

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 23, 2004**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, September 23, 2004.

AGENDA

Work Session – City Council Chambers

3:45 p.m. Council questions/comments
4:00 p.m. Crime mapping presentation
Review of regular meeting:
4:15 p.m. Red Cloud MPD – modification of Pod D
4:30 p.m. Park Avenue rezone

Dinner Break – Executive Conference Room

5:00 p.m. Closed Session - Property

Regular Meeting – City Council Chambers

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS FROM COUNCIL AND STAFF

III PUBLIC INPUT (any matter of City business not scheduled on agenda)

IV WORK SESSION NOTES AND MINUTES OF MEETING OF SEPTEMBER 9, 2004

V PUBLIC HEARINGS

1. Ordinance approving a condominium conversion for 1412 and 1416 Park Avenue, Park City, Utah
2. Amendments to the Land Management Code regarding definitions and zoning districts for timeshare, fractional ownership, and private residence club ownership units and projects

VI CONSENT AGENDA

1. Ordinance approving a condominium conversion for 1412 and 1416 Park Avenue, Park City, Utah

2. Amendments to the Land Management Code regarding definitions and zoning districts for timeshare, fractional ownership, and private residence club ownership units and projects

VII NEW BUSINESS

1. Amendment to the 1999 Flagstaff Development Agreement relating to access, parking and modification to Pod D Empire Day Lodge, located at 9200 Marsac Avenue
 - Staff presentation
 - Public hearing
 - Ordinance amending Exhibit A of the Development Agreement for Flagstaff Mountain, Bonanza Flats, the 20 acre Quinn's Junction Parcel and Iron Mountain
 - Addendum to the Development Agreement for Flagstaff
2. Proposal to rezone Lots 2 – 16, Block 5 Snyder's Addition (portion of Park Avenue) from HR-1 to HRM
 - Staff presentation
 - Public hearing
 - Ordinance approving an amendment to the Park City Zoning Map for Lots 2 through 16 of Block 5 of the Snyder's Addition to the Park City Survey, also known as 1109 – 1161 Park Avenue, Park City, Utah

VIII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so the location will be announced by the Mayor. City business will not be conducted.

Posted: 09/20/04

See: parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

September 2004

- 16 **No meeting – City tour**
- 23 See agenda
- 27-28 *Downtown Projects public design workshop – Council Chambers – 5 – 7:30 p.m.*
 - Colin
- 30 Solid waste options
 - Conservation easements – Brooks
 - Art advisory board update – Alison
 - Authorization to the City Manager to execute a design contract for the skate park expansion project
 - Ordinance to combine Lots 1 – 3 in Block 30 of the Snyder's Addition to the Park City Survey into one lot of record, located at 819 Empire Avenue, Park City, Utah
 - Ray
 - Ordinance – Empire Pass subdivision plat - Brooks

October 2004

- 7 **No meeting**
 - Kay gone**
- 14 Ordinance – 64 Ontario final subdivision plat
 - Triple Crown Sports Festival License and service agreement - Alison
 - Sign Code amendments - Ray
- 21 Recognition of Jeanne Edens – Victim Advocate – Mary
 - Ordinance – 2753 Silver Cloud Drive plat amendment – Jonathan
 - Ordinance – 41 Sampson Avenue plat amendment
 - Ordinance – 2729 Silver Cloud Drive plat amendment – Jonathan
 - Ordinance – 10 Daly Avenue plat amendment – Jonathan
 - Ordinance – 3349 Meadows Drive plat amendment - Ray
- 28 **No meeting**

November 2004

- 4
- 11
- 18
- 25 **Thanksgiving**
- 26 **Thanksgiving holiday**

December 2004

- 2
- 9
- 16
- 23
- 30

Pending Items:

Snow removal amendments - Pace

Hoffman annexation - Kirsten

Water Service District – Grant of easement from Iron Mountain Associates

Transit Center Land Match Resolution – Gary

City-owned buildings – Pat

January – update on temporary liquor and beer licenses – Alison

Ordinance – final subdivision plat for the Red Cloud Subdivision

**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
SEPTEMBER 9, 2004**

Present: Mayor Dana Williams; Council members, Kay Calvert; Marianne Cone, Candace Erickson; Jim Hier and Joe Kernan

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Craig Sanchez, Director of Golf; Matt Twombly, Trails Coordinator; Ken Fisher, Recreation Manager; Kent Cashel, Transportation Director

Charlie Sturgis, White Pine Touring

1. **Council questions/comments** – Mayor Williams expressed his sympathy to Brian Hess' Family and announced a memorial to be held at Miners Hospital on Friday at 6 p.m. He reported on the wind power bus trip to Evanston, Wyoming organized by staff, which was well attended. Additionally, 135 blocks of wind power were sold on Miners Day. Marianne Cone congratulated staff on receiving the Savvy Award for the Citizens Guide, which she believes is a great information tool. Candace Erickson remarked on the progress made by the Historical Society on marketing its new museum and the Board requests to be involved in the planning of the downtown plaza. Joe Kernan also expressed his sadness at the passing of Brian Hess. He continued that he enjoyed the wind power tour.

2. Review of regular meeting.

White Pine lease – Craig Sanchez explained that an RFP was issued locally and nationally and the City received one proposal from Jans/White Pine Touring; the same thing occurred seven years ago. The program includes a lease of portions of Hotel Park City, seasonal rental of land to set track, and a contract setting forth grooming services performed by the City. In 1999, the City received restaurant tax monies to purchase a groomer. Staff explored the possibility of the City running the cross-country ski concession but concluded that Jans/White Pine Touring does an excellent job. He commented that this year, the trail property at McPolin Farm is better defined by way of attaching a trail map and revised language in the lease. He explained that the City is reimbursed \$28,000 annually for grooming, a portion of which is allocated toward equipment replacement. There was discussion about the term of the lease coinciding with purchase of equipment by White Pine, but Charlie Sturgis didn't feel that timing is a problem. He suggested issuing an RFP a year before termination of White Pine's operation is anticipated.

Farm trailhead parking lot and neighborhood parks – Matt Twombly explained that this project dates back ten years with the creation of the entryway master plan. The lot is planned for the east side of SR224 and the associated CUP received Planning Commission approval in June. The recommended contractor is DVD Paving in the amount of \$108,863. There was discussion about access to the lot positioned

south from the median for safety reasons. The parking lot will not be lit. Mr. Twombly added that there will be a landscape berm about 30 feet from the curb; signage and/or turn lanes are not suggested.

Neighborhood parks – Matt Twombly stated the neighborhood parks project emerged in 2003 and RAB identified the vacant lot at the intersection of Comstock and Sidewinder as a new park location and recommend enhancements to Prospector Park. There was a discussion of earlier surveys supporting certain park amenities in Prospector Park like basketball and a subsequent petition filed by members of the neighborhood in opposition. There was positive direction from property owners on both the Comstock/Sidewinder park and Racquet Club park and the Planning Commission approved associated CUPs. He added that staff is recommending an award of contract to Design Workshop in the amount of \$51,000 for the design of the three neighborhood parks.

He discussed the impacts of the clean-up work on the wetlands which needs to be accomplished to comply with EPA requirements. It is planned to move structures off of the wetland area. Jim Hier asked about savings associated with the removal of the design of the basketball court and Matt Twombly indicated that the cost is minimal. Mr. Hier believed basketball courts should be eliminated as options for neighborhood parks and if money can be saved, it should be removed from the design work. He also felt it important to present options to the neighborhood. In response to a question from Joe Kernan, Ken Fisher explained that the original plan and options can be simply illustrated through overlays. These visuals may also help dismiss misconceptions that improvements will encroach on green space. It was emphasized for the benefit of Marianne Cone, that the City is complying with all regulations.

Water projects – Kent Cashel explained that the contracts relate to two major water projects including the Boothill pipeline construction and Phase II Spiro Treatment Plant upgrade. The Boothill project contemplates a pipeline from the new Park Meadows Well to the Boothill subsurface storage tank and a pipe to Monitor Drive. This is the first of three phases which include the addition of a 2 million gallon subsurface storage tank, located west of the current storage tank on Boothill, and the construction of a pump station. The storage is needed to meet demands in Empire Pass and to stabilize water pressure problems associated with high consumption periods. The pipeline will provide a redundant water supply for Old Town and Deer Valley. It will also provide a vessel for blending Spiro water with Park Meadows Divide Well and Middle School Well Water to address antimony issues. He stated that staff conducted a procurement of pre-qualified contractors and SCI Construction is the successful bidder in the amount of \$923,930. In response to a comment from Marianne Cone, Mr. Cashel explained that the excavation for the trench will have a visual impact on the hillside and the neighborhoods will be contacted. It will be vegetated, but it will take a couple of years to fill in. Because the Boothill project is very technical, Stantec Consulting is recommended for award of a construction management services contract in the amount of \$46,744.

Spiro Phase II consists of the installation of a 2 million gallon subsurface clear well and the construction of an additional 510 square feet of storage space at the plant. The construction of a clear well is a requirement of the Utah Division of Drinking Water. This will also provide a vessel for blending Spiro and Theriot Springs water and add efficiency to water operations. Staff conducted a procurement with four pre-qualified contractors and the successful bidder is Weyer Construction in the amount of \$1,495,275. This is the same company who completed Phase I on time and on budget. Mr. Cashel continued that the construction management contract for Spiro is recommended to be awarded to Montgomery Watson Harza who designed the plant.

See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 9, 2004**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, September 9, 2004. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Ray Milliner, Planner; Kirsten Whetstone, Planner; and Brooks Robinson, Planner.

II COMMUNICATIONS FROM COUNCIL AND STAFF

1. Memorial service for Brian Hess – The Mayor announced that a service will be held at City Park on Friday at 6 p.m.

2. Utah Humanities Award – Mel and Peggy Fletcher – Dana Williams stated that making nominations for this award is one of his favorite things as Mayor and there will be a more formal presentation in Salt Lake next week by the Utah Humanities Council. He thanked Mel and Peggy Fletcher for being great ambassadors of the City. John Wiseberg of the Utah Humanities Council explained that the Fetters are being recognized for their work in restoring the Glenwood Cemetery. He also thanked Zions Bank for its contributions in supporting this program.

3. Summit County Solid Waste Committee update – Kevin Callahan, Summit County Public Works Director, explained that the Solid Waste Committee consists of elected officials from each city in the county and six citizens. The charge is to complete a comprehensive review of solid waste collection and disposal in the County. The main landfill cell, constructed in 1986, probably has about 10 to 12 years left. Participation in recycling programs have reduced volumes coming to the landfill to a small degree. The committee is looking at alternatives, including shutting the landfill down and becoming part of a consortium or using the landfill for only residential waste and hauling commercial out of the County. Mr. Callahan noted that the tentative recommendation of the committee is that the landfill property, consisting of 115 acres, should be retained as a resource and another cell should be developed meeting higher standards. This would take about three to four years and cost about \$3 million and the Commission will review financing options. He added that now there are scales at the landfills so exact tonnages can be measured and reported to the state.

He spoke about BFI's exclusive rights to haul all residential and commercial waste until 2006 and as mentioned earlier, the renewal may just address residential collection. He discussed the challenges with commercial recycling programs and expanding the residential program. Committee recommendations should be available for Commission review by late October in preparation of the 2005 budget and the challenge is financing

a different system in the future. Mr. Callahan explained that currently the landfill is largely supported by the County's general fund and it may be more appropriate to treat it as an enterprise fund.

Joe Kernan clarified that constructing a new landfill and capping the old one are established projects and getting feedback from Council on options like expanding recycling, or establishing an electronic and/or hazardous waste program would be helpful. He also asked for comments on equity issues and pointed out that single family units receive free trash pick-up and curbside recycling while multi-family and commercial structures are charged. It is likely that programs will be funded with new fees. Jim Hier felt it would be appropriate for Council to individually render comments to Council member Kernan by the end of September, before the next meeting of the committee. The City Manager suggested that a work session be held the end of September so a consensus opinion is presented to the committee.

