PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 9, 1997

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting in the Work Session Room, Main Level, at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, October 9, 1997.

AGENDA

Closed Session

4:30 p.m. Property acquisition

Work Session

5:10 p.m. Council questions and comments
5:20 p.m. Review of regular meeting

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF SEPTEMBER 18, 1997

V CONSENT AGENDA

1. Ordinance approving a condominium plat for Park City Surgical and Medical Plaza at 1820 and 1850 Sidewinder Drive, located in the Northeast Quarter of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah

2. Ordinance approving Lot 2A of Lot 2 North Silver Lake Subdivision, final record of survey at Deer Valley, a Utah Corporation Project located at North Silver Lake of Lot 2 amended Deer Valley Master Planned Development, Park City, Utah

3. Ordinance approving a condominium plat for an existing duplex at 2177 Monarch Drive, Park City, Utah

4. Ordinance approving a condominium plat for the 504 and 506 Ontario Avenue Condominiums located at 504 and 506 Ontario Avenue, Park City, Utah

5. Ratification of a Resolution acknowledging the many contributions of Ben and Jinny Vallor and recognizing their efforts in the success of the Reading Garden Project

VI NEW BUSINESS

1. Resolution accepting the Official Canvass of the October 7, 1997 Primary Election

2. Release of escrowed funds to Prospector Square Property Owners Association

3. Findings of fact and conclusions of law regarding the City Council's denial of an appeal of the July 14, 1997 Historic District Commission's approval of a residential structure to be located at 615 Woodside Avenue

VII ADJOURNMENT

Posted: 10/6/97
Revised: 10/9/97

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 9, 1997

Present: Council members Hugh Daniels, Chuck Klingenstein; Shauna Kerr; and Paul Sincock

Toby Ross, City Manager; Jodi Hoffman; City Attorney; Eric DeHaan, City Engineer; Lloyd Evans, Chief of Police; Jan Scott, City Recorder; Kurt vonPuttkammer; Meg Ryan, Planner; Rick Lewis, Community Development Director; and Tom Bakaly, Finance Director

Absent: Mayor Brad Olch and Roger Harlan

1. **Council questions and comments.** Paul Sincock suggested signage on Deer Valley Drive to the new Main Street. The City Engineer pointed out that there is a UDOT process for directional signage and there is an expense to the City. Ms. Kerr questioned encouraging more cars to turn off the belt route onto Main Street as people are just getting used to the Bonanza intersection traffic light. There was discussion about the light, and Mr. DeHaan reported that it is operating normally again. Mr. Sincock continued that Conexion Amigo will be introducing a program of conducting multi-cultural family dinners in the community. The only requirement is that there be one English speaking person in the family so that some communication can occur. He encouraged the press to report on the program. He added that Directell is offering a free web page to every candidate. Chuck Klingenstein stated that he attended an APA conference in Telluride. He relayed that Telluride has done a great job on restorations and replications and hoped to prepare a slide show for Council members. Mr. Klingenstein commented on the progress of the Sandridge parking lot and added that a resident contacted him to suggest that the City study the design of the area between the new Bonanza intersection to Prospector. With regard to the citizen request to close Main Street on Halloween, Chief Evans did not recommend closing the street in consideration of the many parked cars and suggested a heightened presence of foot patrol officers. City Recorder Jan Scott reported that she spoke with Carrie Putman, and this approach was acceptable. Hugh Daniels requested that staff follow-up on the sign at the entrance into town as it has been down for six months. He continued that he attended the Utah Sports Advisory Committee meeting where improved public relations efforts of the Organizing Committee and the timing of refunding the $59 million was discussed. He understood that the legislature is not interested in making the Olympics a public operation; the state auditor receives quarterly financial statements. Mr. Daniels emphasized that the Olympic Organizing Committee is a private entity and there is some confusion that it is spending public funds. Public funds are handled by the Sports Authority to build facilities which the Organizing Committee will buy and return to the public in addition to funds. He added that there was also a meeting of the Summit County Olympic Committee. Planning Director Doug Dotson has

been named as Summit County's Olympic Coordinator and the planning department is being reorganized. It is anticipated that the Committee will be reorganized in the next six months.

Ms. Kerr reported that the Stein Eriksen Lodge and the Prospector Square common area were awarded Tidy Town Awards from the Salt Lake Tribune. She thanked Father Bussen for refocusing the attention of the community. Bigotry and racism don't belong in our community although the seeds are in each and everyone of us and it is frightening to see it appear. She has heard enough from people with issues on the Hispanic community that are bigoted, but will engage in conversations with those calling about quality of life issues. There are still legal and criminal facts and fiction and that is part of the community's process. She felt it hypocritical to say that the world is welcome here for the Olympics but we can't accommodate those who are with us now.

She thanked Maria Bardnt for the wildflower seeding project; seeds can be picked up at Rugged Elegance for people to spread around town. Ms. Kerr noted that she heard the Governor's speech on the Olympics and was somewhat disappointed as he didn't address issues. She is concerned that the Board of Trustees of the Organizing Committee do not have covenants prohibiting them from competing with the Committee in their contracts. At the conclusion of the Tom Welsh's scandal, it was pointed out that the reason he was being paid was because he had threatened to disclose information to the sponsors. Ms. Kerr believed it would be in the best interest of the community to push for that type of a provision in Frank Joklik's contract and others so key people will be precluded from crossing the lines as there is no assurance that this will not occur again. Paul Sincock asked if Mr. Welsh actually made a threat. Ms. Hoffman interjected that there may have not been a threat, but the consideration was certainly justification for the severance package. Ms. Kerr acknowledged that the Council has not sent a letter recommending the appointment of Ken Bullock from the Utah League of Cities and Towns as there has been discussion about whether this is necessary. She didn't want this idea to be lost as those who do not want him in this position probably know that he asks probing questions. Hugh Daniels added that there may be a responsibility to "bird dog" within reason, but emphasized that Park City is not the bid city. He believes that the Organizing Committee is a private organization although it does have ties to governmental entities which is unusual for private organization. Protecting our citizens should be pursued but he has mixed emotions about supporting the appointment of Ken Bullock on the Executive Board. Ms. Kerr explained that she just wants Council to keep this in mind. Chuck Klingenstein believes representation is an important concern, but he doesn't feel comfortable recommending someone he doesn't know very well. He would like to meet with Mr. Bullock to discuss his interest in being appointed. The City Manager indicated that he will contact Mr. Bullock who he felt would be willing to discuss his role in the organization.

2. Review of regular meeting.

Surgical and Medical Plaza. Kurt vonPuttkammer explained that this development is part of the Prospector Square Subdivision but is not a member of the home owners association because it did not participate in the parking agreement. In response to a question from Council, he explained that parking could be expanded in 100 foot surface area which would require a conditional use permit because it is in the frontage protection zone. The buildings will be condominiumized but the parking will be common.

Silver Lake Subdivision. Meg Ryan pointed out minor corrections to the ordinance. Eric DeHaan discussed the water system.

Condominium conversation on Monarch Drive. Meg Ryan indicated that there has been no public input on this project. The City Engineer explained that it is typical in a condominium project to prorate a common water bill to individual owners.

Official Canvass of October 7, 1997. City Recorder Jan Scott reported that she did not receive a request for a recount. Most people absentee voted in the office and only three absentee ballots were mailed and received by election day, so all casted votes are reflected in the canvass.

Release of escrowed funds to the Prospector Square Owners Association. There was discussion of the City participating in a parking study and Chuck Klingenstein pointed out that the area is privately owned. Hugh Daniels didn't believe the City should participate in the study. Eric DeHaan added that a parking study might be beneficial if it generates new ideas, but didn't feel that the outcome of this parking study would suggest something that wouldn't require funding to implement which would be the responsibility of the private owners. Mr. Lewis explained that when this agreement was executed, there was no way to limit third story construction. The Council directed staff to incorporate language in the agreement clarifying that the City has no obligation in participating in the parking study.

Findings of Fact - 615 Woodside Avenue. City Attorney Hoffman explained that the latest draft has been distributed to the City Council. Changes deal with compliance in height, parking, and the process of the Planning Commission with regard to resubdivisions.

Business of the Redevelopment Agency. Tom Bakaly explained that the first resolution sets forth the intent of the RDA to refund bonds issued in 1991. This resolution also specifies that the bond proceeds could be allocated to reimburse projects in the Main Street RDA area. Refunding the bonds will result in an approximate savings of $150,000 as the interest rate is favorable. Mr. Bakaly added that there is a capacity to issue additional bonds for new money that could be spent on projects such as purchase of property, the intermodal facility, or the Sandridge parking lot. The Main Street RDA expires in 2006 and after March 1998, new bonds can not be issued. Chuck Klingenstein pointed out that many of the projects mentioned will still have to go through a public process. Hugh Daniels stated that he doesn't have a problem with the proposed projects listed, however, he would prefer to see the parking improvements and meters paid for from the parking fund as opposed to this fund. He emphasized that Old Town streets and Hillside Avenue should be top priorities for tax increment funding. There was discussion about improvements to Woodside Avenue, and Mr. Bakaly explained that only a portion is in the Main Street RDA. The City Manager explained that there are funds in the capital improvements fund for Old Town streets. There are funds for chip sealing and slurry sealing, but a reconstruction of Woodside would be very expensive. Hugh Daniels reiterated the importance of maintaining streets in Old Town and Ms. Kerr agreed that parking improvements should be covered in the parking fund not RDA tax increment. Mr. Bakaly added that $100,000 is allocated toward the historic grant program, but is not included as a project in the bond issue.

See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY
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PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 9, 1997

I ROLL CALL

Mayor Pro Tem Shauna Kerr called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 9, 1997. Members in attendance were Hugh Daniels, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Mayor Brad Olch and Roger Harlan were excused. Staff present were Toby Ross, City Manager; Kurt vonPuttkammer, Planner; Jan Scott, City Recorder; Rick Lewis, Community Development Director; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor Pro Tem invited public input. Mike Andrews, candidate, informed the Council of the Wine Tasting Gallery Stroll on Sunday, October 12 hosted by the Arts Council. Mr. Andrews suggested videotaping City Council and Planning Commission meetings, air them on PCTV and have the videos available in the Library for people to check out. Paul Sincock added that in a town he used to live in in California had a public access channel that broadcasted all meetings and there was an interactive system for people to call in questions or comments. Rather than videotaping, the meetings would be live. There was discussion of incorporating this service as part of a franchise agreement with the new owners. With no further public input, the session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Paul Sincock announced that Conexion Amigo is initiating a program of connecting multi-cultural families through dinner gatherings. He encouraged to public to participate. Ms. Kerr added that there will be at least one English speaking member so better communication can occur.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF SEPTEMBER 18, 1997

Shauna Kerr and Paul Sincock disclosed that they will be abstaining as they were not in attendance. Hugh Daniels, "I move approval of the Work Session Notes and Minutes of the meeting of September 18". Chuck Klingenstein seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Absent
Shauna Kerr	Abstention
Chuck Klingenstein	Aye

Paul Sincock	Abstention

V CONSENT AGENDA

Chuck Klingenstein, "I move approval of the Consent Agenda, noting changes in Item 2, and applauding Item 5". Paul Sincock seconded. Motion carried, but was later amended. Kurt vonPuttkammer added that there is an opportunity to correct Item 1, Conditions of Approval No. 7, "All the parking spaces shall be platted common and under the control of the home owners association ~~and accessible to all visitors to the Park City Surgical and Medical Plaza~~. . .". Without this language change, security would be difficult. Chuck Klingenstein felt the amendment is appropriate and amended his motion and Paul Sincock accepted the amendment and seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Absent
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

1. Ordinance approving a condominium plat for Park City Surgical and Medical Plaza at 1820 and 1850 Sidewinder Drive, located in the Northeast Quarter of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah - See work session notes and staff report.

2. Ordinance approving Lot 2A of Lot 2 North Silver Lake Subdivision, final record of survey at Deer Valley, a Utah Corporation Project located at North Silver Lake of Lot 2 amended Deer Valley Master Planned Development, Park City, Utah - See staff report.

3. Ordinance approving a condominium plat for an existing duplex at 2177 Monarch Drive, Park City, Utah - See staff report.

4. Ordinance approving a condominium plat for the 504 and 506 Ontario Avenue Condominiums located at 504 and 506 Ontario Avenue, Park City, Utah - See staff report.

5. Ratification of a Resolution acknowledging the many contributions of Ben and Jinny Vallor and recognizing their efforts in the success of the Reading Garden Project - This resolution was presented to the Vallors on October 3, 1997 at the dedication of the Reading Garden. It appears here to be officially ratified by the City Council.

VI NEW BUSINESS

1. Resolution accepting the Official Canvass of the October 7, 1997 Primary Election - City Recorder Jan Scott stated that Council received copies of the certificate of canvass which are also available to the public. She thanked the election judges who did a terrific job and added that Brad Olch and Nikki Lowry will be advancing to the General Election, joining the City Council candidates, and the Park City Sewer District candidate, Jan Wilking. Hugh Daniels, "I move to accept the Official Canvass of the October 7 Election". Chuck Klingenstein seconded. Motion carried. For the record, the Certificate of Canvass is as follows:

CERTIFICATE OF CANVASS OF THE OCTOBER 7, 1997
MAYORAL PRIMARY ELECTION
PARK CITY, UTAH

Candidate	**Consolidated District 1 - (Old Town - Deer Valley**	**Consolidated District 2 - (Prospector - Thaynes Canyon)**	**Consolidated District 3 - Park Meadows - Quarry Mountain**	**Total Votes Received Per Candidate**
Nikki L. Lowry	95	68	125	288
J. B. Nelmark	72	37	42	151
Bradley A. Olch	89	94	230	413

Percentage of Votes

Nikki L. Lowry	33.80%
J. B. Nelmark	17.72
Bradley A. Olch	48.47

Candidates Nikki L. Lowry and Bradley A. Olch will advance to the General Municipal Election to be held November 4, 1997.

The total number of registered voters in Park City, Utah is 5,020 and the percentage of voter turn-out per consolidated district is calculated as follows:

Consolidated 1 - 14.53%		Consolidated 2 - 13.76%		Consolidated 3 - 23.21%		% Total Turn-out
Total Registered Voters	Number Voting	Total Registered Voters	Number Voting	Total Registered Voters	Number Voting	17.72%
1,817	264	1,475	203	1,728	401	

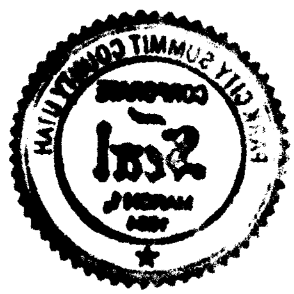
2. Release of escrowed funds to Prospector Square Property Owners Association - Rick Lewis indicated that this was discussed in work session. Ms. Kerr reiterated the concerns expressed then that in consideration of the release of $10,000, there is no requirement that the City participate in a parking study. Ms. Hoffman stated that this could be accomplished in a separate contract. Mark Cohen of the Prospector Square Property Owners Association stated that this is acceptable to him. Chuck Klingenstein, "I move approval of the release of escrowed funds to the Prospector Square Property Owners Association and making the notation exempting the City from participating in the parking study". Shauna Kerr seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Absent
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

3. Findings of fact and conclusions of law regarding the City Council's denial of an appeal of the July 14, 1997 Historic District Commission's approval of a residential structure to be located at 615 Woodside Avenue - See staff report. Hugh Daniels disclosed that he will be abstaining. Ms. Kerr indicated that Council has received draft findings, as amended. With no comments or questions, Paul Sincock, "I move approval of the Findings of Fact and Conclusions of Law and Order denying appeals of the HDC design review approval and the Planning Commission's recommendation on the subdivision at 615 Woodside Avenue". Chuck Klingenstein seconded, noting that the approval is for the second version of the findings. Motion carried.

Hugh Daniels	Abstention
Roger Harlan	Absent
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

VII ADJOURNMENT



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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4:30 p.m. Members in attendance were Hugh Daniels, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Mayor Brad Olch and Roger Harlan were excused. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Chuck Klingenstein, "I move to close the meeting to discuss property acquisition". Paul Sincock seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Absent
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

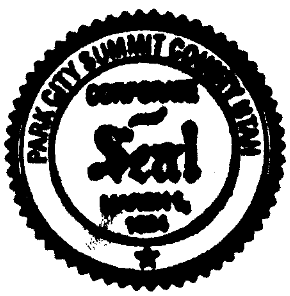
The meeting opened at approximately 5 p.m.

