing the greater good, which is to make sure that downtown Park City does not lose being downtown Park City. He stated that the zoning issue is not a matter of trying to grab more density. If the property is developed under the HRC, it would have 87,000 square feet, and the present property is 86,000 square feet. He explained that they are not asking for an HCB designation without a plan. The intention is to build a quality product to mimic the execution of the Zoom and Brasserie which will become an icon for Park City and Historic Downtown.

Craig Elliott, project architect, provided a PowerPoint presentation on the concepts and amenities proposed. He showed examples of historic architecture and explained that they tried to create a character that was interesting and dynamic. He reviewed the site scheme and images taken from the model to help the Planning Commission see their perspective. He identified the parking structures and parking garage entries and explained how they would take Easy Street into the project, combine it into the lots, and clean up a number of easement issues. He presented and reviewed the building design and elevation drawings. He commented that there is more complexity to the project and a lot of underlying zoning. In designing the project, they tried to relate to Park City and bring people with money to the corner of Main Street. They hoped to see the same type of success Mr. Schiff has had with Easy Street in this project.

Mr. Schiff stated that this project will generate approximately $1 million a year in tax revenue for Park City and approximately $16 million worth of discretionary spending by people who come to Park City. He believed that, in order to survive in Park City, they must move from being a winter resort to a year-round resort. He believed in the impact of art and how it can help a town like Park City provide year-round bed base and interest. He explained that the art gallery space will be a non-profit, non-retail, non-revenue generating space and will be programmed by various arts councils to display the works of local artisans. They are also developing a downtown historic arts foundation which will be funded on two levels.

Chair Volkman stated that he understood the zone change must occur before the project can move forward. If the applicant disputes that, the issue must be addressed with the Staff and the Legal Department, not with the Planning Commission.

Administrator Putt commented that the Staff has had a good working relationship with the applicant through redevelopment and renovation of the Easy Street Grille. Unfortunately, when the property was acquired, the current property owner based some of his decisions on the current zoning map, which does show the rear half of the property as being zoned HCB. Prior to moving forward with a formal submittal, the Staff did lengthy and in-depth research into the zoning history of that part of town. They re-assembled the ordinances which constituted the formal actions that created the zones in place and determined that the zoning for the entire property is HRC. Administrator Putt explained that he does not have the luxury of overlooking the factual basis of the ordinances that were approved and adopted by City Council a number of years ago. An unfortunate series of circumstances led to the mistake on the zoning map, but the City's position is that the underlying zoning on the entire property as adopted per ordinance is HRC. In discussions with Mr. Schiff and his team, they indicated that the only alternative would be to move forward with a zone change request and, through the public hearing process, champion the public and the Planning Commission to accept the concept that this would work and that the zone change would be appropriate.

Mr. Schiff believed it was important to remember that they submitted this request because they believed a certain thing in good faith based on documents that were made available at the time. They were then presented with an interpretation of documents that were not available at the time they made other decisions. He commented that the zoning change is one way to work through an issue that was created without malicious intent on anyone's part.

Chair Volkman assured Mr. Schiff that no one believed he pursued the project knowing there was a discrepancy in the zoning. Unfortunately, there is an issue, and the Planning Commission needs to base its decision on facts and the best use of the property.

Chair Volkman opened the public hearing.

Simone McGinnis stated that she is the developer of Poison Creek Mercantile, which is the project next door to this lot. She stated that when she purchased her property, there were two properties in the Heber Avenue subzone, hers and Nick Powell's. A number of people were well aware of the needs and issues and the reason what the zoning is. It is a transition zone. This last piece of property is beautiful and sensitive, and the Planning Commission should consider why the zoning is as it is. Height is an issue, and no historical building was ever 45 feet tall. Her building is two levels above ground, yet the pictures presented by the applicant showed her building as being taller than their three-story building next door. She has gables that are 33 feet tall measured from natural grade, not from street. She has a flat roof that tapers off in the back. She noted that the applicant wants to build four stories above grade. She stated that she built her building following the zoning, and parking drove what she could build. She has 29 parking stalls for her building, and the applicant has proposed 46. Her building is one-third the size of what is being proposed. Ms. McGinnis discussed property lines and noted that, if the applicant is allowed to change the zoning, their building will be five feet from hers. She has condominium owners screaming about what they purchased and how this will affect them. After the time she spent trying to conform to all the requirements, allowing this to move forward as requested would hurt her business.

Commissioner Larson recalled the Poison Creek development and discussions about the bike path. Ms. McGinnis's building steps down with grade, and he asked if she made any concessions for the bike path in terms of visibility. Ms. McGinnis replied that she donated eight feet to the City.

Joe Tesch, represented the residents at Poison Creek, stated that they believe their views will be ruined if this zoning change is allowed. He noted that the highest unit at Poison Creek is 32 feet, which is 13 feet less than the 45 feet the applicant is asking for with a new zone. He did not understand why this project could not move forward with less mass under the HRC zone the same way as Poison Creek. In allowing this zone change, the Planning Commission would be giving more mass and ultimately more money to a developer, which in turn would devalue the property of the people who relied on zoning when they purchased their units. He did not believe this was done intentionally by the developer. He liked the development and the direction it is going, but consideration should be shown to the citizens. He believed there was no mistake as to the zoning of the front part of the property and, in his opinion, changing a zone is similar to changing the constitution. Zones are put in place for a reason and should not be changed lightly. People have invested money depending on the zone in place, and it is not right to make a change that will hurt them. Mr. Tesch commented on the parking discrepancy and setbacks and felt they should be clearly explained so people could get a clear idea of what is being requested in an area that is severely under-built for parking. He believed this development could be good for the City, but only if it is scaled down to fit the existing zone. Mr. Tesch referred to the summaries of the Historic Residential Commercial District contained in the staff report and explained that he used the list from that district to compare it to what does not exist in the HCB District. He noted that there are 13 criteria, and only one went away. The remaining should be enforced to protect the people who relied on those zones when buying, building, and developing. He noted that this development and the zone do not comply with the criterion of maintaining and enhancing the characteristic of the historic streetscape elements, such as yards, trees, vegetation, and porches. He also did not believe the development or the HCB zone comply with the criterion of preserving and enhancing landscaping and public building spaces adjacent to streets and thoroughfares. Another criterion is to provide and maintain a transition and scale. He commented that people live in Poison Creek, and the intent of that transition should be respected as a valid, logical consideration. With regard to the criterion to provide a moderate density bed base at the Town Lift, Mr. Tesch noted that the HCB zone does not have this requirement, and the proposed density is not moderate but rather intense density. With regard to allowing for limited retail commercial uses consistent with the resort bed base and needs of the local community, Mr. Tesch pointed out that the HCB zone allows intense commercial. He noted that the criterion of encouraging preservation and rehabilitation of historic buildings and resources is not contained in the HCB zoning requirements. He noted that setbacks are greater in the HRC zone, and that would change if the zone is changed to HCB. Height is another issue, as well as how things are measured. Mr. Tesch addressed two exhibits presented by Mr. Elliott. He indicated the model showing what is next to Poison Creek and noted that the height of the wall creates a problem. He stated that the picture showing the view down Heber Avenue showed Poison Creek higher than it actually is.

Moira Roswell stated that she sold one of the units in Poison Creek. They always knew something could be built next door, but they never thought it would be five feet from two of the major windows in this condominium. She stated that this development will have a severe economic impact and encouraged the Planning Commission to consider the impacts of this zoning change. She believed the project in its conceptual form had value, but some of the condominium residents are primary residents, and their value will be hurt. She noted that the owner of the condominium she sold was not contacted and knew nothing of a neighborhood meeting or of this project.

Kate Dornan stated that she is an employee at the Crosby Collection, which has two locations on Main Street. She believes it was evident from this process that the zoning ordinance should be cleaned up. She did not understand how a zoning map could say one thing and a group of ordinances say another. She noted that Mr. Roswell had remarked that Main Street had been hurting this year, and she was delighted to see this project. As presented, she favored having this project move forward.

Mike Sweeney stated that his family has spent the last 25 years helping to develop the lower part of Main Street, and they strongly felt that more activity was needed on lower Main Street. He spent the better part of this year on four economic development committees for the City, and the idea of getting this kind of project for Historic Main Street was discussed. This will bring more bed base into Main Street, which will help build vitality. He understood that the property next to his would be developed and that at some point the setbacks would be less than five feet, but he liked that idea because it would benefit the community by bringing more people to Park City. Mr. Sweeney supported "user friendly" and believed this developer has come up with a concept that is valid and would help lower Main Street. Regarding parking, Mr. Sweeney noted that a million dollars was spent on underground parking at the base of the Town Lift, and to date, the only time that parking garage was filled was during the Olympics. Most days the parking garage is empty, and they cannot entice people to park there. He stated that there is plenty of parking in Lower Main Street, and the studies presented have indicated that the parking problem is on Upper Main Street. He believed this project could help Upper Main Street where they do need the parking. Mr. Sweeney remarked that Park City needs this type of project because the additional bed base in Old Town will generate revenue.

William Winstead stated that he was involved in the planning of Poison Creek, and they were always told that this was a Heber Avenue subzone. Two properties fell into this category and had certain limitations. It is unfortunate if this applicant purchased their property without knowing that. Mr. Winstead stated that everyone is looking for economic viability for Park City, and he believed this project had potential but needed to be down scaled. The City does not need to rezone this piece of property, but it needs to work through how to make it work for Park City. Mr. Winstead asked the Planning Commission to look at the overview of what is best for Park City and take this into perspective.

Chair Volkman closed the public hearing.

Chair Volkman noted that no action is requested this evening, and the Planning Commission should provide direction to the developer. He commented that the points in the PowerPoint presentation are what the Planning Commission is trying to achieve. However, based on the renderings presented, it appears that the applicant is trying to maximize development. Chair Volkman agreed with trying to promote the arts and pedestrian access, but he differed in how to accomplish that. Based on what he had seen and considering the neighborhood, he could not find a compelling reason to upzone this property. He believed the 32-foot height requirement and the setback requirements were appropriate. He felt it was unfortunate that the applicant was in this position and would have preferred to see this earlier in the process to possibly minimize the time, effort, and expense the applicant has incurred. However, the Planning Commission has the responsibility to plan what is best for Park City, and he could not support a rezone.

Commissioner Larson felt there were many opinions about Main Street viability. He believed significant mistakes were made with the Summit Watch and Town Lift developments. He hoped they had learned from those mistakes, because that is part of the reason lower Main Street does not operate well as a commercial street. He understood the desire to increase the viability of Main Street and the importance of preserving their historic heritage and fabric. If this were zoned HCB, he believed there would be a long discussion about what to do with the volumetrics of this building, preserve the Heber Avenue streetscape, Easy Street, the bike path, and the compatibility with adjacent structures. The easiest approach would be to not change the zone. He believed the HRC zone preserves the character he wants to see in this location, and he could not support moving forward with the rezone. He felt the Commissioner had made it clear during the work session that they would not consider a parking reduction, and the first step would be to meet the parking requirements. While lower Main Street has empty parking structures, this area is very difficult, and reducing the parking would not be in the best interest of the public.

Commissioner Zimney believed the HRC zoning should remain as well as the 32-foot height. She believed additional parking should be considered for the lockout units and requested that a parking study be considered.

Commissioner Powers could not see any value to a rezone. He had a problem with the parking and felt strongly about a parking study. He agreed with Commissioner Larson that the volumetrics do not work, and he believed a wonderful development could be built in that area with the required height and setbacks.

Administrator Putt asked where the applicant should go from here. He summarized that the Planning Commission does not support moving forward with a zone change from HRC to HCB. He noted concerns about volumetrics and parking and remarked that the applicants are working on a parking study which should provide a more factual background on the parking situation in the area and the positive and negative impacts of this project. He believed the parking study would help provide answers about the design, how big, and how much. He clarified for the applicant and the public that the Planning Commission only makes a recommendation on a zone change, and the final decision is made by the City Council. If the Planning Commission directs the Staff to prepare findings for denial, the applicant has another step in the process at the City Council level.

Chair Volkman noted that the comments expressed in this meeting did not differ from the work session, and he felt the Planning Commission should move forward with findings for denial.

MOTION: Commissioner Larson moved to CONTINUE 201/203 Heber Avenue to the next meeting with direction to the Staff to prepare findings for denial on the rezone. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously. General Plan Discussion re. Quinn's Junction/Highway 40 Corridor

Chair Volkman suggested that, since two Commissioners were absent and because Quinn's Junction is an important matter, two Planning Commissioners be appointed to work with Administrator Putt on a platform pertaining to Quinn's Junction for the entire Planning Commission to discuss at their next meeting. Commissioners Erickson and Larson offered to meet with Administrator Putt.

The Planning Commission meeting adjourned at 9:20 p.m.

Approved by Planning Commission______________________________

MOTION: Commissioner O'Hara moved to CONTINUE this item. Commissioner Erickson seconded the motion.

VOTE: The motion passed unanimously.

4. **203 Heber Avenue, the Bransford at Union Square - Rezone**

Due to a conflict of interest, Commissioner Erickson recused himself from discussing and voting on this item.

Planner LoPiccolo reviewed the request for a zone change from HRC to HCB for property located at 201 Heber Avenue. He recalled that the Planning Commission reviewed this application on July 9 and held a public hearing. The applicant is requesting the zone change to construct 36 multi-unit dwellings with lock-outs. The owner plans to operate the building as a hotel, and the residential units are intended to be sold as fractional units. Based on discussion at the last meeting and the fact that approving this zone change would increase the maximum building height, allow zero lot line development, and allow development incompatible with nearby historic buildings, the Planning Commission directed the Staff to prepared findings of fact and conclusions of law to forward a negative recommendation to the City Council. On August 7, the applicant met with the Staff and presented a letter outlining their position and why the zone change is needed. The letter is in the staff report, and the applicant requested that the Planning Commission postpone action this evening to discuss the merits of the zone. Planner LoPiccolo explained that the applicant's position is not that the zone is HRC, but whether the purpose statement of the HRC fits this property. The applicant would like to discuss the purpose of the HRC zone with the Planning Commission to receive clarification as to whether the purpose statement is consistent with the zoning. The applicant believes a zone change would allow a single use, which is consistent with the overall floor area. The applicant acknowledges that the main issue that differentiates the two zones is height and setbacks. They are willing to adhere to the HRC setback requirement but would like additional height. Planner LoPiccolo stated that the Planning Commission may grant the applicant's request to further discuss the information outlined in the letter prior to taking action.

Craig Elliott, representing the applicant, reviewed and explained the major points in the letter he had submitted. He noted that the intent of the letter was to provide data for the Planning Commission to determine if a rezone is appropriate.

Chair Volkman called for discussion on the applicant's request for height and setback changes.

Commissioner Larson stated that his position had not changed, and that he finds no basis for a rezone based on the reasons outlined at the last meeting.

Commissioner O'Hara stated that he did not attend the last meeting and requested that the Commissioners provide some background for their opinions. Commissioner Larson explained that their decision came down to preservation of the historic nature of that block. Secondarily is the fact that they held Poison Creek to the underlying HRC and Heber Avenue Subzones. He named adjacent properties and noted that none of them are large volumetric buildings. Given those reasons, Commissioner Larson found no basis for rezoning this property to a higher density with no setbacks and additional height. Chair Volkman referred to the minutes and comments from the Poison Creek residents who felt they would be negatively impacted by this zone change. Commissioner O'Hara stated that Poison Creek is one of the better approvals that came from the Planning Commission, and understanding the concerns with this rezone, he could support denial.

Commissioner Powers stood by his comments from the last meeting.

Commissioner Zimney was confident that this applicant would do a good job with the project, but she could not come up with enough findings to support a rezone. She hoped the applicant could find a way to make the building work under the existing zone, because it would be a beautiful building.

MOTION: Commissioner Larson moved to forward a NEGATIVE recommendation to the City Council for a zone change request at 201 Heber from HRC to HCB with the findings of fact and conclusions of law outlined in the staff report. Commissioner Powers seconded the motion.

VOTE: The motion passed by a vote of 3 to 1, with Commissioners Larson, O'Hara, and Powers voting in favor of the motion and Commissioner Zimney voting against the motion.

<u>Findings of Fact for Denial - 201 Heber Avenue</u>

1. The subject property is located at 201 Heber Avenue.
2. The property is situated on l.09 acres and consists of two lots along Heber Avenue and Easy Street.
3. The property is zoned Historic Recreation Commercial (HRC) District. The surrounding zones located on the north side of Heber Avenue and Main Street are zoned HRC.
4. The applicant asserts that the site includes both HRC and HCB zoning based upon the City zoning map.
5. Three (3) historic structures are located on the subject property.
6. At the July 9, 2003, Planning Commission meeting, the Commission reviewed at work session and public hearing a request from the applicant to change the zone at 201 Heber Avenue from Historic Recreation Commercial (HRC) District to Historic Commercial Business (HCB) District.

7. The purpose of the Historic Recreation Commercial (HRC) District is to maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches.
8. The purpose of the Historic Recreation Commercial (HRC) District is to facilitate the continuation of the visual character, scale, and streetscape of the original Park City Historical District.
9. The purpose of the Historic Recreation Commercial (HRC) District is to encourage the preservation of Historic Structures within the district.
10. The purpose of the Historic Recreation Commercial (HRC) District is to encourage pedestrian-oriented, pedestrian-scale development.
11. The purpose of the Historic Recreation Commercial (HRC) District is to minimize the impacts of new development on parking constraints of Old Town.
12. On July 9, 2003, the Planning Commission expressed a concern that a zone change to HCB would allow greater height, zero lot line setbacks, and potentially create inappropriate mass and scale adjacent to the three historic structures on the property.
13. On July 9, 2003, the Planning Commission expressed a concern that a zone change to HCB would potentially create additional density which would further impact the parking needs and magnify the parking problems that the Historic District currently experiences.
14. On July 9, 2003, the Planning Commissioner directed Staff to prepare findings of fact and conclusions of law for denial.
15. A Developer of Poison Creek Mercantile was in opposition to the proposed zone change because it would allow a building height increase. Neighbors and Poison Creek residents complained about height, mass, and scale.
16. Lower Main Street residents were supportive of the zone change.
17. The zone height for the HCB zone is 45 feet.
18. The zone height for the HRC zone is 32 feet.
19. The HCB zone allows for zero lot line development.
20. The HRC zone requires a front yard setback of 10 feet, side yard setback of 5 feet, and a rear yard setback of 10 feet.
21. The HRC zone has no floor area maximum in the Heber subzone.