4. Savvy Award – Myles Rademan discussed the improvements made to the citizen guide which won the 3CMA award for the 2004 best citizen guide for communities of 7,500 – 65,000. There were over 700 entrants and this is quite an honor.

III PUBLIC INPUT (any matter of City business not scheduled on agenda)

Elizabeth Swank, Arts Council, relayed that Brian Hess truly enjoyed working with City staff and stated that the group is committed to his memory and vision. Peter Roberts assured Council that they would carry on his work.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 26, 2004

Jim Hier, "I move approval of the work session notes and minutes of the meeting of August 26, 2004". Kay Calvert seconded. Motion unanimously carried.

V PUBLIC HEARINGS

1. Amendment to the 1999 Flagstaff Development Agreement relating to access, parking and modification to Pod D Empire Day Lodge, located at 9200 Marsac Avenue (motion to continue to September 23, 2004) – The Mayor requested a motion to continue this matter to September 23. Jim Hier, "I so move". Kay Calvert seconded. Motion unanimously carried.

2. Ordinance to combine all of Lot 28 and portions of Lot 29, 30 and 31 of Block 32 of the Park City Survey into one lot of record, located at 52 King Road, Park City, Utah – Ray Milliner explained that the combination of lots will accommodate the construction of a single family home and the Planning Commission forwarded a positive recommendation. The Mayor opened the public hearing. Hearing none, the public hearing was closed.

3. Ordinance to combine Lots 1 – 3 in Block 30 of the Snyder's Addition to the Park City Survey into one lot of record, located at 819 Empire Avenue, Park City, Utah – Ray Milliner relayed that the applicant requested that this hearing be continued to September 30, 2004. Hearing no comments or questions from the City Council or the audience, the public hearing was continued to the 30th of September. Candace Erickson, “I so move”. Marianne Cone seconded. Motion carried unanimously.

4. Amendments to the Land Management Code regarding definitions and zoning districts for timeshare, fractional ownership, and private residence club ownership units and projects – Kirsten Whetstone explained that currently the Land Management Code does not differentiate between fractionally owned units and defines them as timeshares. On August 11, 2004, the Planning Commission held a work session, public hearing, and voted to forward a positive recommendation on the amendments. The Commission requested an additional amendment requiring 24 hour reservation and property management services. It also requested Council direction on whether conversions should be processed as a conditional use or master planned development. She reviewed the definitions section and explained in detail the addition of a private residence club, which is not a timeshare. The ownership configuration consists of four to 12 owners and would be allowed in the RD, RDM, RC, GC, LI, RCO, HRC, and HCB with conditional use permit approval. She emphasized that staff is not recommending that timeshares be allowed in other zones. Councilman Hier brought up the popularity of corporate ownership. Mark Harrington advised that if it is structured for interval ownership, it would require registration with the state and compliance with the City's zoning laws with regard to timeshares. Mr. Hier believed some applicants avoid meeting state regulations and the City should be cognizant of these situations. Kirsten Whetstone emphasized that timeshares are not allowed in the RD zone. Joe Kernan agreed with Mr. Hier's comments and felt it prudent to be ahead of the curve with regard to the market. The Mayor opened the public hearing.

Bob Wells, Deer Valley Resort, stated that he participated in a task force with staff to formulate the amendments with the goal to keep it simple. It is important to address *residence clubs* because of their success in resort areas and currently, the RD zone is prohibited from this use. Deer Valley is in support of the ordinance. Mark Harrington disclosed that there have been concerns raised by the Building and Engineering Departments, which will be addressed in the next round of amendments.

With no further comments or questions from Council or the audience, the Mayor requested a motion to continue the public hearing. Marianne Cone, “I move to continue the public hearing to September 23, 2004”. Kay Calvert seconded. Motion unanimously carried.

VI CONSENT AGENDA

Joe Kernan disclosed that he has a small contract with White Pine Touring. Candace Erickson stated that her husband is employed by Stantec Engineering, Item 4, but she

does not perceive a conflict. Jim Hier, "I move approval of Consent Agenda Items 1, 3, 4, 5, 6, 7". Marianne Cone seconded. Motion unanimously carried.

1. Ordinance to combine all of Lot 28 and portions of Lot 29, 30 and 31 of Block 32 of the Park City Survey into one lot of record, located at 52 King Road, Park City, Utah – See staff report and public hearing.

2. Ordinance to combine Lots 1 – 3 in Block 30 of the Snyder's Addition to the Park City Survey into one lot of record, located at 819 Empire Avenue, Park City, Utah – See staff report. Item continued.

3. Authorization to the City Manager to execute contracts, in a form approved by the Legal Department, with Jans/White Pine Touring for lease of City property and for the performance of grooming operations – See staff report and work session notes.

4. Authorization to the City Manager to execute a professional services contract, in a form approved by the Legal Department, for construction management services on the Boothill Pipeline project with Stantec Consulting in the amount of \$46,744 – See staff report and work session notes.

5. Authorization to the City Manager to enter into professional services contract with Design Workshop, in a form approved by the Legal Department, for the neighborhood parks projects in the amount of \$51,000 – See staff report and work session notes.

6. Authorization to the City Manager to execute a construction contract, in a form approved by the Legal Department, for the McPolin Farm trail head parking lot, in the amount of \$108,863 – See staff report and work session notes.

7. Resolution declaring the week of September 6 – 11, 2004 as Wind Power Week in Park City, Utah – See Resolution.

VII NEW BUSINESS

1. Authorization to the City Manager to execute a construction contract, in a form approved by the Legal Department, to SCI for the construction of Boothill vault and pipeline in the amount of \$923,930 – See staff report and work session notes. Kent Cashel stated that staff completed procurement in compliance with all state and local regulations. Kay Calvert, "I move to authorize the City Manager to execute a construction contract, in a form approved by the Legal Department, to SCI for the construction of Boothill vault and pipeline in the amount of \$923,930". Candace Erickson seconded. Motion unanimously carried.

2. Authorization to staff to execute a construction contract for construction of Phase II of the Spiro Treatment Plat upgrade with Weyher Construction in the amount of \$1,495,275 – See staff report and work session notes. Candace Erickson, "I move to authorize staff to execute a construction contract, in a form approved by the City

Attorney, for construction of Phase II of the Spiro Treatment Plant upgrade with Weyher Construction in the amount of \$1,495,275 for the construction of a 200,000 gallon clear well and 510 square feet of additional storage space at the Spiro treatment plant". Kay Calvert seconded. Motion unanimously carried.

3. Authorization to staff to execute a professional services contract for construction management services on the Spiro Phase II upgrade project with Montgomery Harza Watson in the amount of \$125,213 – See staff report and work session notes. Jim Hier, "I move to authorize staff to execute a professional services contract with Montgomery Harza Watson, in a form approved by the City Attorney, in the amount of \$125,213". Candace Erickson seconded. Motion unanimously carried.

4. Appeal of Planning Commission approval of The Red Cloud Pod D Master Planned Development – Mayflower Mountain Fonds – Mark Harrington advised that appeals are *quasi judicial* in nature and Council is charged to determine whether the Planning Commission erred as a matter of law in its application of the Land Management Code and the applicable Development Agreement to the master planned development approval. This is the scope of the appeal unless the Council votes otherwise. This is not a public hearing and comments should be limited to staff and the Mayflower group. He pointed out minor corrections to the staff report, specifically the Conclusions of Law and advised that No. 4 should be removed from this section and identified as *Order* and a new No. 4 should read *The Planning Commission did not err in approving the Red Cloud MPD.*

Brooks Robinson, Planner, acknowledged the voluminous amount of material submitted by Attorney Craig Smay, but the matter before Council is quite simple and that is whether the Planning Commission erred in approving the Red Cloud MPD. This area is also known as Pod D and/or the Northside Neighborhood in the Development Agreement. Staff contends that the Planning Commission did not err and that the appellant's rights have not been diminished in any manner. On June 24, 1999, the City Council adopted Ordinance No. 99-30, which approved the annexation and Development Agreement for 1,655 acres of the Flagstaff Mountain Resort. United Park City Mines Company was and is the primary land owner, but not the only one. However, United Park, Deer Valley, and Park City Municipal Corporation were the only signatories on the Development Agreement. He continued that the Agreement set forth the types and locations of land use, maximum densities, the timing of development, and the development approval process, as well as development conditions and amenities. Within the Development Agreement, Pod D, was defined as 63 acres of property owned by five different property owners: United Park, Deer Valley, Park Star, Bransford, and Mayflower. Pod D may receive approval for a maximum of 38 single family homes, if and only if, all land owners provide written acceptance of the Development Agreement. Without such acceptance, United Park and Deer Valley could apply for a maximum of 30 single family homes. Consistent with this section of the Agreement, an MPD for 30 single family homes was applied for to be constructed on 49.7 acres of the 63 acres, which meets an average of density of 38 units:63 acres.

Mr. Robinson continued that after several hearings, the Planning Commission approved the Red Cloud master planned development on August 11, 2004. An appeal of this action was received on August 20, 2004 from Mayflower Mountain Fonds asking for consideration of five points which staff analyzed. Mr. Robinson stated that most of these are irrelevant and have no bearing on the appeal. The criteria of the appeal is quite specific as to a finding of error in approving the MPD. With regard to one of the points, he acknowledged that there are differing configurations of pods in various exhibits in both the annexation resolution and Development Agreement. The Planning Commission has expressly conditioned the MPD on the action of the Council to amend Exhibit A to conform with the Red Cloud MPD. At this point, no action has been taken because it has to be scheduled before the City Council, rendering this aspect of the appeal irrelevant. Mr. Robinson continued that the appellant has chosen not to apply for an MPD or boundary change. The point about density allocation for Mayflower is also irrelevant; an application with the City needs to be submitted and reviewed before density allocation is determined. The fact that United Park applied for an MPD does not diminish Mayflower's rights at all. This is also true with Point 3, the configuration and location of the Mayflower density can not be determined without an application.

Mr. Robinson stated that one relevant point is Footnote 9 on Page 12 which granted the City the right to connect utility lines and grants limited access to the roads to serve the remaining property owners, which include Mayflower and Bransford. However, the specifics of the utility and access points have not yet been determined through a subdivision action, and this issue is not ripe for an appeal. Finally, with regard to the dedication of the road, the City recognizes Marsac Avenue as SR224, and will continue to do so unless determined otherwise. He concluded that staff has prepared findings of fact and conclusions of law affirming the Planning Commission's decision.

Craig Smay, attorney representing Mayflower Stichting, introduced Bob Theobald who distributed copies of drawings and maps appended to the Development Agreement. He referred to Exhibit A of the Development Agreement, Flagstaff Mountain Resort, delineating annexation boundaries and pods. Mayflower owns a substantial amount of acreage in the outside boundary of the annexation, within the Northside Neighborhood (Pod D), and within the Village. However, only one owner negotiated and executed the Development Agreement and the Code clearly provides that all signatures of the owners are required. Mr. Smay added that the reason Mayflower didn't sign was because they were not treated the same way as United Park at the time. The deal with United Park was *"we'll fix your densities and make you a representation of what you'll get out of this Agreement, if you'll sign up to it"*. That accommodation was not offered to the Mayflower people, who were simply expected to sign and come in later to make an application. Mr. Smay continued to explain that Mayflower didn't sign and it became clear to them that the Planning Commission seemed to believe that they were represented by United Park. Mayflower then sent written statements to the City that they *were not part of this* and were ignored. The Development Agreement was entered into and Mayflower is bound by it as their land is down-zoned to non-development. All of the development credits, except for eight lots in Pod D, are assigned to United Park

and if Mayflower wishes to protest or obtain development rights, they must first sign the Development Agreement waiving their objections.