* * * * * * * * * * * *

The meeting for which these minutes were prepared was noticed by posting 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
Janet M. Scott, City Recorder



PARK CITY

DATE	**October 2, 1997 (October 9 meeting)**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Kurt von Puttkammer, AIA** KP
TITLE:	**Park City Surgical and Medical Plaza Record of Survey- Condominium Conversion**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS:
Staff requests the City Council review the project within the context of the Land Management Code and approve the condominium plat for the commercial space at lot 42, Prospector Square Subdivision as the applicant has requested subject to Findings of Fact, Conclusions of Law, and Conditions of Approval as stated in this report.

DESCRIPTION:

A. Topic

PROJECT STATISTICS:

Applicant:	Prospector Plaza L.C.
Location:	1820/1850 Sidewinder Drive
Zoning:	General Commercial (GC) with Frontage Protection Zone Overlay
Adjacent Land Uses:	Professional office, Pizza Hut, and multi-family
Date of Application:	July 18, 1997
Project Planner:	Kurt von Puttkammer, AIA
Staff Recommendation:	Forward a positive recommendation to the City Council as conditioned.

B. Background

The total project consists of two buildings known as the Park City Surgical and Medical Plaza which includes parking and professional office space. The project began construction in the spring of 1997 and is scheduled to be completed spring 1998.

The parking structure for building 100/200, 1820 Sidewinder Drive, is currently under construction. The exterior shell for Building 300/400, 1850 Sidewinder Drive, is complete and drawings for the interior tenant improvements have been submitted to the building department for review.

As currently proposed by the condominium conversation, the buildings will be divided into 7 commercial units, ranging from 4,134 sf to 11,358 sf. Four of the units are to be private ownership, two of units are to be convertible space, and the parking garages are to be common area.

The parking was approved to accommodate the professional office uses as currently proposed. All future requests for changes of use and tenant space will require a parking analysis to determine parking code compliance.

This request is for approval of the final condominium plat for the Park City Surgical and Medical Plaza project. A final plat must be recorded with the County in order for the current owner to sell ownership interests to other parties.

On September 10, 1997, the Planning Commission reviewed the plat amendment and provided direction to Staff and the applicant to resolve the conditions of approval which regulate parking for the project. The City Attorney's office has drafted an agreement to address the parking calculation and it will be recorded with the plat. The Planning Commission forwarded the project to the City Council with a positive recommendation.

C. Analysis

If approved, the plat would allow for individual units to be held under private ownership. The plat changes the type of ownership of this parcel from solely private ownership to private ownership for a portion of the individual commercial units, convertible space for the remaining units, the deck areas to limited common areas, and the remaining area as common areas.

The applicant's request is to provide supplemental documentation to divide the office buildings into private ownership, common areas/facilities, limited common areas/facilities, and convertible to limited common area. After review and approval by the Community Development Department, this supplemental documentation will be recorded with the Summit County Recorder.

Parking

Through the building department approval process, the applicant was made aware that the net usable office space of the project would be limited based on the area supported by the provided parking. Currently, the project proposes 144 parking spaces which would allow 28,800 square feet of total net usable office space for the entire project.

Due to the limitation on usable area and parking availability, Staff recommends that the parking areas be designated as common area for shared use. Staff is concerned that limited common area restrictions will create the potential for overflow project parking to occur along congested Sidewinder Drive. Staff has made common area parking and a parking calculation agreement conditions of approval for the project. The applicant has agreed to this condition of approval.

Uses other than professional office and out-patient surgical care will require a parking analysis to determine compliance with the LMC. Lot 42 of the Prospector Square subdivision is not a part of the Prospector Square Property Owners Association and is not entitled to use the common Prospector Square parking lots.

D. Department Review

On September 2, 1997, the project was reviewed at the inter-departmental staff meeting. The City Attorney's office will review and approve the revised plat and CC&R's for final form and compliance with the LMC and State Law prior to recordation.

This project was noticed to property owners within 300' of the affected property and all property owners within the affected subdivision plat on August 26, 1997. No comments were received at the time of this report.

RECOMMENDATION:

The Staff recommends the City Council approve the condominium plat for the commercial space at Lot 42 of the Prospector Plaza Subdivision based on the following:

Findings of Fact

1. The proposed plat changes the type of ownership of this property to private ownership, common ownership, convertible common space, and limited ownership.

2. A financial guarantee for all public improvements, landscaping, and pedestrian amenities is necessary to ensure completion of necessary improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

3. The project is located in the Prospector Square Subdivision which was approved with an overall parking plan for the Prospector commercial area.

4. The project is adjacent to one of Park City's entry corridors and a portion of the proposed Condominium Plat is located in the Frontage Protection Zone Overlay.

5. The project is located adjacent to an existing subdivision with insufficient parking to comply with the Land Management Code.

6. The proposed parking configuration defines a limited number of parking spaces and complies with the LMC requirements for 28,800 SF of professional office space, so long as the parking is common area and remains accessible to all visitors/invitees. Changes in use or unit configuration will require a new parking calculation.

7. The 100/200 building is constructed with the fire resistance capable of housing a surgical center and the 300/400 building is constructed with the fire resistance necessary to house professional office uses or similar occupants.

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 proposal is consistent with the Land Management Code and the Utah Condominium Ownership Act.

Conditions of Approval

1. The City Attorney and City Engineer shall review and approve the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and conditions of approval, prior to recording the plat.

2. All standard project conditions shall apply.

3. A financial guarantee, in a form and amount acceptable to the City, for the value of all landscaping, public improvements, and pedestrian amenities to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

4. A parking agreement, in a form approved by the City Attorney, shall address future parking calculation and requirements. This parking agreement shall be recorded with the Plat and the C, C, & R's.

5. A landscape plan, reviewed and approved by the Community Development Department, will be required prior to the issuance of a Certificate of Occupancy for any part of the project.

6. The final condominium plat shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

7. All the parking spaces shall be common area and accessible to all visitors to the Park City Surgical and Medical Plaza.

8. The permitted uses for the project shall be limited to out-patient surgical care (or less restrictive use) for the 100/200 building and to professional offices (no surgery) for the 300/400 building.

EXHIBITS:
Exhibit A- Proposed condominium plat
Exhibit B- Location map

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EXHIBIT "A.1"

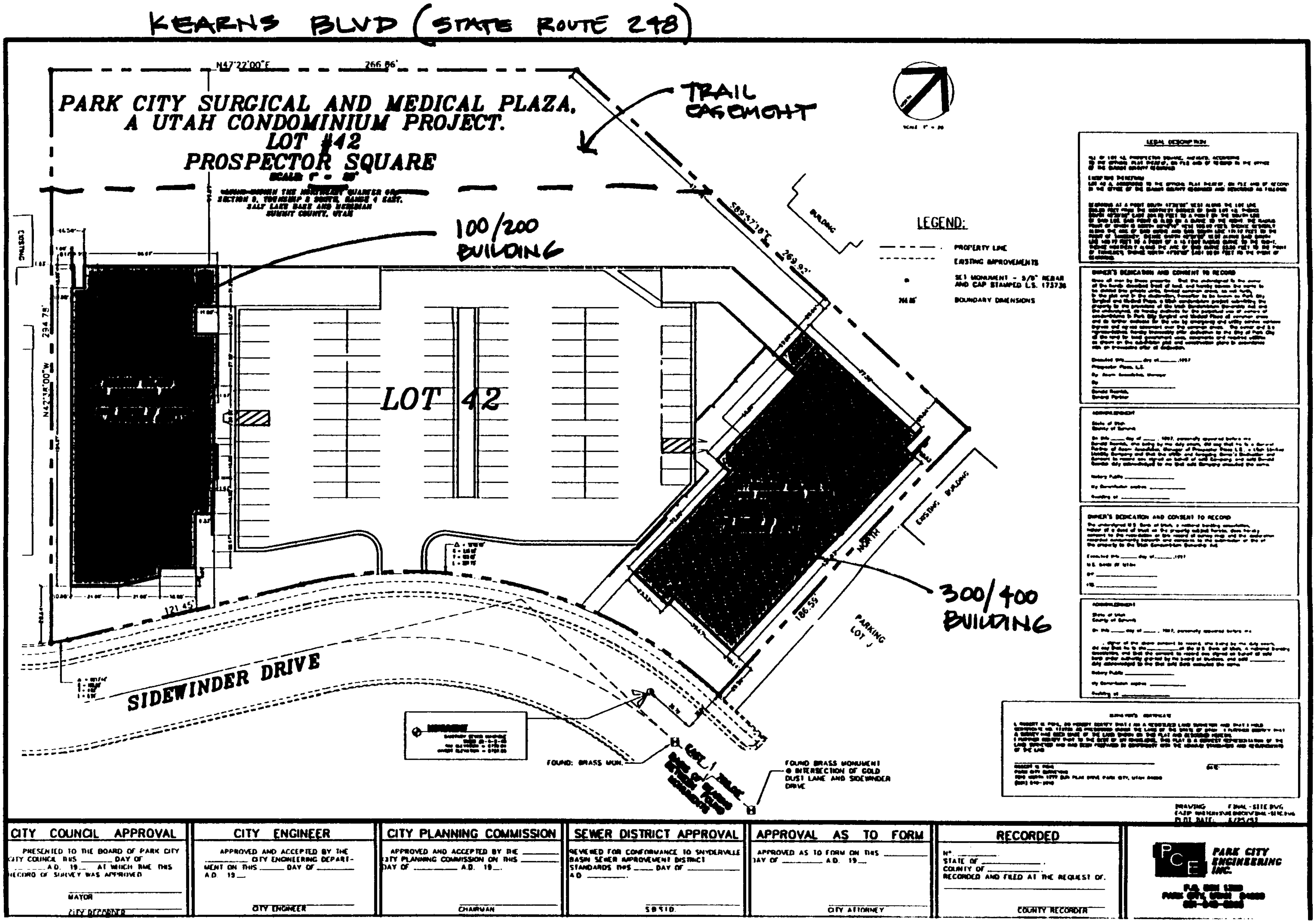
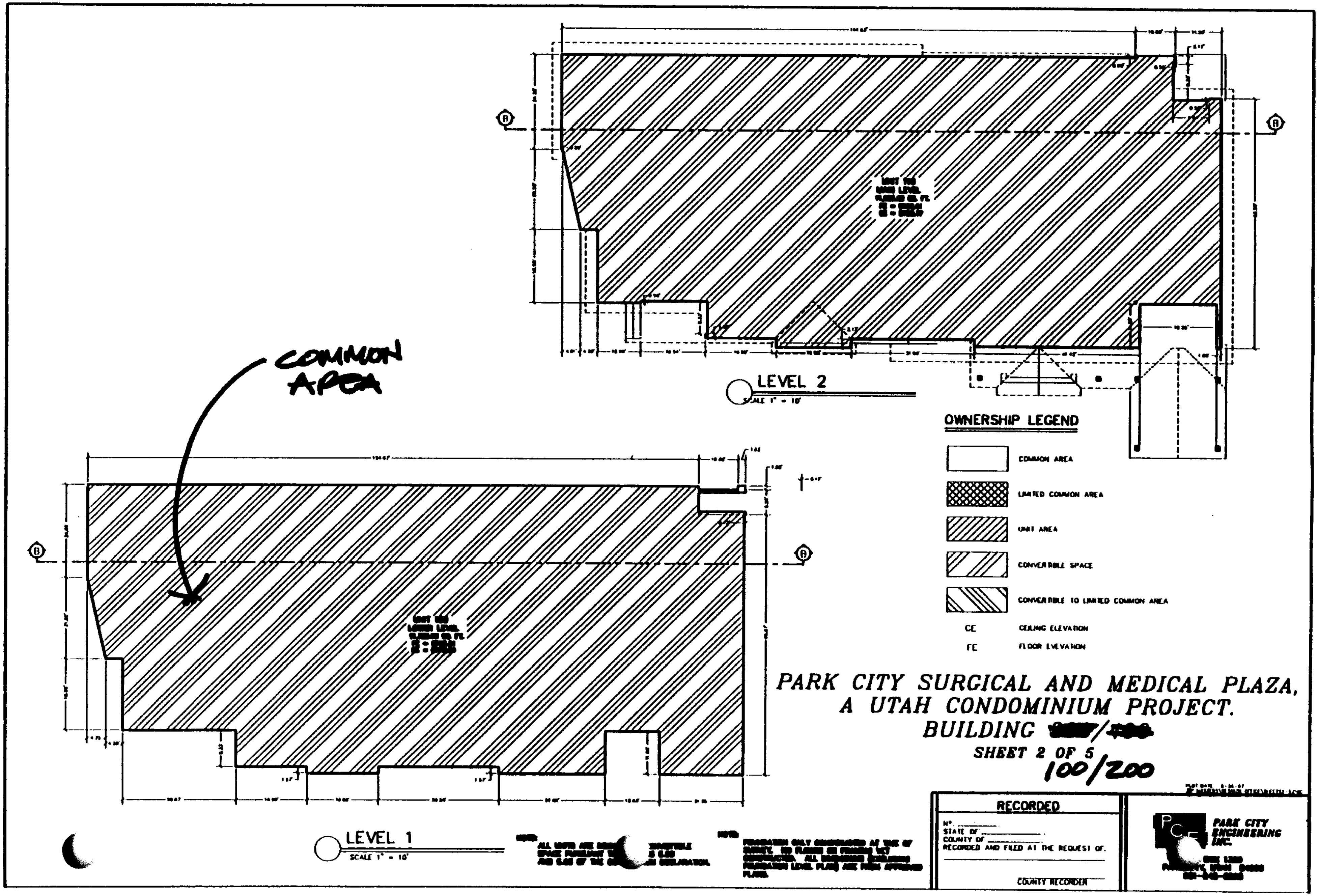

KEARNS BLVD (STATE ROUTE 248)
PARK CITY SURGICAL AND MEDICAL PLAZA,
A UTAH CONDOMINIUM PROJECT.
LOT #42
PROSPECTOR SQUARE
TRAIL EASEMENT
100/200 BUILDING
300/400 BUILDING
LOT 42
SIDEWINDER DRIVE
N47°22'00"E
266.86'
S89°57'18"E
269.92'
N42°38'00"W
234.78'
186.55'
121.45'
LEGEND:
PROPERTY LINE
EXISTING IMPROVEMENTS
SET MONUMENT - 5/8" REBAR AND CAP STAMPED L.S. 173736
BOUNDARY DIMENSIONS
BUILDING
EXISTING BUILDING
EXISTING
NORTH
PARKING LOT J
FOUND: BRASS MON.
FOUND BRASS MONUMENT @ INTERSECTION OF GOLD DUST LANE AND SIDEWINDER DRIVE
LEGAL DESCRIPTION
OWNER'S DEDICATION AND CONSENT TO RECORD
ACKNOWLEDGMENT
SURVEYOR'S CERTIFICATE
CITY COUNCIL APPROVAL
PRESENTED TO THE BOARD OF PARK CITY CITY COUNCIL THIS ______ DAY OF ______ A.D. 19__ AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED
MAYOR
CITY RECORDER
CITY ENGINEER
APPROVED AND ACCEPTED BY THE ______ CITY ENGINEERING DEPARTMENT ON THIS ______ DAY OF ______ A.D. 19__
CITY ENGINEER
CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS ______ DAY OF ______ A.D. 19__
CHAIRMAN
SEWER DISTRICT APPROVAL
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS ____ DAY OF ______ A.D.
S.B.S.I.D.
APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS ______ DAY OF ______ A.D. 19__
CITY ATTORNEY
RECORDED
N°
STATE OF
COUNTY OF
RECORDED AND FILED AT THE REQUEST OF
COUNTY RECORDER
PARK CITY ENGINEERING INC.

EXHIBIT "A.2"



COMMON AREA
LEVEL 2
OWNERSHIP LEGEND
COMMON AREA
LIMITED COMMON AREA
UNIT AREA
CONVERTIBLE SPACE
CONVERTIBLE TO LIMITED COMMON AREA
CE CEILING ELEVATION
FE FLOOR ELEVATION
LEVEL 1
SCALE 1" = 10'
PARK CITY SURGICAL AND MEDICAL PLAZA,
A UTAH CONDOMINIUM PROJECT.
BUILDING
SHEET 2 OF 5
100/200
RECORDED
STATE OF
COUNTY OF
RECORDED AND FILED AT THE REQUEST OF.
COUNTY RECORDER
PARK CITY ENGINEERING INC.