<u>Conclusions of Law for Denial - 201 Heber Avenue</u>

1. The zone change request is inconsistent with the purpose statements for the HRC district found in Land Management Code Section 15-2.5-1.
2. The proposed zone change is inconsistent with Park City's General Plan (Park City Neighborhoods) historic district, Page 56, that states building height and mass of new structures should be compatible with the historic structures. Consider further limiting building heights and floor area ratios.
3. The proposed zone change is inconsistent with Park City General Plan (Park City Neighborhoods) historic district, Page 56, that states the Historic District Design Guidelines, design standards, and zoning regulations must be reviewed and modified to deal better with issues including, but not limited to, snow shedding on adjacent structures, heights, mass, and contextual compatibility.

4. The proposed zone change is inconsistent with Park City's General Plan (Park City Neighborhoods) Historic District, page 56, that states all new development should provide adequate on-site parking. A comprehensive parking plan for the historic district needs to be developed and implemented.
5. The proposed zone change is not in the best interest of the community.

The Park City Planning Commission meeting adjourned at 8:00 p.m.

Approved by Planning Commission________________________________

EMA

PLANNING • ARCHITECTURE • INTERIORS

August 6, 2003

Park City Municipal Corporation
Planning Commission and Planning Staff
445 Marsac Avenue
Park City, Utah 84060

Re: The Bransford at Union Square
Zone Change Application

Commissioners and Staff:

In a previous Planning Commission work session and public hearing concerning the project located along Heber Avenue and Main Street known as the Bransford at Union Square, very little discussion occurred about the appropriateness of the change of zone. Part of this is my fault for not understanding that the original dual application of Zone Change and Conditional Use Permit had been separated. As I have come to understand, the Park City Municipal Corporation legal staff has dictated that the application be split and the zone change application be processed independently of the design, independently of the CUP and processed first. With this in mind, I apologize to the Commission and my Client for a lack of clarity in the presentation about the issues at hand. This letter is intended to provide the information needed to understand the appropriateness of the zone change application.

I. Existing Conditions:

1. There are multiple easements running through and around the proposed site.
2. The proposed combined site includes three historic structures.
3. The zoning map identifies the front half of the site as Historic Recreation Commercial (HRC).
4. The zoning map identifies the rear half of the site as Historic Commercial Business (HCB).
5. Planning Staff has indicated that the map is incorrect and that the rear half is HRC.
6. The rear parcel access is believed to be through an Easy Street easement.
7. The existing historic structure on Heber Avenue underwent an expensive, extensive renovation and improvement increasing the long term viability of the structure.
8. The existing historic structure on Main Street and Heber Avenue also known as the depot building also underwent an expensive, extensive renovation and improvement increasing the long term viability of the structure.

F. August 6, 2003 Craig Elliott Letter

Don Mahoney, AIA principal Craig Elliott, AIA principal Kurt Daenitz, AIA senior associate

460 South 400 East Salt Lake City, Utah 84111 voice 801.363.1511 fax 801.363.1560
364 Main Street P.O. Box 3419 Park City, Utah 84060 voice 435.649.0092 fax 435.649.7127

II. Zoning of Properties Neighboring the site:

1. The parcel to the east known as Poison Creek Mercantile was constructed to the maximum height and setback standards of the HRC and the underlying Heber Avenue Sub-zone. (In fact, it has areas of the structure that are out of compliance with the height standards)
2. The parcel to the east generally sits on a noll and the majority of the site natural grade was approximately ten feet (10"-0") higher than the majority of the Bransford site natural grade.
3. The parcels (Gateway and Silver Queen Hotel) across Heber Avenue to the south are designated HCB on the zoning map.
4. To the north of the site are the Aquacade and the Mariott Summit Watch projects which are designated as HCB on the zoning map.

III. Analysis of the Zoning of the site:

The site along Heber Avenue is identified as HRC and also in the Heber Avenue Sub-zone.

1. *The purpose of the Historic Recreation Commercial (HRC) District is to:*

(A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,

This site is surrounded by uses of HCB. Yards, trees, vegetation, and porches are virtually non-existent in the immediately surrounding properties.

(B) encourage pedestrian oriented, pedestrian-scale Development,

This item can also be found in the purpose statement of the HCB as Item E.

(C) minimize the visual impacts of automobiles and parking,

This item can be found in the purpose statement of the HCB as part of a larger statement as Item H.

(D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,

This item is similar to Item I in the purpose statement of the HCB. This site has had virtually no landscaping or public space since it opened as a lumber site. The deck along Heber Avenue and Easy Street has been significantly improved in the renovations of the Easy Street Brasserie. Additionally, the patio area at the rear of the Easy Street Brasserie was created to enhance the pedestrian thoroughfare known as Easy Street. This deck and patio has created quasi-public spaces. The outdoor dining area along the depot building at the corner of Heber Avenue and Main Street is a significant statement that enhances the city. This patio area is also a prime location for development.

(E) provide a transition in scale and land uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,

The HR-1 District is not adjacent to this parcel and thus can not create a transition in scale between the land uses described. The closest HR-1 district is approximately three hundred feet (300') away , and is across Main Street and Park Avenue to the district.

(F) provide a moderate density bed base at the Town Lift,

The proposed use provides beds within walking distance of the Town Lift. Similar to the Marriott Summit Watch project in the HCB zone.

(G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,

The site currently houses two restaurants that are consistent with the needs of the resort bed base. Additionally, meeting rooms are proposed which will be consistent with the local community and city council vision of creating a four season use.

(H) encourage preservation and rehabilitation of Historic Buildings and resources.

This item is similar to Item D in the purpose statement of the HCB. The proposed project maintains and rehabilitates the three primary historic structures on the site.

2. Heber Avenue Sub-zone Requirements:

Properties fronting on the north side of Heber Avenue, and east of Main Street, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and land use limitations of the HRC District apply, except:

(A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.

The uses proposed are consistent with HCB Allowed Uses. The project is allowed as a Multi-Unit Dwelling, a Nightly Rental and Restaurant.

(B) The Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.

The conditional uses of an underground parking structure (which is encouraged) and potential fractional ownership (Timeshare Project) would require review but as described are allowed through the CUP process.

(C) The Floor Area Ratio limitation of the HRC District does not apply.

This limits the project to setback, and height limitations without a maximum floor area requirement.

3. Summary to the purpose statement of the HRC and Heber Avenue Sub-zone Requirements:

   (A) Items A&E which are the most definitive, have limited application to this site.

   (B) Items F&G are associated with the proximity to the Town Lift. Other HCB uses closer to the Town Lift follow these support uses based on economic viability, not planning district requirements.

   (C) Items B, C, D&H are either duplicated or a similar statement exists in the HCB purpose Statement.

   (D) The uses in the Heber Avenue Sub-zone are identical to the HCB District.

So if the most definitive requirements don't apply, the location dictates support of the Town Lift, the remaining items and uses are the same as HCB, what really changes with a zone change to HCB for the parcel?

IV. Analysis of the Proposed Zoning of the site:

Since the uses are the same between the proposed zoning designations and there is no minimum floor area associated with the site, the primary difference between the HRC and HCB zoning districts boils down to setbacks and heights.

Setbacks - The setbacks in the HRC are 10' from the street, 5' on the sideyard and 10' at the rear. The setbacks in the HCB are property line. The design submitted respects the front yard setback and the sideyard setback adjacent to the east at Poison Creek Mercantile. Whether or not the rear parcel is HCB or not, the adjoining parcel to the north is designed as HCB and is built to the property line. It seems that the setback adjacent to an HCB zone is relevant to use more than distance. The revised design suggests a 5' setback to an HCB designated property and is designed with a significant variation in form.

Height - The difference in height between HRC and HCB are approximately thirteen feet (13'-0"). The HCB allowed height for a sloped roof is fifty feet (50'-0") above natural grade. The HRC allowed height for a sloped roof is thirty seven feet (37'-0") above existing grade. The revised design pushes the increased height to the rear of the property adjacent to the HCB zone. Additionally, the height of the building is below the highest point of Poison Creek Mercantile, Marriott Summit Watch and the Siver Queen Hotel.

OK, one more time on Density - Although, it could be argued that the change to an HCB zone could increase the density for the site, it is not likely because the site is home to three historic structures that are significantly smaller than allowed in even the HRC/Heber Avenue Sub-zone. The existence of the historic structures minimizes the impact of density on the site. This is one of the reasons that reviewing a CUP for the project design simultaneously with the zone change made sense. It would have allowed for contextual review of the impacts of a zone change. Nonetheless, the owners of historic structures should not be penalized for maintaining Park City's link to the past. If these structures are underdeveloped on a site, one way to assist and encourage the owner to maintain and develop new uses for the historic structures is to allow additional height in less critical areas on the site. This is the underlying philosophy of the design submitted.

Analyzing the potential floor area (density) for a project on this site is relatively simple. Using the setbacks of the HRC the developable site area is approximately 38,085 square feet. The potential floor area at 3 stories is approximately 114,255 square feet. The revised total project including the depot building is approximately 104,082 square feet. The revised project is 10,000 square feet less than the maximum area allowed under the HRC zone.

The project submitted is a sensitive, sophisticated well thought out design that enhances Main Street and the Town Lift areas. The developer is asking for a zone change from HRC to HCB as directed by staff, but is not asking for increased densities, or to remove significant historic structures. The primary difference is the height allowed. With this in mind, the revised design has placed all of the HCB designated heights within the rear portion of the site. This portion of the site is adjacent to HCB zoning and is the area designated on the zoning map as HCB.

Respectfully Submitted,

Craig Elliott, AIA
Principal
EMA Architects, LLC

Utah Coal & Lumber Restaurant, Inc.
684 Glenneyre St.
Laguna Beach, CA 92651

(949) 494-0703
Fax (949) 494-8845

October 1, 2003

Honorable Mayor Williams and City Council Members,

I am writing to extend my sincere apologies for not being able to personally attend the workshop meeting of October 9, 2003 regarding The Bransford on Union Square project. Unfortunately, I had a long planned family wedding event that required my presence, which I could not reschedule or miss.

As you may know, my wife Diane and I have been residents of Park City since 1992. We were first drawn to Park City by its small town feel, its remarkable physical beauty and the interesting and diverse architecture. Our decision to become a part of the community was due to the kind people we met here and their commitment to their town. As time has passed we have been pleased to see that each of these attributes continues to be preserved and nurtured.

For over 20 years, Diane and I have had a personal and business interest in rehabilitating and preserving historic buildings of unique and interesting architecture. In Laguna Beach, California, we have rehabilitated over a dozen buildings that have been recognized by the Laguna Beach Beautification Council for several awards. These properties include 212 N. Coast Highway (The Villa Apartments - circa 1925), 446 - 450 S. Coast Highway (The Peppertree Lane - circa 1934), 370 Glenneyre Street (Sorrento Grille - circa 1946) and 684 Glenneyre Street (circa 1927). In Park City, we purchased the Depot Building at 660 Main Street (circa 1886) in 1991 and, after extensive renovation, it has been operated by Sundance Partners as the Zoom Restaurant. Most recently, we purchased the Utah Coal and Lumber Building (formerly the Morrison & Merrill Lumber Company - circa 1925) in September of last year and, with the help of Fandango Resorts, renovated it to accommodate the Easy Street Brasserie. In both of these projects we have been selected to receive awards for our efforts from the Historic District Commission.

I give you this background to provide you with a sense of who we are and our commitments to the towns we call home. Since our initial involvement with the Depot we have been pursuing the goal of consolidating the various parcels of land that comprise the current project of Union Square and the Bransford Hotel. We have, after 11 years, achieved that goal. This has afforded us the opportunity to assemble a team of local "Parkites", Craig Elliott of EMA, and Matt Bailey and Bill Shoaf of Fandango Resorts, to create an integrated redevelopment scheme for these five different parcels in the heart of historic Old Town. The guiding vision during this process was simple but bold:

> *"To create a world class mixed use tourist destination that would physically and spiritually connect upper and lower Main Street and serve as a catalyst for the reenergizing all of Historic Downtown."*

Since November of last year we have been working with the Park City Planning Staff to refine our development concepts and the architectural modeling. In addition, we have given several community presentations to the retail & commercial community, lodging community, arts community and interested neighbors to show our concepts and discuss our plans. From those meetings we have received valuable feedback which has been incorporated in the current plans and programming.

All of the members of our team are keenly sensitive to the importance of this location and our goals are achieving a sensitive balance when integrating historic and new structures, developing a vibrant pedestrian connection between upper and lower Main Street, and creating a "sense of place" that respects the historic nature of the site but acknowledges the urban context of this area. I believe this team has achieved these goals.

I would like to thank you in advance for taking the time to study and understand this project. I believe that it represents an opportunity to bring new energy into our Historic Downtown. I hope you agree.

Sincerely,

Philo M. Smith, Jr.

Philo M. Smith, Jr.

President

City Council Staff Report

Author: Jan Scott
Subject: Request to adopt a resolution of Support for Basin Transit Tax
Date: October 9, 2003
Type of Item: Informational – Work Session

PARK CITY 1884

CITY MANAGER'S OFFICE

The City Council has received a request from Bonnie Park who serves on the Citizen Transit Committee (CART) to adopt a resolution of support for the Summit County Transit District and its ¼ of 1% sales tax to funding improvements and expansion in public transit services, which will appear on the November ballot.

It is anticipated that CART members Robbie Beck and Marc Wangsgard will also be in attendance at work session and Kent Cashel will be present to answer any questions Council may have. If Council decides to proceed, the resolution will be schedule for adoption at your October 23 meeting.

Resolution No. ________

RESOLUTION OF SUPPORT FOR A SUMMIT COUNTY TRANSIT DISTRICT AND 1/4 OF 1% SALES TAX TO FUND IMPROVEMENTS AND EXPANSION IN PUBLIC TRANSIT SERVICES

WHEREAS, it is in the public interest to improve transportation services in the Snyderville Basin of Summit County and to strive to reduce the use of the private automobile and maximize the use of alternative transportation modes in the region; and

WHEREAS, public transportation improvements over time will benefit all area residents including students and seniors through convenient and accessible transport between neighborhoods, commercial areas, community facilities and institutions; and

WHEREAS, expansion of transportation services will help provide an adequate supply of workers for area employers and will also broaden the affordable housing stock for employees of the greater Park City area; and

WHEREAS, other recognizable community benefits of public transit include reduced traffic congestion and parking demand, promotion of tourism and improving visitor experience, and mitigation of impacts to air quality and other natural resources; and

WHEREAS, Park City has an established public transit system, and there are opportunities for intergovernmental cooperation for efficient transit system expansion beyond the Park City service area boundary into the unincorporated area of the Snyderville Basin under the jurisdiction of a newly created transit district, if authorized by voters in the Basin; and

WHEREAS, in order to fund reliable and convenient public transit in the Snyderville Basin, a mechanism needs to be created; and

WHEREAS, the Utah State Legislature enabled UCA 17A-2-13 and 59-12-501 to allow for creation of a local transit district and for voter approval of a sales tax to fund public transit improvements; and

WHEREAS, the desire of local officials and the general public to improve unmet public transit needs of the Snyderville Basin have been well documented by needs assessments and professional transit studies; and

WHEREAS, resources from existing sales tax and other forms of taxation are presently allocated to other programs and not available to fund the local public transit needs of residents of the unincorporated area; and

WHEREAS, the Summit County Board of County Commissioners has placed two questions on the November 4, 2003 Special Election ballot which ask:

Shall the Summit County Board of Commissioners create a Snyderville Basin Public Transit District?

Shall the Snyderville Basin Public Transit District impose a sales and use tax of .25% within the District's boundaries, the proceeds for which shall be utilized for the operations and improvements to public residential and commercial transit services within the District, to include funding for the Kimball Area Transportation Special Service District?

and;

WHEREAS, the Summit County Board of County Commissioners has committed to allocate the transit sale tax funds exclusively to public transit within the Snyderville Basin;

NOW, THEREFORE BE IT RESOLVED, that

The Park City Council pledge support toward the creation of a County Transit District and the institution of a 1/4of 1% sale tax within the boundaries of the District and urge citizens of the Snyderville Basin to vote in support of this initiative during the Special Election on November 4, 2003 for the good of the citizens of Summit County.

PASSED AND ADOPTED this 23rd day of October, 2003.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Dana Williams

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

City Council
Staff Report

Author:	**Brooks T. Robinson**
Subject:	**85 King Road Plat Amendment**
Date:	**October 9, 2003**
Type of Item:	**Legislative**

PARK CITY 1884

PLANNING DEPARTMENT

SUMMARY RECOMMENDATIONS: Staff requests that the City Council review the applicant's proposal to combine three (3) undersized Old Town lots into one lot of record, conduct a public hearing, and approve the plat amendment as conditioned or amended.

A. Topic:

Applicant	**Michael Hess**
Location	**85 King Road**
Zoning	**Historic Residential Low Density (HRL)**
Adjacent Land Uses	**Residential**

B. Background:

On July 30, 2003, the City received two applications; one for a Conditional Use Permit for development on a steep slope and a second for a plat amendment to combine three lots into one. The property is currently vacant.

The application is for a plat amendment to combine three Old Town lots (lots 29, 30, and 31 of Block 76 Millsite Reservation) into a single lot of 4,079 square feet. The property is located in the Historic Residential Low density (HRL) zoning district. The frontage along King Road (platted Sampson Ave.) is 75.77 feet. The rear property line is 75 feet in length, the north property line is 49 feet, and the south property line is 59.78 feet in length. All existing intermediate lot lines will be removed by the plat amendment.