With regard to the staff's objection that it is inappropriate at this point for Mayflower to appeal, Mr. Smay argued that approvals are being obtained under the large scale MPD and if the large scale MPD is simply invalid for failure to obtain the proper consents, then the approvals are invalid. For example, Mr. Smay pointed out that the approval of the Planning Commission recites that the Red Cloud MPD is satisfactory because it complies with the open space requirement by providing 88%, but this is Mayflower's property. The MPD specifies a road requirement, but the private road from Red Cloud to SR224 has been illegally reconstructed across land belonging to the Mayflower people without their consent. There is in excess of 200 feet of the new SR224 in trespass. He stated that it seems appropriate at this point to present Mayflower's concerns, rather than waiting for an amendment to Pod D. Before the City Council or Planning Commission proceed with approvals, it should be recognized that the appropriate consents were never obtained. Furthermore the imposed zoning is a result of the Development Agreement and there were not regular zoning proceedings held. United Park made it perfectly clear that unless they got what they wanted, they wouldn't submit an annexation petition.

Mayor Williams interjected that he attended almost all meetings relating to Flagstaff and doesn't find Mr. Smay's testimony germane to the appeal as annexations are negotiated. The City Attorney agreed and added that the opportunities to appeal the zoning and annexation have both long passed and from a due process sense, the City Council has no ability to adjudicate and proclaim those actions invalid. Without defining time lines for due process, any sense of finality of land use decisions relied upon by the public, would be eviscerated. Mr. Harrington continued that parties rely on actions and to use this fairly administrative approach to contest a legislative act in 1999, in staff's opinion, is beyond the scope of Council's jurisdiction. The City Council has a very limited reconsideration window which has long passed by virtue of the LMC. He emphasized that the City believes the Development Agreement, LMC, and zoning map are valid.

Craig Smay countered that there is no provision for individual land owners to appeal annexations. If the Agreement is void in the first place, it doesn't gain status by the passage of time if the appropriate authority to enter the Agreement never existed. This is true of the zoning as well. The City made an agreement with United Park to zone the property in a particular way. It had no authority to make such an agreement and the passage of time simply doesn't work. Mr. Smay stated that the City set up a *reciprocal zoning system* so that if you're not in a development pod, you're in open space. Every time there is a proposal under the Development Agreement, the validity issue is raised again. Changing the boundaries of the development pod can only be done, according to the Code, with Mayflower's consent now. The pre-application stage dictates consent from all owners of land affected, which has not been obtained from the Mayflower people. Each approval affects Mayflower's rights because their land is used as open space and the road. Mr. Smay stated that Mayflower should have been accorded the

same rights as United Park by way of knowing what they are going to get. Mayflower made a proposal for seven of the eight lots in Pod D which United Park objects to as well as interest in the Village. Mayor Williams requested that Mr. Smay keep to the parameters of the appeal. Craig Smay continued that there is an essential road in the area which is discontinuous because several hundred feet of it is in trespass. Mr. Smay suggested that if we want to force the Mayflower people into some sort of injunctive action against use of the road, there will be a combination action with UDOT. He suggested that it seems much more sensible to go back to where, as the staff acknowledges, the City has always assumed United Park would obtain consent of the other owners. This was represented to the City before the Development Agreement was signed, but it never happened and Mr. Smay asked why United Park approvals move forward. The reciprocal zoning scheme was put into place for the purpose of maintaining an overall development "person" in the area. If the other areas are down-zoned to mountain development so that the number provided to United Park is maintained, the City runs the risk that there will be further proceedings for substantially more development on property contemplated as open space. He relayed that there is a quick and simple solution to this which is to negotiate with Mayflower who is not asking for anything outside the parameters of the Agreement. The City excluded Mayflower's land from Pod D and down-zoned it to open space and he alleged that submitting an application puts them at tremendous risk. If the City is willing to go forward with approvals under a large scale MPD and enforce zoning imposed as a result of the Agreement between the land owner and the City, against the rights of other land owners who have nothing, Mayflower is prepared to assert its rights, including taking action with respect to the road, the zoning, and the Development Agreement. Mr. Smay recommended that Council intervene now and conduct negotiations with Mayflower.

Kay Calvert asked why Mayflower waited so long. Craig Smay stated that they haven't waited long; the approvals are just happening. They are in a lawsuit with United Park and a judgment has been issued giving some of the lots to Mayflower, but no final order has been issued. Ms. Calvert stated that she doesn't see the role of the Council to mitigate problems between two private land owners. Mr. Smay responded that the Code requires consent from all land owners before a large scale MPD is imposed. Mayor Williams indicated that obviously this is a debatable point. Mr. Smay objected and Mr. Harrington clarified that Mayflower is not part of the MPD in terms of the Development Agreement. Mayflower assumes none of the benefits or obligations of the Agreement and the zoning and annexation are two separate actions. Mr. Smay reiterated his opinion on *reciprocal zoning* and Kay Calvert expressed that she didn't feel the City entered into a *devil's agreement* with United Park. At this point in the meeting, Mayor Williams excused himself to attend another community function, and Mayor Pro Tem Jim Hier presided. He relayed for the benefit of Mr. Smay, that as Mayor, he is not able to vote.

Jim Hier understood that the reconfiguration of the pod of the Red Cloud MPD being challenged differed from a prior depiction of the boundary. Brooks Robinson agreed this is an issue and explained that the reconfiguration is approximately 50 acres while the Development Agreement allowed up to 63 acres of development in Pod D. There

are still about 14 acres that could become a part of the Pod D development. Mr. Robinson emphasized that final action has not been taken yet by the City Council on the amendment to Pod D. The Mayor Pro Tem asked if any of Mayflower's property was excluded as a part of realigning the boundaries. Planner Robinson explained that it refines the boundary to 49.7 acres and Mayflower could apply to rezone it. This was done with the Treasure Hill Subdivision which was rezoned in tandem with processing the application so that locations of development are planned. Mark Harrington reiterated that Council has not taken final action so the issue is not ripe for appeal. With regard to questions from Council member Hier about initial renderings, Brooks Robinson explained that some of Mayflower's property appeared in the initial Pod D outlines relating to 38 units on 63 acres. He again explained that this application proportionately reflects 30 units on 49 acres. Ms. Cone asked if Mayflower has the ability to develop eight units. Mark Harrington responded not at this time, and emphasized that there has been no density determination for Mayflower because there has been no application. He explained the provision of an eight unit maximum, viewed as a density bonus, available if all of the owners cooperated to apply for approval of a coherent development plan. Absent that, property owners are entitled to apply for their own MPD and receive a density determination based on review of the application, but until that occurs, Mayflower has no vested rights to density and any discussion about density would be premature.

Craig Smay again referred to Exhibit A where an extension of Mayflower's land is shown in Pod D but the property was eliminated on the annexation map in July 1999. Mark Harrington stated that this is irrelevant because a second sheet governs Exhibit A for the purpose of amending the map by the Council by adding Mayflower, for example. This is also incorporated in the zoning and density provisions in the Development Agreement. The City Attorney continued that pods were shown on the annexation plat for illustrative purposes and Exhibits A through P have varying discrepancies, but the provisions that incorporate each one for each particular purpose are very clear. Mr. Smay countered that the annexation resolution says it will be zoned according to the drawing which cuts off Mayflower's land. The Mayor Pro Tem invited the Talisker group to comment.

Doug Clyde introduced Mandy Scully and Dave Smith, Vice President and General Counsel for Talisker. Mr. Smith stated that Talisker acquired United Park last year and indicated he did not have much to add to staff's presentation or his written response. It is true that Mayflower is not a part of the Development Agreement and the *devils bargain* comment is interesting because there are enormous exactions demanded of United Park at great cost. Because they don't have the other signatories to the Development Agreement, United Park has only applied for 30 lots and has been very careful that the application complies with the Development Agreement. The eight bonus lots were offered to the other property owners, if and when they signed the Agreement. Those are still available and Mayflower has made no submittal to obtain anything at this point. Talisker is concerned that this is an effort to circumvent the process by getting the City to agree and establish density and development rights without having to go through the process. Mr. Smith clarified that Red Cloud by way of careful design, has

no Mayflower property. Mayflower had concerns with the project at the time, but chose not to appeal or contest it. From Talisker's perspective, their biggest concern is the settlement discussions with Mayflower which have occurred over a very long time, and as recently as a couple of days ago. He explained that the common thread of most of Mayflower's submittals is to stop Talisker's development until some density and development rights are determined for them. He continued that there is concern that Mayflower is not willing to engage in the municipal process and is attempting to halt Talisker from developing its own lands on Red Cloud. There is fear that this is an effort to leverage even higher settlement payments and other considerations on the table. Mr. Smith felt this is the only explanation because Mayflower is not a party to the Development Agreement and has made no submittal. Until they make application and have development rights determined, it is hard to claim that Mayflower is damaged or has standing. Mr. Smith explained that the lawsuit between United Park and Mayflower, which Mr. Smay referred to, was an action to divide jointly owned property. It is not located in Red Cloud but near it. Last month, the court split the property and with regard to the same issues raised here by Mayflower about the enforceability of the Development Agreement, determined that Mayflower's claims are without merit. What Mayflower gets is four bonus lots in the Northside Neighborhood if it subjects its land to the Development Agreement. The final findings have not been prepared but this is the direction of the court and the ruling has been provided to the City Attorney. Again, Mr. Smith emphasized that they fear that Mayflower is using this forum to acquire rights inconsistent with the court ruling and Talisker does not want to do anything afoul of the Development Agreement.

Craig Smay contended that the judge stated that he will make no decisions about the enforceability of the Development Agreement against Mayflower. The settlement discussions have largely failed because Mayflower will not sell Talisker its property at a discounted rate. With regard to comments made by the City Attorney, Mr. Smay noted that the City can not enter into an agreement with United Park which decides zoning for other people's property. He repeated that the Development Agreement was a bargain between United Park and the City for its signature on an annexation document.

Bob Theobald, agent for Mayflower, displayed and discussed at length the differences of various maps delineating property ownership, including the annexation plat. Mr. Theobald contended that the area was planned with no regard for ownership boundaries. When Pod D was created, Mayflower had no development on the property and received no density. United Park used all of the land, received the density and told the City it would negotiate with other property owners. Had an accurate map been prepared from the onset, mistakes could have been avoided.

Jim Hier stated that it is his belief that the Planning Commission's approval of Red Cloud was based on the City's position that the Development Agreement is valid and the property was zoned in accordance with the LMC. It is his position that the zoning occurred in a lawful manner and he recommended that Council uphold the Planning Commission's decision approving the MPD based on the drafted findings of fact and conclusions of law, as modified by the City Attorney earlier this evening. Candace

Erickson, "I move that we deny the appeal of the Planning Commission approval and uphold its decision based on the findings of fact and conclusions of law". Kay Calvert seconded. Motion carried unanimously. Mark Harrington noted for the record that the Mayor Pro Tem voted.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 5:15 p.m. Members in attendance were Mayor Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Joe Kernan "I move to close the meeting to discuss property". Marianne Cone seconded. Motion carried unanimously.

The meeting opened at approximately 6 p.m.

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

Prepared by Janet M. Scott

WORK SESSION

Author: Chief Lloyd D. Evans, Sr.
Subject: INCIDENT MAPPING
Date: September 20, 2004
Type of Item: INFORMATIONAL



POLICE DEPARTMENT

The police department, has for some time, wanted to find a way to provide basic incident and crime information to our community in a timely manner and to provide that information in such a way to help neighborhoods and community groups identify issues that they would like to discuss or create a partnership with the police department to address those issues.

Lead by Officer Chris Gebhardt, an incident mapping program has been developed that will allow the department to display an area map of Park City on our City/department web page that will display the areas of town where police activities, such as traffic stops or reported crimes, have been recorded or reported. It is anticipated that these maps will be updated twice a month, in an attempt to provide the most up to date information as possible to the community.

In the council work session on September 23, 2004, the police department will give a demonstration of the mapping program, showing how it is accessed, the information that it will display and what it means to individuals that review it. As well, department members will take comments from City Council and answer questions.