EXHIBIT "A.3"

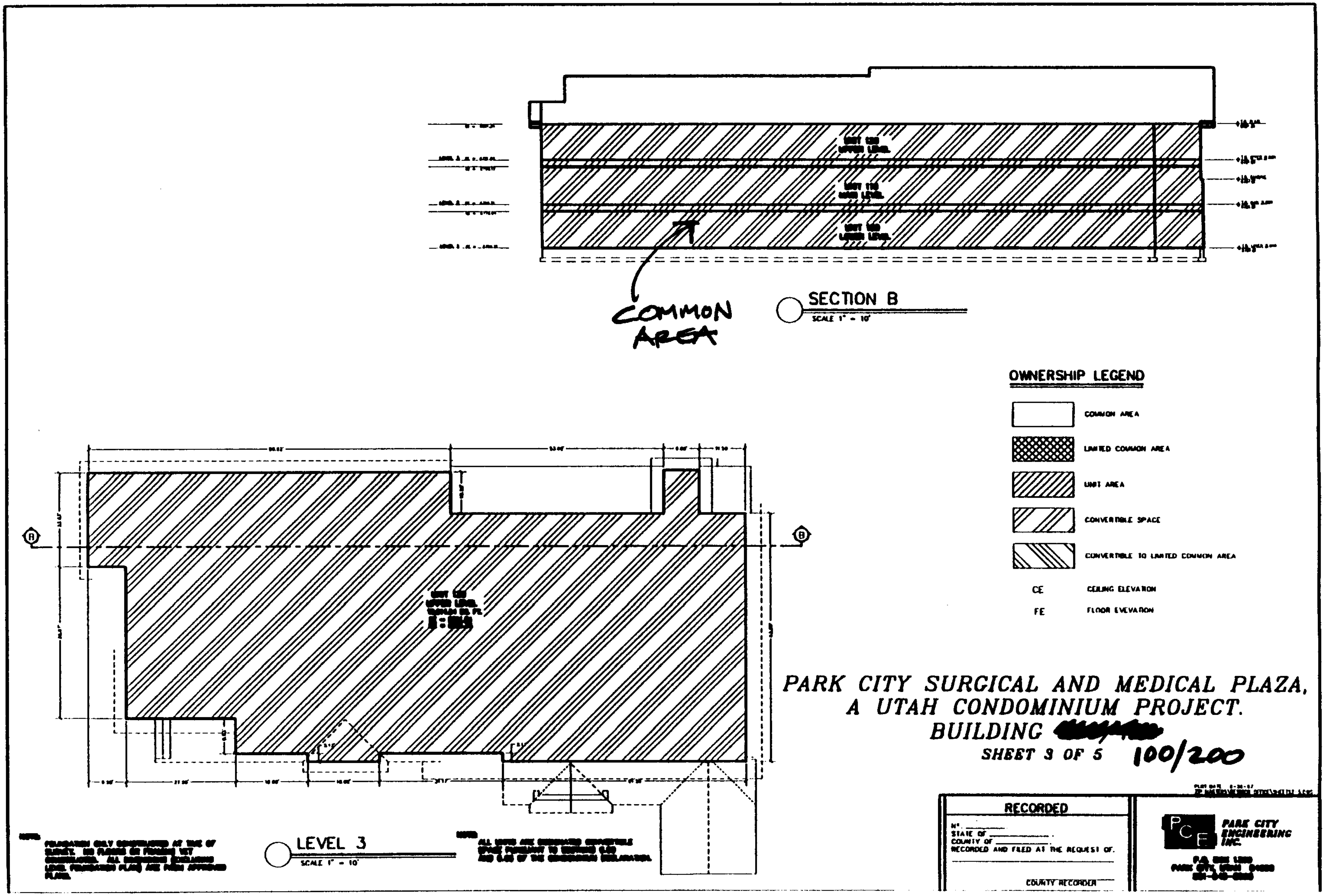
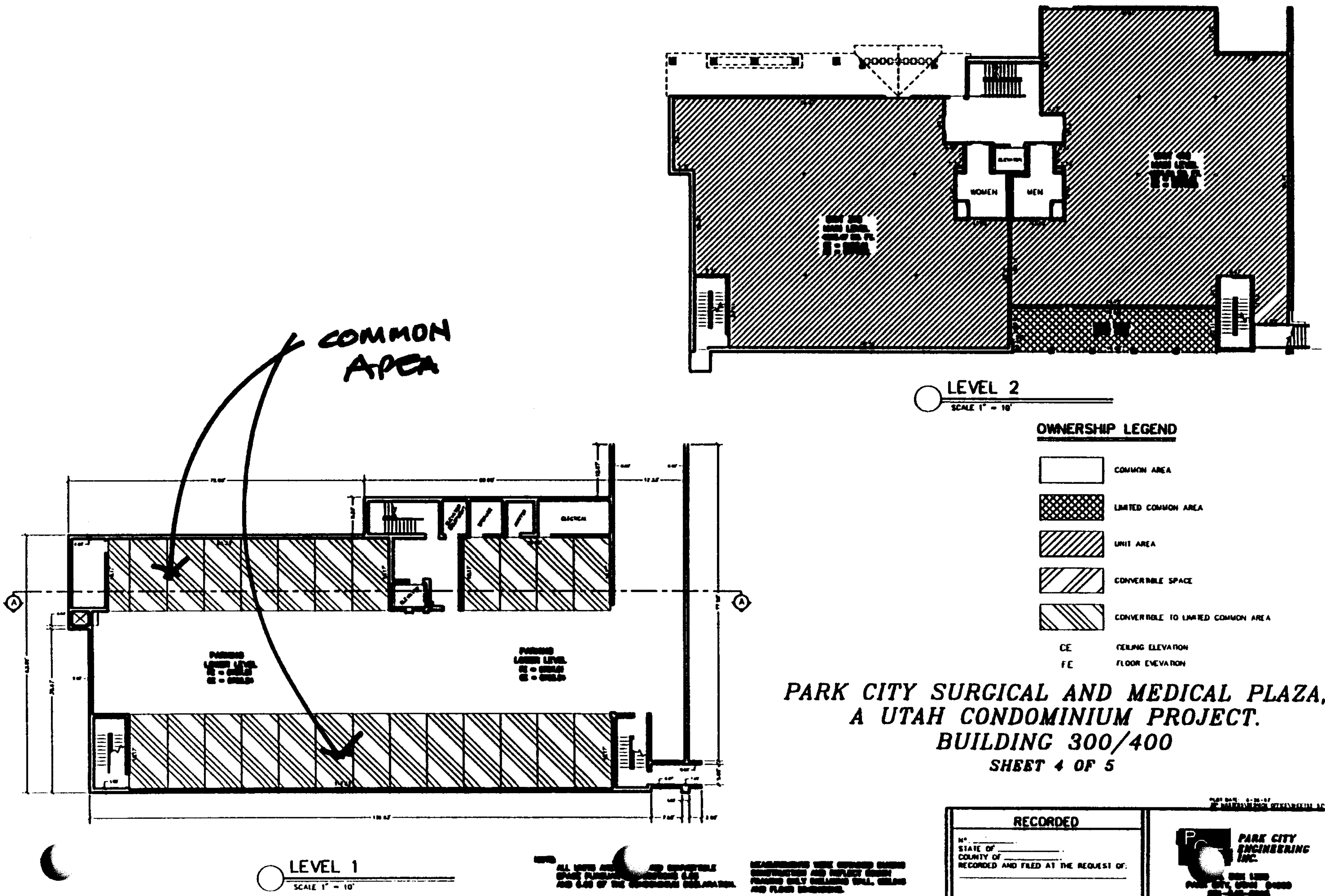

SECTION B
SCALE 1" = 10'
COMMON AREA
OWNERSHIP LEGEND
COMMON AREA
LIMITED COMMON AREA
UNIT AREA
CONVERTIBLE SPACE
CONVERTIBLE TO LIMITED COMMON AREA
CE CEILING ELEVATION
FE FLOOR EVEVATION
PARK CITY SURGICAL AND MEDICAL PLAZA,
A UTAH CONDOMINIUM PROJECT.
BUILDING 100/200
SHEET 3 OF 5
LEVEL 3
SCALE 1" = 10'
RECORDED
STATE OF
COUNTY OF
RECORDED AND FILED AT THE REQUEST OF.
COUNTY RECORDER
PARK CITY ENGINEERING INC.

EXHIBIT "A.4"



PARK CITY SURGICAL AND MEDICAL PLAZA,
A UTAH CONDOMINIUM PROJECT.
BUILDING 300/400
SHEET 4 OF 5

RECORDED

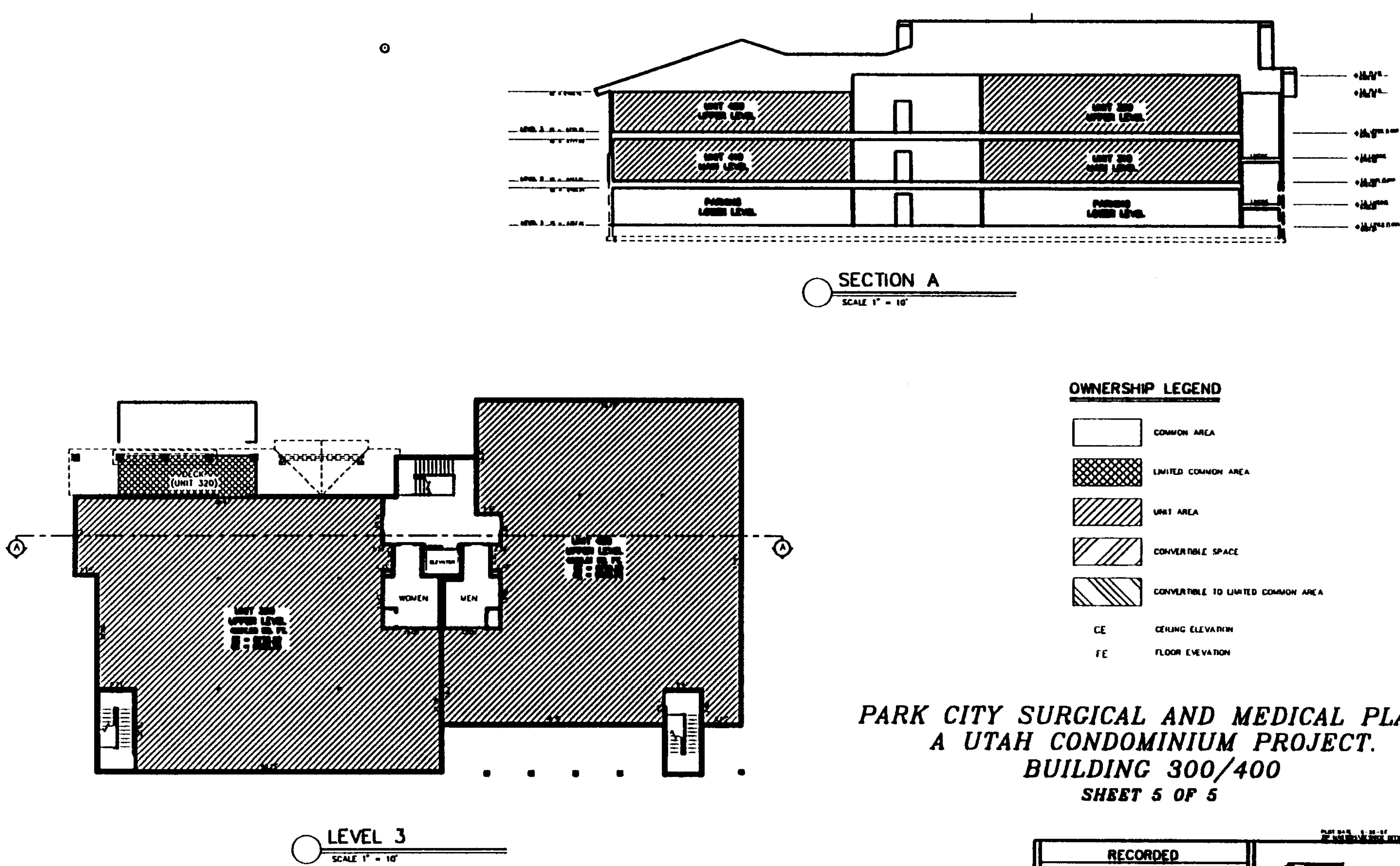
N°. ______
STATE OF ______
COUNTY OF ______
RECORDED AND FILED AT THE REQUEST OF: ______

COUNTY RECORDER

PARK CITY ENGINEERING INC.

24

EXHIBIT "A.5"



OWNERSHIP LEGEND

COMMON AREA

LIMITED COMMON AREA

UNIT AREA

CONVERTIBLE SPACE

CONVERTIBLE TO LIMITED COMMON AREA

CE CEILING ELEVATION

FE FLOOR EVEVATION

PARK CITY SURGICAL AND MEDICAL PLAZA,
A UTAH CONDOMINIUM PROJECT.
BUILDING 300/400
SHEET 5 OF 5

RECORDED

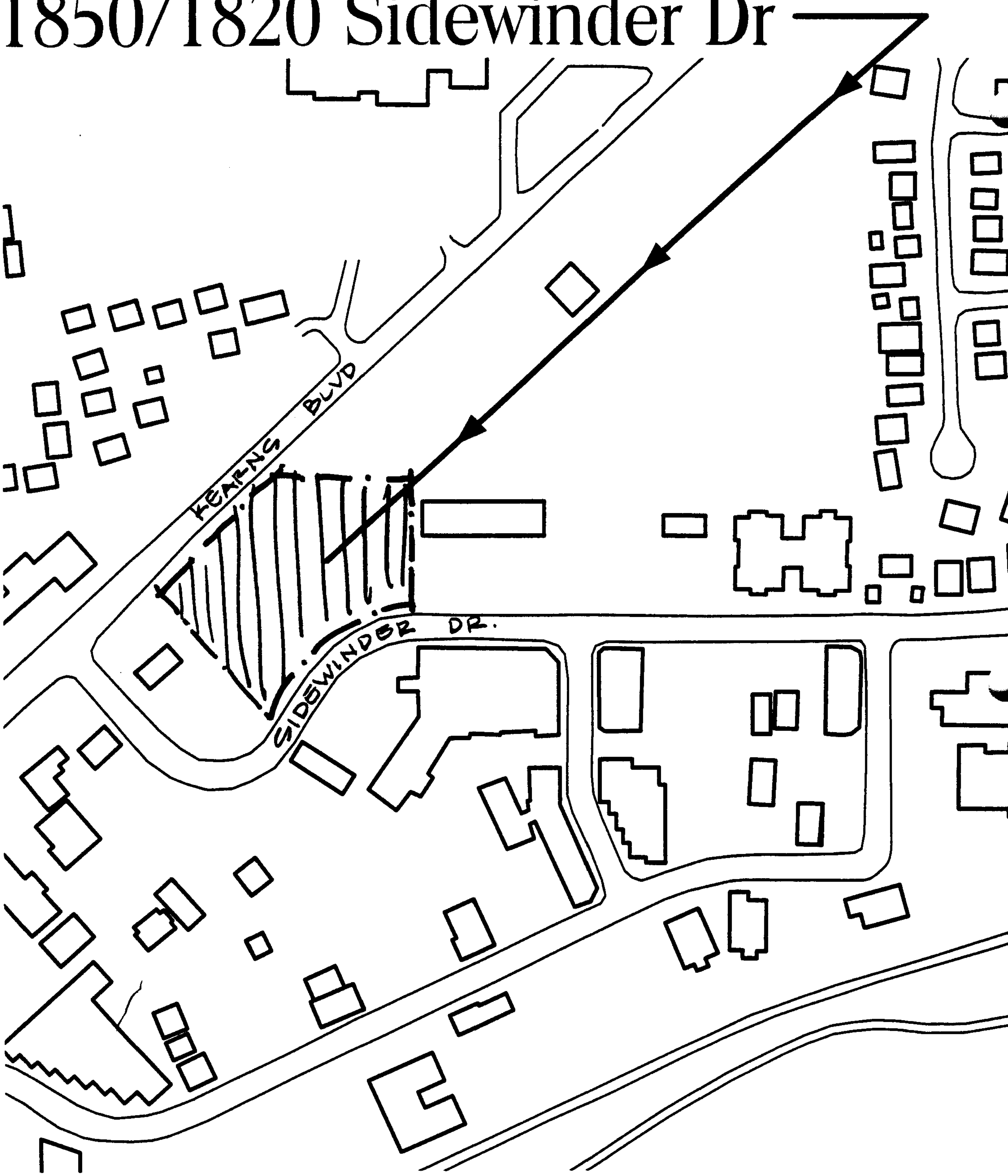
N°. ________
STATE OF ________
COUNTY OF ________
RECORDED AND FILED AT THE REQUEST OF.