The Planning Commission reviewed this application at its regular meeting of September 24, 2003 and forwards a positive recommendation.

C. Analysis:

The required minimum lot size in the HRL zoning district is 3,750 square feet. The newly created lot will contain 4,079 square feet. Setbacks for this lot will be ten feet for the front and rear and, because the lot width at the front setback is greater than 75 feet, the sideyard setback is a minimum of 10 feet and a total of 24 feet. The applicant has shown a proposed building siting with six feet sideyard on the north and a minimum of 17 feet to the south. The building can be readjusted to conform to the minimum setbacks by shifting the footprint a few feet. The City Engineer requires a 10-foot snow storage easement along King Road.

There are no remnant lots created by this proposal. The proposed plat amendment complies with the HRL District regulations as it relates to size and configuration. This proposal does not increase the density on the lot. After reviewing the request, the Planning Department finds that the creation of the new lot is in compliance with the Land Management Code, and supports the plat amendment.

D. Notice

Notice of this hearing was initially sent to property owners within 300' on March 11, 2003, as part of the original Plat Amendment procedure. The property was also properly posted and legally noticed at that time. Several neighbors and adjoining property owners have telephoned Staff to inquire about the proposed work. However, there have been no concerns or objections voiced.

E. Department Review

The Planning, Building, and Engineering Departments have reviewed this request at a Staff Review Meeting held on September 2, 2003. The City Engineer and City Attorney's Office will review the plat prior to recordation.

ALTERNATIVES

A. Approve the plat amendment as conditioned or amended; or

B. Deny the plat amendment and direct staff to prepare findings to support this recommendation; or

C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The proposed amendment will result in one (1) lot that will meet the lot requirement for the HRL District. The plat amendment will not increase the density of the lot.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the three Old Town platted lots shall remain as existing non-conforming HRL lots.

F. RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing and consider Staff's recommendation to approve a plat amendment to combine all of Lot 29, 30, and 31, Block 76 of the Millsite Reservation into a single lot based on the following:

Findings of Fact:

1. The findings discussed in the analysis section of this report are incorporated herein.
2. The property is located at 85 King Road (platted Sampson Ave) in the Historic Residential Low density (HRL) zone.
3. The property consists of three platted, non-conforming Old Town lots.
4. The amendment will combine all of said lots into a single lot of record to allow for the proposed development of the property. No remnant lots are created.
5. The total square footage of the subject property is 4,079 square feet.
6. The required side yard setback for a lot in the HRL zone having a width greater than 75 feet is a minimum 10 feet and a total of 24 feet.

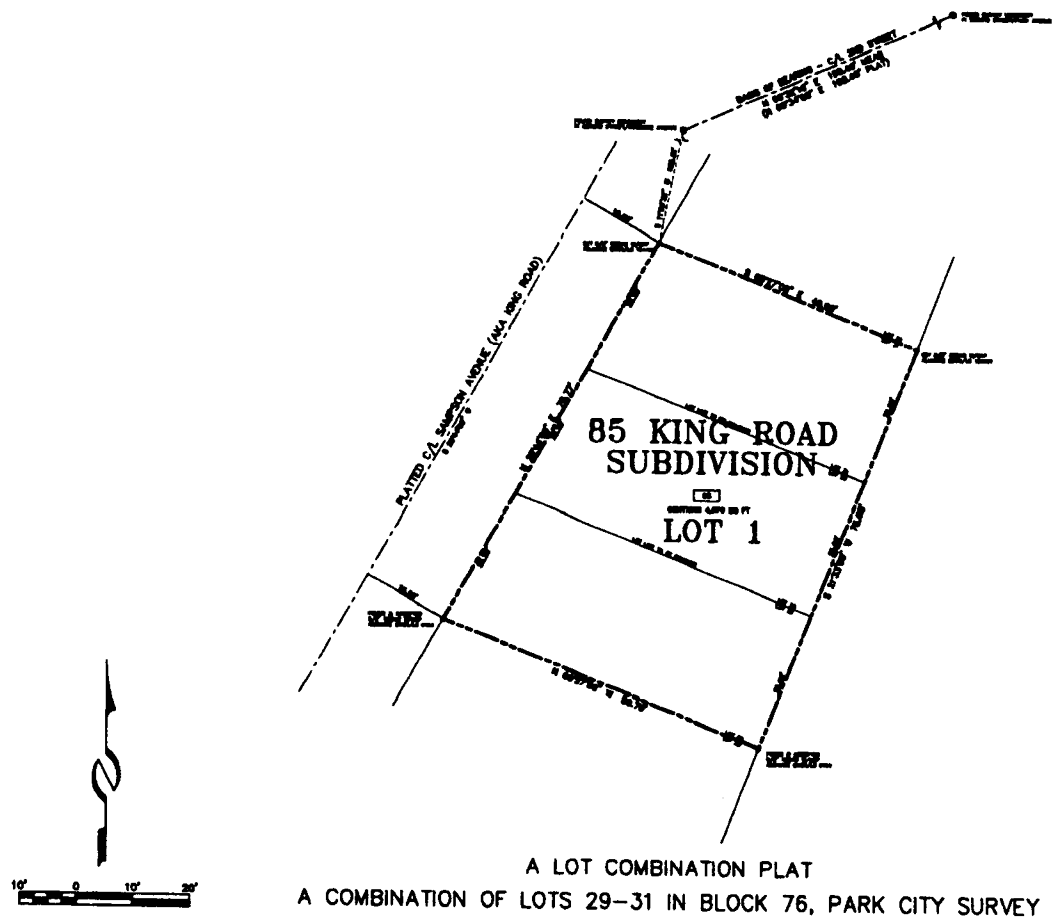
7. The proposed project will also require Conditional Use Permit (for development on steep slope), and Historic District Design review and approval pending the outcome of this plat amendment request.
8. The plat amendment will not increase density on the lot.
9. The Planning Commission heard this application at its regular meeting of September 24, 2003 and forwards a positive recommendation.

Conclusions of Law:
1. There is good cause for the plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

Conditions of Approval:
1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. Construction of the proposed dwelling (as submitted concurrently by the applicant under the pending CUP/Development on a Steep Slope application shall require the necessary approvals by the City prior to the issuance of any building permits.
3. A note shall be added to the plat stating all setback requirements for the newly created lot as stipulated by the LMC.
4. If an accessory apartment is desired, a separate Conditional Use Permit is required.
5. This approval shall expire one year from the date of City Council approval, unless this Plat Amendment is recorded prior to that date.
6. A ten-foot (10') snow storage easement is required along King Road.

Exhibits
Exhibit A - Proposed Plat Amendment

M:\Brooks\Planning Comm\PC2003\King Road 85 plat.doc



A LOT COMBINATION PLAT

A COMBINATION OF LOTS 29–31 IN BLOCK 76, PARK CITY SURVEY

85 KING ROAD SUBDIVISION

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, [illegible], certify that I am a Registered Land Surveyor and that I hold Certificate No. [illegible], as prescribed by the laws of the State of Utah, and that by authority of the owner(s), I have prepared this Record of Survey map of the 85 KING ROAD SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat.

______________ [illegible] ______ Date

BOUNDARY DESCRIPTION

ALL OF LOTS 29, 30, 31, BLOCK 76, MILLSITE RESERVATION to the Park City Survey on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the 85 KING ROAD SUBDIVISION, do hereby certify that we have caused this Subdivision Plat to be prepared, and we, [illegible], hereby consent to the recordation of this Subdivision Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the city of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this ______ day of

______________, 2003.

____
[illegible]
Owner

____
[illegible]
Owner

ACKNOWLEDGEMENT

State of Utah
County of Summit

On this ______ day of ______________, 2003, [illegible] personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, [illegible] acknowledged to me that they are the owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
Notary Public

My commission expires ______________

NOTE

[illegible]

JUL 30 2003

[illegible]	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF ______ 2003 A.D. BY ______ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ______ 2003 A.D. BY ______ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ______ 2003 A.D. BY ______ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ______ DAY OF ______ 2003 A.D. BY ______ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ______ 2003 A.D. BY ______ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ______ 2003 A.D. BY ______ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______ DATE ____ TIME ____ BOOK ____ PAGE ____ ______ FEE ______ RECORDER

Ordinance No.

AN ORDINANCE APPROVING A PLAT AMENDMENT TO COMBINE THREE OLD TOWN LOTS (29, 30, and 31 of Block 76 Millsite Reservation) AT 85 KING ROAD, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 85 King Road have petitioned the City Council for approval of the plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 24, 2003, to receive input on the plat amendment;

WHEREAS, the Planning Commission, on September 24, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 9, 2003 the City Council approved the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, 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 property is located at 85 King Road (platted Sampson Ave) in the Historic Residential Low density (HRL) zone.
3. The property consists of three platted, non-conforming Old Town lots.
4. The amendment will combine all of said lots into a single lot of record to allow for the proposed development of the property. No remnant lots are created.
5. The total square footage of the subject property is 4,079 square feet.
6. The required side yard setback for a lot in the HRL zone having a width greater than 75 feet is a minimum 10 feet and a total of 24 feet.
7. The proposed project will also require Conditional Use Permit (for development on steep slope), and Historic District Design review and approval pending the outcome

of this plat amendment request.

8. The plat amendment will not increase density on the lot.
9. The Planning Commission heard this application at its regular meeting of September 24, 2003 and forwards a positive recommendation.

Conclusions of Law:

1. There is good cause for the plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. Construction of the proposed dwelling (as submitted concurrently by the applicant under the pending CUP/Development on a Steep Slope application shall require the necessary approvals by the City prior to the issuance of any building permits.
3. A note shall be added to the plat stating all setback requirements for the newly created lot as stipulated by the LMC.
4. If an accessory apartment is desired, a separate Conditional Use Permit is required.
5. This approval shall expire one year from the date of City Council approval, unless this Plat Amendment is recorded prior to that date.
6. A ten-foot (10') snow storage easement is required along King Road.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 31st day of July, 2003.

PARK CITY MUNICIPAL CORPORATION

____

Dana Williams, MAYOR

ATTEST:

____

Jan Scott, City Recorder

APPROVED AS TO FORM:

____

Mark Harrington, City Attorney

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner(s), I have prepared this Record of Survey map of the 85 KING ROAD SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat.

John Demkowicz ____________ Date ____________

BOUNDARY DESCRIPTION

ALL OF LOTS 29, 30, 31, BLOCK 76, MILLSITE RESERVATION to the Park City Survey on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the 85 KING ROAD SUBDIVISION, do hereby certify that we have caused this Subdivision Plat to be prepared, and we, Michael D. Hess and Jeanette M. Hess, husband and wife as joint tenants, hereby consent to the recordation of this Subdivision Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the city of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this ______ day of

______________ 2003.

____
Michael D. Hess
Owner

____
Jeanette M. Hess
Owner

ACKNOWLEDGEMENT

State of Utah
County of Summit

On this ______ day of ______________, 2003, Michael D. Hess and Jeanette M. Hess personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Michael D. Hess and Jeanette M. Hess acknowledged to me that they are the owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

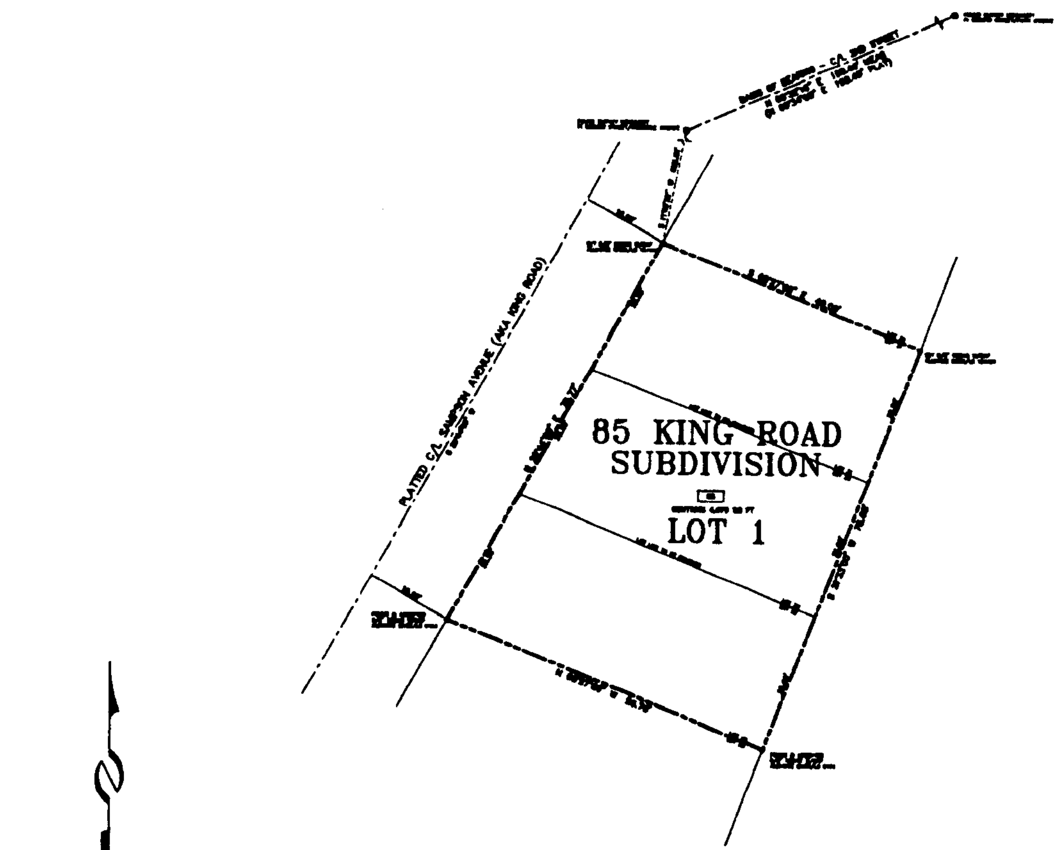
____
Notary Public

My commission expires ______________

NOTE

[illegible]

JUL 30 2003



A LOT COMBINATION PLAT

A COMBINATION OF LOTS 29-31 IN BLOCK 76, PARK CITY SURVEY

85 KING ROAD SUBDIVISION

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF ______, 2003 A.D. BY ______ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ______ DAY OF ______, 2003 A.D. BY ______ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF ______, 2003 A.D. BY ______ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ______ DAY OF ______, 2003 A.D. BY ______ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF ______ 2003 A.D. BY ______ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF ______ 2003 A.D. BY ______ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______ DATE ______ TIME ______ BOOK ______ PAGE ______ FEE ______ RECORDER

City Council Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Author:	**Ray Milliner**
Subject:	**447 MAIN PLAT AMENDMENT**
Date:	**October 9, 2003**
Type of Item:	**Legislative**

Summary Recommendation: Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving it according to the findings of fact, conclusions of law and conditions of approval outlined in this staff report.

PROJECT

Applicant:	Jessie Shelter
Representative:	Jonathan DeGray
Location:	447 Main Street
Zoning:	Historic Commercial Business (HCB) Historic Residential (HR-2)
Adjacent Land Uses:	Commercial / Residential
Date of Application:	August 1, 2003
Project Planner:	Ray Milliner

BACKGROUND

The applicant has applied for a plat amendment to combine lots 13 and 20 of Block 10 of the Park City Survey. The proposal will combine them into one lot. The No Name Saloon occupies all of lot 13 and a portion of lot 20. There is an existing single family home on the remainder of lot 20. Lot 13 is located within the HCB zone and lot 20 is in the HR-2 zone. The applicant intends to construct an addition to the rear of the historic commercial structure. Therefore, as per the requirements of the Land Management Code, he is seeking approval from the Planning Commission for a plat amendment that will combine existing properties into one lot of record.

The Planning Commission at its September 24, 2003 meeting reviewed this application, a public hearing was held and the Commission forwarded a positive recommendation to the City Council.

ANALYSIS

As stated, the property is located in both the HCB and HR-2 zones. Renovations of existing structures are permitted in both zones provided that all plat issues are in accordance with Section 15-7-10(C) of the Land Management Code, which mandates that a building be in compliance with the subdivision requirements of the LMC prior to the issue of a building permit by the Community Development Department. Furthermore, any addition to the structure must comply with the zoning requirements applicable to the area proposed for the addition in Section 15-2.3 (HR-2) and Section 15-2.6 (HCB). The existing commercial structure is used as a restaurant/bar and occupies all of lot 13 and a 10' x 25' section of lot 20, thereby making it a non-complying structure in the HR-2 zone. This application addresses the platting issues relating to the lot by combining adjacent lots that are under common ownership

NOTICE

Notice of this hearing was sent to property owners within 300' on September 9, 2003. Staff has received written and verbal comments from residents on Park Avenue who are concerned about future commercial additions in the HR-2 zone. The written comments have been included as exhibit D of this report.

DEPARTMENT REVIEW

The Building, Planning and Engineering divisions have reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with State Law prior to recording. The request was discussed at a Staff Review Meeting on September 2, 2003, where representatives from local utilities and City Staff were in attendance. Concerns outlined in the analysis section of this report were raised and discussed.

RECOMMENDATION

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving it according to the findings of fact, conclusions of law and conditions of approval outlined below:

Findings of Fact:

1. The property is located in both the Historic Residential (HR-2) and the Historic Commercial Business (HCB) zones.
2. The HR-2 District is a transitional zone between the HCB commercial zone and the HR-1 residential zone characterized by a mix of small historic structures and larger contemporary residences.
3. A mix of small historic commercial structures characterizes the HCB zone with larger contemporary commercial structures with retail, office and nightly rental uses.
4. The amendment will combine all of lots 13 and 20 in Block 10 of the Park City Survey into one (1) platted lot.
5. The proposed lot size is 3,750 square feet.
6. The rear 75 feet of the property is located in the HR-2 zone.
7. The front 75 feet of the property is located in the HCB zone.
8. There is an existing historic commercial structure on Lot 13.
9. There is an existing historic single family home on Lot 20.
10. The existing historic commercial structure on Lot 13 encroaches 10 feet into the HR-2 zone.
11. The Planning Commission reviewed this application at its September 24, 2003 meeting. The Commission forwarded a positive recommendation to the City Council.
12. No remnant lots will be created as a result of this application.
13. Minimal construction staging area is available along Main Street and Park Avenue.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the proposed amended plat.
4. The proposed use is consistent with the Park City General Plan.

Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for exterior work, or an addition, the applicant shall submit an application for review for compliance with applicable Land Management Code provisions and the Historic District Design Guidelines.
3. No building permits shall be issued prior to the final recordation of the plat at the County

Recorder's Office.

4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. No pedestrian access, unless required by the Chief Building Official, for the No Name Saloon is allowed off of Park Avenue.

EXHIBITS

Exhibit A – Proposed Ordinance
Exhibit B - Proposed Plat Amendment
Exhibit C – Property Survey
Exhibit D – Letter From Adjacent Property Owners

PARK CITY
1884

Ordinance No. 03-

AN ORDINANCE APPROVING A PLAT AMENDMENT TO COMBINE ALL OF LOTS 13 AND 20 IN BLOCK 10 OF THE PARK CITY SURVEY, ALSO KNOWN AS 447 MAIN AND 450 PARK AVENUE, INTO ONE LOT OF RECORD.

WHEREAS, the owner of the property known as 447 Main and 450 Park Avenue, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on September 24, 2003 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to combine two lots into one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

<u>SECTION 1. FINDINGS OF FACT.</u> The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in both the Historic Residential (HR-2) and the Historic Commercial Business (HCB) zones.
2. The HR-2 District is a transitional zone between the HCB commercial zone and the HR-1 residential zone characterized by a mix of small historic structures and larger contemporary residences.
3. A mix of small historic commercial structures characterizes the HCB zone with larger contemporary commercial structures with retail, office and nightly rental uses.
4. The amendment will combine all of lots 13 and 20 in Block 10 of the Park City Survey into one (1) platted lot.
5. The proposed lot size is 3,750 square feet.
6. The rear 75 feet of the property is located in the HR-2 zone.
7. The front 75 feet of the property is located in the HCB zone.
8. There is an existing historic commercial structure on Lot 13.
9. There is an existing historic single family home on Lot 20.
10. The existing historic commercial structure on Lot 13 encroaches 10 feet into the HR-2 zone.
11. The Planning Commission reviewed this application at its September 24, 2003 meeting. The Commission forwarded a positive recommendation to the City Council.
12. No remnant lots will be created as a result of this application.
13. Minimal construction staging area is available along Main Street and Park Avenue.

Exhibit A

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the proposed amended plat.
4. The proposed use is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for exterior work, or an addition, the applicant shall submit an application for review for compliance with applicable Land Management Code provisions and the Historic District Design Guidelines.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. No pedestrian access, unless required by the Chief Building Official, for the No Name Saloon is allowed off of Park Avenue.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 9th day of October, 2003.

PARK CITY MUNICIPAL CORPORATION

____

Dana Williams, Mayor

Attest:

____

Janet M. Scott, City Recorder

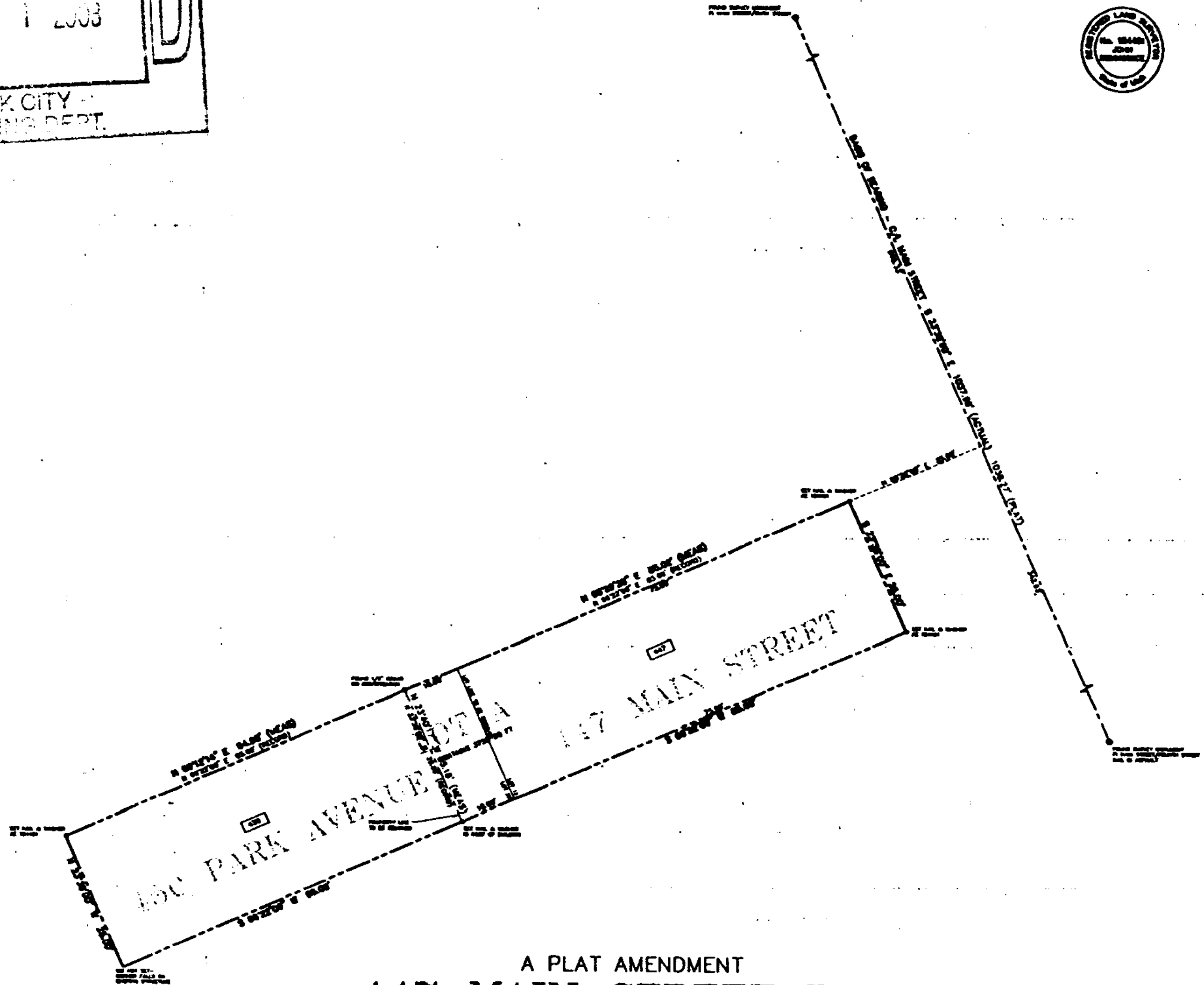
Approved as to form:

____

Mark D. Harrington, City Attorney

AUG 1 2003
PARK CITY
PLANNING DEPT.

Exhibit B



NOTES

1. 447 Street address on Main Street
2. Street address on Park Avenue
3. Property corners were set. See Alliance Engineering surveys dated 11/22/02 and 5/21/03

SURVEYOR'S CERTIFICATE

I, John Dembowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah. I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract into a Lot to be hereafter known as the 447 MAIN STREET PLAT and that this plat accurately represents the surveyed property.

John Dembowicz ______ Date ______

BOUNDARY DESCRIPTION

All of LOT 13, and the easterly 10 feet of LOT 20, Block 10, Park City Survey, according to the official plat recorded in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Mark W. Stamier, trustee of the herein described tract of land, hereby certifies that he has caused this survey to be made and 447 MAIN STREET PLAT to be prepared and consents to the recordation of this 447 MAIN STREET PLAT.

ALSO, the owner or his representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

______
By: Mark W. Stamier, Trustee

ACKNOWLEDGEMENT

State of ______

County of ______

On this ______ day of ______ 2003, Mark W. Stamier personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Mark W. Stamier acknowledged to me that he is the owner of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

______
Notary Public

My commission expires: ______

10' 0 10' 20'

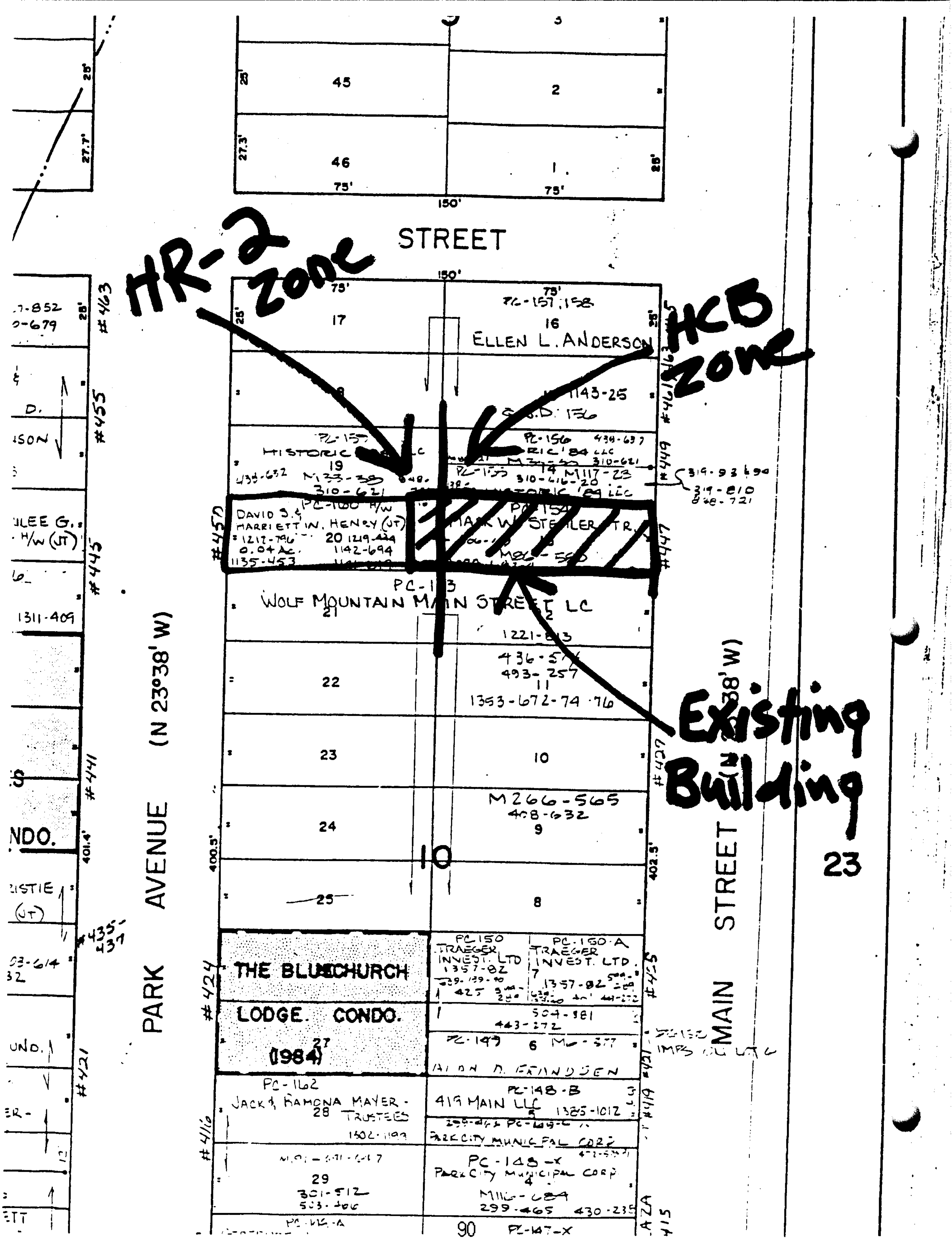
A PLAT AMENDMENT

447 MAIN STREET PLAT

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF ______, 2003 A.D. BY ______ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ______ DAY OF ______, 2003 A.D. BY ______ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF ______, 2003 A.D. BY ______ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ______ DAY OF ______, 2003 A.D. BY ______ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF ______, 2003 A.D. BY ______ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF ______ 2003 A.D. BY ______ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______ DATE ______ TIME ______ BOOK ______ PAGE ______ FEE ______ RECORDER ______

JOB NO.: 1-8-02 FILE: T:\PCS\dwg\srv\plat02\818002.dwg

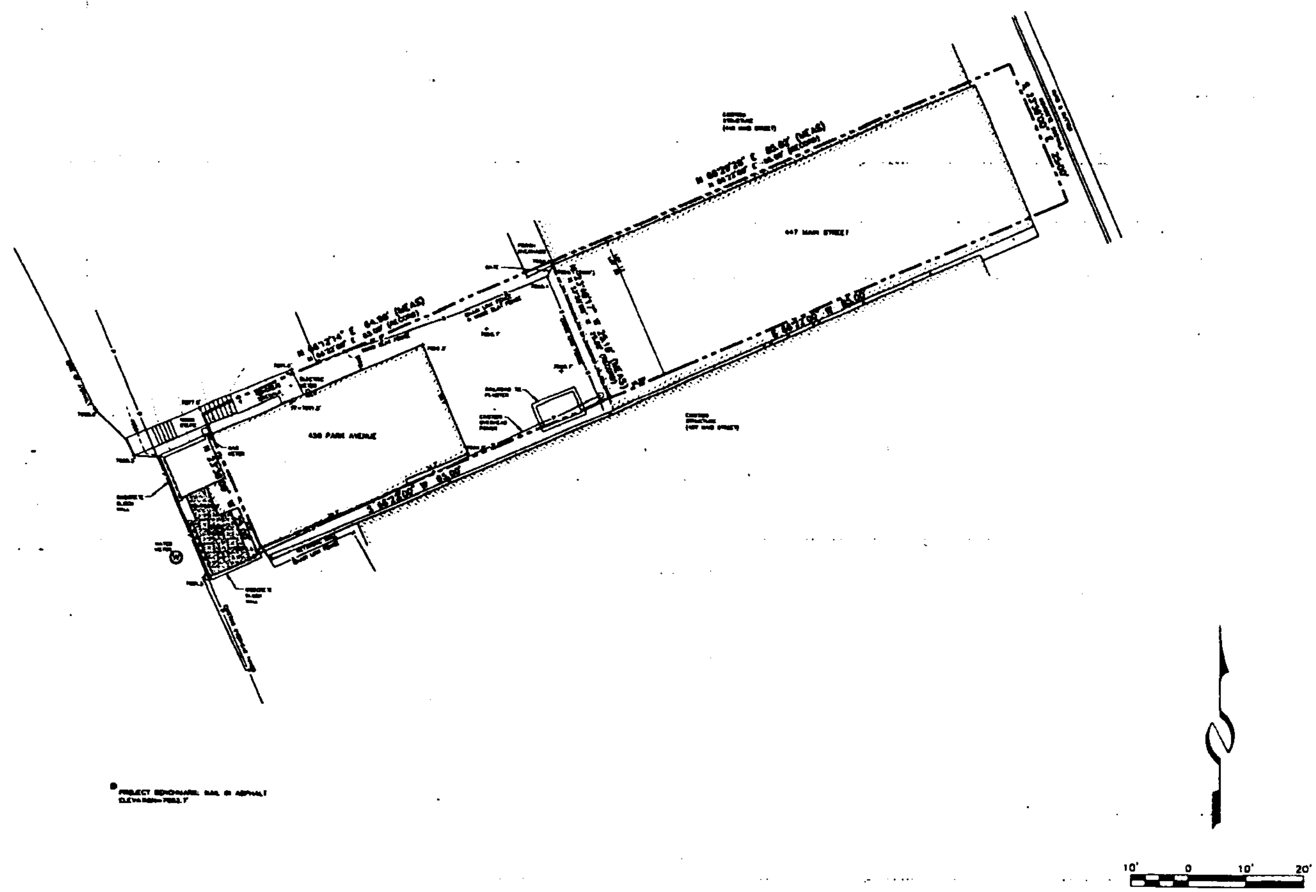


HR-2 Zone
HCB Zone
Existing Building
STREET
PARK AVENUE (N 23°38' W)
MAIN STREET
ELLEN L. ANDERSON
WOLF MOUNTAIN MAIN STREET LC
THE BLUECHURCH LODGE. CONDO. (1984)
JACK & RAMONA MAYER - TRUSTEES
419 MAIN LLC
PARK CITY MUNICIPAL CORP
10
23
90

Exhibit C

RECEIVED

PARK CITY



NOTES

1. Project Benchmark, Nail in asphalt Elevation=7082.7'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on April 24, 2003.
4. Property corners were set as shown.

Alliance (435) 649-9467	STAFF: MARTY MORRISON, CODY STEPHENS, MARSHALL KING DATE: 5/16/03	EXISTING CONDITIONS 450 PARK AVENUE & 447 MAIN STREET LOTS 13 & 20, BLK 10, PARK CITY SURVEY FOR: JAM, INC. JOB NO.: 1-8-02 FILE: T:\PCS\dwg\srv\topo02\010802.dwg	SHEET 1 OF 1

From: "John Plunkett" <john@plunkettkuhr.com>
To: <avolkman@frontierbankfsb.com>, <ohara71@atc-enviro.com>, <chris@ditell.com>, <berickso@snoe.com>, <bpowers@utah-inter.net>, <diane@coalitiontitle.com>, <jbarth@wdparkcity.com>
Date: 9/24/03 9:55AM
Subject: No Name Saloon Plat Amendment

To: Park City Planning Commission

From: The Upper Park Avenue Property Association (UPAPA)
Mike Guetschow, John Plunkett, Steering Committee members

Re: 447 Main St & 450 Park Ave Plat Amendment Application
(No Name Saloon)

cc: Ray Milliner, Planning Department

Dear Commissioners:

We represent the residents of upper Park Avenue whose homes face the rear of Main Street commercial buildings. We wrote you about this project nearly one year ago to express our concern about commercial uses expanding into the HR 2 zone on the east side of upper Park Avenue. Now we are writing again because the same applicant is attempting to take the next incremental step to expand their commercial building into the HR 2 zone. We ask that you reject this application, to set the precedent that the LMC must be upheld rather than subverted, and Park Avenue's residential neighborhood be protected from any futher commercial encroachments.