City Council Staff Report



Subject: 1412 & 1416 PARK AVENUE
Date: September 23, 2004
Type of Item: Condominium Conversion

PLANNING DEPARTMENT

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

Description

Owner: Sean Hilton
Location: 1412 & 1416 Park Avenue
Proposal: Condominium Conversion
Zoning: Historic Residential – Medium density (HRM)
Adjacent Land Uses: Residential, City Park
Planner: Jonathan Weidenhamer

Background

The Planning Commission reviewed this application at their September 8, 2004 meeting. A public hearing was held, and a unanimous vote was forwarded to the Council to approve the application.

The properties located at 1412 and 1416 Park Avenue were created through a three-lot subdivision on July 23, 1998. Lot 1 (1420 Park Avenue) has an existing historic structure located on it. Lot 1 is not a part of this application. Lots 2 and 3 were created with sufficient square footage to allow a duplex on each lot, per standards of the underlying HRM zoning. Lot 2 consists of 4,892 square feet and Lot 3 consists of 6,823 square feet. The applicant has built duplex buildings on each lot, and at this time wishes to convert each unit to private ownership. This application will combine both lots into one condominium project, with four units.

Duplex proposals in the HRM Zone are an allowed use, provided that the structure maintains the minimum lot size and complies with setbacks and height requirements for the zone. As proposed, each duplex meets the aforementioned minimum standards. Each duplex fronts Sullivan Road, but as conditioned per the approved Subdivision, access is prohibited off Sullivan Road. Each unit will utilize a non-exclusive access easement from Park Avenue.

Analysis

The Planning Commission reviewed this application at their September 8, 2004

meeting. A public hearing was held, and a unanimous vote was forwarded to the Council to approve the application.

This request is to condominiumize the existing duplexes on the lot. Staff has evaluated the overall project against the Land Management Code regulations for the HRM District, and determined the proposed application complies as presented with all requisite City codes, including setbacks, which are 20' in the front, 10' in the rear and 5' on the sides. As part of this project the City will require to posting of a financial security to ensure all necessary public improvements are completed. A condition of approval will reference this request. Units 1 and 2 will have 3184 square feet of private are (both building and yard areas (typical)), Unit 3 will have 3159, and Unit 4 will have 3222 square feet.

Notice

Notice of this hearing was sent to property owners within 300' on August 25, 2004. No formal comments have been filed at the time of this report.

Department Review

The Planning, Building and Planning Departments have reviewed this request. The City Engineer and City Attorney's Office will review the plat prior to recording. The request was discussed at a Staff Review Meeting on August 24, 2004, where representatives from City Staff were in attendance and found it to be in conformance with all current requisite City development codes.

Recommendation

Staff recommends that the City Council review the proposed condominium conversion, conduct a public hearing, take public input, and consider approving according to the findings of fact, conclusions of law and conditions of approval found in the attached ordinance:

EXHIBITS

Exhibit A - Proposed Plat
Exhibit B – Ordinance

Ordinance No. 04-

AN ORDINANCE APPROVING A CONDOMINIUM CONVERSION FOR 1412 AND 1416 PARK AVENUE

WHEREAS, the owner of the property known as 1412 and 1416 Park Avenue has applied for a Condominium Conversion; and

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

WHEREAS, on September 8, 2004 the Planning Commission held a public hearing to receive public input on the proposed Condominium Conversion and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed record of survey amendment will allow the sale of each unit separately; and

WHEREAS, it is in the best interest of Park City Utah to approve the amended 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. The following are also adopted by City Council as findings of fact:

1. The Planning Commission reviewed this application at their September 8, 2004 meeting. A public hearing was held, and a unanimous vote was forwarded to the Council to approve the application.
2. The properties are located in the HRM District at 1412 and 1416 Park Avenue.
3. The findings discussed in the analysis section of this report are incorporated herein.
4. A Plat Amendment creating three lots of record on the subject property was approved by the City Council on July 23, 1998. This application will combine both lots into one condominium project, with four units.
5. Lot 2 consists of 4,892 square feet. Lot 3 consists of 6,823 square feet. The minimum lot size in the HRM zone for a duplex is 3,750 square feet. Each lot meets the lot size requirement.
6. The allowable building height in the HRM Zone is 27 feet. The duplexes meet the height requirement.
7. The minimum allowed setbacks for these lots are: front 20', rear 10', sides 5'.
8. There is an existing historic structure at 1420 Park Avenue.
9. There is a non-exclusive access agreement for the duplexes from Park Avenue. Vehicular access is prohibited from Sullivan Road.
10. Units 1 and 2 will have 3184 square feet of private area, Unit 3 will have 3159, and Unit 4 will have 3222 square feet. Both interior buildings and exterior yard areas are considered Private area.
11. The condominium plat will allow the applicant to sell each unit separately.

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

1. There is good cause for this condominium plat.
2. This approval as conditioned is consistent with the Park City Land Management Code and applicable state law governing condominium plats.
3. This approval as conditioned does not adversely affect the health, safety, or welfare of the citizens of Park City.
4. Neither the public nor any person will be materially injured by this plat amendment.

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

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recording
2. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded at the Summit County Recorder's office prior to that date.
3. The applicant is required to provide a financial guarantee in an amount approved by the City Engineer and in a form satisfactory to the City Attorney..

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

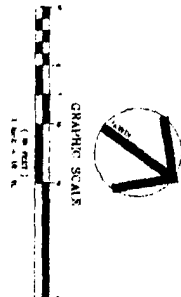
PASSED AND ADOPTED this 23th day of September, 2004.

RECORD OF SURVEY MAP

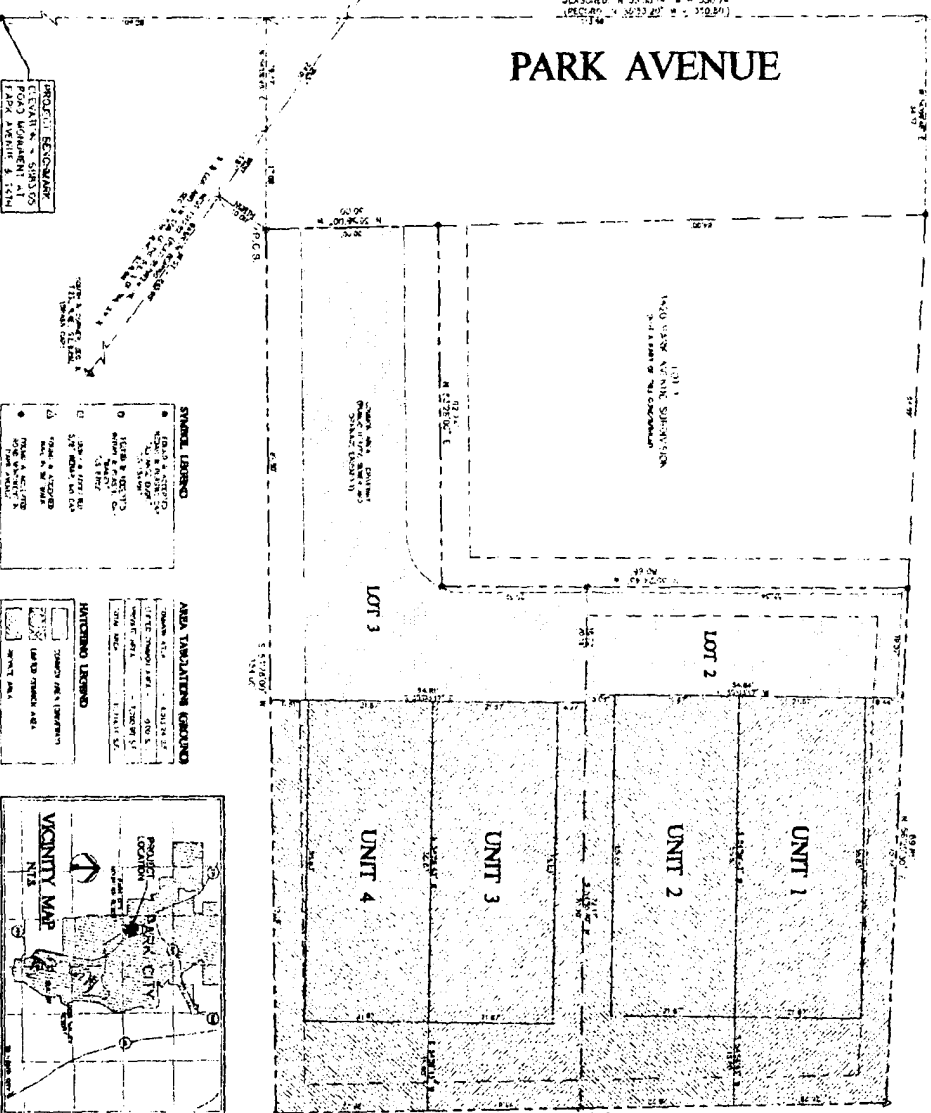
1412/1416 PARK AVENUE CONDOMINIUMS

- A 4 UNIT CONDOMINIUM PROJECT -
1420 PARK AVENUE

(CONTAINING 8 RESIDENTIAL UNITS)
A PART OF LAND LOCATED WITHIN THE SOUTHWEST QUARTER
OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, 54TH LANE
BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

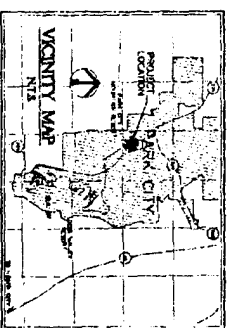


PARK AVENUE



STANDARD LEGEND	
1. LOT 1	2. LOT 2
3. LOT 3	4. LOT 4
5. UNIT 1	6. UNIT 2
7. UNIT 3	8. UNIT 4
9. PARK AVENUE	10. 54TH LANE
11. PROJECT LOCATION	12. PROJECT BOUNDARY
13. PROJECT AREA	14. PROJECT AREA

AREA IMPLICATION LEGEND	
1. LOT 1	2. LOT 2
3. LOT 3	4. LOT 4
5. UNIT 1	6. UNIT 2
7. UNIT 3	8. UNIT 4
9. PARK AVENUE	10. 54TH LANE
11. PROJECT LOCATION	12. PROJECT BOUNDARY
13. PROJECT AREA	14. PROJECT AREA



LEGAL DESCRIPTION
THESE UNITS ARE LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, 54TH LANE, BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH. THE UNITS ARE DESCRIBED AS FOLLOWS: UNIT 1, LOT 1, 1412 PARK AVENUE; UNIT 2, LOT 2, 1414 PARK AVENUE; UNIT 3, LOT 3, 1416 PARK AVENUE; UNIT 4, LOT 4, 1418 PARK AVENUE.



NOTES
1. THESE UNITS ARE LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, 54TH LANE, BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH. THE UNITS ARE DESCRIBED AS FOLLOWS: UNIT 1, LOT 1, 1412 PARK AVENUE; UNIT 2, LOT 2, 1414 PARK AVENUE; UNIT 3, LOT 3, 1416 PARK AVENUE; UNIT 4, LOT 4, 1418 PARK AVENUE.