COUNTY RECORDER

PARK CITY ENGINEERING INC.

25

1850/1820 Sidewinder Dr



PARK CITY
1884

VICINITY MAP

N
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EXHIBIT B

Ordinance No. 97-

AN ORDINANCE APPROVING A CONDOMINIUM PLAT FOR PARK CITY SURGICAL AND MEDICAL PLAZA AT 1820 AND 1850 SIDEWINDER DRIVE, LOCATED IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, UTAH

WHEREAS, the owner of the property at 1820 and 1850 Sidewinder Drive, located in the Northeast Quarter of Section 9, Township 2 South, Range 4 East, Park City, Utah and known as the Park City Surgical and Medical Plaza, has petitioned the City Council for approval of a condominium plat; 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 10, 1997 the Planning Commission held a public hearing to receive public input on the proposed condominium plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on October 9, 1997 the City Council reviewed the proposed condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the condominium plat;

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

SECTION 1. FINDINGS OF FACT.

1. The proposed plat changes the type of ownership of this property to private ownership, common ownership, convertible common space, and limited ownership.

2. A financial guarantee for all public improvements, landscaping, and pedestrian amenities is necessary to ensure completion of necessary improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

3. The project is located in the Prospector Square Subdivision which was approved with an overall parking plan for the Prospector commercial area.

4. The project is adjacent to one of Park City's entry corridors and a portion of the proposed Condominium Plat is located in the Frontage Protection Zone Overlay.

5. The project is located adjacent to an existing subdivision with insufficient parking to comply with the Land Management Code.

6. The proposed parking configuration defines a limited number of parking spaces and complies with the LMC requirements for 28,800 SF of professional office space, so long as the parking is common area and remains accessible to all visitors/invitees. Changes in use or unit configuration will require a new parking calculation.

7. The 100/200 building is constructed with the fire resistance capable of housing a surgical center and the 300/400 building is constructed with the fire resistance necessary to house professional office uses or similar occupants.

SECTION 2. 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 proposal is consistent with the Land Management Code and the Utah Condominium Ownership Act.

SECTION 3. PLAT APPROVAL.

The condominium plat, known as the Record of Survey Map Park City Surgical and Medical Plaza, at 1820 and 1850 Sidewinder Drive, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer shall review and approve the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and conditions of approval, prior to recording the plat.

2. All standard project conditions shall apply.

3. A financial guarantee, in a form and amount acceptable to the City, for the value of all landscaping, public improvements, and pedestrian amenities to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

4. A parking agreement, in a form approved by the City Attorney, shall address future parking calculation and requirements. This parking agreement shall be recorded with the Plat and the C, C, & R's.

5. A landscape plan, reviewed and approved by the Community Development Department, will be required prior to the issuance of a Certificate of Occupancy for any part of the project.

6. The final condominium plat shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

7. All the parking spaces shall be common area and accessible to all visitors to the Park City Surgical and Medical Plaza.

8. The permitted uses for the project shall be limited to out-patient surgical care (or less restrictive use) for the 100/200 building and to professional offices (no surgery) for the 300/400 building.

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

PASSED AND ADOPTED this 9 th day of October, 1997.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, Deputy City Attorney

M:\CDD\KVP\CC\1850SIDE.ORD

PARK CITY
1884

CITY COUNCIL STAFF REPORT

Date: October 9, 1997
Department: Planning Department
Author: Kevin LoPiccolo
Title: Lot 2A of Lot 2 North Silver Lake Subdivision, Record of Survey
Type of Item: Legislative

Summary Recommendations: Adopt the attached Ordinance approving Lot 2A of Lot 2 North Silver Lake Subdivision, Record of Survey as the applicant has requested.

Description:

A. Topic

Applicant:	Mark Prothro/Bellecorp, A Utah Corporation
Location:	Lot 2A of the subdivision of Lot 2 of North Silver Lake subdivision
Zoning:	RD-MPD
Adjacent Land Uses:	Residential, Deer Valley Ski-Run
Date of Application:	May 30, 1997
Project Planner:	Kevin LoPiccolo

B. Background

On May 14, 1997, the Planning Commission approved the following developments for this area: North Silver Lake Subdivision to subdivide Lot 2 into four parcels; North Silver Lake Master Planned Development revision to allow single-family units to the Bellemont MPD; and a conditional use permit for Lot 2A for the construction of 12 single-family units. The density and heights are consistent with the Deer Valley Resort Seventh Amended MPD and the North Silver Lake MPD.

The North Silver Lake Subdivision was approved as a subdivision of four lots, although the plat has not yet been recorded. Lot 2A was one of four lots that received approval from the Planning Commission. It was approved for 12 detached residential units as a Small Scale Master Planned Development for Bellemont at Deer Valley condominium project. The City

Council on June 26, 1997 approved the Bellemont Lot 2 subdivision.

This request is for approval of the final record of survey for the Bellemont Condominium project at Deer Valley. A final plat must be recorded with the County in order for the current owner to sell ownership interests to other parties. The Bellemont at Deer Valley Condominiums is currently scheduled to be constructed in 1997 and 1998 for a total of 12 detached residential units. (Exhibit A)

On August 27, 1997, the Planning Commission voted to forward to City Council a positive recommendation to approved the final record of survey.

C. Analysis

The project consists of 12 detached units under the division of condominium interests. The project will consist of a private road with access from Silver Lake Drive. The proposed condominium plat is consistent with the Land Management Code, and the Deer Valley MPD plans. There are outstanding public utility issues and therefore staff is recommending a condition of approval that a financial guarantee, for completion of all public improvements associated with this project, be posted before plat recordation. The plat changes the type of ownership of this parcel to condominium ownership.

D. Department Review

The City Engineer has reviewed the plat and has recommended some changes prior to plat recordation. The City Attorney's office will be required to review and approve the plat and CC&R's prior to recordation.

Recommendation

Staff recommends approval of the final condominium plat for Bellemont at Deer Valley Condominiums for Lot 2A of Lot 2 of North Silver Lake Subdivision.

Findings of Fact

1. The condominium plat is for 12 units.

2. The plat configuration is consistent with the Planning Commission approval of the North Silver Lake MPD and the Deer Valley 7th Amended MPD, April 1993.

3. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

4. The proposed plat changes the type of ownership of this property to condominium ownership.

5. The applicant stipulates to all conditions of approval

Conclusions of Law

1. The plat is substantially in compliance with the Park City Land Management Code and applicable State law regarding condominium plats.

3. Neither the public nor any person will be materially injured by approval of the plat, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

4. There is good cause for the plat.

Conditions of Approval

1. The City Attorney and City Engineer's review and approval of the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.

2. All conditions of approval, including conditions of approval for Bellemont at North Silver Lake Deer Valley MPD shall apply.

3. All standard project conditions shall apply.

4. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

5. The final record of survey 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 time, this approval and the plat shall be considered void.

6. Lot 2 Subdivision plat shall be recorded prior to issuance of Building Permits for Bellemont at Deer Valley condominiums for Lot 2A of Lot 2 North Silver Lake Subdivision.

Exhibits

Exhibit A- Proposed condominium plat
Exhibit B- Location map
Exhibit C- Ordinance

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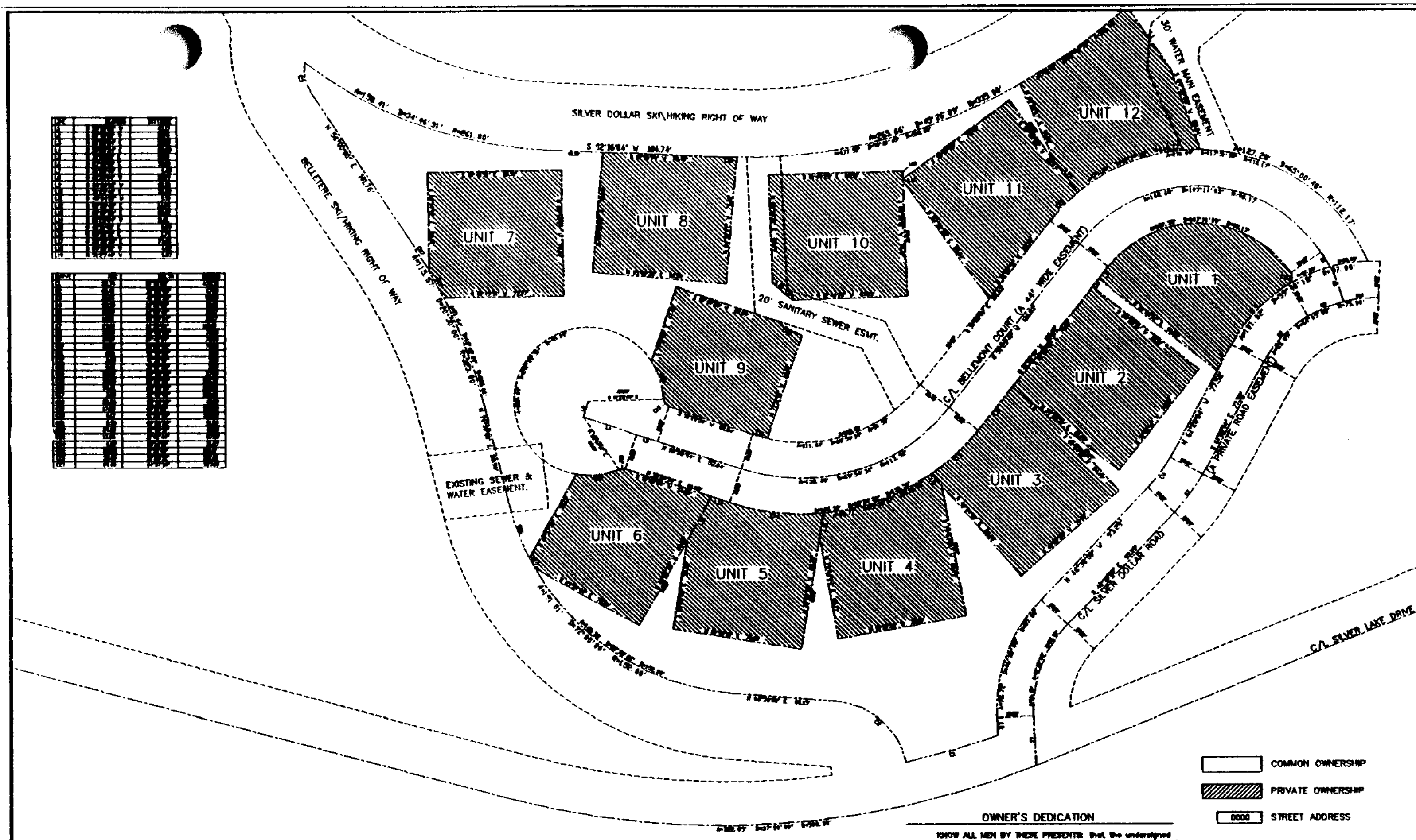


COMMON OWNERSHIP

PRIVATE OWNERSHIP

0000 STREET ADDRESS

GENERAL NOTES

ACKNOWLEDGEMENT

STATE OF UTAH)
: SS.
COUNTY OF WASATCH)

On this ______ day of ____________, 1997, personally appeared before me, the undersigned Notary Public, in and for said State and County, Mark H. Prothro, who after being duly sworn, acknowledged to me that he is the President of THE BELLECORP Company, a Utah Corporation, that he signed the foregoing Owner's Consent to Record on behalf of the corporation with full authority of its bylaws.

NOTARY PUBLIC
Residing at:

My Commission Expires:

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS: that the undersigned BELLECORP COMPANY the owner of the tract of land described herein as the BELLEMONT at DEER VALLEY Condominiums, a Utah Condominium Project located on said tract of land, has caused a survey to be made and this Record of Survey Map to be prepared and does hereby give its consent to the recordation of that Record of Survey Map and submit this property to the Utah Condominium Ownership Act. Further, the owner does hereby dedicate to the Park City Municipal Corporation, the Snyderville Basin Sewer Improvement District, and Park City Fire Protection District, a non-exclusive easement over the utility easements, public trail easements, and snow storage easement shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement, and for trail access by the general public.

In witness whereof the undersigned has set its hand on this ______ day of ____________, 1997.

Bellecorp Company, a Utah Corporation
by Mark H. Prothro, President

SURVEYOR'S CERTIFICATE

I John Demkowicz, do hereby certify that I am a registered Land Surveyor and that I hold Certificate No. 163831 as prescribed under 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 BELLEMONT at DEER VALLEY a Utah Condominium Project in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act.

DATE: JOHN DEMKOWICZ

BOUNDARY DESCRIPTION

All of Lot 2A of the subdivision of Lot 2, North Silver Lake Subdivision according to the official Plat of record on file in the office of the Summit County Recorder, Coalville, Utah.

RECORD OF SURVEY MAP

BELLEMONT at DEER VALLEY

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST 1/2 OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

7-2-98 Y:\NSL\PC\PC\P-BM

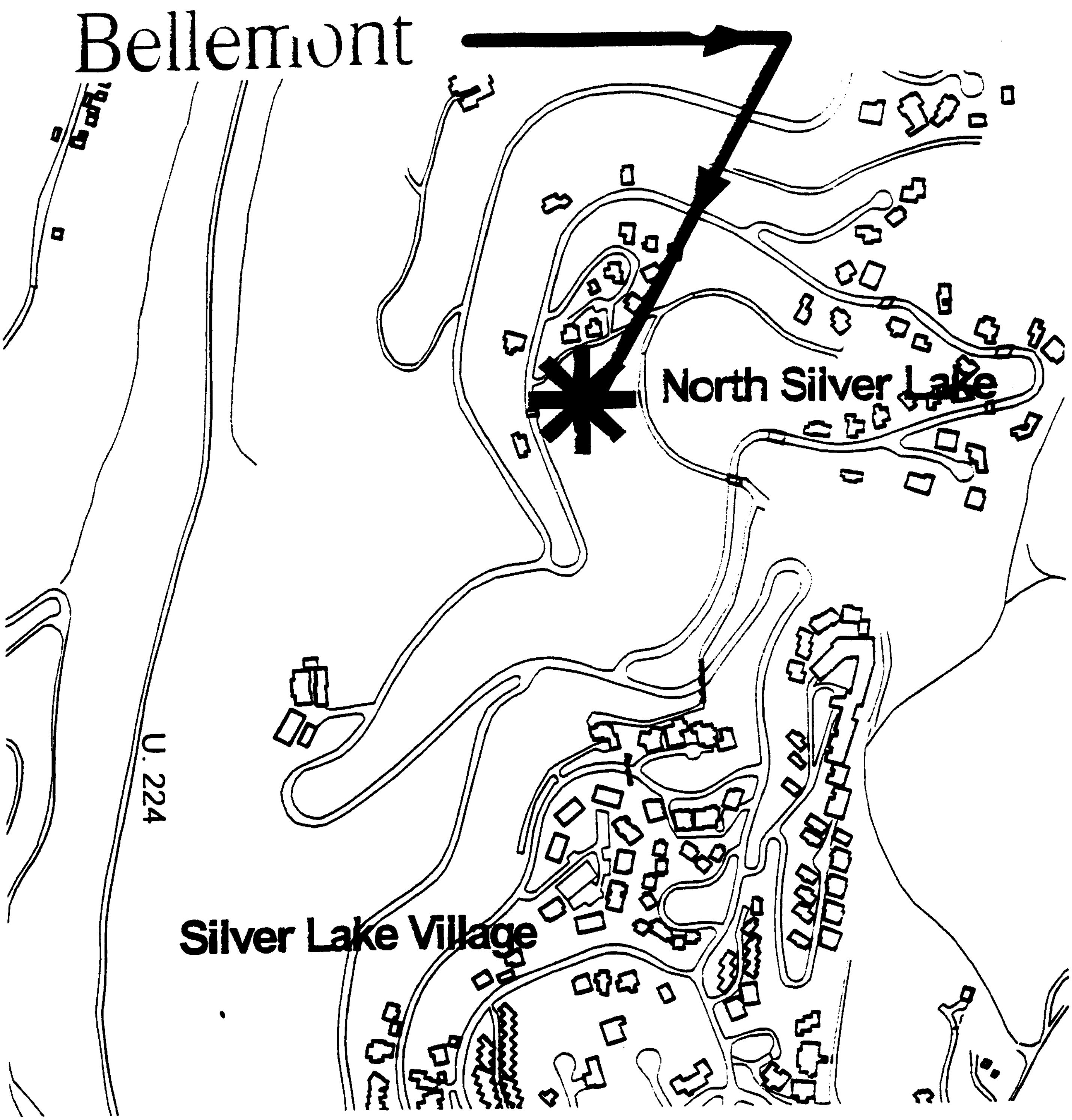
BELLEMONT COURT IS A PRIVATE ROAD AND IS INTENDED ALWAYS TO REMAIN A PRIVATE ROAD. MAINTENANCE COSTS WILL BE BOURN BY THE HOMEOWNERS ASSOCIATION.