The applicant's letter describing the project, which is included in your staff report, makes it clear that the purpose of their plat amendment request is to expand their business into the HR 2 zone, which is a prohibited use. There is one exception in the LMC that allows this type of use (15-2.3-8. Special Requirements for Sub-Zone A.), but it applies "...only to lots that are part of a Plat Amendment approved prior to January 1, 2000...". The applicant does not meet this requirement.

But if the applicant was allowed an exception to the HR 2 ordinances, it would set a precedent that any other Main St business could then use to expand their business up to Park Avenue, effectively overturning the HR-2 zoning.

We don't understand why staff is recommending that you approve a plat amendment whose stated purpose is to enable a prohibited use. This wastes the applicant's time as well as everybody elses. Shouldn't the applicant just be told to come back with a new application for either an approved or a conditional use? Otherwise the applicant can argue later that the City shouldn't have allowed the plat amendment, if it had no intention of allowing the use.

Lastly, the staff report raises two issues in the Findings of Fact and Conditions of Approval that we feel are inaccurate or incomplete, as follows:

Exhibit D

Findings of Fact
9. According to county tax records, the existing home on lot 20 was built in 1924. It should therefore be considered historic (one of the stated purposes of the HR-2 district is to..." D., encourage the preservation of historic structures..." An historical tax photo exists for this property and can be used as reference for preservation efforts.

Conditions of Approval
5. 'No pedestrian access unless required by the Chief Building Official'...This argument has been made before, for the few Main St property owners who happen to own adjacent Park avenue lots, but it cannot be made for the Main St businesses who don't own adjacent properties. This unequal treatment has resulted in "emergency and handicapped only" walkways up to Park Avenue that in reality are used daily and illegally by employees and deliverymen. There is no enforcement to stop this. The only way to prevent the illegal use is to not allow it to be built.

In closing we'd like to make clear that we are not in any way anti-business or anti-safety, but we are very pro-residential neighborhoods and pro-LMC. When weighing the competing concerns of commercial vs residential uses in the HR-2 zone, we ask that the LMC be upheld in both letter and spirit for the greater good of all Park City residents.

Thanks for your consideration.

CC: <rmilliner@parkcity.org>, <mikeguetschow@hotmail.com>

01 October 2002

FAX (this page plus cover sheet)

To: Park City Planning Commissioners
Park City Municipal Corporation
PO Box 1480
Park City, Utah 84060

c/o: Ray Milliner
Community Development Department

From: John Plunkett
Mike Guetschow
Upper Park Avenue Property Association (UPAPA)

Re: No Name Saloon Plat Amendment

Dear Commissioners:

We represent the residents of Upper Park Avenue whose homes face the rear of Main Street commercial buildings – we are writing to express our concern about commercial uses expanding in the HR2 Zone.

It is our understanding that in the HR2 Zone (on the east side of Upper Park Avenue) commercial uses are neither an approved or a conditional use and therefore are prohibited. The purpose of this zoning is to protect our residential neighborhood from light, noise and commercial activity from Main Street businesses.

Since the No Name Saloon is a commercial business, their only possible use for this 10' x 25' section in the HR2 Zone would be commercial, which is prohibited. For this reason, we respectively request that this application be denied.

RECEIVED
PARK CITY
PLANNING DEPT.

City Council Staff Report

PARK CITY 1884

Author: Jonathan Weidenhamer
Subject: 614 MAIN ST – CONDOMINIUM CONVERSION
Date: October 9, 2003
Type of Item: Legislative

Planning Department

Summary Recommendations:
Staff recommends that the City Council conduct a public hearing and consider approving this condominium conversion as conditioned in this staff report.

Description:

A. Topic:
614 Main Street – Condominium Conversion

B. Background:
This request is to formally condominiumize the existing office building. This process will enable the property owner to sell the individual tenant spaces separately. 614 Main Street was built on 2 standard old town lots in 1981. It is a 4 story,13,450 square foot building that has 11,436 s.f of net leasable area. The proposed condo plat will separate the building by floor into 4 individual tenant spaces (Exhibit B).

The underlying zoning is General Commercial (GC). The building has access from Main Street and from the rear of the building across a public access easement dedicated with the "Main Street Entrance Parking Condominiums" in 1985. The building has been assessed and paid into the Main Street Parking District. There is no on-site or other private parking associated with the building.

C. Analysis:
The request is to allow the commercial spaces at 614 Main Street to be sold individually. The conversion of the building to private ownership will not change the existing use of the building. The building currently has existing encroachments across their property lines. The first encroachment is the columns and deck that sit above the Main Street sidewalk. Prior to plat recordation, the City Engineer must approve an encroachment permit for these structures; a condition to that effect is included in this report.

A second encroachment also exists where the building has 2 bay window areas that extend across the pedestrian easement at the rear or east of the building. This 10' public access and utility easement provides egress for a number of Main Street businesses. The easement is located on the adjacent property, the "Main Street Entrance Parking Condominiums"

D. Department Review:

The City's Staff Review Team and City Attorney's Office have reviewed this application and find it to be in conformance with all requisite city development codes. The City Attorney's office and City Engineer will review the plat and CC&R's before recordation.

Alternatives:

A. Approve the Request:

Approve the Condominium Conversion as proposed or amended.

B. Deny the Request:

C. Continue the Item:

Consequences of not taking the recommended action:

Denial of the application would prevent the building owner from selling interior tenant spaces to individual owners.

Recommendation:

Staff recommends the City Council approve the proposed condominium conversion at 614 Main Street based upon the following findings of fact, conclusions of law, and conditions of approval:

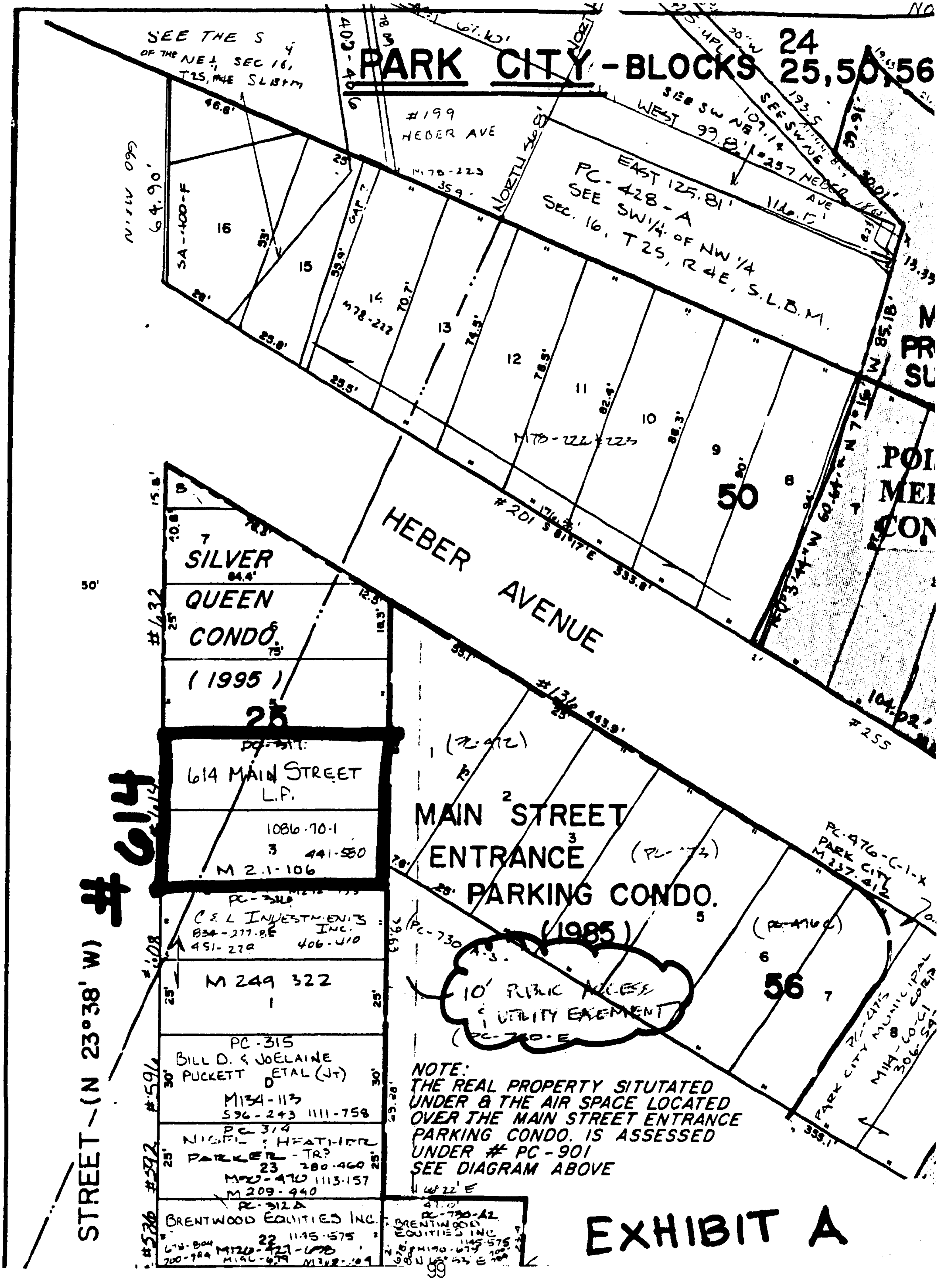
Findings of Fact:

1. The property is within the General Commercial Zone.
2. The proposed plat changes the type of ownership of this property to condominium ownership.
3. 614 Main Street was built on 2 standard old town lots in 1981. It is a 4 story,13,450 square foot building that has 11,436 s.f of net leasable area. The proposed condo plat will separate the building by floor into 4 individual tenant spaces.
4. The building has access from Main Street and from the rear of the building across a utility and pedestrian easement dedicated with the "Main Street Entrance Parking Condominiums" in 1985.
5. 614 Main Street is substandard for exiting. Egress to the east is on to a public access and utility easement not associated with 614 Main Street. The 10' public access and utility easement was recorded in September 1985 with the Main Street Entrance Parking Condominiums plat.
6. The building has been assessed and paid into the Main Street Parking District. There is no on-site or other private parking associated with the building.
7. Both the Park City Land Management Code and the General Plan allow condominium conversions to commercial buildings in the GC zone when all minimum code requirements are met.
8. Bay windows and a deck and columns encroach on to property not associated with 614 Main Street.
9. The applicant has agreed to the conditions of approval.

3. An encroachment agreement between the applicant and Park City allowing the encroachments into the Main Street right-of-way to remain in place must be executed prior to recordation of this condominium conversion.
4. Maintenance of the 10' access and utility easement on the southwest portion of the Main Street Entrance Parking Condominium is required by the owners of 614 Main Street as necessary for their required ingress and egress. A note shall be added to the plat containing this wording as modified as necessary by the Building Official and with said language contained within the declaration of condominium.
5. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year of City Council's approval, this approval and the plat shall be void.

G. Exhibits

A. Park City Survey (location Map)
B. Proposed Condominium plat
C. Ordinance



PARK CITY - BLOCKS 24 25,50,56
SEE THE S 1/4 OF THE NE 1/4 SEC 16, T2S, R4E SLB+M
#199 HEBER AVE
PC-428-A
SEE SW1/4 OF NW 1/4 Sec. 16, T2S, R4E, S.L.B.M.
EAST 125.81'
WEST 99.81'
#257 HEBER AVE
SA-400-F
HEBER AVENUE
#201 S 61°17' E
M78-222 & 223
50
SILVER QUEEN CONDO. (1995)
25
614 MAIN STREET L.P.
1086-70-1
441-580
M 2.1-106
#614
C & L INVESTMENTS INC.
M 249 322
PC-315
BILL D. & JOELAINE PUCKETT ETAL (JT)
M134-113
PC-314
NIGEL & HEATHER PARKER - TRS
PC-312A
BRENTWOOD EQUITIES INC.
MAIN STREET ENTRANCE PARKING CONDO. (1985)
10' PUBLIC ACCESS & UTILITY EASEMENT
PC-476-C-1-X PARK CITY
PARK CITY MUNICIPAL CORP
56
#255
#136
NOTE: THE REAL PROPERTY SITUTATED UNDER & THE AIR SPACE LOCATED OVER THE MAIN STREET ENTRANCE PARKING CONDO. IS ASSESSED UNDER # PC-901 SEE DIAGRAM ABOVE
STREET - (N 23°38' W)

EXHIBIT A

SURVEYOR'S CERTIFICATE

I John Demkowicz do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner this Record of Survey Map of 614 MAIN STREET, a Utah Condominium Project in accordance with the provisions of the Utah Condominium Ownership Act

JOHN DEMKOWICZ, L.S. #154491 ______________ DATE ______________

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, 614 MAIN STREET LP, a Texas Limited Partnership, the owner of the tract of land described herein as 614 MAIN STREET CONDOMINIUMS, a Utah Condominium project located on said tract of land, hereby certify that he has caused this survey to be made and this Record of Survey Map consisting of four (4) sheets to be prepared, and does hereby consent to the recordation of this Record of Survey Map and submit the property to the Utah Condominium Ownership Act

In witness whereof the undersigned has executed this certificate and dedication this _____ day of ________ 2003

614 MAIN STREET LP

By ______________________

It's ______________________

ACKNOWLEDGMENT

State of ___________)
ss
County of ___________)

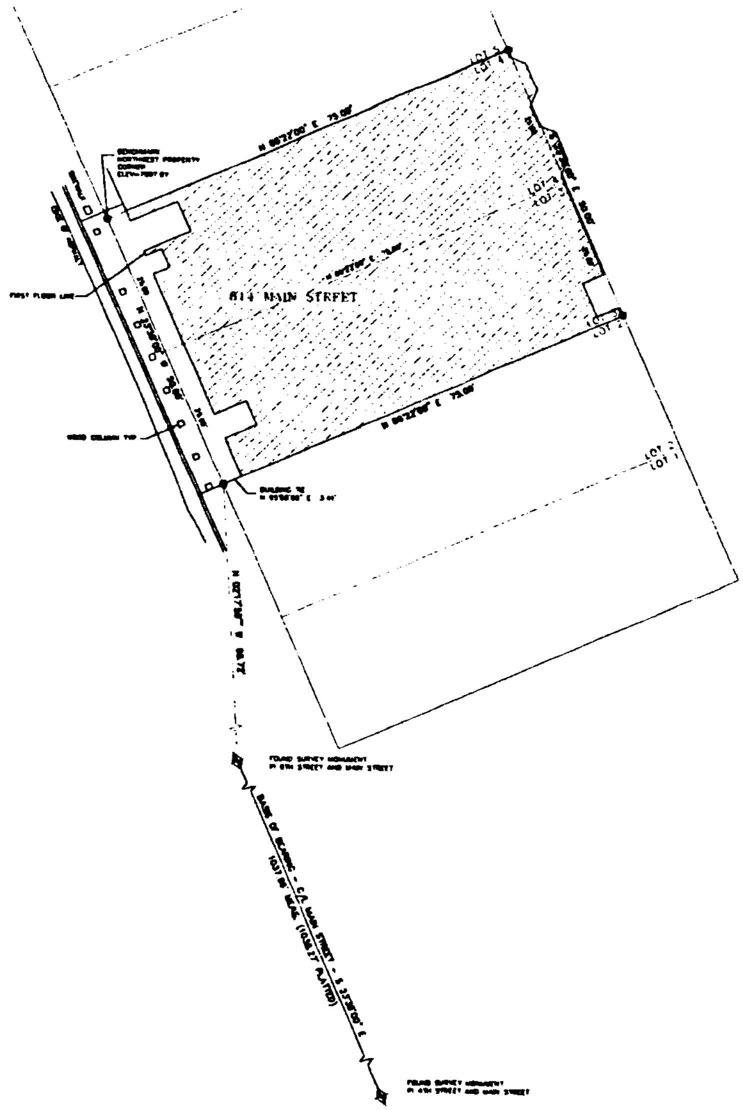
On this ______ day of ______________________, 2003, ______________ personally appeared before me, the undersigned Notary Public, in and for said state and county, having been duly sworn, ______________ acknowledged to me that he is the ______________ of 614 MAIN STREET LP, a Delaware limited partnership, the owner of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily for the purposes herein mentioned and with full authority of said Limited Partnership

____
Notary Public

My commission expires ______________________

BOUNDARY DESCRIPTION

Lots 3 and 4, Block 25, Park City Survey, according to the official plat thereof, on file and of record in the Summit County Recorder's Office



OWNERSHIP DESIGNATIONS

LEGEND:

- Set property corner
- Survey Monument

NOTES:

1. The dimensions of the private spaces and square footage calculations are based on existing drawings and measurements taken in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.
2. All structural elements are designated as common areas.