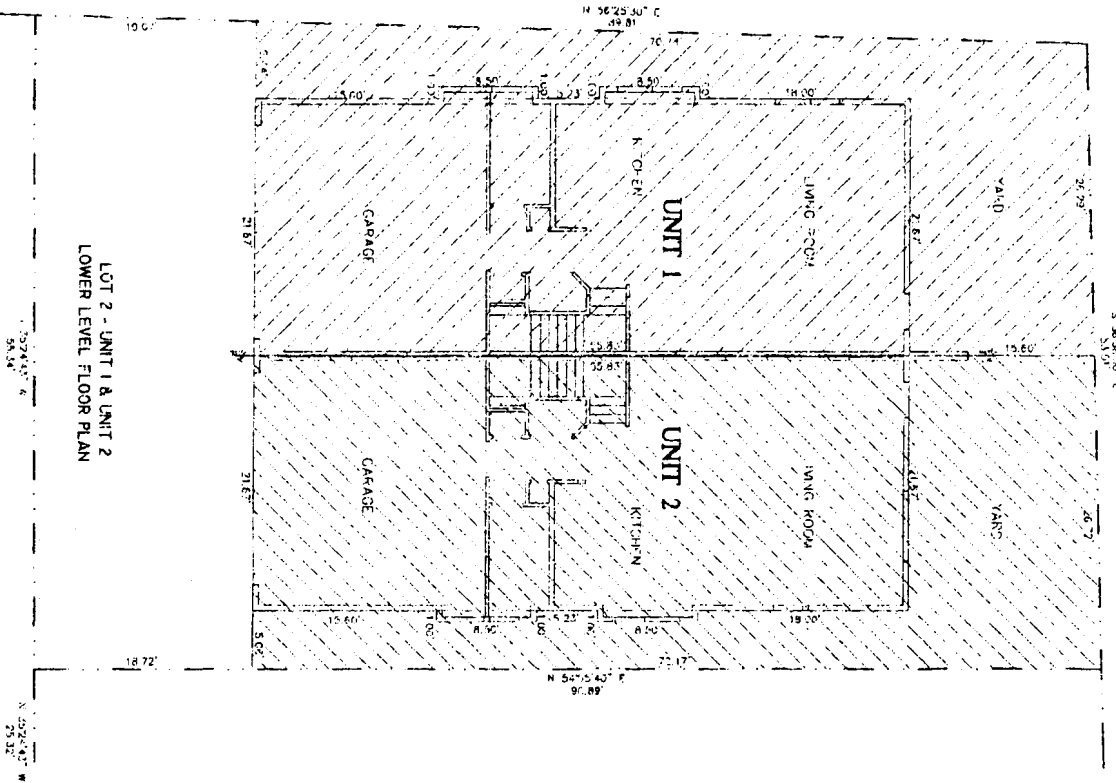
OWNER, DEVELOPER, AND CONVEY TO RECORD
THESE UNITS ARE LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, 54TH LANE, BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH. THE UNITS ARE DESCRIBED AS FOLLOWS: UNIT 1, LOT 1, 1412 PARK AVENUE; UNIT 2, LOT 2, 1414 PARK AVENUE; UNIT 3, LOT 3, 1416 PARK AVENUE; UNIT 4, LOT 4, 1418 PARK AVENUE.

CONVEY TO RECORD
THESE UNITS ARE LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, 54TH LANE, BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH. THE UNITS ARE DESCRIBED AS FOLLOWS: UNIT 1, LOT 1, 1412 PARK AVENUE; UNIT 2, LOT 2, 1414 PARK AVENUE; UNIT 3, LOT 3, 1416 PARK AVENUE; UNIT 4, LOT 4, 1418 PARK AVENUE.

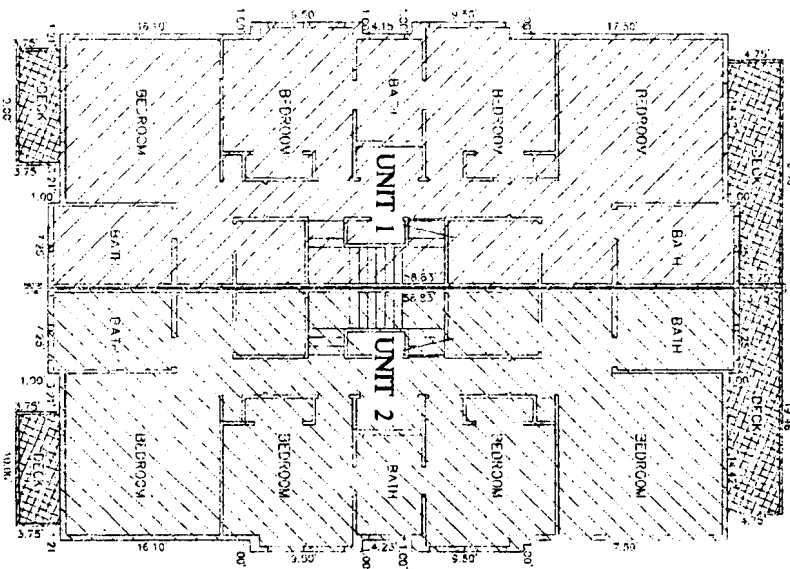
CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON _____ DAY OF _____, 2000.	CITY ENGINEER THIS PLAN IS IN COMPLIANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEER ON _____ DAY OF _____, 2000.	CITY COUNCIL APPROVAL PRESENTED TO THE BOARD OF _____ AT _____ CITY COUNCIL MEETING ON _____ DAY OF _____, 2000. AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.	APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS _____ DAY OF _____, 2000.	RECORDED STATE OF _____ COUNTY OF _____ COUNTY RECORDER _____	SNYDERVILLE BASIN W.R.D. REVIEWED FOR COMPLIANCE TO SNYDERVILLE BASIN WATER REGULATION DISTRICT STANDARDS AS TO _____ DAY OF _____, 2000.
OWNER _____	ENGINEER _____	DEVELOPER _____	CONVEY TO RECORD _____	CONVEY TO RECORD _____	CONVEY TO RECORD _____

Evergreen Engineering, Inc.
1000 East 1000 North, Suite 100
Provo, UT 84601
Phone: 801-734-1111
Fax: 801-734-1112
E-mail: info@evergreeneng.com

LOT 2 - UNIT 1 & UNIT 2
LOWER LEVEL FLOOR PLAN



LOT 2 - UNIT 1 & UNIT 2
UPPER LEVEL FLOOR PLAN



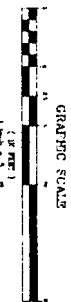
HATCHING LEGEND

- COMMON AREA
- UNITED COMMON AREA
- PRIVATE AREA

AREA TABULATIONS

UNIT 1	
UNITED COMMON AREA	123 SF
PRIVATE AREA	1235 SF
UPPER FLOOR	1227 SF
DOWN FLOOR	108 SF
TOTAL PRIVATE	3154 SF

UNIT 2	
UNITED COMMON AREA	123 SF
PRIVATE AREA	1235 SF
UPPER FLOOR	1227 SF
DOWN FLOOR	108 SF
TOTAL PRIVATE	3154 SF

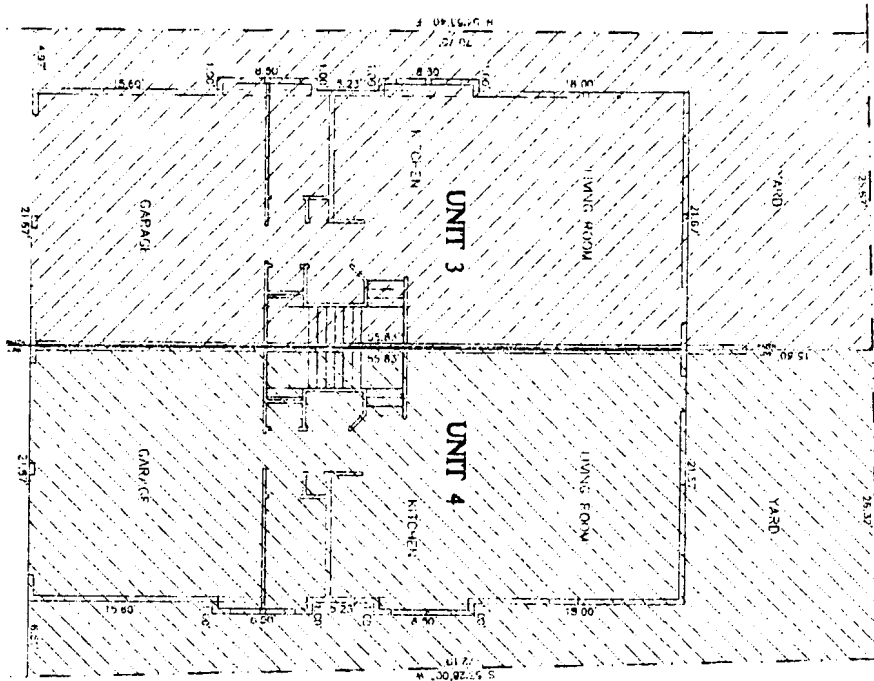


1412/1416 PARK AVENUE CONDOMINIUMS
UNITS 1 & 2
BUILDING FLOOR PLANS

SEAN HULTON



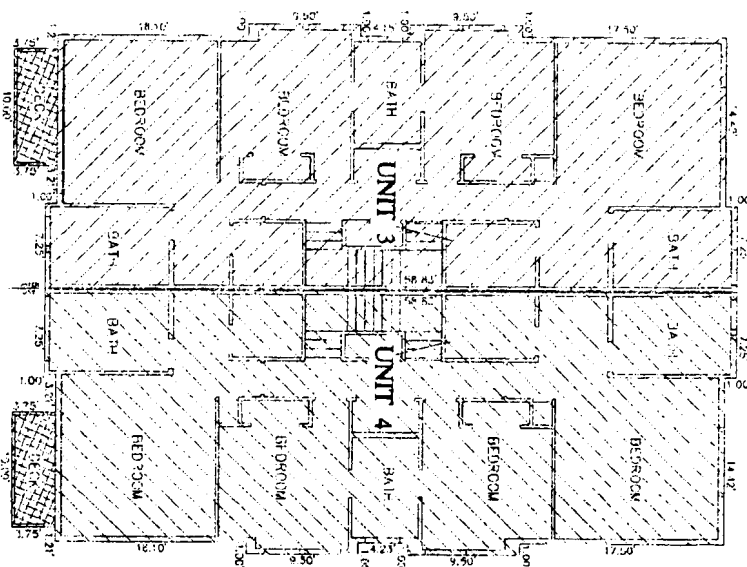
LOT 3 - UNIT 3 & UNIT 4
LOWER LEVEL FLOOR PLAN



HATCHING LEGEND

- COMMON AREA
- UNITED COMMON AREA
- PRIVATE AREA

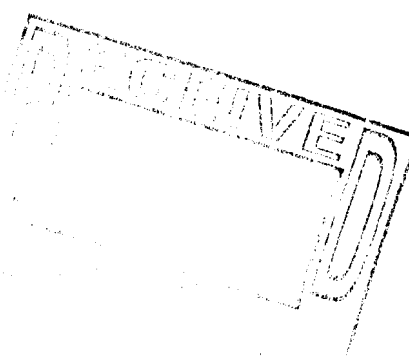
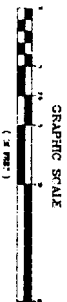
LOT 3 - UNIT 3 & UNIT 4
UPPER LEVEL FLOOR PLAN



AREA TABULATIONS

UNIT 3	
UNITED COMMON AREA	37 SF
PRIVATE AREA	1285 SF
UNIT FLOOR	1322 SF
YARD	687 SF
TOTAL PRIVATE	2009 SF

UNIT 4	
UNITED COMMON AREA	37 SF
PRIVATE AREA	1285 SF
UNIT FLOOR	1322 SF
YARD	687 SF
TOTAL PRIVATE	2009 SF



1412/1416 PARK AVENUE CONDOMINIUMS
UNITS 3 & 4
BUILDING FLOOR PLANS

SEAN HILTON

1412/1416 PARK AVENUE

200

26

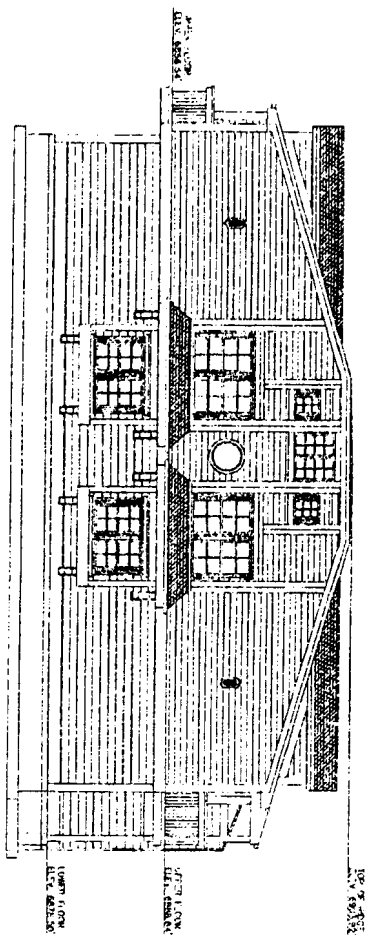
Evergreen Engineering, Inc.