PAGE 1 OF 1

ALLIANCE ENGINEERING INC.	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS ____ DAY OF ________, 1997 A.D. BY ________ S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ________, 1997 A.D. BY ________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ________, 1997 A.D. BY ________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ________, 1997 A.D. BY ________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ________, 1997 A.D. BY ________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________, 1997 A.D. BY ________ MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ________ DATE ____ TIME ____ BOOK ____ PAGE ____ FEE RECORDER

EXHIBIT A: PROPOSED CONDOMINIUM PLAT

PLANNING DEPT.



PARK CITY
1884

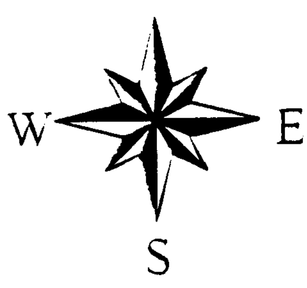


EXHIBIT B: VICINITY MAP

Ordinance No. 97-

AN ORDINANCE APPROVING LOT 2A OF LOT 2 NORTH SILVER LAKE SUBDIVISION, FINAL RECORD OF SURVEY AT DEER VALLEY, A UTAH CORPORATION PROJECT LOCATED AT NORTH SILVER LAKE OF LOT 2 AMENDED DEER VALLEY MASTER PLANNED DEVELOPMENT, PARK CITY, UTAH

WHEREAS, the owners, BellCorp, a Utah Corporation, of the property at Lot 2 of North Silver Lake Subdivision, Park City, Utah and to be known as Bellemont Subdivision at North Silver Lake, have petitioned the City Council for approval of final Record of Survey; and

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

WHEREAS, on August 27, 1997 the Planning Commission held a public hearing to receive public input on the proposed final Record of Survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

WHEREAS, the proposed final Record of Survey allows the owner to sell ownership interests to other parties;

WHEREAS, it is in the best interest of Park City, Utah to approve the final Record of Survey;

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.

1. The condominium plat is for 12 units.
2. The plat configuration is consistent with the Planning Commission approval of the North Silver Lake MPD and the Deer Valley 7th Amended MPD, April 1993.
3. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

4. The proposed plat changes the type of ownership of this property to condominium ownership.

5. The applicant stipulates to all conditions of approval

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed subdivision plat.

1. The plat is substantially in compliance with the Park City Land Management Code and applicable State law regarding condominium plats.

2. Approval of the plat, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

3. Neither the public nor any person will be materially injured by approval of the plat, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

4. There is good cause for the plat.

SECTION 3. PLAT APPROVAL. The subdivision plat, known as the Bellemont Subdivision at Lot 2, North Silver Lake, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer's review and approval of the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.

2. All conditions of approval, including conditions of approval for Bellemont at North Silver Lake Deer Valley MPD shall apply.

3. All standard project conditions shall apply.

4. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

5. The final record of survey 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 time, this approval and the plat shall be considered void.

6. Lot 2 Subdivision plat shall be recorded prior to issuance of Building Permits for Bellemont at Deer Valley condominiums for Lot 2A of Lot 2 North Silver Lake Subdivision

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

PASSED AND ADOPTED this 9th day of October, 1997.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, Deputy City Attorney

PARK CITY

1884

CITY COUNCIL STAFF REPORT

Date:	**October 9, 1997**
Department:	**Planning Department**
Author:	**Kevin LoPiccolo**
Title:	**Condominium Conversion at 2177 Monarch Drive**
Type of Item:	**Legislative**

Summary Recommendations: Adopt the attached Ordinance approving the 2177 Monarch Drive condominium conversion and final condominium plat for an existing duplex.

Description:

A. Topic

Project Statistics:

Project Name:	2177 Monarch Drive
Applicant:	Alex Cimos & William O'Brien
Location:	2177 Monarch Drive, Lot 82 Prospector Village
Proposal:	Condominium conversion and plat
Zoning:	SF-N, Single Family Nightly Rental
Adjacent Land Uses:	Residential
Recommendation:	Approve with conditions

B. Background

The applicant owns the existing duplex on Lot 82 of the Prospector Village subdivision. Lot 82 is an approved duplex lot according to the Prospector Village Subdivision plat. This request is to formally condominiumize the duplex that will enable the property owner to sell the units separately.

On September 10, 1997, the Planning Commission voted to forward to City Council a positive recommendation to approve the proposed condominium conversion and plat.

C. Analysis

The condominium conversion is straightforward and the staff has no outstanding concerns about the request. Staff inspected the site to verify that there are only two units on the lot and staff is satisfied that each side of the duplex is one living unit. The applicant is not applying for a time share ownership arrangement. Staff reviewed the CC&R's and bylaws and will verify that these documents are recorded with the condominium plat.

Each side will have more or less exclusive use of the associated front and back yard areas. The use and restrictions of these areas are listed in the CC&R's. The applicant is aware that any external or internal changes that cross common area, will require a plat amendment and support of both owners.

To insure compliance with the Prospector Soils Ordinance, staff is recommending a condition that prior to plat recordation the owner provide the City with proof of compliance with the Ordinance, in the form of a Certificate of Occupancy and Certificate of Compliance from the Building Department.

D. Department Review

The City's Staff Review Team has reviewed this application and finds it to be in conformance with all requisite city development codes. The City Attorney's Office will review the final condominium conversion and plat.

Alternatives:

A. Approve the proposed amendment thereby allowing individual ownership of each unit.

B. Deny the condominimization and retain the current form of ownership.

C. Continue the item and request additional evaluation from the staff.

Significant Impacts:

The proposal results in a record of a survey plat that allows individual ownership of each unit. Approval of this application will not result in any significant impacts to the neighborhood. No external or internal changes to the structure are proposed.

Consequences Of Not Taking The Recommended Action:

If the Council denies the condominium conversion as proposed, the property will remain under single ownership.

Public Input

Property owners within 300 feet of the project were notified on August 26, 1997. The property was properly posted and legally noticed. As of this date of this report, staff has received no public input.

Recommendation:

Staff recommends that the City Council approve the proposed condominium conversion for 2177 Monarch Drive Condominiums based upon the following:

Findings of Fact:

1. The proposed record of survey plat changes the type of ownership to a condominium.
2. The proposal is consistent with both the Park City Land Management Code and the General Plan in that the SF-N zoning district allows duplex structures on approved lots, such as Lot 82, when all minimum setbacks, heights, parking, and lot width requirements are met.
3. The condominium owners association assures an efficient mechanism for maintenance of common area.
4. The subject duplex structure complies with all minimum setback, height, parking requirements of the SF-N District.
5. The subject Lot, Lot 82 Prospector Village complies with all requisite Lot standards of the SF-N District.

6 The applicant stipulates to all conditions of approval.

Conclusions of Law:

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

Conditions of Approval:

1. The City Engineer and City Attorney's review and approval of the condominium plat,

for compliance with the Land Management Code and conditions of approval, is a condition precedent to recording the plat.

2. All Standard Project Conditions shall apply.

3. To ensure compliance with the Prospector Soils Ordinance proof of a certificate of occupancy and a certificate of compliance are conditions precedent to execution and recording of the plat

4. This approval shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time, this approval shall be considered void.

5. All utilities shall be commonly metered unless otherwise approved by City Engineer.

Exhibits:

Exhibit A - Proposed Condominium Plat
Exhibit B - Location Map
Exhibit C - Ordinance

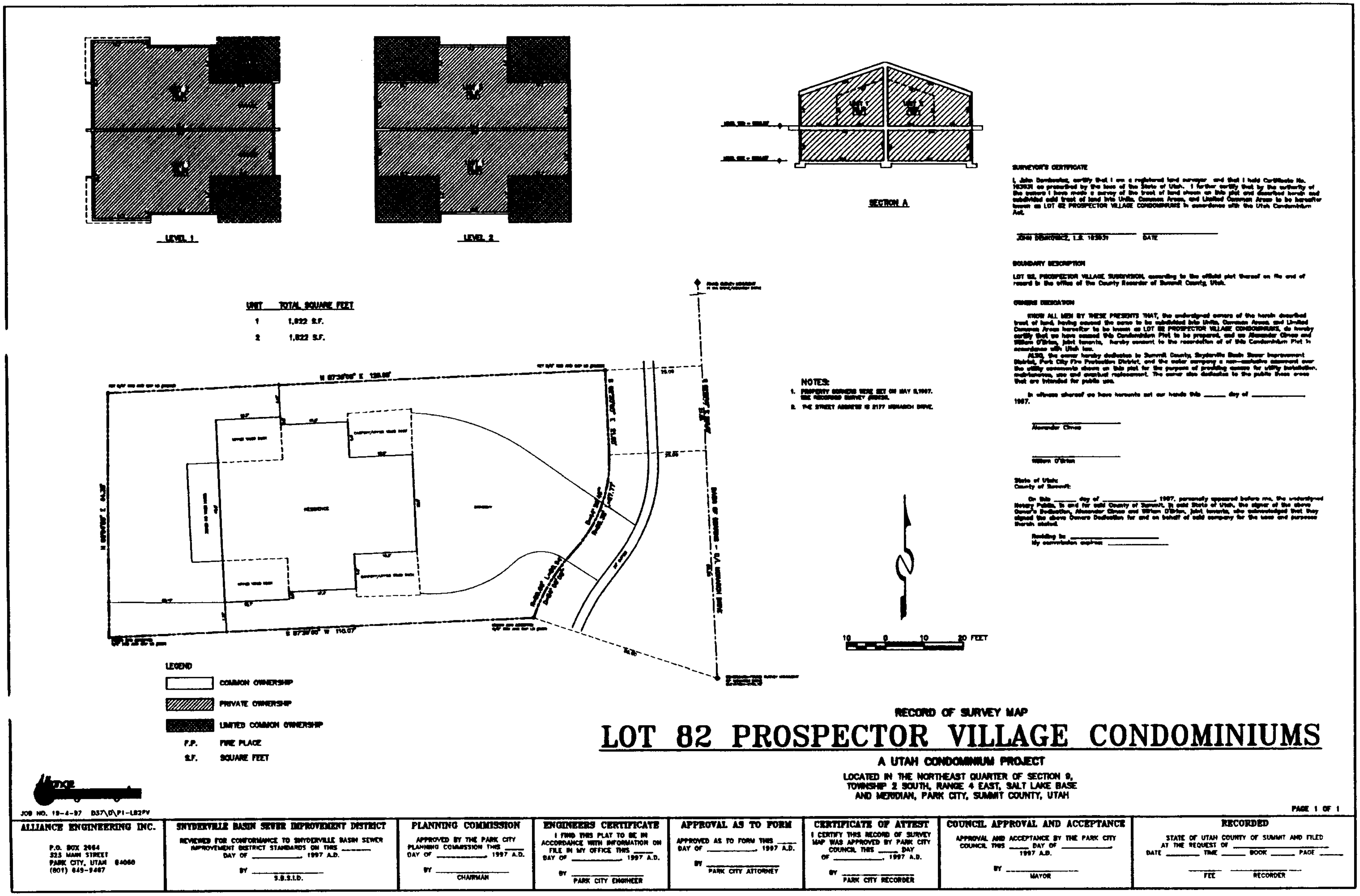
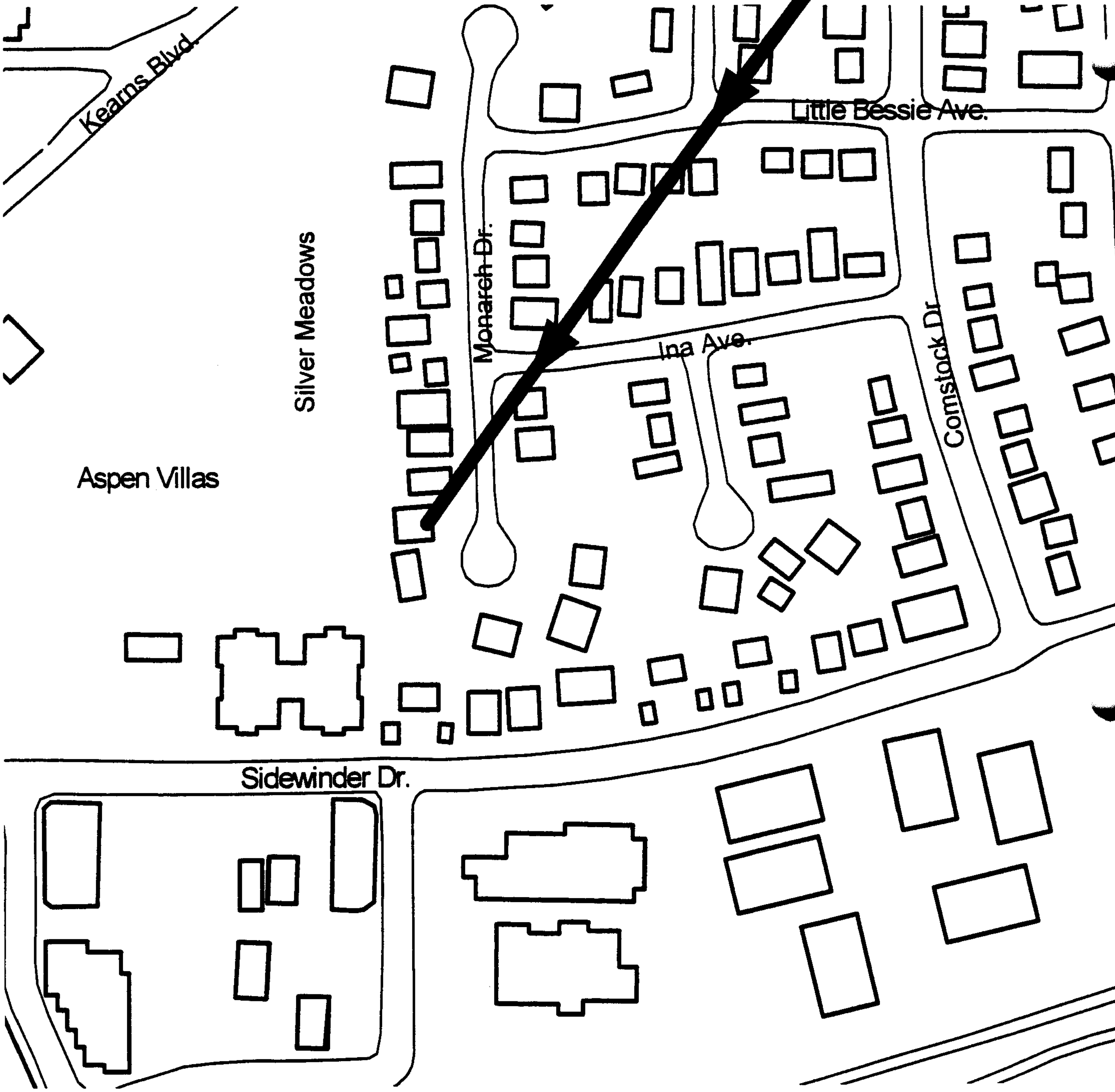


EXHIBIT A: PROPOSED CONDOMINIUM PLAT

2177 Monarch Dr.



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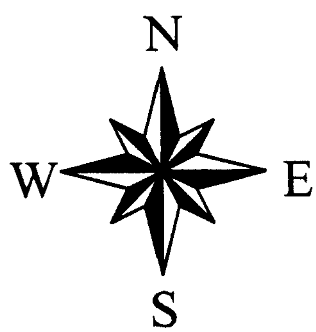


EXHIBIT B: VICINITY MAP

Ordinance No. 97-

AN ORDINANCE APPROVING A CONDOMINIUM PLAT FOR AN EXISTING DUPLEX AT 2177 MONARCH DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property at 2177 Monarch Drive have petitioned the City Council for approval of a condominium plat for a condominium conversion of an existing duplex to be known as 2177 Monarch Drive condominiums; 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 10, 1997, the Planning Commission held a public hearing to receive public input on the proposed condominium plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat changes the type of ownership of this property to condominium ownership.