RECORD OF SURVEY MAP

614 MAIN STREET

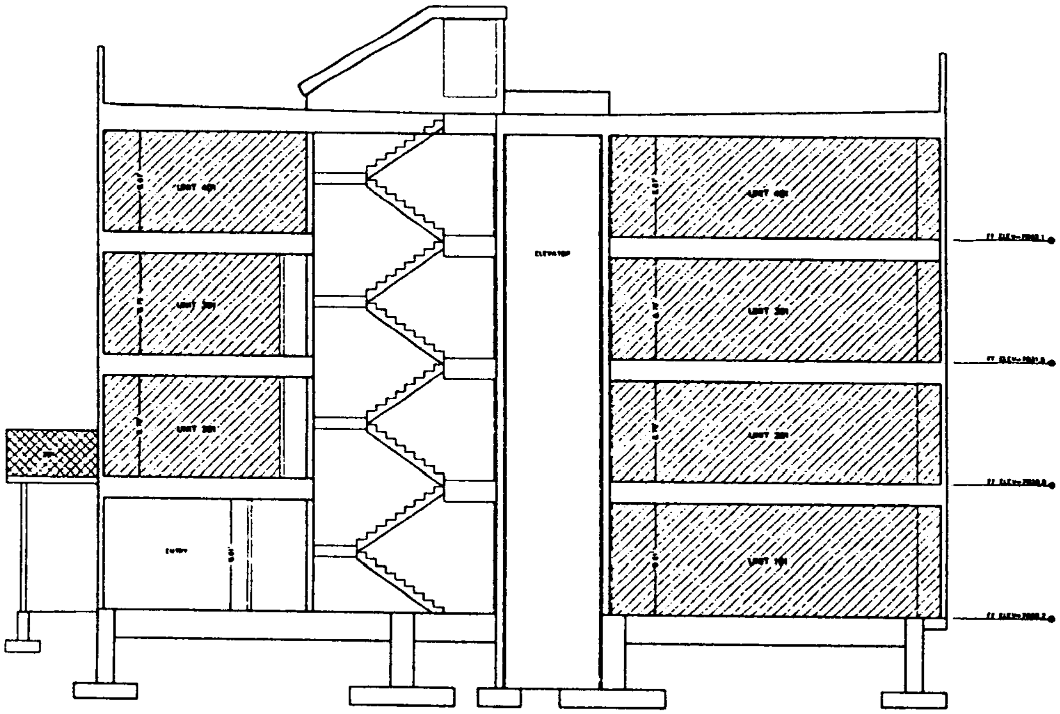
A UTAH CONDOMINIUM PROJECT
LOCATED IN BLOCK 25, PARK CITY SURVEY,
SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
S.L.B. & M.

AUG 2

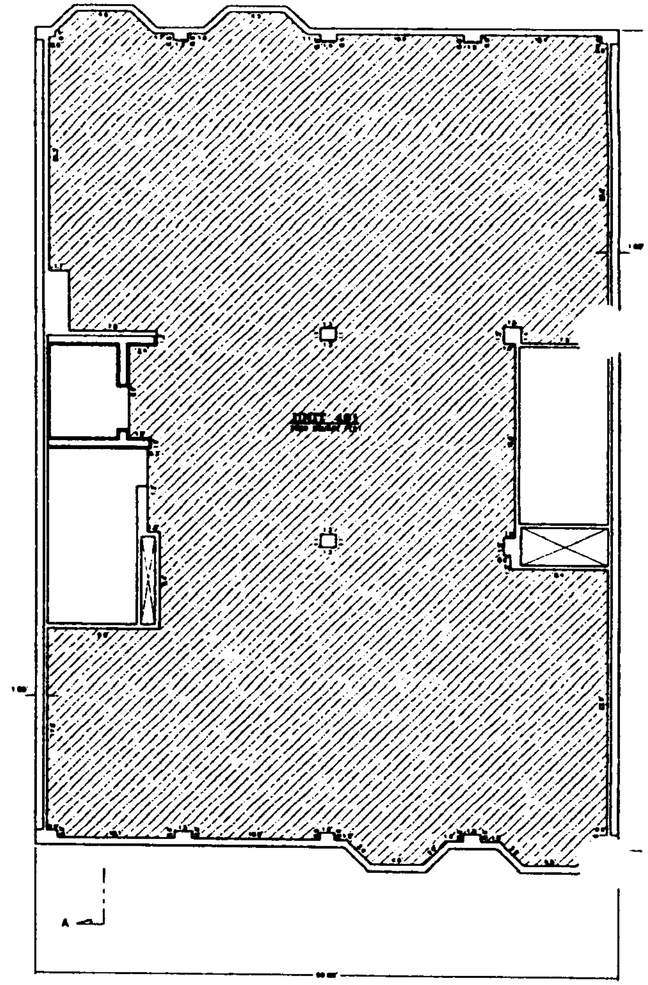
PAGE 1 OF 4

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF __________, 2003 A.D. BY ______________ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 2003 A.D. BY ______________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF __________, 2003 A.D. BY ______________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF __________, 2003 A.D. BY ______________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF __________, 2003 A.D. BY ______________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF __________, 2003 A.D. BY ______________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______________ DATE _______ TIME _____ BOOK _____ PAGE _____ ______ FEE ______ RECORDER

EXHIBIT B



SECTION A
SCALE: 1"=5'



FOURTH FLOOR PLAN
SCALE: 1"=5'

AUG 2 0 2003

RECORD OF SURVEY MAP

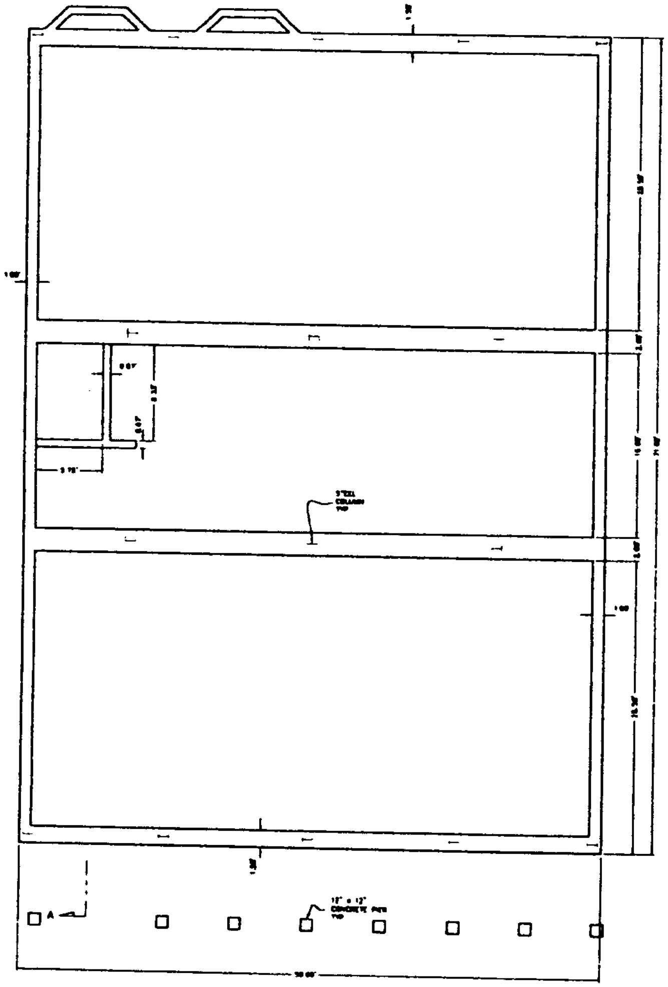
614 MAIN STREET

A UTAH CONDOMINIUM PROJECT
LOCATED IN BLOCK 25, PARK CITY SURVEY,
SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
S.L.B. & M.

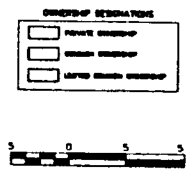
RECORDED

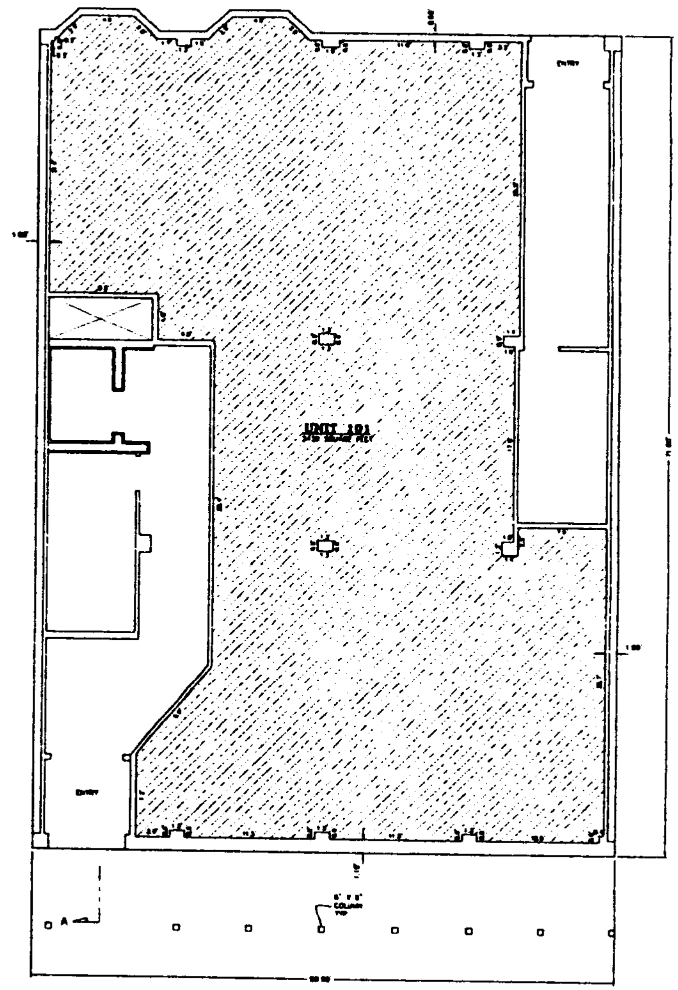
STATE OF UTAH COUNTY OF SUMMIT AND
AT THE REQUEST OF ______
DATE ______ TIME ______ BOOK ______ PA

______ FEE ______ RECORDER



CRAWL SPACE PLAN
SCALE 1"=5'





FIRST FLOOR PLAN
SCALE 1"=5'

RECORD OF SURVEY MAP

614 MAIN STREET

A UTAH CONDOMINIUM PROJECT
LOCATED IN BLOCK 25, PARK CITY SURVEY,
SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SLB & M

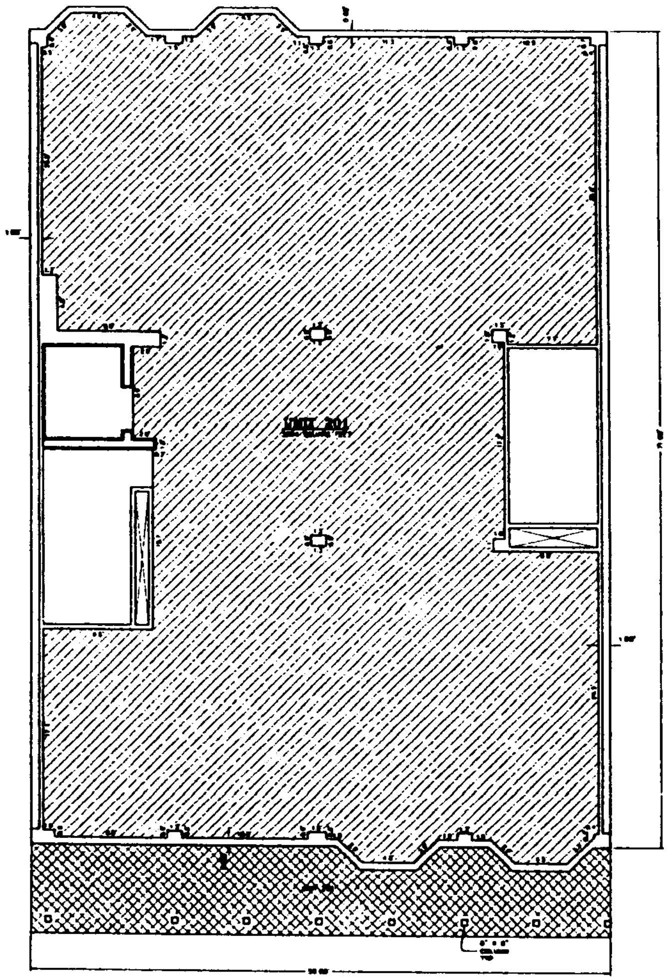
AUG 2 0 2[illegible]

JOB NO.: 10-06-03 FILE: [illegible]

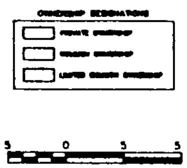
RECORDED

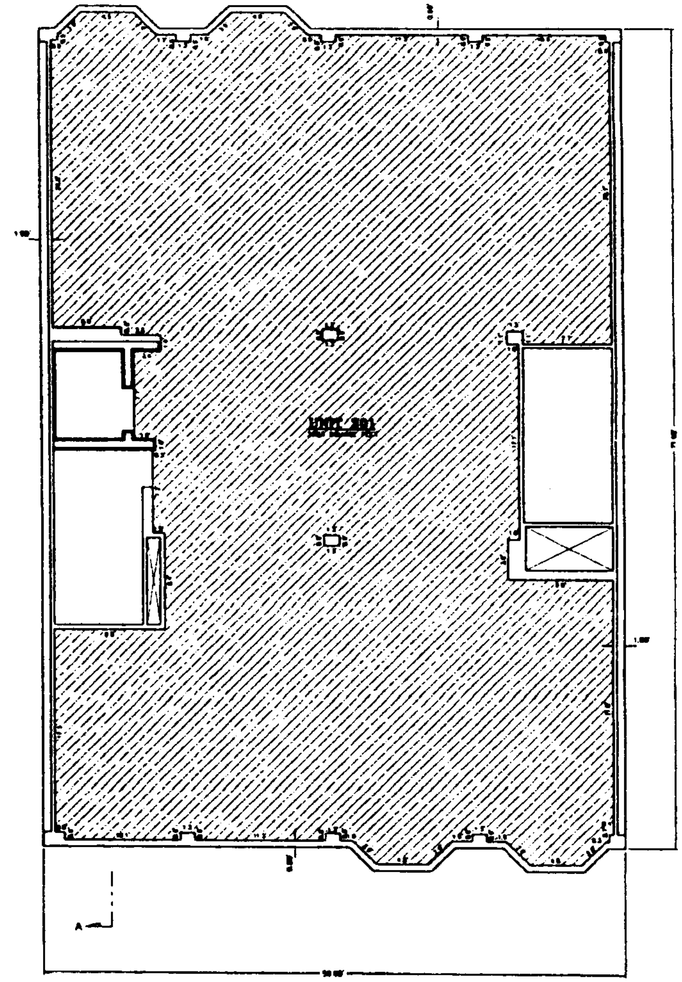
STATE OF UTAH, COUNTY OF SUMMIT, AND [illegible]
AT THE REQUEST OF ______________
DATE ________ TIME ______ BOOK ______ PAG[illegible]

______ FEE ______ RECORDER



SECOND FLOOR PLAN
SCALE 1"=5'





THIRD FLOOR PLAN
SCALE 1"=5'

AUG 2 0 2001

RECORD OF SURVEY MAP

614 MAIN STREET

A UTAH CONDOMINIUM PROJECT
LOCATED IN BLOCK 25, PARK CITY SURVEY,
SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
S.L.B & M

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT AND
AT THE REQUEST OF
DATE ______ TIME ______ BOOK ______
______ FEE ______ RECORDER

PARK CITY
1884

Ordinance No. 03-

AN ORDINANCE APPROVING THE RECORD OF SURVEY FOR THE CONDOMINIUM CONVERSION OF THE EXISTING OFFICE BUILDING AT 614 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owner of the property known as 614 Main Street, has petitioned the City Council for approval of a condominium conversion; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on September 23, 2003 the Planning Commission held a public hearing to receive public input on the proposed condominium conversion and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed condominium conversion allows the property owner to sell the commercial tenant spaces individually; and

WHEREAS, it is in the best interest of Park City Utah to approve the condominium conversion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is within the General Commercial Zone.
2. The proposed plat changes the type of ownership of this property to condominium ownership.
3. 614 Main Street was built on 2 standard old town lots in 1981. It is a 4 story,13,450 square foot building that has 11,436 s.f of net leasable area. The proposed condo plat will separate the building by floor into 4 individual tenant spaces.
4. The building has access from Main Street and from the rear of the building across a utility and pedestrian easement dedicated with the "Main Street Entrance Parking Condominiums" in 1985.
5. 614 Main Street is substandard for exiting. Egress to the east is on to a public access and utility easement not associated with 614 Main Street. The 10' public access and utility easement was recorded in September 1985 with the Main Street Entrance Parking Condominiums plat.
6. The building has been assessed and paid into the Main Street Parking District. There is no on-site or other private parking associated with the building.
7. Both the Park City Land Management Code and the General Plan allow condominium conversions to commercial buildings in the GC zone when all minimum code requirements are met.
8. Bay windows and a deck and columns encroach on to property not associated with 614 Main Street.
9. The applicant has agreed to the conditions of approval.

Conclusions of Law:
1. There is good cause for this condominium plat.
2. Neither the public nor any person will be materially injured by the proposed condominium plat.
3. The plat is consistent with the Park City Land Management Code and applicable State Law regarding condominiums plats.

Conditions of Approval:
1. The City Attorney and City Engineer shall review and approve the condominium plat for compliance with the Land Management Code and conditions of approval, as a condition precedent to recording the plat.
2. All standard project conditions shall apply.
3. An encroachment agreement between the applicant and Park City allowing the encroachments into the Main Street right-of-way to remain in place must be executed prior to recordation of this condominium conversion.
4. Maintenance of the 10' access and utility easement on the southwest portion of the Main Street Entrance Parking Condominium is required by the owners of 614 Main Street as necessary for their required ingress and egress. A note shall be added to the plat containing this wording as modified as necessary by the Building Official and with said language contained within the declaration of condominium.
5. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year of City Council's approval, this approval and the plat shall be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 9th day of October, 2003.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

City Council
Staff Report

PARK CITY 1884

Author:	**Alison Butz**
Subject:	**Moose on the Loose**
Date:	**September 25, 2003**
Type of Item:	**Administrative – Display of Public Art**

Special Events and Facilities Department

Summary Recommendations:
Review and approve the License for the placement of art on City property from October 2003 – April 2004 for the Moose on the Loose Program.

Description:

A. Topic:

Moose on the Loose is a fundraiser benefiting the Park City Performing Arts Foundation, Kimball Art Center and Egyptian Theater. Twenty-two life-sized moose will be placed throughout the community during the winter season.