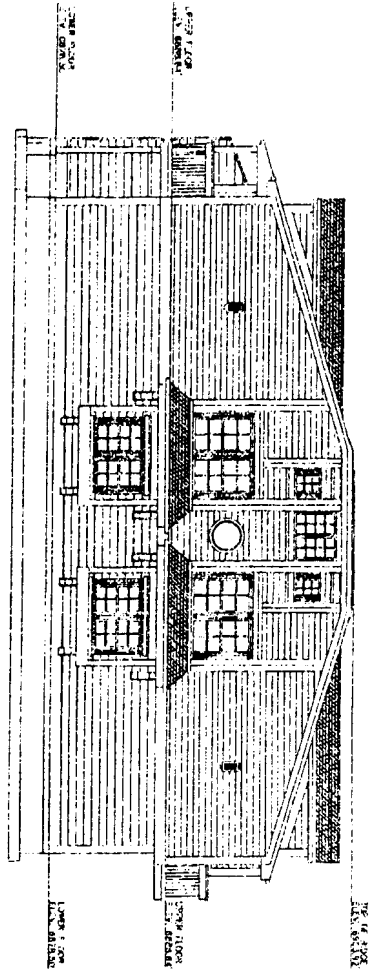
Evergreen Engineering, Inc. is a professional engineering firm providing a wide range of services including structural, mechanical, electrical, and civil engineering. We are committed to providing high-quality, cost-effective solutions for our clients.

AS NOTED
 ASSUMES
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 ARE IN FEET AND INCHES

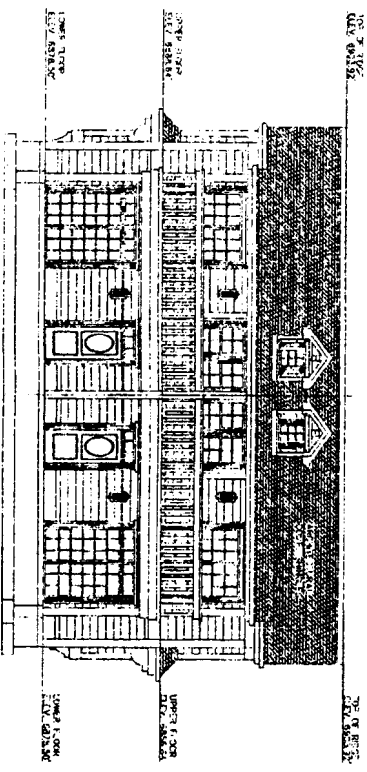
NORTH ELEVATION
 UNIT 2



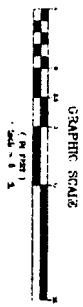
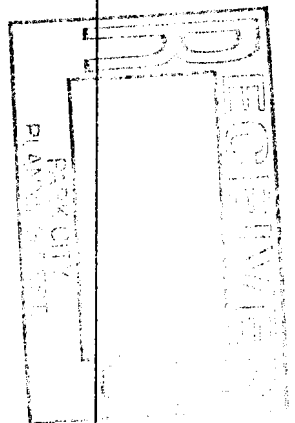
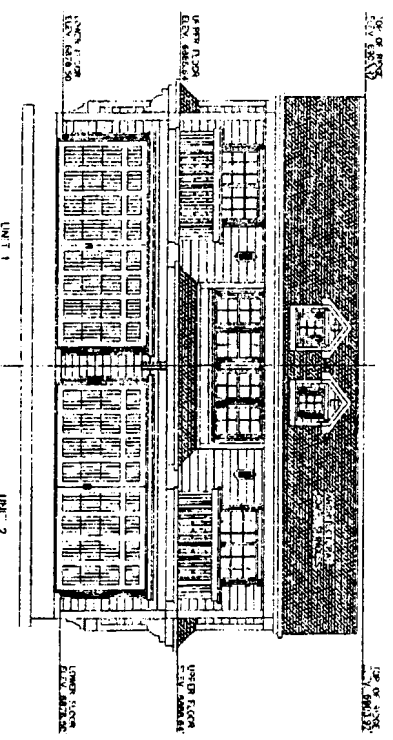
NORTH ELEVATION
 UNIT 1



EAST ELEVATION (CITY PARK)
 UNIT 2



WEST ELEVATION (PARK AVENUE)
 UNIT 1

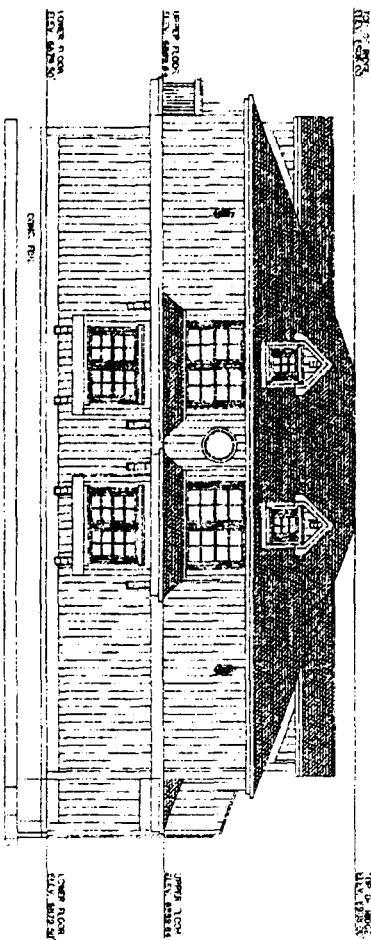


RECORDED
 CITY OF
 RECORD AT THE REQUEST OF
 EVERGREEN ENGINEERING, INC.

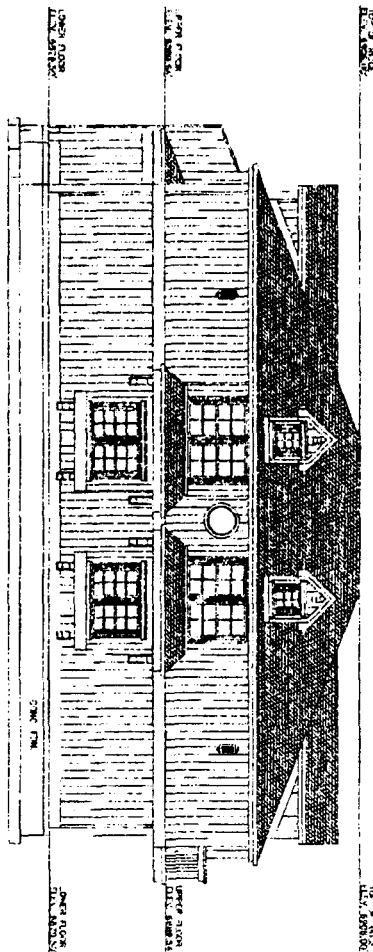
1412/1416 PARK AVENUE CONDOMINIUMS
 UNITS 1 & 2
 BUILDING ELEVATIONS

UNION
ASSOCIATES
ARCHITECTS
1001 10th Ave. S.
Minneapolis, MN 55415

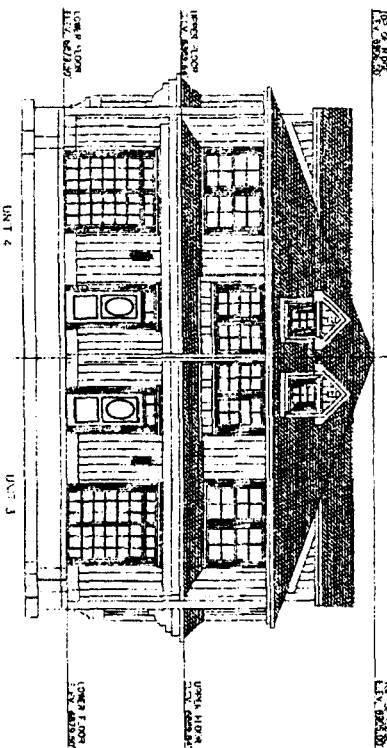
SOUTH ELEVATION
UNIT 4



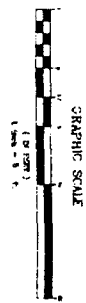
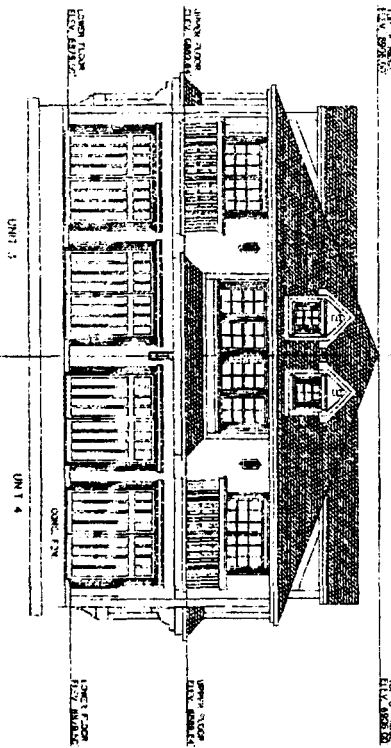
NORTH ELEVATION
UNIT 3



EAST ELEVATION (CITY PARK)
UNIT 3



WEST ELEVATION (PARK AVENUE)
UNIT 4



GRAPHIC SCALE
1" = 8'-0"

RECORDED

DATE OF RECORDING: 10/1/2011
RECORDED AT THE OFFICE OF:
COUNTY OF HENNEPIN

PLANNING & DESIGN

1412/1416 PARK AVENUE CONDOMINIUMS
UNITS 3 & 4
BUILDING ELEVATIONS

1412/1416 PARK AVENUE CONDOMINIUMS
UNITS 3 & 4
BUILDING ELEVATIONS

SEAN RILTON

MUNICIPALITY OF MINNEAPOLIS

28

Evergreen
Engineering, Inc.



Evergreen Engineering, Inc. is a full-service engineering and architectural firm. We provide a wide range of services to our clients, including design, construction management, and program management. Our team is experienced and knowledgeable, and we are committed to providing the highest quality of service to our clients.

City Council Staff Report



Author: Kirsten Whetstone
Subject: Land Management Code Amendments
Private Residence Club
Date: September 23, 2004
Type of Item: Legislative

Planning

Summary Recommendations

Conduct a public hearing, consider any input, and adopt an ordinance amending the Land Management Code regarding Private Residence Clubs.

Description

Topic

Project Name: LMC Amendments
Applicant: Planning Department
Proposal: Revisions to the Land Management Code for Private Residence Clubs

Background

On August 11, 2004, the Planning Commission discussed amendments to the Land Management Code (LMC) to address adding definitions for private residence clubs, conversions, and projects. The Commission also identified zoning districts where this type of condominium unit ownership is appropriate. The Commission held a public hearing, and voted to forward a positive recommendation to the City Council. On September 9, 2004 the City Council held a public hearing and discussed these proposed LMC amendments and continued the public hearing to September 23, 2004.

At both the Planning Commission and City Council hearings on these amendments, Mr. Wells, from Deer Valley spoke in favor. He stated that "the primary motivation is to acknowledge the emergence of this type of ownership and its popularity and to be able to achieve it on a conditional use basis within the Deer Valley Master Plan."

Mr. Pat Sweeney also spoke in favor of the amendments and asked the Commission to consider adding the Estate-MPD zone to this consideration, stating "that it is a good opportunity to provide active bed base for Main Street with appropriate (pedestrian) connections... and this would provide a vehicle for ownership of the land that makes it economically feasible to create an active bed base." The Treasure Hill CUP, currently under review by the Planning Commission, is in the E-MPD zoning district. The Commission did not recommend that private residence clubs be included in the E-Estate district (the MPD designation in this case refers to the Sweeney Properties Master Plan).