WHEREAS, it is in the best interest of Park City, Utah to approve the condominium plat;

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.

1. The proposed record of survey plat changes the type of ownership to a condominium.

2. The proposal is consistent with both the Park City Land Management Code and the General Plan in that the SF-N zoning district allows duplex structures on approved lots, such as Lot 82, when all minimum setbacks, heights, parking, and lot width requirements are met.

3. The condominium owners association assures an efficient mechanism for maintenance of common area.

4. The subject duplex structure complies with all minimum setback, height, parking requirements of the SF-N District.

5. The subject Lot, Lot 82 Prospector Village complies with all requisite Lot standards of the SF-N District.

6 The applicant stipulates to all conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned condominium plat and that neither the public nor any person will be materially injured by the proposed condominium plat.

1. There is good cause for the condominium plat.

2. Neither the public nor any person will be materially injured by the proposed condominium plat.

3. The proposal is consistent with both the Park City Land Management Code and State condominium requirements.

SECTION 3. PLAT APPROVAL. The condominium plat, known as 2177 Monarch Drive Condominium plat, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Engineer and City Attorney's review and approval of the condominium plat, for compliance with the Land Management Code and conditions of approval, is a condition precedent to recording the plat.

2. All Standard Project Conditions shall apply.

3. To ensure compliance with the Prospector Soils Ordinance proof of a certificate of occupancy and a certificate of compliance are conditions precedent to execution and recording of the plat.

4. This approval shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time, this approval shall be considered void.

5. All utilities shall be commonly metered unless otherwise approved by City Engineer.

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

PASSED AND ADOPTED this 9th day of October, 1997.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, Deputy City Attorney

PARK CITY

CITY COUNCIL REPORT

DATE: **October 9, 1997**
DEPARTMENT: **Planning Department**
AUTHOR: **Ray Milliner**
TITLE: **504 & 506 Ontario Avenue Condominiums**
TYPE OF ITEM: **Record of Survey Plat**

SUMMARY RECOMMENDATIONS: Staff recommends that the City Council consider approving an ordinance for the 4-unit Record of Survey/Condominium Plat for two existing duplexes at 504 & 506 Ontario Avenue.

DESCRIPTION:

A. Topic

Applicant: Brent and Patricia Dickens
Location: 504, 506 Ontario Avenue
Zoning: R-1
Adjacent Land Uses: Residential
Date of Application July 25, 1997

B. Background

The Planning Commission held a public hearing on September 24, 1997, and voted to forward a positive reccommendation on this item to the City Council. The project is located on the bottom of Ontario Avenue in the historic district. The project was constructed as two duplex units in 1995. The applicants would now like to convert the duplexes to condominiums for the purpose of selling each unit, as opposed to renting them.

C. Analysis

The applicant is requesting to record the duplex structures as four condominium units. The common area will be maintained by the Homeowner's association. The project as proposed meets the requirements of the Land Management Code and Utah State Code.

D. Department Review

The Community Development Department and City Attorney's Office reviewed this application for compliance with the Land Management and Utah State Codes.

ALTERNATIVES

A. Adopt the Record of Survey as proposed or with modifications.
B. Deny the proposed Record of Survey.
C. Continue the item for further discussion and/or additional input from staff.

SIGNIFICANT IMPACTS:

The plat will affect the ownership status of the units.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat is not approved the structures will remain under single ownership.

RECOMMENDATION:

Staff recommends that the City Council adopt an ordinance (attached as Exhibit A) and approve the Record of Survey Plat based on the following:

Findings of Fact:

1. The property is located in the R-1 zoning district.

2. The Record of Survey plat amendment will create four individually owned units and common area.

3. Because of the steep grade of the proposed condominium lots, the narrowness of Ontario Avenue, and the amount of snow fall that occurs in the Park City area, proper snow removal is difficult. Therefore, it is necessary to create a ten foot easement on the Record of Survey plat for the purpose of snow storage during the winter months.

Conclusions of Law:

1. There is good cause for the plat.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. The proposal complies with the Utah Condominium Ownership Act and the Land Management Code.

Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the CC+Rs, declarations and compliance with State law, the Land Management Code and these conditions of approval, are a condition precedent to plat recordation.

2. The dedication of a ten foot snow storage easement to Park City shall be reflected on the Record of Survey plat.

3. The plat must be recorded within one year of this approval, or this approval becomes null and void.

EXHIBITS:

Exhibit A - Ordinance Approving Record of Survey Plat
Exhibit B - Location Map
Exhibit C - Record of Survey Plat

M:\CDD\RAY\PLAT\506ONTAR.WPD

Ordinance No. 97-

AN ORDINANCE APPROVING A CONDOMINIUM PLAT FOR THE 504 AND 506 ONTARIO AVENUE CONDOMINIUMS LOCATED AT 504 AND 506 ONTARIO AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 504 and 506 Ontario Avenue have petitioned the City Council for approval of a condominium plat for a condominium conversion of two existing duplexes to be known as 504 and 506 Ontario Avenue Condominiums; and

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

WHEREAS, the proposed condominium plat will allow the applicant to separately sell the individual units in the duplexes located at 504 and 506 Ontario Avenue;

WHEREAS, the proposal is consistent with both the Park City Land Management Code requirements for the R-1 District and the Comprehensive Plan;

WHEREAS, the property was posted and legal notice published according to the requirements of the Land Management Code and proper notice was sent to all property owners within 300 feet of the property in question;

WHEREAS, the Planning Commission held a public hearing on September 24, 1997, to receive input on the proposed condominium plat;

WHEREAS, the Planning Commission, on September 24, 1997, forwarded a positive recommendation to the City Council; and

WHEREAS, it is in the best interest of Park City, Utah to approve the condominium plat, known as the 504 and 506 Ontario Avenue Condominiums;

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

SECTION 1. FINDINGS The following findings are hereby adopted.

1. The property is located in the R-1 zoning district.
2. The Record of Survey plat amendment will create four individually owned units and common area.

3. Because of the steep grade of the proposed condominium lots, the narrowness of Ontario Avenue, and the amount of snow fall that occurs in the Park City area, proper snow removal is difficult. Therefore, it is necessary to create a ten foot easement on the Record of Survey plat for the purpose of snow storage during the winter months.

SECTION 2. CONCLUSIONS OF LAW.

1. There is good cause for the plat.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. The proposal complies with the Utah Condominium Ownership Act and the Land Management Code.

SECTION 3. PLAT APPROVAL.

1. The City Attorney and City Engineer's review and approval of the CC+Rs, declarations and compliance with State law, the Land Management Code and these conditions of approval, are a condition precedent to plat recordation.

2. The dedication of a ten foot snow storage easement to Park City shall be reflected on the Record of Survey plat.

3. The plat must be recorded within one year of this approval, or this approval becomes null and void.

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

PASSED AND ADOPTED THIS 9TH DAY OF OCTOBER 1997

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

M:\CDD\RAY\PLAT\504506OR.WPD

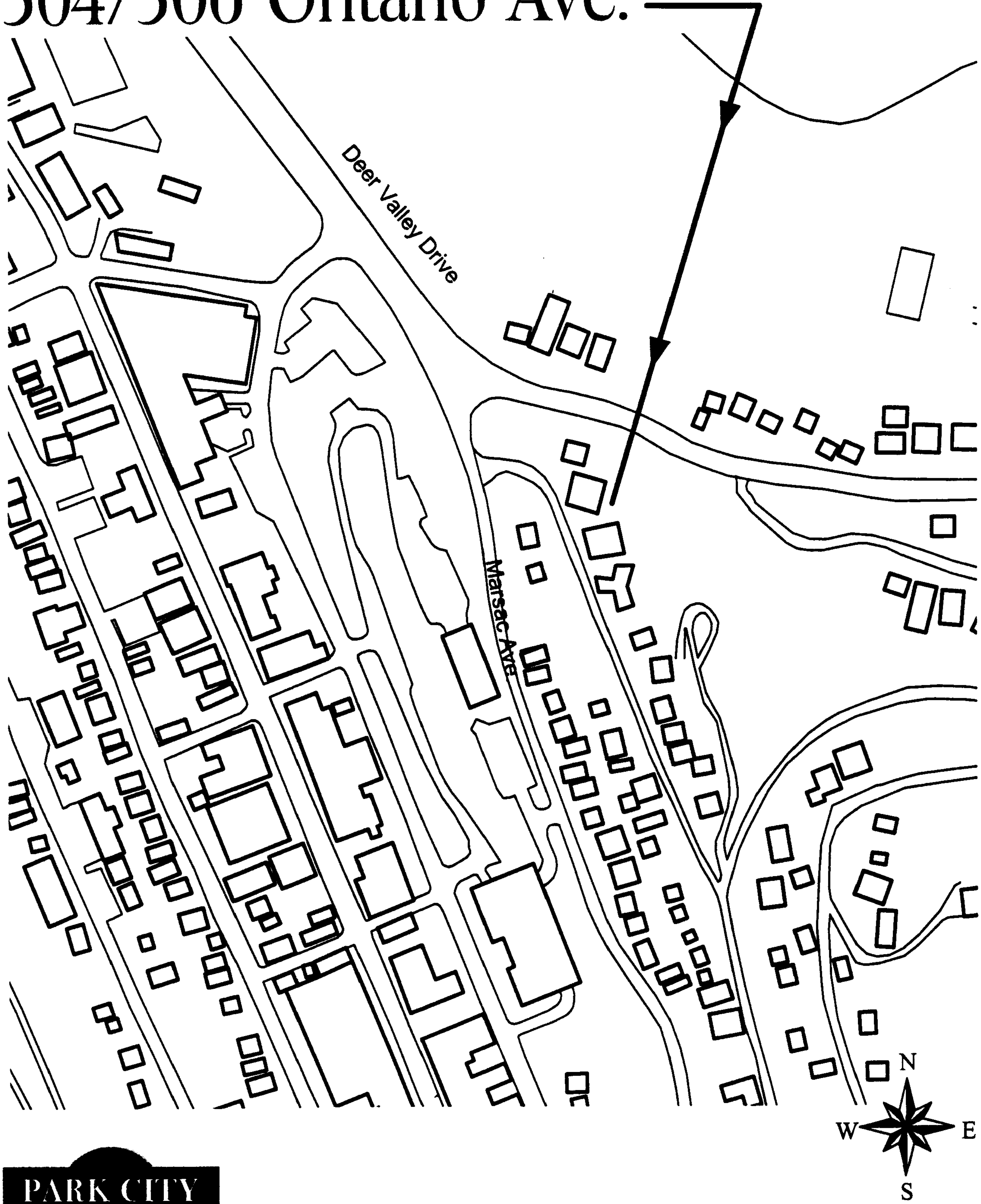
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, Deputy City Attorney

M:\CDD\RAY\PLAT\5045060R.WPD

504/506 Ontario Ave.



PARK CITY
1884

VICINITY MAP

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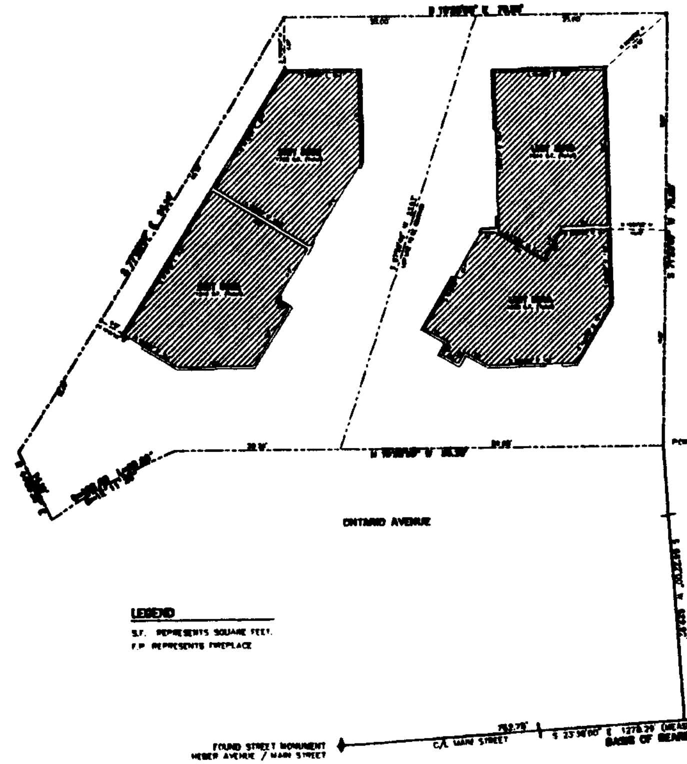

LEGEND

S.F. REPRESENTS SQUARE FEET.
F.P. REPRESENTS FIREPLACE

NOTES:

1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY ARCHITECTURE AND PLANNING, A.I.A., AND FIELD VERIFIED.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 3 FOR LOCATION AND ELEVATION.

COMMON OWNERSHIP
PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP

SURVEYOR'S CERTIFICATE

I, Jack Harmon, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 178998 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 504 & 506 ONTARIO AVENUE CONDOMINIUM, an Utah Condominium Project in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act.

______________________ Jack Harmon L.S. 178998   __________ Date

BOUNDARY DESCRIPTION

Lots 2 and 3, Funk's Place Subdivision, according the the official plat on file in the Summit County Recorder's Office as Entry No. 381909 on July 7, 1992.

More exactly described as:

Beginning at a point which is South 23°38'00" East, along the centerline of Main Street, 767.75 feet and North 66°22'00" East 629.92 feet from a found street monument at Heber Avenue and Main Street thence North 10°38'00" West 144.38 feet to a point on a 122.50 foot radius curve to the left (center bears South 46°31'12" West); thence westerly along the arc of said curve and right-of-way line of Ontario Avenue 26.00 feet through a central angle of 12°11'26"; thence North 44°35'38" East 14.19 feet; thence South 77°38'07" East 84.14 feet; thence South 10°58'00" East 140.00 feet; thence South 66°22'00" West 50.00 feet to the point of beginning. Description contains 7676.58 square feet.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT, that William B. Dickens and Patricia B Dickens, joint tenants, the undersigned owners of the hereon described tract of land to be known hereafter as 504 & 506 ONTARIO AVENUE CONDOMINIUM, certify that they have caused this survey to be made and this Record of Survey Map to be prepared. Further, William B. Dickens and Patricia B Dickens hereby consent to the recordation of the Record of Survey Map.

____
William B. Dickens

____
Patricia B. Dickens

ACKNOWLEDGMENT

State of ____________ }
County of ____________ } ss

On this ______ day of ______________ 1997, personally appeared before me, the undersigned Notary Public in and for said state and county, William B. Dickens and Patricia B. Dickens being duly sworn, acknowledged to me that they are the owners of the hereon 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: ____________

RECORD OF SURVEY MAP

504 & 506 ONTARIO AVENUE
C O N D O M I N I U M
A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Covenants, Conditions, and Restrictions of the 504 & 506 Ontario Avenue Condominium Owners Association.

PAGE 1 OF 3

JOB NO. 1-7-97 \DICKENS\B\P-DCKNS1

JACK HARMON LAND SURVEYING	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
725 EAST REDDEN ROAD PARK CITY, UTAH 84060 (801) 649-6198	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS ______ DAY OF __________, 1997 A.D. BY ______________ S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 1997 A.D. BY ______________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF __________, 1997 A.D. BY ______________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF __________, 1997 A.D. BY ______________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF __________ 1997 A.D. BY ______________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF __________ 1997 A.D. BY ______________ MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ______ FEE RECORDER

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JUL 25 1997
PARK CITY
PLANNING DEPT.