B. Background:

Council reviewed the Moose on the Loose proposal at the September 25th meeting and direct Staff to proceed with the review of the locations under the Land Management Code (LMC) Section 15-4-15. The review will insure that the display will not create a hazard to the public nor restrict pedestrian access on the sidewalks or to buildings. A License between the City and the Park City Performing Arts Foundation is required to allow for the placement of art on City Property. The execution of this License is necessary prior to installing any approved public art on City-owned public property.

As part of the program, the Moose will be auctioned on December 27, 2003. Council under a Master Festival License (MFL) will review the auction, and activities associated with the event. Staff will return to Council with the MFL later this fall.

C. Analysis:

The Land Management Code (LMC), Section 15-4-15, states requirements for the outdoor display of works of art. The requirements for display on private property are different than public. For the display on private property, permission from the private property owner is required and visual setbacks on corner properties must be met. A majority of the moose will be displayed on private property.

For those locations on public property, the Planning, Engineering and Building Departments are reviewing the locations for compliance with applicable building codes to make sure the display does not create a hazard to the public. Upon compliance with the set criteria, the Moose will be displayed.

The following are requested locations for moose displays on public property.

Park City Transit Center *558 Swede Alley*	Miners Hospital *1354 Park Avenue*
Phoenix *508 Main Street*	O.C. Tanner *416 Main Street*
Chloe Lane *556 Main Street*	Coda Gallery *804 Main Street*
Olympic Welcome Plaza *Intersection of SR 224 and SR 248*	"Welcome to Park City" Sign *SR 224 Entry Corridor*

D. Department Review:
The Moose on the Loose program has been reviewed all applicable City departments.

Recommendation:
Review and approve the License for the placement of art on City property from October 2003 – April 2004 for the Moose on the Loose Program.

Exhibits:
Exhibit A – License Agreement

CITY PROPERTY
DISPLAY OF ART LICENSE AGREEMENT

This LICENSE AGREEMENT is made and executed this 9th day of October 2003, by and between Park City Municipal Corporation, a municipal corporation and political subdivision of the state of Utah ("Park City") and the Park City Performing Arts Foundation, a Utah non-profit organization ("Tenant").

The Parties agree as follows:

1. PROPERTY. The property affected by this license is generally described as small areas of the property at the following locations:
   558 Swede Alley – Transit Center
   1354 Park Avenue – Miners Hospital
   508 Main Street – Sidewalk in front of Phoenix Art Gallery
   416 Main Street – Sidewalk in front of O.C. Tanner
   556 Main Street – Sidewalk in front of Chloe Lane
   1445 Snow Creek Drive - Olympic Welcome Plaza
   SE Intersection of Hwy 224 and Payday Drive – Entry Sign

   and more generally described via site plan at Exhibit A, attached hereto and incorporated herein by reference (hereinafter referred to as the "Premises"). Final location of Art Display is subject to Staff approval.

2. RENT. Tenant shall be solely responsible for payment of any and all costs associated with Tenant's performance under this license, including but not limited to City additional insurance and other expenses.

3. TERM. The term of this Agreement shall commence on October 10, 2003 and shall terminate on April 12, 2004, unless terminated earlier as provided herein.

4. USE OF PREMISES. Tenant may use the Premises only for the provision of outdoor display of art in a manner consistent with City Council approval and Section 15-4-15 of the Park City Land Management Code and the terms of this Agreement. Additional operational restrictions are attached hereto at Exhibit B, if applicable.

5. IMPROVEMENTS TO THE PREMISES. Tenant shall not make any improvements to the Premises without first obtaining Park City's written consent. Any improvements approved by Park City shall be completed at Tenant's sole expense and removed at Tenant's sole expense upon expiration of this Agreement.

6. SIGNS. One sign, no larger than 3 square feet will be placed and secured to the base of the moose. No other signs shall be permitted.

7. INSURANCE. Tenant shall, at Tenant's sole expense, carry a policy of general liability insurance in an amount of at least One Million Dollars ($1,000,000) per person and One Million Dollars ($1,000,000) per incident or occurrence. Park City shall be named as an additional insured on each policy. A certificate of insurance with a thirty (30) day

cancellation notice provision shall be provided to Park City on or before the License commencement date, and maintained continuously during the term of the License. Tenant may carry whatever other insurance Tenant deems appropriate. Tenant shall bear all risk of loss. The parties agree that Tenant's sole remedy in the event of business interruptions, fire, windstorm, or other loss from hazard shall be its own insurance and Tenant will have no action against Park City. Park City is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act, but to the extent it is consistent with this intent, it is the purpose of this provision to protect Park City for liability or allegations arising out of the Tenant's use of the Premises.

8. HOLD HARMLESS. Tenant covenants and agrees to indemnify, hold Park City harmless from all claims, loss damage, injury or liability (hereafter "Liability") resulting from Tenant' use and occupancy of the Premises to the full extent provided in the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any Liability resulting from acts or omissions of Park City, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. Sections 63-30-1, et seq), as amended. The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act.

9. ASSIGNABILITY. Tenant shall not assign or transfer any interest in this Agreement without the prior written consent of Park City. Any assignment or transfer without written approval is void.

10. PROFESSIONAL PERFORMANCE. Tenant agrees to perform services under this agreement at the highest professional standards, and to the satisfaction of Park City.

11. APPLICABLE LAW. This Agreement shall be governed by the laws of the state of Utah.

12. FORCE MAJEURE. Any delay or failure of either Party to perform its obligations under this Agreement shall be excused to the extent that it is caused by an event or occurrence beyond its reasonable control, including act of nature, terrorism or war.

13. ENTIRE AGREEMENT. This Agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

14. TERMINATION. The City may terminate this Agreement upon the failure of Tenant to meet any provision herein, after Tenant was give three (3) days notice to cure said violation, and fails. Said violation shall be determined in the sole discretion of the City.

Executed the day and year first above written.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

City Attorney's Office

Park City Performing Arts Foundation

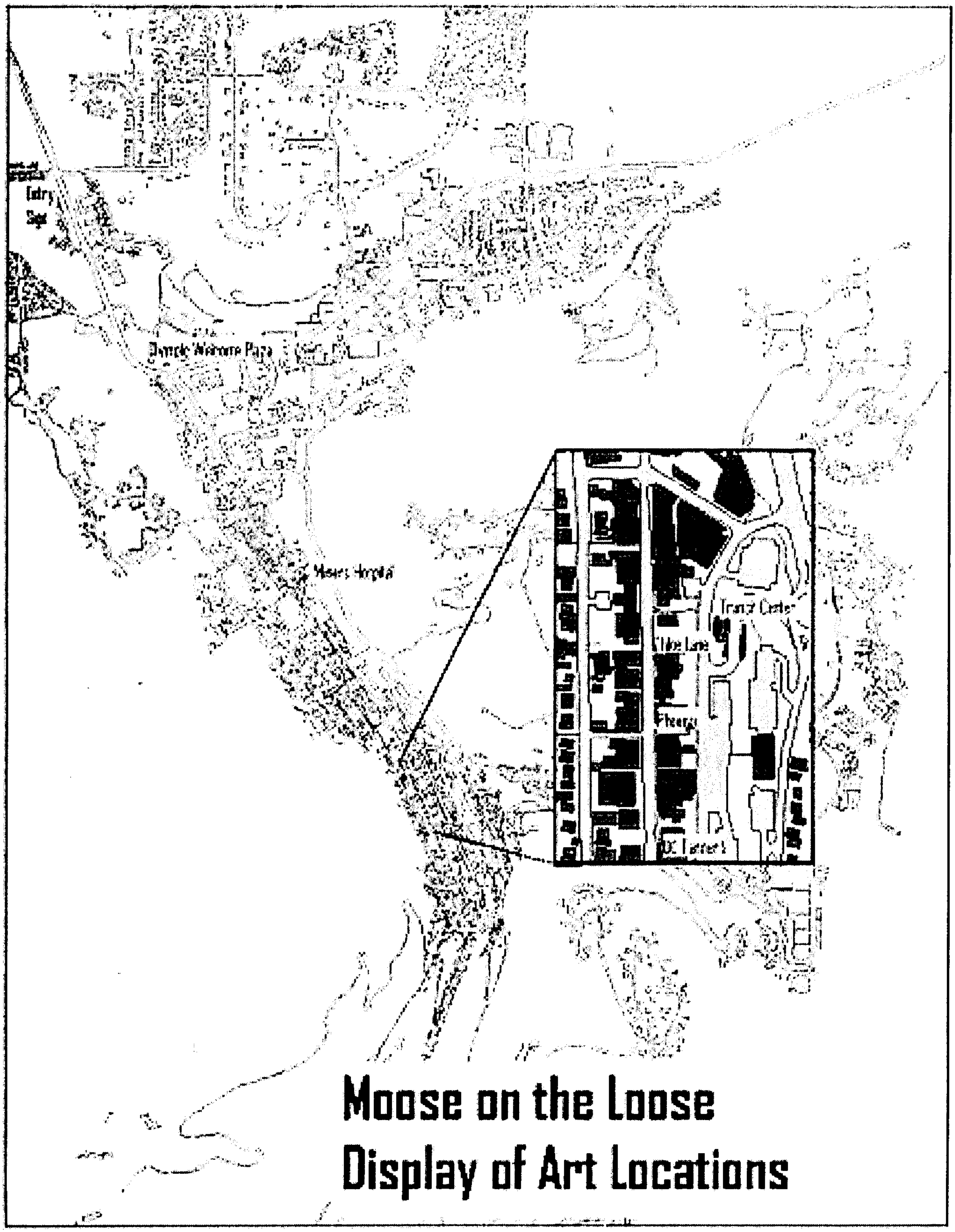
Terry Orr

ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this________ day of ________________, 2003, personally appeared before me Terry Orr, who being duly sworn, did say that she is the Executive Director of the Park City Performing Arts Foundation, and acknowledged to me that the preceding Agreement was signed on behalf of the Park City Performing Arts Foundation, and she acknowledged that the company did execute the same for its stated purpose.

Notary Public



Moose on the Loose
Display of Art Locations

City Council Staff Report

Author: Gary Hill
Subject: Special Service Contract: Amendment to Arts Council contract
Date: October 9, 2003
Type of Item: Legislative

PARK CITY 1884

Budget, Debt, and Grants

Summary Recommendations: Council should amend the Arts Council Special Service Contract and increase the contract amount by $9,783 per year for two years.

Description:

A. Topic:

Amendment to the Park City/Summit County Arts Council Special Service Contract

B. Background:

Last spring City Council amended the City's Public Service Contract policy and requested proposals from organizations interested in performing public services in a variety of categories. On April 7th staff and the Service Contract Subcommittee received applications and proceeded with the selection process.

One of the proposals received was from the Park City/Summit County Arts Council. The Subcommittee recommended funding several (but not all) of the services outlined in the Arts Council proposal for the amount of $20,000/ year. City Council subsequently directed staff to enter into contracts for services with all of the organizations that had been recommended by the Subcommittee including the Arts Council.

Upon further examination, staff and the Arts Council determined that a contract for $20,000/year was not sufficient funding to perform the services recommended by the Subcommittee. The Subcommittee subsequently directed staff to work with the Arts Council to determine a contract amount that would allow a majority of the desired services to be performed.

C. Analysis:

Services outlined in the Arts Council proposal that have been identified for funding by the Subcommittee include:

- Cultural tourism plan;
- Art in Public Places plan;
- Art history and education;
- Community outreach.

Funding these services will increase the original contract amount by $9,783 each year. The total two-year contract will increase from $40,000 to $59,566. Per the City's Contracting and Purchasing policy, contract amendments increasing the previously approved contract by more than 20% (for contracts under $200,000) require City Council approval.

D. Department Review:
Legal, Budget, Debt, & Grants

Alternatives:

A. Approve the Request:
Council should approve the request and amend the Special Service Contract amount by $9,783 per year for two years.

B. Deny the Request:
Council could deny the request and instruct staff to execute a contract based on the original amount of $20,000/year.

C. Continue the Item:
Council could continue the item at another Council meeting.

D. Do Nothing:
This alternative would be the same as denying the request.

Significant Impacts:
There are sufficient funds budgeted in the Special Service account to fund the contract increase. The contract amendment will not significantly increase the City's total Special Service Contract expenditures and will therefore not exceed 1% of the City budget as required by City policy and State law.

Consequences of not taking the recommended action:
The services outlined in this report have been identified by the Service Contract Subcommittee as important to community. Not funding the contract at the recommended level could result in a delay of the development of the Art in Public Places plan or the Park City Cultural Alliance.
If Council decides not to take the recommended action, it should provide direction to staff as to which of the services proposed by the Arts Council should be funded and which should not.

Recommendation:
Amend the Park City/Summit County Arts Council Special Service Contract and increase the contract amount by $9,783 each year for two years (for a total contract increase of $19,566).

City Council
Staff Report

PARK CITY 1884

PUBLIC WORKS

Author: Kathy Gammell
Subject: Judge Water Treatment Plant – Environmental Assessment
Date: October 9, 2003
Type of Item: Contract Authorization

Summary Recommendations:

Authorize an increase of $84,500 in funding under Carollo's existing Judge Water Treatment Plant Professional Services Agreement for Carollo to perform an Environmental Assessment (EA).

Description:

A. Topic:

Environment Assessment for the Judge Water Treatment Plant Site.

B. Background:

Receipt of federal funding for the Judge Water Treatment Plant (WTP) requires that Park City complete an Environmental Assessment (EA) of the area that will be impacted by plant construction as required by the National Environmental Protection Act (NEPA). At the time the Judge plant engineering bidding was being conducted, staff was aware of the availability of the Corps $100,000 matching funds under the RAMS funding for mine rehabilitation. Although there was potential for other federal funding, no other federal funding was firm at that time. Corps RAMS funding could have been applied to either the Spiro WTP project or the Judge Tunnel WTP project. However, the Spiro project did not require completion of an EA and staff decided to direct all RAMS funding toward Spiro. Otherwise, the Corps funding would have been used primarily to complete an EA that was required only because of the Corps funding.

With no other federal funding firmly identified for the Judge WTP project at that time, staff directed engineering bidders to submit bids without EA consideration with the understanding that if federal funding became available, an estimate for the EA would be requested from the successful bidder. Federal funding in the amount of approximately $900,000 is now potentially available for the Judge WTP project ($432,000 firm and another $400,000 to $500,000 appropriated).

Carollo's existing Professional Services Agreement for Judge WTP design was approved by the City Council on December 13, 2002 for $462,517. As discussed above, the approved funding does not include the cost of performing the Judge WTP project EA.

C. Analysis:

Carollo Engineering is the City's design engineer for the Judge WTP project and has extensive experience in addressing EA's required for federally funded projects. They have estimated costs of the EA to include Carollo Engineering costs associated with the EA, environmental engineering sub-consultant costs, and costs associated with schedule impact as a result of the requirement for the EA. Carollo's total estimate for EA completion is $84,500.

Carollo's original schedule for completion of the Judge WTP was Spring of 2005. The EA will delay plant completion up to 12 months. The new estimated completion date is February 2006.

Costs for the Judge WTP project EA will be taken from approved "Water Source, Storage, and Delivery" 2004 funds.

D. Department Review:

This report has been reviewed by the Public Works Director and the City Manager.

Alternatives:

A. Authorize an increase of $84,500 in funding under Carollo's existing Judge Water Treatment Plant Professional Services Agreement for Carollo to perform an Environmental Assessment (EA). **This is staff's recommended alternative.**

B. Direct staff to open the Environmental Assessment work for competitive bid. **This is not staff's recommendation.**

C. Delay a decision until a future date. **This is not staff's recommendation.**

D. Do nothing. **This is not staff's recommendation.**

Significant Impacts:

A. Alternative A will save time and costs by maintaining continuity between the EA and final design.

B. Alternative B may delay start of construction in order to complete the bid process and for the EA engineer to coordinate with Carollo on EA design impacts.

C. & D. Federal funding for the Judge WTP will not be available unless the EA is completed.

Consequences of not taking the recommended action:

Project completion may be further delayed and/or federal funding for the project denied.

Recommendation:

Authorize an increase of $84,500 in funding under Carollo's existing Judge Water Treatment Plant Professional Services Agreement for Carollo to perform an Environmental Assessment (EA).

City Council Staff Report

Author: Eric W. DeHaan, P.E. Eric DeHaan
Subject: Reconstruction of Upper Park Avenue – Revision to Design Contract
Date: October 9, 2003
Type of Item: Administrative

PARK CITY 1884

CITY ENGINEER

Summary Recommendations:
The City Council should approve a change in scope for our existing contract with Stantec Consulting, Inc., adding $53,906.10 to the original contract amount, bringing the total to $222,322.26, for expanded design and construction management services for the reconstruction of Upper Park Avenue.

Description:

A. Topic:
The reconstruction of Upper Park Avenue is slated to occur between April 15 and November 15, 2004, to improve Park Avenue and to accommodate Snyderville Basin Water Reclamation District (SBWRD), Questar Gas, UPAPA's street design requests, and (if a Special Improvement District is supported by residents and property owners) the closely related 2005 relocation of overhead utilities to underground locations along Upper Park Avenue.

B. Background:
On January 17, 2002, the Council decided to postpone the construction of Upper Park Avenue in order to establish a strategy for the relocation of overhead utilities to underground locations ("undergrounding") and also to accommodate requests from the Upper Park Avenue Property Association (UPAPA) for additional improvements, including sidewalk and traffic-calming features. During the deliberations on the FY2004 budget and the FY2005 plan, the Council forged a strategy for the undergrounding in which the City pays for 50% of the cost plus an additional $400,000 to underground the 3-phase power line on Upper Park which serves Main Street, subject to property owners embracing a Special Improvement District to cover the other 50%. This change in scope to Stantec's contract will allow for the completion of construction plans for the road reconstruction, compatible with both UPAPA's reasonable requests and the undergrounding, in time to start the reconstruction in 2004 with the undergrounding itself occurring in 2005, subject to SID approval. A copy of a letter from Stantec dated September 18, detailing the revised scope of work, is attached.