Proposed Revisions

Staff has drafted the following LMC amendments for City Council discussion and public input:

- 1) Additions to the Definition Section (Section 15-15-1) to include revised definitions of Timeshare Unit, Timeshare Project, and Timeshare Estate;
- 2) Additions to the Definition Section (Section 15-15-1) to include definitions for Private Residence Club, Private Residence Club Project, and Private Residence Club Conversion; and
- 3) Revisions to the Residential Development (RD), Residential Development Medium Density (RDM), Resort Commercial (RC), General Commercial (GC), Limited Industrial (LI), Resort Commercial Overlay (RCO), Historic Commercial Business (HCB), and Historic Recreation Commercial (HRC), to include Private Residence Club Units and Projects as uses in these zones subject to a Conditional Use Permit.

Currently timeshare units, projects, and conversions are conditional uses in the above listed zoning districts, with the exception of the RD, RDM, RCO, and LI, where they are prohibited. Multi-unit dwellings, hotels and condominium projects are conditional uses in all of the districts recommended for Private Residence Club units and projects. A typical timeshare project in Park City is the Marriott Mountain Resort or Marriott Summit Watch Resort. An example of a Private Residence Club is the Deer Valley Club at Silver Lake, which was built before the LMC Timeshare definition became an all-encompassing definition for any type of fractional ownership use.

Staff proposes the following revisions to the Timeshare Unit, Timeshare Use, and Timeshare Estate (changes shaded or strike out):

Timeshare Unit. That unit of Property and time where possession and Use are allowed under a contract from seller to purchaser, ~~excluding Private Residence Club units.~~

Timeshare Use. Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of a "Timeshare Estate", including without limitation, a vacation license, ~~club membership~~, general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the documents by which the right of exclusive occupancy is transferred, ~~excluding Private Residence Club use.~~

Timeshare Estate. ~~An ownership or leasehold estate in Property devoted to a timeshare fee, including without limitation, tenants in common, time span ownership, interval ownership, and cooperative timeshare ownership, created by a Timeshare Instrument and the documents by which it is granted. A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended, excluding Private Residence Club ownership.~~

Staff is proposing the **addition** of the following three definitions to LMC Section 15-15-1.

Private Residence Club. Residential use real estate, within a single Condominium project, in which ownership or use of a Condominium Dwelling Unit or group of Condominium Dwelling Units is shared by not less than four (4) or more than twelve (12) owners or members per Dwelling Unit and whose use is established by a reservation system and is managed with 24 hour reservation and property management, seven days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by: (i) a deeded interest in real property; (ii) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation or other business entity; (iii) a non-equity membership in a non-profit corporation, non-incorporated association or other entity; (iv) beneficial interest in a trust; or (iv) other arrangement providing for such use and occupancy rights.

Private Residence Club Conversion. The conversion of Condominium Units and associated Common areas within an existing Condominium project to the exclusive use as a Private Residence Club.

Private Residence Club Project. Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for use and ownership as a Private Residence Club and contains at least 4 units.

LMC USE TABLE REVISIONS

Staff proposes that a Private Residence Club use and associated uses be considered an Administrative Conditional Use in a Condominium Project that has already obtained a Conditional Use Permit or is in and of itself a Master Planned Development during the project entitlement and design review approval process. Any Residence Club Conversion shall be subject to an Administrative Conditional Use Permit, including noticing to affected property owners and review for compliance with LMC Section 15-1-10- Conditional Use Permit review. See Exhibits for revised Land Use Tables in each applicable district.

Analysis

The purpose of these LMC amendments is to better define the types of fractional ownership, specifically “private residence club” ownership, sometimes referred to as “fractional fee club ownership”, and to identify zoning districts where these fractional ownership units and projects would be appropriate, as either allowed or conditional uses. Currently, the LMC does not differentiate between different types of fractional ownership units and projects and considers any fractional ownership to be a timeshare unit.

These proposed amendments do not change the zoning districts where traditional timeshare units or projects are allowed (or not allowed).

The amendments allow private residence club ownership of units to occur in all districts where timeshares are currently allowed (or subject to a conditional use permit) as well

as in the following districts: the RD (Residential Development), RDM (Residential Medium Density), RCO (Regional Commercial Overlay), and LI (Limited Industrial) Districts, subject to a conditional use permit. These districts have been identified as appropriate districts for private residence club ownership of condominium units.

Zoning District	Timeshares currently allowed	Timeshares allowed with proposed LMC amendment	Private Residence Club currently allowed (considered timeshares)	Private Residence Club allowed with proposed LMC amendments
RD	NO	NO	NO	YES
RDM	NO	NO	NO	YES
RCO	NO	NO	NO	YES
LI	NO	NO	NO	YES
RC	YES	YES	YES	YES
GC	YES	YES	YES	YES
HCB	YES	YES	YES	YES
HRC	YES	YES	YES	YES

The proposed amendments do not change the process by which nightly rental of units to a third party (regardless of ownership) are regulated and licensed. The proposed amendments also do not change the process by which multi-unit dwellings or condominium projects are regulated or approved, ie. by Conditional Use review, MPD review, condominium plat review, etc.

Upon review, Staff finds that the revisions 1) are consistent with the Park City General Plan and the goals and objectives of the City Council, 2) are not harmful to the health, safety, and welfare of the residents of Park City, and 3) are consistent with the purpose statements of the proposed zoning districts and overall purposes of the Land Management Code.

Department Review

These amendments have been reviewed by the Planning, Building, Engineering, Legal, and Finance Departments. Comments from these departments are reflected in the final staff report. Concerns were raised by many of the professional staffers that our code enforcement capabilities would be diluted by allowing additional fractional ownership programs. It is hoped that by defining all private residence clubs as being part of a single condominium project, will still make code enforcement possible.

Recommendation:

Staff recommends the Council conduct a public hearing, consider public input, and adopt an ordinance approving the LMC amendments as drafted.

Exhibits (Attached to Ordinance under separate cover)

- A. Redlines to LMC Section 15-15-1 Defined Terms
- B. Redlines to RD Zoning District Section 15- 2.13-2
- C. Redlines to RDM Zoning District Section 15- 2.14-2
- D. Redlines to RC Zoning District Section 15- 2.16-2
- E. Redlines to GC Zoning District Section 15-2.18-2
- F. Redlines to LI Zoning District Section 15-2.19-2
- G. Redlines to RCO Zoning District Section 15-2.17-2
- H. Redlines to HCB Zoning District Section 15- 2.6-2
- I. Redlines to HRC Zoning District Section 15- 2.5-2

**AMENDMENTS TO THE LAND MANAGEMENT CODE
REGARDING DEFINITIONS AND ZONING DISTRICTS FOR
TIMESHARE, FRACTIONAL OWNERSHIP, AND PRIVATE RESIDENCE CLUB
OWNERSHIP UNITS AND PROJECTS**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to clarify definitions regarding various forms of fractional ownership, including Timeshare and Private Residence Club ownership of condominium units and to enhance the resort nature of Park City; to facilitate economically viable developments; and to enable development of private residence club ownership properties in zoning districts where traditional timeshare ownership is not allowed; and

WHEREAS, it is in the best interest of the City to maintain Park City as a world class resort and amend the Land Management Code to encourage a variety of housing types and ownership including private homes, condominiums, timeshare properties, and private residence club properties in appropriate zoning districts; and

WHEREAS, the proposed amendments are consistent with the Park City General Plan and the goals and objectives of the City Council; are not harmful to the health, safety and welfare of the residents of Park City; and are consistent with the purpose statements of the zoning districts and overall purposes of the Land Management Code.

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

SECTION 1. AMENDMENT TO TITLE 15- Land Management Code, Chapter 15- Defined Terms. The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.13-2, RD, Residential Development, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.13-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.14-2, RDM, Residential Development Medium Density, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.14-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.16-2, RC, Recreation Commercial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.16-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 5. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.18-2, GC, General Commercial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.18-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 6. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.19-2, LI, Limited Industrial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.19-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit F).

SECTION 7. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.17-2, RCO, Regional Commercial Overlay, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.17-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit G).

SECTION 8. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.6-2, HCB, Historic Commercial Business, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.6-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit H).

SECTION 9. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.5-2, HRC, Historic Recreation Commercial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.5-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit I).

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 23rd day of September 2004.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

EXHIBIT A

5-15-1.220. **Temporary Improvement.** A Structure built and maintained during construction of a Development, activity or special event and then removed prior to release of the performance Guarantee.

15-15-1.221. **Timeshare Conversion.** The conversion into a Timeshare Project of any Property and the existing Structure(s) attached thereto.

15-15-1.222. **Timeshare Estate.** ~~An ownership or leasehold estate in Property devoted to a timeshare fee, including without limitation, tenants in common, time span ownership, interval ownership, and cooperative timeshare ownership, created by a Timeshare Instrument and the documents by which it is granted. A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended, excluding Private Residence Club ownership.~~

15-15-1.223. **Timeshare Instrument.** Any instrument whereby the Use, occupancy, or possession of real Property has been made subject to either a Timeshare Estate or Timeshare Use, and whereby such Use, occupancy, or possession circulates among three (3) or more purchasers of the Timeshare Intervals according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three (3) years in duration.

15-15-1.224. **Timeshare Interval.** A Timeshare Estate or a Timeshare Use.

15-15-1.225. **Timeshare Off-Premises Contacting Activity.** Activity occurring outside of a Timeshare Project that is engaged in by off-premises timeshare contacting personnel in an effort to induce Persons to attend a Timeshare Sales Presentation. Off-Premises Timeshare Contacting Activity must be confined to a fully enclosed Building.

15-15-1.226. **Timeshare Off-Premises Sales Activity.** Original timeshare sales and resale activity occurring outside of a Timeshare Project. Off-Premises Timeshare Sales shall be confined to a fully enclosed Building and is subject to business license regulation.

15-15-1.227. **Timeshare Off-Premises Sales Office.** An office outside of a Timeshare Project, wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales or resales.

15-15-1.228. **Timeshare On-Site Sales Activity.** Timeshare sales activity occurring within a Timeshare Project.

15-15-1.229. **Timeshare On-Site Sales Office.** An office located within a Timeshare Project wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales.

15-15-1.230. **Timeshare Project.** Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

15-15-1.231. **Timeshare Sales Presentation.**

- (A) An offer to sell or reserve a Timeshare Interval;
- (B) An offer to sell an option to purchase a Timeshare Interval;
- (C) The sale of a Timeshare Interval, or an option to purchase a Timeshare Interval; or
- (D) The reservation of a Timeshare Interval, whether the Timeshare Interval is located within or without the State of Utah.

15-15-1.232. **Timeshare Unit.** That unit of Property and time where possession and Use are allowed under a contract from seller to purchaser, ~~excluding Private Residence Club units.~~

15-15-1.233. **Timeshare Use.** Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of "Timeshare Estate", including, without limitation, a vacation license, ~~club membership,~~ general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the documents by which the right of exclusive occupancy is transferred, ~~excluding Private Residence Club use.~~

15-15-1.234. **Transferred Development Right (TDR) Open Space.** See Section 15-15-1.235. 15-1.151(C) Open Space, TDR.

15-15-1.164. **Porous Paving.** A substantial surfacing material designed and intended to support light vehicular movement. Porous Paving includes paving systems such as modular pavers which provide at least fifty percent (50%) surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not Porous Paving.

15-15-1.165. **Preliminary Plat.** The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

15-15-1.166. **Preservation Easement.** An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior's Standards for Rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the easement agreement.