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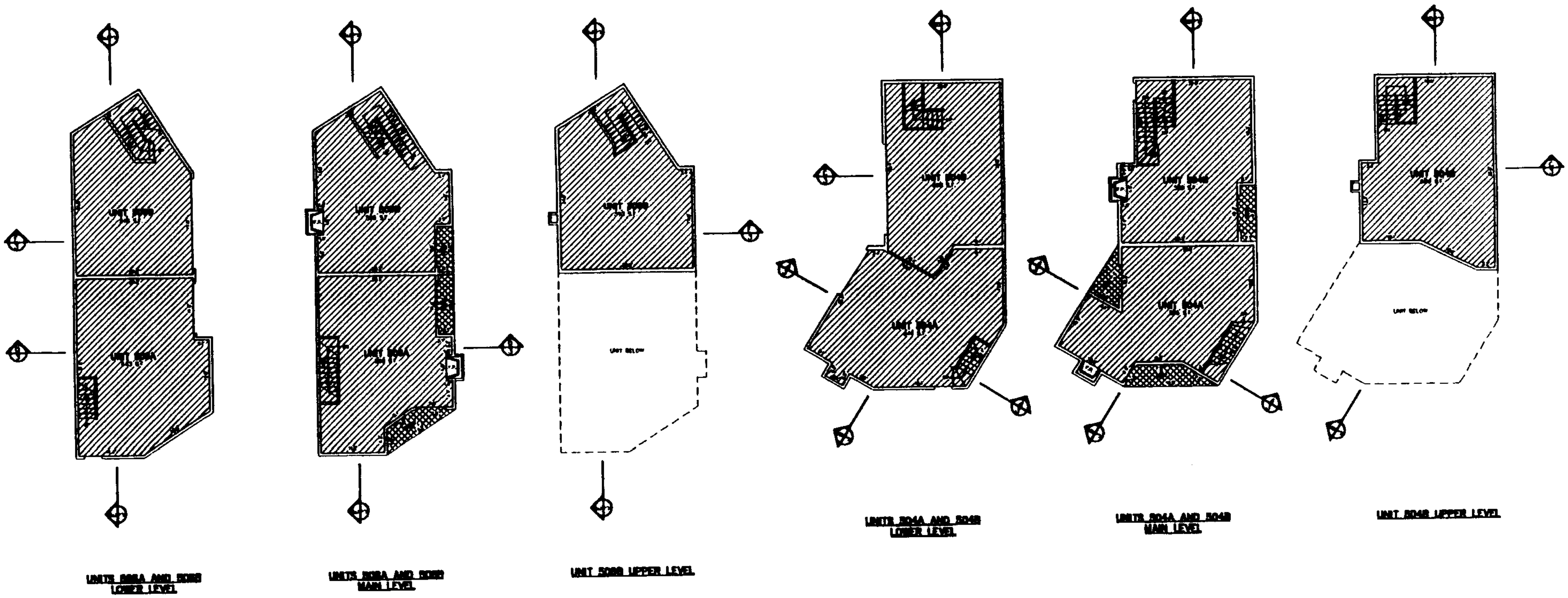

LEGEND

S.F. REPRESENTS SQUARE FEET.
F.P. REPRESENTS FIREPLACE

NOTES:

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2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 3 FOR LOCATION AND ELEVATION.

COMMON OWNERSHIP
PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP

0 5 10 15 FEET

RECORD OF SURVEY MAP

504 & 506 ONTARIO AVENUE
C O N D O M I N I U M

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Covenants, Conditions, and Restrictions of the 504 & 506 Ontario Avenue Condominium Owners Association

PAGE 2 OF 3

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

JOB NO. 1-7-97 \DICKENS\B\P-DCKNS2

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PLANNING DEPT.

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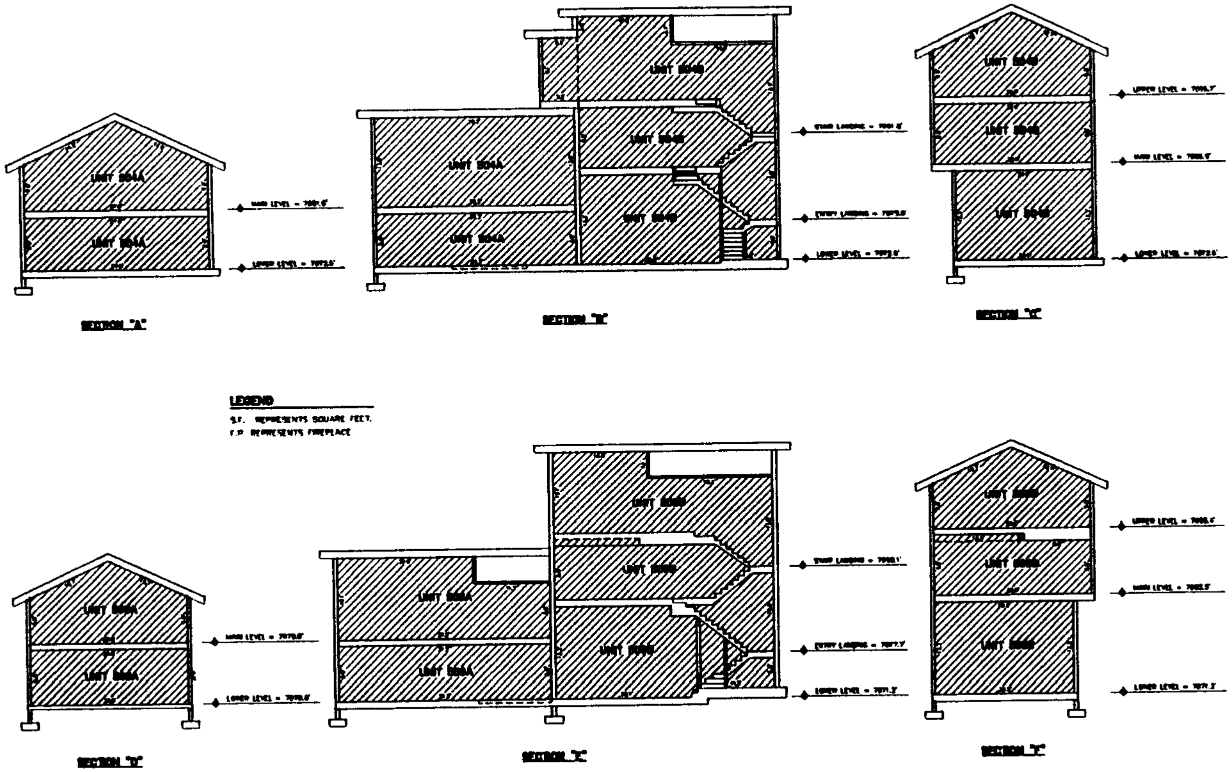

LEGEND

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COMMON OWNERSHIP
PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP

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JUL 25 1997
PARK CITY
PLANNING DEPT.

RECORD OF SURVEY MAP

504 & 506 ONTARIO AVENUE
C O N D O M I N I U M

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Covenants, Conditions, and Restrictions of the 504 & 506 Ontario Avenue Condominium Owners Association.

PAGE 3 OF 3

JOB NO. 1-7-97 \DICKENS\D\P-DCRNS3

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ______
DATE ______ TIME ______ BOOK ______ PAGE ______
______ FEE ______ RECORDER

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A RESOLUTION ACKNOWLEDGING THE MANY CONTRIBUTIONS OF BEN AND JINNY VALLOR AND RECOGNIZING THEIR EFFORTS IN THE SUCCESS OF THE READING GARDEN PROJECT

WHEREAS, our community has been a better place since Jinny and Ben Vallor moved to Park City in 1989; and

WHEREAS, their many contributions have been varied -- including participation in community associations and service clubs, work in the leisure service areas, and neighborhood beautification and wildlife projects; and

WHEREAS, the Vallors have a special love of the Park City Library; and Jinny, with much help from Ben, originated the idea for the Reading Garden to provide a landscaped reading area for enjoyment, inspiration and relaxation and to compliment the campus area of the Park City Library and Education Center; and

WHEREAS, their enthusiasm, spirit and energy secured valuable community support and funding for this ambitious project -- a tranquil oasis in the midst of busy Park City; and

WHEREAS, as John Keats reminds us. . ."A thing of beauty is a joy forever. Its loveliness increases; it will never pass into nothingness, but still will keep a bower quiet for us. . ."

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council acknowledge Jinny's and Ben's tireless energy and the ability to implement a dream. The entire community thanks them for their involvement in the success of the Reading Garden which will be enjoyed by residents and visitors alike for many years to come.

PASSED AND ADOPTED this 3rd day of October, 1997.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

PARK CITY
1884

DATE: October 9, 1997
DEPARTMENT: City Manager
AUTHOR: Jan Scott
TITLE: Canvass of Primary Election
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Adopt a resolution canvassing the October 7 Primary Election.

DESCRIPTION:

A. Topic: Canvass of Primary Election.

B. Background: Within seven days of an election, the Utah Code requires the Board of Canvassers (the Mayor and the municipal legislative body) to meet and canvass the results of the election. The City Recorder is to prepare a certification of the canvass for the board to sign, which lists the candidates, the number of votes, the number of votes received in each district, and the total of all votes casted. The City Recorder will transit the vote totals to the Lieutenant Governor.

C. Analysis: The election results are not considered "official" until they are canvassed by the Board of Canvassers.

D. Department Review: N/A.

ALTERNATIVES:

A. Approve the Request: Recommended action.

B. Deny the Request: The Board of Canvassers can not reject election returns unless it determines that procedures have not been property completed, or that clerical mistakes exist which result in not being able to determine the number of votes cast for each candidate. Even then, it can only transit the returns back to the judges for correction and canvass when the corrections are completed. The County Clerk and City Recorder will witness the counting of the votes. The ballots are available in the City Recorder's Office if the Council wishes to inspect them.

C. Continue the Item: N/A.

D. **Do Nothing:** N/A.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: See B above.

RECOMMENDATION: Canvass and certify the results of the October 7 Primary Election by adopting a resolution to be presented at Thursday's meeting.

Resolution No.

RESOLUTION ACCEPTING THE OFFICIAL CANVASS OF OCTOBER 7, 1997 PRIMARY ELECTION HELD IN PARK CITY, UTAH

WHEREAS, UCA 20A-4-302, provides that the mayor and the municipal body are the Board of Canvassers for the municipality and shall meet to canvass the returns at the usual place of meeting of the municipal legislative body no later than seven days after the election; and

WHEREAS, the Board of Canvassers have been informed of its right to inspect all election materials and have determined that election procedures have been property conducted, that no clerical mistakes exist, and accept the Certificate of Canvass as follows:

CERTIFICATE OF CANVASS OF THE OCTOBER 7, 1997 MAYORAL PRIMARY ELECTION PARK CITY, UTAH

Candidate	Consolidated District 1 - (Old Town - Deer Valley	Consolidated District 2 - (Prospector - Thaynes Canyon)	Consolidated District 3 - Park Meadows - Quarry Mountain	Total Votes Received Per Candidate
Nikki L. Lowry				
J. B. Nelmark				
Bradley A. Olch				

Candidates _____ and _____ will advance to the Municipal Election to be held November 4, 1997.

The percentage of voter turn-out is as follows:

Consolidated 1 - ___%		Consolidated 2 - ___%		Consolidated 3 - ___%		% Total Turn-out
Total Registered Voters	Number Voting	Total Registered Voters	Number Voting	Total Registered Voters	Number Voting	

PASSED AND ADOPTED this 9th day of October, 1997.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, Asst. City Attorney

PARK CITY 1884

CITY COUNCIL REPORT

DATE: October 9, 1997
DEPARTMENT: Community Development
AUTHOR: Richard E. Lewis, Director of Community Development
TITLE: Release of Escrowed Parking Funds - Prospector Square Property Owners Association
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Review the request for release of escrowed parking funds made by the Prospector Square Property Owners Association and direct Staff accordingly.

DESCRIPTION:

A. Topic: Release of escrowed parking funds
Applicant: Mark Cohen, President - Prospector Square Property Owners Association

B. Request: On August 28, 1997, Mr. Mark Cohen, President of the Prospector Square Property Owners Association requested that the remaining $10,000 of the $40,000 escrow from the Intermountain Mortgage Building be released to the Association for repairs and improvements to the Prospector Square Parking Lots. (See Exhibit "A".)

C. Background: The Prospector Square Property Owners Association and Park City Municipal Corporation entered into a Parking Agreement in September of 1987. (See Exhibit "B".) The Agreement specifies that parking is required for the first two floors of development and any development above two stories may meet the parking requirement by providing parking on the site of the structure or by providing an escrow account in the amount of $10,000 per required parking stall. The Agreement further specifies that when all developable land in the Prospector Square area reaches 85% build-out a parking study will then be conducted. Parking will then be built as required in the locations where is most needed. If the study determines that there is no demonstrated additional parking need, any escrowed funds would be reimbursed. Information provided by the Prospector Square Property Owners Association indicates that development has not yet reached the 85% mentioned in the Agreement.

In January 1996 $40,000 was placed into the City's Agency Fund as escrow (Account 82-26510-0540) for cash payment of the parking requirement for the third floor of the Intermountain Mortgage Company, Inc. building which was constructed at 2029 Sidewinder Drive on Lot 14C in Prospector Square. These funds are specifically designated to be used, at the sole discretion of the City, for parking, or parking related enhancements within the Prospector area.

On February 5, 1996, the Prospector Square Property Owners Association requested that the escrowed funds be released to the Association to pay for costs incurred in the construction of three new and/or expanded parking lots. The City Council, at their meeting of February 22, 1996, evaluated the request and authorized the release of $30,000 of the escrowed funds to be used for improvement of the Prospector Square parking lots. The Council also requested that the Planning Department pursue an overlay district for the Prospector Square Area which would limit all future development to no more than two stories in height unless parking for a third story could be provided on the same site as the structure.

An amendment to the General Commercial District, Section 7.9.8(b) was prepared to limit the height of structures to no more than two stories within the area under the review of the Prospector Square Property Owners Association. The amendment was approved by the City Council and adopted on June 20, 1996.

D. Analysis: The work done to date with the first release of funds has been an improvement to the parking areas and has generally upgraded the quality of the lots in the Prospector Square Area. The additional $10,000 being requested would be used to enhance the landscaping around the parking lots (see Exhibit "C".) A parking study of the Prospector Square area is still likely to be needed in the near future. If no funds are left in the parking escrow fund, and the City wishes to participate in such a study, funds for the study will need to be allocated.

ALTERNATIVES:

A. Release the remaining $10,000 of escrowed funds to the Prospector Square Property Owners Association as requested.

B. Release a portion of the remaining escrowed funds, retaining some of the funds for other parking needs or to help fund a parking study in the Prospector Area.

C. Retain the entire $10,000 amount in the escrow for some parking related use to be determined at a future date.

RECOMMENDATION: Review the request for release of escrowed parking funds made by the Prospector Square Property Owners Association and direct staff accordingly.

EXHIBIT "A"

PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION P.O. BOX 3273 PARK CITY, UTAH 84060

Prospector Square

August 28, 1997

Park City Municipal Corporation
Department of Community Development
P.O. Box 1480
Park City, UT 84060

Attention: Rick Lewis

As you are aware, Park City Municipal ~~Corporation still holds~~ a $10,000 escrow in connection with the three-story Intermountain Mortgage Building constructed on Lot 14C in Prospector Square. The total ~~initial escrow was~~ in the amount of $40,000. Last year, at our request, the City released $30,000 to our Association. Those funds were used during the period that our Association spent over $100,000 in improvements to our parking areas and landscape.

The Association is now in the process of completing repairs to the sidewalks around the perimeter of our area and the interior of our area. In addition, we are planning to remove and replace several approaches to some of our parking lots.

We are formally requesting that the City release the remaining $10,000 in escrow to our Association. While we have included a total of $37,156 in our budget for these repairs and improvements, these additional funds would allow us to do more work than we had planned.

RECEIVED

If you have any questions or need additional information, please do not hesitate to contact me at 649-9525.