C. Analysis:
On August 9, 2001, the City Council approved a contract with Stantec Consulting, Inc., for the final design and engineering of the Upper Park Avenue Reconstruction Project. Although that work resulted in plans adequate to reconstruct the water,

sewer, and storm drains, as well as curb, gutter, sidewalk, and pavement from Heber to King Road, thus fulfilling our obligation to address health, safety, and welfare concerns, UPAPA representatives requested changes to the design and a commitment to undergrounding. A copy of a recent e-mail describing these revisions from John Plunkett, representative of UPAPA, is attached.

Since the time in 2001 when we originally contracted with Stantec to design Upper Park Avenue, the scope of work has changed to accommodate utility conduits, UPAPA's requested extra sidewalk, extra curb, and necessary utility pads for the relocated overhead utilities. There is also an inflation factor from 2001 to 2004 applied to Stantec's billing rates. This has caused Stantec to submit a request for a change in scope of work to their original contract, and the proposed contract amount has gone up from $168,426.16 to $222,332.26. To date we have paid approximately $100,000 on Stantec's contract. Much survey work has been accomplished, but there is more fieldwork to do so that Colin Hilton and Dave Gustafson can get current plans to Utah Power in hopes of getting an accurate estimate of the undergrounding cost. Utah Power needs to know where all the retaining walls are, for example, so they can determine if there is going to be enough room for all of their boxes. On a related note, SBWRD is of course fully supportive of 2004 reconstruction of Upper Park Avenue, and they will participate in the paving costs, saving us a little money. Questar is going to cooperate with some new lines in 2004. (Working around the old gas lines while installing sewer lines, storm drains, phone and power conduits, and water lines would add greatly to our contractor's time and inconvenience.)

By revising Stantec's scope of work now, the overall project, including undergrounding in 2005 if the SID process goes smoothly, can be kept on schedule with construction starting in 2004.

D. Department Review:
This report has been reviewed by the City Manager, the City Engineer, and the Director of Capital Projects and Economic Development.

Alternatives:

A. Approve the Request:
By approving the amended scope of Stantec's contract, the Council will keep the Upper Park Avenue Reconstruction project moving toward 2004-2005 construction as described above.

B. Continue the Item:
The Council can continue the item if more information is needed.

Significant Impacts:
Significant staff resources and CIP money (for Stantec's existing design contract) have already been spent. The Council has put in a lot of time discussing Upper Park Avenue over the last three years. At this time the budget impacts have been anticipated by the Council's adoption of the FY2004 budget, which included appropriations totaling $2,260,000 in three different CIP accounts. Those account numbers are 31-44031, 34-44031, and 51-45085. This funding will pay for the remainder of Stantec's contract as

well as Park City's share of the reconstruction of Upper Park Avenue. SBWRD will contribute relatively minor amounts toward the repaving of Upper Park, and SBWRD will pay for all of the sewer reconstruction. The actual undergrounding of power, CATV, and phone lines will occur after future construction contracts have been negotiated with those private utilities. Payment for those undergrounding contracts will come from SID money as well as other City appropriations as discussed above. Those contractors will use the then in-place conduits provided during the reconstruction. Additional labor and materials must be paid for with those future utility contracts.

Recommendation:
The Council should approve the increased scope of our existing contract with Stantec Consulting, bringing the total contract amount to $222,332.26, for the design and construction management services for the reconstruction of Upper Park Avenue.

Stantec Consulting Inc.
3995 South 700 East, Suite 300
Salt Lake City UT 84107 USA
Tel: (801) 261-0090 Fax: (801) 266-1671
www.stantec.com

Stantec

September 18, 2003

Mr. Eric DeHaan, P.E.
City Engineer
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060

Re: Park Avenue Reconstruction Project
Engineering Services - Amendment

Dear Eric:

As discussed, we have prepared an updated scope of services and estimate of fee to reflect the proposed design and schedule changes for the Park Avenue Reconstruction Project. I trust that this scope change addresses all the work that you anticipate.

I have attempted to include adequate time to affect the changes we discussed. Obviously the extent of the sidewalk and the impact to the current design will have a significant affect on the required re-design effort.

The following is a summary of the attached Estimated Personnel Projection:

Original yr. 2001/2002 contract:	$168,426.16
Approved yr 2001 design extras:	$ 10,997.78
Contract rate adjustment, yr 2002 to 2004:	$ 8,157.52
Scope changes, yr 2003/2004	$ 34,750.80
Total adjusted contract amount	**$222,332.26**

Buildings
Environment
Industrial
Management Systems
Transportation
Urban Land

RECEIVED
SEP 19 2003
PARK CITY
PLANNING DEPT.

If you have any questions regarding the scope and fee changes proposed, please contact me and we can discuss them. Please forward the contract amendment for execution.

Steve and I are looking forward to another successful project.

Sincerely,

Stantec Consulting Inc.

Roger W. McClain
Sr. Project Manager

c: file 86301075
Bob Elder/Stantec

EXHIBIT "A" TO THE AGREEMENT (AMENDMENT #1)
SCOPE OF ENGINEERING SERVICES
for
PARK CITY MUNICIPAL CORPORATION
PARK AVENUE RECONSTRUCTION - CONSTRUCTION PHASE

PROJECT YEAR 2003-2004 UPDATE

PROJECT DESCRIPTION:

Phase 2 - Construction Phase of the Park Avenue Reconstruction Project includes design and construction services for improvements within Park Avenue from Heber Avenue to King Road. Proposed improvements generally consist of the upgrade of existing water main (pipe size as determined by PCMC), the installation of new copper water services to existing meters (where existing services are determined to require replacement), the replacement of existing water meters (where relocation is required due to conflicts or determined by PCMC), the replacement of fire hydrants, the installation of a storm drainage system, the installation of roll gutter along both sides of Park Avenue, the installation of traffic calming devices, and the replacement of the pavement section.

The work will be publicly bid by PCMC with construction re-scheduled for the 2004 construction season.

The following Tasks further describe the services to be provided.

Revisions to the Scope of Services as a result of; 1) the project construction delay from construction year 2002 to year 2004, 2) incorporation of sidewalks into the project at City Engineer designated locations, and 3) incorporation underground utility conduits and utility equipment pads to facilitate the under-grounding of existing overhead utilities. Tasks related to revised scope of services have been *italicized*:

TASK 1 - DESIGN & DOCUMENTS

- Incorporate conceptual design aspects of the Park Avenue Reconstruction - Planning Phase Report, prepared by Stantec Consulting Inc., into the project design.

- Attend meetings with PCMC staff and neighborhood council to establish requirements and considerations for the required improvements.

- Prepare final construction drawings based on survey information gathered during the Planning Phase. Geotechnical testing and reports are not a part of this Scope of Services.

- Prepare bidding and contract documents, including a separate bidding schedule for PCMC. Prepare a quantity estimate and opinion of construction costs.

- The pavement section design and storm drain line sizing will be determined by the Park City City Engineer.

TASK 2 - BID AND CONSTRUCTION PHASE

- Provide project administration to assist the PCMC in pre-qualifying contractors, evaluating bids and awarding and preparing contracts for construction. Attend pre-bid meetings.

- Conduct a pre-construction conference. Arrange a schedule of progress meetings and other job conferences as required by the Contract. Provide contract administration. Issue all instructions to the Contractor, as requested by the City; issue necessary instructions and clarifications of the Contract Documents; have authority as City's Representative to require special inspection or testing of the Work. Verify monthly or final application for payments by the Contractor.

- Preparation of change orders and the evaluation of claims by the City or Contractor relating to the work is included in the Scope of Work but is not included in the estimate of costs. Costs for preparing, evaluating and negotiating change orders will be addressed on a case by case basis, with approval to be issued by the City Engineer prior to the performance of the work.

- Provide construction staking for the project. Staking will be provided on a one time basis. Re-staking costs will be assessed to PCMC, but by contract, the Contractor will be responsible for the costs.

- Coordinate final layout of the proposed gutter with existing site conditions. Make horizontal and vertical modifications to the gutter design as necessary.

- Make periodic visits to the site to observe the progress and quality of the executed work and to determine in general if the work is proceeding in accordance with the Contract Documents. Prepare daily field reports and monthly construction progress reports and submit to PCMC. Conduct, in company of the City, a substantial completion and a final walk-through and prepare a list of items to be completed or corrected. Verify that items on the lists have been completed or corrected, and make recommendations to the City concerning acceptance and final payment to the Contractor.

- Prepare mylar "record drawings". Provide survey locations for new water valves, meters, storm drain boxes and inverts. Provide one 24"x 36" set and one half-sized set to PCMC.

TASK 1A - DESIGN & DOCUMENTS UPDATE

- *Attend meetings with PCMC staff, utility agencies, and neighborhood council to establish changes to the design improvements.*

- *Perform supplemental survey as required to incorporate design changes. Anticipated areas of survey are at proposed expanded sidewalk areas and utility pad locations.*

- *Prepare updated construction drawings incorporating the following into the yr 2002 design package:*

  - *Roadway cross-section, alignment, grade, and elevation changes to facilitate sidewalk improvements at locations identified by the City Engineer;*
  - *Identify drive approach/curb cut locations at proposed sidewalks;*
  - *Site grading and retaining walls to facilitate proposed utility pads;*

- *Planter boxes at locations identified by the City Engineer;*
- *Revise utility alignments (including water meter and fire hydrant locations, etc) to facilitate proposed sidewalks;*
- *Provide design base sheets to utility agencies, incorporate utility routings and trench requirements provided by utility agencies, and incorporate utility design details;*
- *Include City Lighting system layout within the improvement area;*

- *Revise bidding documents and technical specifications to include:*

  - *Updated design requirements, bid dates, and completion requirements & dates;*
  - *Utility agency requirements;*
  - *Applicable funding requirement language (as designated by PCMC);*
  - *Special provisions as required by PCMC and utility agencies.*

- *Prepare a quantity estimate and opinion of construction costs reflecting added improvements and new construction schedule.*

TASK 3A - CONSTRUCTION PHASE

- *Construction coordination with utility agencies.*

- *Construction staking for dry utility pads, pull boxes, and conduit alignment & stubs.*

TASK 4A - PROJECT CLOSEOUT

- *Record drawing survey of buried dry utility stubs and preparation of dry utility record drawings for submittal to utility agencies.*

SERVICES NOT INCLUDED

Services not a part of this scope of services are:

- *Design or construction associated with the transfer and activation of the overhead utilities;*

- *The extension of conduits or services lines on private property (behind proposed curb & gutter/sidewalk);*

- *Preparation of easement descriptions for utilities.*

V:\52863\active\86301075 Park Ave\design\correspondence\PARKAVE\SCOPEUPDATE.wpd

EXHIBIT "B" (AMENDMENT #1)
PARK AVENUE RECONSTRUCTION

The following hourly billing rates will be in effect September 15, 2003 through December 31, 2004. Personnel not listed below will be billed at an hourly rate of 2.90 times the direct labor cost.

Project Team		Hourly Rates
Position	**Personnel**	**thru 2001**
Principal	Bob Elder	$125.00
Project Manager	Roger McClain	$125.00
Project Engineer	Ken Engstrom	$100.00
Engineer / Field Engineer	Steve Yorgason	$75.00
Engineer	Walt Weidner	$72.00
Drafter	Jeromiah Johnson	$54.00
Sr. Surveyor	Jack Berry	$116.00
Std. Survey Crew	2 person	$105.00
Word Processor	Sherry Brugman	$48.00

Reimbursible expenses (direct costs) will be billed at a rate of 1.15 times the direct cost.

PERSONNEL PROJECTION REPORT

PARK AVENUE RECONSTRUCTION
PHASE 2 - CONSTRUCTION PHASE

Date: JUL 09, 2000 UPDATE SEPT 15, 2003
Project No.: EXHIBIT B
DESIGN, BIDDING AND CONSTRUCTION SERVICES

1 Principal	7 Sr. Surveyor
2 Project Manager	8 Survey Crew
3 Project Engineer	9 Survey Crew (GPS)
4 Engineer	10 Word Processor
5 Designer	11 Field Engineer
6 Drafter	12 Inspector

DESIGN PERIOD -	AUGUST 6, 2001 TO DECEMBER 14, 2001	**UPDATE:**	DESIGN PERIOD -	SEPTEMBER 29, 2003 TO JANUARY 15, 2004
BIDDING PERIOD -	FEB. 18, 2002 TO MARCH 14, 2002		BIDDING PERIOD -	FEB. 18, 2004 TO MARCH 14, 2004
CONSTRUCTION PERIOD -	APRIL 15, 2002 TO OCTOBER 15, 2002		CONST. PERIOD -	APRIL 15, 2004 TO OCTOBER 15, 2004
CLOSEOUT PERIOD -	OCTOBER 15, 2002 TO NOVEMBER 15, 2002		CLOSEOUT PERIOD -	OCTOBER 15, 2004 TO NOVEMBER 15, 2004

TASK	Labor Hours By Personnel Category												Total Hours	Other Direct Costs	Labor Charges	Other Direct Charges	Total Fee
	1	2	3	4	5	6	7	8	9	10	11	12					
PHASE 2 - CONSTRUCTION PHASE																	
1 PREPARE BIDDING PACKAGE		100	80	60	180	180				12			612	$1,750.00	$45,419.80	$1,925.00	$47,344.80
APPV'D EXTRA DESIGN SERVICES													0		$0.00	$0.00	$10,997.78
2 BIDDING ASSISTANCE		8		24						4			36	$75.00	$2,658.72	$82.50	$2,741.22
3 CONSTRUCTION SERVICES		220					16	120			990		1,346	$6,500.00	$102,259.90	$7,150.00	$109,409.90
4 PROJECT CLOSEOUT		16				48		16			40		120	$500.00	$8,380.24	$550.00	$8,930.24
SUBTOTAL - PHASE 2	*0*	*344*	*80*	*84*	*180*	*228*	*16*	*136*	*0*	*16*	*1030*	*0*	*2114*	*$8,825.00*	*$158,718.66*	*$9,707.50*	*$179,423.94*
YR 2003/2004 SCHEDULE/SCOPE UPDATE																	
1A PREPARE BIDDING PACKAGE UPDATE		40		40	80	60		40		12			272	$250.00	$21,499.32	$287.50	$21,786.82
2 BIDDING ASSIST YR 02-04 RATE ADJUSTMENT													0		$191.43	$0.00	$191.43
3 CONST SERVICES YR 02-04 RATE ADJUSTMENT													0		$7,362.71	$0.00	$7,362.71
3A CONSTRUCTION SERVICES UPDATE		40						40					80	$250.00	$9,266.08	$287.50	$9,553.58
4 PROJ. CLOSEOUT YR 02-04 RATE ADJUSTMENT													0		$603.38	$0.00	$603.38
4A PROJECT CLOSEOUT UPDATE		4				16		8			16		44	$0.00	$3,410.40	$0.00	$3,410.40
SUBTOTAL - PHASE 2 UPDATE	*0*	*84*	*0*	*40*	*80*	*76*	*0*	*88*	*0*	*12*	*16*	*0*	*396*	*$500.00*	*$42,333.32*	*$575.00*	*$42,908.32*
PROJECT TOTALS	**0**	**428**	**80**	**124**	**260**	**304**	**16**	**224**	**0**	**28**	**1046**	**0**	**2510**	**$9,325.00**	**$201,051.98**	**$10,282.50**	**$222,332.26**

9/17/03

From: ERIC DEHAAN
To: John Plunkett
Subject: Re: UPAPA street design proposals

Dear John: Thanks for the information. It is very helpful, especially the way you listed the specific issues and concerns. I recently met with Stantec and we are in the process of expanding their scope of work on the completion of the design to incorporate a detailed review of all of the listed items, in anticipation of 2004 installation of utility conduits together with other elements of road construction. Further, in our initial discussions with Utah Power about the underground relocation of their facilities, they requested an updated design from Stantec to act as Utah Power's base design. That design will eventually lead to a cost estimate as well as a greater understanding of to what extent the landscape strip will be filled up with utility boxes. I anticipate an agreement with Utah Power providing for their 2004-05 relocation of their facilities, subject to the Special Improvement District being consummated. So, the process and our dialogue will continue. Once again, thanks for your help.

>>> "John Plunkett" <john@plunkettkuhr.com> 09/17/03 09:07AM >>>
Dear Eric,

Thanks for your call. We're glad to hear that the street reconstruction is going forward, and that you want to incorporate the UPAPA proposals into the final street design. We are sending the four boards over to you today that we prepared in 2001, that compare the Stantec design to our preferred alternatives.

We look forward to working with you as closely as possible on design and construction. Two issues the boards don't represent, and that we would like to discuss as early as possible, are shielded, pedestrian-scale street lighting, and any choices related to the above-ground utility box locations.

Listed below are the major concerns that the drawings represent.

* *

Stantec Plan while functional raised these concerns:

- All paving, no landscaping

-Partial sidewalk on East side but with a roll gutter would invite parking on top of 'sidewalk'

-Overhead power and connecting lines

UPAPA alternative proposals:

1. Make entire street as narrow as the last quarter of the Stantec design, 21 feet wide plus parking on both sides wherever possible.

2. Construct real, continuous sidewalk with landscape strip on West side of street, with a hard curb to protect it from parked cars.

3. Add roll gutters to define driving lanes vs parking areas.

4. Plant trees in landscape strip every 25', at property lines (with a homeowner option to plant an additional tree at the 12 1/2' mark).

Any possibility of city water for the landscape strip & trees?

5. Underground utilities

6. Pedestrian crosswalks at walking stairs, intersections, churches

7. At Heber Ave intersection:
Use bulbouts to narrow street entrance to 21'. Create mini pocket-park between Mercado restaurant and street.

8. At King Road intersection:
Reconfigure the Main St parking area in the City right-of-way to create space for a mini pocket-park.

CC: barbara@plunkettkuhr.com; COLIN HILTON; mikeguetschow@hotmail.com; TOM Bakaly