Sincerely,

Mark Cohen
President

cc: Brad Olch, Mayor
Executive Board

PARKING AGREEMENT BETWEEN
PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION AND
PARK CITY MUNICIPAL CORPORATION

This Agreement entered into by and between PARK CITY MUNICIPAL CORPORATION (hereinafter Park City), and PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION (hereinafter Prospector), to set forth an amendment to the Prospector Property Owners' Association covenants concerning parking.

WHEREAS, Park City and Prospector desire to quiet concerns over the adequacy of parking in the Prospector Square area, and to amend their homeowners association covenants to reflect this parking agreement, and;

WHEREAS, Park City and Prospector agree that adequate parking is necessary for the future development and growth of the Prospector Square area, and ultimately Park City, and;

WHEREAS, adequate parking in Prospector Square area is necessary for the full enjoyment of visitors to Prospector Square, Prospector residents in their homes, and commercial property owners of their property,

THEREFORE, the parties agree as follows:

1. Any questions regarding the ownership of the Prospector Square common parking lots and the tax

liens placed on the parking lots have been fully answered. The Property Owners Association is able to show clear ownership of those lots prior to execution of the Agreement.

2. Any new developments applying for building permits will be required to count parking for the first two floors out of the total available developed parking spaces in Prospector Square, and provide additional parking for all development above two (2) stories pursuant to the requirements in the Land Management Code.

All future development above two (2) stories will be required to meet the parking requirements for the development above two (2) stories by either providing on-site parking or providing an escrow account in the amount of Ten Thousand Dollars and No Cents ($10,000.00), per required parking space.

3. When the development of all developable land in Prospector Square reaches eighty-five (85) percent build-out, the parking situation will be reviewed by the City Planning Staff and a needs assessment will be made. Parking will then be built as required in the locations where it is most needed, based upon use patterns, site suitability, cost effectiveness,

and other development parameters. Site selection will be jointly determined by the Prospector Square Property Owners Association and the City Planning Department. If there is no demonstrated need, the escrowed funds will be reimbursed to the developer.

4. The City Planning Department proposes to the Prospector Square Property Owners that if this proposal does not fulfill their long range planning needs, the Property Owners Association shall contract and pay for a comprehensive study which would offer other design and development options to handle the future parking needs.

DATED the 15th day of September, 1987.

PARK CITY MUNICIPAL CORPORATION

By: Michael W. Mane

PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION

By: Dean S. Berrett

(ProsPark/PC11)

PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION · P.O. BOX 3273 · PARK CITY, UTAH 84060

Prospector Square

EXHIBIT "C"

September 19, 1997 **VIA FACSIMILE**

Park City Municipal Corporation
Department of Community Development
PO Box 1480
Park City, Utah 84060

Attention: Rick Lewis

You have requested that I provide you with some additional detail regarding our request to the City to release the remaining $10,000 which is the balance from a $40,000 escrow in connection with the three story Intermountain Mortgage Building constructed on Lot 14C in Prospector Square.

As I indicated to you in a letter that was written in mid August of this year, the Association plans to use these funds in our continuing effort to "beautify" the Square. Last year our focus was on signage and plants and flowers. This year, our focus will be on larger trees planted along the perimeter of the Square in the grass area between the curb and our sidewalk. We have already been in discussions with members of your staff who are preparing a sketch and recommending what type of tree should be used. I do not have that sketch yet or I would provide you with a copy to present to the Council. You may have a better idea than I do when this may be completed. This should be a major improvement to the visual look in front of all of our common parking lots where the majority of the trees will be planted.

I hope that this will provide you with the additional information you need. If you have please do not hesitate to contact me at 649-9525.

Sincerely,

Dean S. Berrett

Dean S. Berrett
Board Member

cc Mayor Brad Olch

RECEIVED
PARK CITY
PLANNING DEPT.

PARK CITY

Council Agenda Report

DATE: October 9, 1997
DEPARTMENT: Legal
AUTHOR: Jodi Hoffman, City Attorney
TITLE: Findings, Council, and Order (615 Woodside)
TYPE OF ITEM: Quasi-Judicial

SUMMARY RECOMMENDATION: Consider, deliberate, edit and adopt Findings, Conclusions and Order to finalize 615 Woodside appeal.

DESCRIPTION:

A. Topic: Findings for 615 Woodside appeal.

B. Background: Last meeting Council voted to deny the Sheinbergs' appeals of HDC and Planning Commission decisions with regard to 615 Woodside Avenue.

C. Analysis: The attached draft Findings, Conclusions and Order is an attempt to memorialize the Council's action. Please review the attached draft, deliberate any changes, and take final action.

ALTERNATIVES:

There really are no alternatives. Council must memorialize its decision as soon as it is comfortable with the Findings, Conclusions, and Order.

RECOMMENDATION:

Consider, edit and adopt Findings, Conclusions and Order.

BEFORE THE CITY COUNCIL OF PARK CITY MUNICIPAL CORP.

Richard and Jill Sheinberg,	)	
	)	FINDINGS OF FACT, CONCLUSIONS OF
Appellants	)	LAW AND ORDER DENYING APPEALS
V.	)	OF HDC DESIGN REVIEW APPROVAL
	)	AND PLANNING COMMISSION
HDC, Planning Commission, and	)	RECOMMENDATION ON RESUBDIVISION
Jon R. Brinton d.b.a	)	AT 615 WOODSIDE AVENUE
Old Miners Lodge	)	

These matters, having come on regularly for hearing upon two appeals, with both appellants and the applicant appearing with representation, and with the City Council being advised by the City Attorney; and having reviewed the files and records herein, and having taken testimony of CDD staff and of all concerned parties on September 25, 1997 and having been fully advised in the premises, the City Council enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT:

1. The appellants filed two appeals: one challenging the Historic District Commission's (HDC's) approval of the design of a caretakers' cottage, and the other challenging a Planning Commission recommendation to the City Council regarding re-subdivision at 615 Woodside Avenue.
2. The HDC is limited to application of the Historic District Design Guidelines in its design review.
3. The appellant failed to allege any violation of Historic District Design Guidelines.
4. The HDC does not enforce nor issue conditional use or building permits.
5. The HDC does not enforce LMC height restrictions.
6. The HDC does not enforce nor review parking requirements of the Land Management Code (LMC).
7. The structure on appeal is a single family home, limited in use to a caretakers' cottage for the Old Miners' Lodge so long as the Old Miners' Lodge (615 Woodside Ave.) remains a lodging use. It is not an accessory apartment.
8. Single family homes are permitted within the HR-1 zone.

9. The proposed development exceeds all setback requirements for a 50' x 75' lot within the HR-1 zone. HDC approval was expressly conditioned on a re-subdivision approval.

10. The proposed development includes four paved parking spaces within a portion of the Woodside Ave. right of way, and two additional parking spaces within a garage. The LMC requires two parking spaces for the proposed structure. The project results in a net increase in parking of four spaces.

11. The 600 block of Woodside Avenue will benefit from additional paved parking.

CONCLUSIONS OF LAW:

1. The HDC did not err in approving the design of a caretakers' cottage for a 50' x 75' lot to be created immediately north of the Old Miners' Lodge (615 Woodside Avenue).

2. Matters raised on appeal regarding enforcement of alleged LMC violations are not ripe and are not properly before this body.

3. The LMC does not provide for appeal of a Planning Commission recommendation to the City Council, but only provides for an appeal of a final act of the Planning Commission.

ORDER

The appeals are hereby denied.

Dated this 9th day of October, 1997

Park City Municipal Corporation

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Bradley A. Olch, Mayor

Attest:

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Janet Scott, City Recorder

Approved as to form:

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Jodi Hoffman, City Attorney

PARK CITY
1884

DATE: October 9, 1997
DEPARTMENT: Administrative Services
AUTHOR: Tom Bakaly
TITLE: Bond Parameters and Reimbursement Resolution - Main Street Redevelopment Agency Refunding Bonds, 1997 Series
TYPE OF ITEM: Legislative/Administrative

SUMMARY RECOMMENDATIONS: The Park City Redevelopment Agency (RDA) should consider and approve the attached Parameters and Reimbursement Resolution relating to the issuance of Park City Redevelopment Agency Tax Increment Revenue Refunding Bonds, 1997 Series (Main Street Project Area). In addition to refunding existing bonds and saving the City approximately $150,000 in interest payments, additional proceeds from these bonds may also be used to finance a portion of the City's share of the Intermodal Transportation Facility, parking improvements and meters, property acquisition in the Main Street Redevelopment area, and projects budgeted in the Main Street RDA for FY 1997-98 and FY 1998-99.

DESCRIPTION:

A. Topic: Consideration and adoption of a resolution that does the following: 1) Preliminarily authorizes the Refunding of Park City Redevelopment Agency Bonds; 2) Sets parameters relating to the maximum issuance size, length to maturity, and interest rates of the bonds; 3) Authorizes the preparation and distribution of documents pertaining to the issuance of the bonds; and 4) Authorizes the inclusion in the bond deal of expenditures made on identified projects between the time of this resolution and the actual issuance of the bonds (reimbursement provisions).

B. Background:

Through the Utah Neighborhood Development Act, the City Council created the Redevelopment Agency (RDA) and its first project area (Main Street) was formed in 1977. Pursuant to its authority under the provisions of the Redevelopment Act and the agreement, the City Council declared itself to be the board of Directors of the RDA as required by State law.

The Board of Directors is charged with the responsibility of eliminating conditions of blight existing in the Redevelopment Project Area. The board of directors has the authority to acquire, develop, administer and sell or lease property. This includes the right to issue bonds and expend their proceeds. In 1977, the Main Street project area was identified. Property tax revenue from that area for the first year was calculated as what is called the base year. Annual increases in property tax revenue within the Main Street area from the base year are used to eliminate conditions of blight in that area. The difference between the base year and subsequent year's property tax revenue is called tax increment. The tax increment is used for capital projects and to pay off bonds used to construct projects in the project area.

Through a subsequent agreement with Summit County, the annual amount of the tax increment revenue in the Main Street RDA was capped at an annual tax increment amount of $1,300,00. Of this amount, approximately $370,000 is paid to the School District in the form of a mitigation payment. The purpose of this payment is to make the School District "whole" for what it would have received in property tax revenue had the Main Street RDA never been created. Approximately $550,000 goes to pay off the 1991 bonds described below. The remaining 380,000 goes to fund capital projects, historical improvement grants, and administrative costs within the RDA. The budget for the RDA can be found on page 275 of the FY 1997-98 Operating Budget.

In 1991, the Main Street Redevelopment Agency (RDA) refunded some of its outstanding bonds through a series of two bond issues (1991 Series A and 1991 Series B). Those bonds were originally used to purchase property in the RDA and to construct the China Bridge Parking structure. By refunding these bonds again in 1997 at favorable rates, and borrowing against the increment that is currently not used for bond payments, the RDA can receive $2,150,000 in additional funds to be used for projects in the Main Street project area. These proposed projects are described below. This window of opportunity is limited because the Main Street RDA expires in 2006. Pursuant to State law, the RDA will not be able to issue additional debt after March of 1998.

C. <u>Analysis</u>: The attached resolution grants preliminary authorization to refund and issue new RDA bonds. The Resolution also signifies the RDA's intent to reimburse expenditures it will make with bond proceeds between now and the time the bonds are actually issued. This reimbursement only applies to the projects described below. Before bonds can be issued, the City Council and the Redevelopment Agency must approve the "Final Bond Resolution." Staff anticipates returning to City Council and the RDA Board with the "Final Bond Resolution" on October 30, 1997. The attached Resolution gives advance notice that the City intends to issue these bonds and starts an appeal period.

It is the City's intention to "privately place" the bonds with a Utah bank. Because the bonds are bank qualified, a bank will buy the bonds for its investment portfolio. Staff and its Financial Advisor have analyzed other alternatives for selling the bonds, and is satisfied that in this particular case, a private placement strategy is the most cost effective. While still receiving a favorable interest rate, the City is able to reduce costs that often accompany bond deals.

As stated above, the Resolution specifically does the following two things: 1) Sets the general parameters for the bond issue; and 2) Signifies intent to reimburse certain project expenditures.

Parameters: The following are the general parameters that are set by the resolution:

1) Size: The resolution sets the maximum amount of the bonds at $6,760,000. This amount is purposely higher than the sum of the refunding, projects and the bond issuance costs in order to give the RDA a small amount of flexibility when it comes time to actually sell the bonds.

2) Length to Maturity: The resolution states that the maximum length to maturity cannot exceed 10 years. This parameter is conservative, and the length to maturity should not exceed 9 years.

3) Interest Rates of the Bond Coupons: The resolution states that no single coupon of the bond issue can exceed 5.5%. When the bonds are sold, they will be structured in such a way that different maturities will have different interest rates. This parameter means that the coupon with the longest maturity will not have an interest rate of greater than 5.5 %. In addition, the resolution sets the maximum amount of discount that the bonds can be sold at to pay for issuance costs. The 2% parameter is again conservative, and the discount rate should be less than that amount. As far as an interest rate for the entire issue, staff anticipates that if existing market conditions continue, the True Interest Cost (TIC) will be less than 5%. Compared to the 1991 interest rate of over 7%, the refunding portion of this proposed bond deal will provide the RDA with approximately $150,000 in present value savings, net of all expenses.

Reimbursement: The following is a list of projects that could be financed in part or total with the approximately $2,150,000 in additional bond proceeds:

City's share of the Intermodal Transportation Facility: It is possible to fund a portion of the City's match requirement for the Old Town Intermodal Facility if it is located in the Main Street Redevelopment Area.

Parking improvements and meters: Parking improvements in the Main Street area such as China Bridge and Sandridge could be funded with the additional bond proceeds. Bond proceeds for the purchase of the parking meters could also be used.

Property acquisition in the Main Street Redevelopment area: On the RDA's agenda for October 9, 1997 is the proposed purchase of the Watts property. Because this property is within the Main Street RDA, bond proceeds can be used for the purchase.

Projects budgeted in the Main Street RDA for FY 1997-98 and FY 1998-99: Currently, tax increment not used to pay off the 1991 bonds is budgeted for capital projects in the Main Street RDA such as Hillside Ave Reconstruction and Old Town Streets. If bond proceeds are not used for these projects in FY 1997-98 in FY 1998-99, the budget would need to be adjusted because all of the increment would be pledged to the new 1997 bonds.

The total cost of the projects above exceed the amount of additional bond proceeds ($2,150,000). Staff has done this in order to provide as much flexibility as possible when deciding which projects should be funded with bond proceeds. The law requires that the additional bond proceeds be spent within 3 years of bond issuance. This requirement will need to drive decisions as the RDA spends the bond proceeds. It is staff's intention that the proceeds will be spent on a first project basis. This means that the bond proceeds will be spent on projects "coming on line" first such as the Watts property.

D. **Department Review:** The Resolution has been reviewed by the City Manager's Office, the Legal Department, and the Administrative Services Department. City staff has also informed School District officials of its intent to refund the RDA bonds. The agreement with the School District and the mitigation payment formula will remain unchanged as a result of this Resolution.

ALTERNATIVES:

A. **Approve the Request:** Adopting the resolution will allow the RDA to proceed with the bond issue and be able to finance the referenced projects in a timely manner.

B. **Deny the Request:** A Parameters Resolution is not required to issue bonds, but is generally recommended. If the City Council does not wish to refund the bonds, staff and the RDA would then need to address funding strategies for the proposed projects.

C. **Continue the Item:** Continuing action on the resolution could delay the overall issuance of the bonds. Because there are timing and funding issues associated with one of the projects (Watts purchase), staff would need to elaborate further on the consequences of continuing this item. A one-week continuance probably would not present significant problems. If bonds are not issued by March of 1998, the RDA would not be able to issue additional debt after that time.

D. **Do Nothing:** This would have the same effect as denying the request.

SIGNIFICANT IMPACTS: Adoption of this resolution will allow the City and the Redevelopment Agency to proceed with the issuance of the bonds in timely and efficient manner. Swift completion of the bond issuance is needed to take advantage of favorable interest rates and meet the financing needs of the projects.

CONSEQUENCES OF NOT TAKING RECOMMENDED ACTION: Not adopting the resolution will impact the RDA's ability to refinance the RDA bonds, finance the projects and realize $150,000 in interest savings.

RECOMMENDATION: Adopt the attached Resolution relating to the Refunding of Main Street Redevelopment Agency Bonds, 1997 Series.