15-15-1.167. **Private Club.** See 15-15-1.44. **Club, Private.**

15-15-1.168. Private Residence Club. Residential use real estate within a single Condominium project in which ownership or use of a Condominium Dwelling Unit or group of Condominium Dwelling Units is shared by not less than four (4) or more than twelve (12) owners or members per Condominium Dwelling Unit and whose use is established by a reservation system and is managed with 24 hour reservation and property management, seven days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by: (i) a deeded interest in real property; (ii) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation or other business entity; (iii) a non-equity membership in a non-profit corporation, non-incorporated association or other entity; (iv) beneficial interest in a trust; or (v) other arrangement providing for such use and occupancy rights.

15-15-1.169. Private Residence Club Conversion. The conversion of Condominium Units and associated Common areas within an existing Condominium project to the exclusive use as a Private Residence Club.

15-15-1.170. Private Residence Club Project. Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for use and ownership as a Private Residence Club and contains at least 4 units.

15-15-1.168. **Property.** Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

15-15-1.169. **Property Line.** The boundary line of a Parcel or Lot.

(A) Property Line, Front. That part of a Parcel or Lot which abuts a Street.

EXHIBIT B

Chapter adopted by Ordinance No. 00-51

15-2.13-1. PURPOSE.

The purpose of the Residential Development RD District is to:

(A) allow a variety of residential Uses that are Compatible with the City=s Development objectives, design standards, and growth capabilities,

(B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,

(C) allow commercial and recreational activities that are in harmony with residential neighborhoods,

(D) minimize impacts of the automobile on architectural design,

(E) promote pedestrian connections within Developments and between adjacent Areas; and

(F) provide opportunities for variation in architectural design and housing types.

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) **ALLOWED USES.**

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

Agriculture

Parking Area or Structure with four (4) or fewer spaces

Recreation Facility, Private

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¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴ See LMC Chapter 15-4-9 for Child Care Regulations

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling 6
- (2) Multi-Unit Dwelling⁶
- (3) Guest House
- (4) Group Care Facility
- (5) Child Care Center
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna 7
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 8
- (10) Raising, grazing of horses
- (11) Cemetery
- (12) Bed and Breakfast Inn
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Private Residence Club Project and Conversion¹⁰**
- (156)** Office, General^{6, 9}
- (167)** Office, Moderate Intensive^{6,8}
- (178)** Office, Medical^{6,8}
- (18) Financial Institution without drive-up window^{6,8}
- (19) Commercial Retail and Service, Minor^{6,8}
- (20) Commercial Retail and Service, personal improvement^{6,8}
- (21) Commercial, Resort Support^{6,8}
- (22) Café or Deli^{6,8}

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁷ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁹Allowed only as a secondary or support Use to the primary development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential developments.

- (23) Restaurant, Standard^{6,8}
- (24) Restaurant, Outdoor Dining ¹⁰
- (25) Outdoor Event⁹
- (26) Bar^{6,8}
- (27) Hospital, Limited Care Facility^{6,8}
- (28) Parking Area or Structure with five (5) or more spaces
- (29) Temporary Improvement⁹

¹⁰ Requires an Administrative Conditional Use permit.

- (30) Passenger Tramway Station and Ski Base Facility ¹¹
 - (31) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
 - (32) Recreation Facility, Public
 - (33) Recreation Facility, Commercial⁶
 - (34) Entertainment Facility, Indoor^{6,8}
 - (35) Commercial Stables, Riding Academy ¹²
 - (36) Master Planned Development with moderate income housing density bonus¹²
 - (37) Master Planned Development with residential and transient lodging Uses only ¹²
 - (38) Master Planned Development with Support Retail and Minor Service Commercial Uses¹²
 - (39) Heliport¹²
 - (40) Vehicle Control Gate¹³
 - (41) Fences greater than six feet (6') in height from Final Grade
- Salt Lake City 2002 Winter
Olympic Games Olympic
Legacy Displays ¹⁴

¹¹As part of an approved Ski Area Master Plan

¹²Subject to provisions of LMC Chapter 15-6, Master Planned Development

¹³ See Section 15-4-19 for specific review criteria for gates

¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License

EXHIBIT C

15-2.14-1. PURPOSE.

The purpose of the Residential Development Medium Density (RDM) District is to:

- (A) allow continuation of medium Density residential and resort related housing in the newer residential Areas of Park City;
- (B) encourage the clustering of residential units to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of

construction and municipal services;

(C) allow limited generated businesses and recreational activities that are Compatible with residential neighborhoods;

(D) allow Development in accordance with the Sensitive Lands Ordinance;

(E) provide opportunities for variation in architectural design and housing types,

(F) promote pedestrian connections within Developments and between adjacent Areas; and

(G) minimize impacts of the automobile on architectural design.

(Amended by Ordinance No. 02-24)

15-2.14-2. USES.

Uses in the RDM District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit 1
- (6) Accessory Apartment 2
- (7) Nightly Rental 3
- (8) Home Occupation

- (9) Child Care, In-Home Babysitting
- (10) Child Care, Family
- (11) Child Care, Family Group 4
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Parking Area or Structure with four (4) or fewer spaces
- (16) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling 6
- (2) Guest House
- (3) Group Care Facility
- (4) Child Care Center
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (7) Telecommunication Antenna 7
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter 8
- (9) Raising grazing of horses
- (10) Cemetery
- (11) Bed and Breakfast Inn
- (12) Boarding House, Hotel
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Private Residence Club Project and Conversion¹¹**
- ~~(15)~~ Office, General^{6, 9}

- (16) Office, Moderate Intensive^{6, 10}
- (17) Office and Clinic, Medical^{6,10}
- (18) Financial Institution, without drive-up window^{6,10}
- (19) Commercial Retail and Service, Minor^{6,10}
- (20) Commercial Retail and Service, personal improvement^{6,10}
- (21) Commercial, Resort Support^{6,10}
- (22) Cafe or Deli^{6,10}
- (23) Restaurant, Standard^{6,10}
- (24) Restaurant, Outdoor Dining 11
- (25) Outdoor Event
- (26) Bar^{6,10}
- (27) Hospital, Limited Care Facility^{6,9}
- (28) Parking Area or Structure with five (5) or fewer spaces
- (29) Temporary Improvement¹¹
- (30) Passenger Tramway Station and Ski Base Facility 12
- (31) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹²
- (32) Recreation Facility, Public
- (33) Recreation Facility, Commercial⁶
- (34) Entertainment Facility, Indoor^{6,9}

-
- (35) Commercial Stables, Riding Academy^{6,9}
 - (36) Master Planned Development with moderate income housing Density bonus⁶
 - (37) Master Planned Development with residential and transient lodging Uses only⁶
 - (38) Master Planned Development with Support Retail and Minor Service Commercial⁶
 - (39) Fences greater than six feet (6') in height from Final Grade
Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays 13

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-24; 02-38)

EXHIBIT D

Chapter adopted by Ordinance No. 00-51

15-2.16-1. PURPOSE.

The purpose of the Recreation Commercial RC District is to:

- (A) allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- (B) allow for resort-related transient housing with appropriate supporting commercial and service activities,
- (C) encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- (D) limit new Development on visible hillsides and sensitive view Areas,
- (E) provide opportunities for variation in architectural design and housing types,
- (F) promote pedestrian connections within Developments and to adjacent Areas,
- (G) minimize architectural impacts of the automobile,
- (H) promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,

(I) promote Park City=s mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and

(J) promote the preservation and rehabilitation of Historic Buildings.

15-2.16-2. USES.

Uses in the RC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit 1

- (6) Accessory Apartment 2
- (7) Nightly Rental 3
- (8) Home Occupation
- (9) Child Care, In-Home
Babysitting
- (10) Child Care, Family
- (11) Child Care, Family Group 4
- (12) Child Care Center
- (13) Accessory Building and Use
- (14) Conservation Activity
- (15) Agriculture
- (16) Bed & Breakfast Inn
- (17) Boarding House, Hostel
- (18) Hotel, Minor
- (19) Parking Area or Structure with four (4) or fewer spaces
Salt Lake City 2002
WinterOlympic Games
Olympic Legacy Displays 5

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling
- (2) Group Care Facility
- (3) Public and Quasi-Public Institution, Church, and School
- (4) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (5) Telecommunications Antenna 6
- (6) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 7

-
- (7) Raising, grazing of horses
 - (8) Cemetery
 - (9) Hotel, Major
 - (10) Timeshare Project and Conversion
 - (11) Timeshare Sales Office
 - (12) Private Residence Club Project and Conversion⁹**
 - ~~(123)~~ Office, General 8
 - ~~(134)~~ Office, Moderate⁸
 - ~~(145)~~ Office and Clinic, Medical⁸
 - ~~(156)~~ Financial Institution without drive-up window⁸
 - ~~(167)~~ Minor Retail and Service Commercial⁸
 - (17) Retail and Service Commercial, personal improvement⁸
 - (18) Transportation Service⁸

 - (19) Neighborhood Market, without gasoline sales⁸
 - (20) Café or Deli⁸
 - (21) Restaurant, General⁸
 - (22) Restaurant, Outdoor Dining^{8, 9}
 - (23) Bar⁸
 - (24) Hospital, Limited Care Facility⁸
 - (25) Parking Area or Structure with five (5) or more spaces
 - (26) Temporary Improvement 10
 - (27) Passenger Tramway Station and Ski Base Facility 11
 - (28) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹¹
 - (29) Outdoor Event¹⁰
 - (30) Recreation Facility, Public and Private 12
 - (31) Recreation Facility, Commercial¹²
 - (32) Entertainment Facility, Indoor¹²
 - (33) Commercial Stables, Riding Academy¹²
 - (34) Master Planned Developments
 - (35) Heliport¹²
- Fences greater than six feet (6') in height from Final Grade
Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays 13

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38)

EXHIBIT E

15-2.18-1. PURPOSE.

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City=s entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- (E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- (F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- (G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and public art.

15-2.18-2. USES.

Uses in the GC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters
Lockout Unit 1
Accessory Apartment 2
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting

-
- (7) Child Care, Family
 - (8) Child Care, Family Group 3
 - (9) Child Care Center
 - (10) Accessory Building and Use
 - (11) Conservation Activity
 - (12) Agriculture
 - (13) Plant and Nursery Stock production and sales
 - (14) Bed & Breakfast Inn
 - (15) Boarding House, Hostel
 - (16) Hotel, Minor
 - (17) Hotel, Major
 - (18) Office, General
 - (19) Office, Moderate Intensive
 - (20) Office, Intensive
 - (21) Office and Clinic, Medical
 - (22) Financial Institution without a drive-up window
 - (23) Commercial, Resort Support
 - (24) Retail and Service Commercial, Minor
 - Retail and Service Commercial, Personal Improvement
 - (26) Retail and Service Commercial, Major
 - (27) Cafe or Deli
 - (28) Restaurant, General
 - (29) Hospital, Limited Care Facility
 - (30) Parking Area or Structure with four (4) or fewer spaces
 - (31) Parking Area or Structure with five (5) or more spaces
 - (32) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Multi-Unit Dwelling
- (5) Group Care Facility
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna 4
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 5
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office, off-site within an enclosed Building
- (12) Private Residence Club Project and Conversion⁸**
- (123)** Financial Institution with a Drive-up Window 6
- (13)** Retail and Service Commercial with Outdoor Storage
- (14)** Retail and Service Commercial, Auto Related
- (15)** Transportation Service

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38; 04-08)

EXHIBIT F

Chapter adopted by Ordinance No. 00-51

15-2.19-1. PURPOSE.

The purpose of the Light Industrial (LI) District is to:

(A) allow light industrial and manufacturing Uses that will not create traffic hazard, noise, dust, fumes, odors, smoke, vapor, vibration, glare, or industrial waste disposal problems,

-
- (16) Retail Drive-Up Window 7
 - (17) Gasoline Service Station
 - (18) Restaurant and Cafe, Outdoor Dining 8
 - (19) Restaurant, Drive-up Window⁷
 - (20) Outdoor Event⁸
 - (21) Bar
 - (22) Sexually Oriented Businesses 9
 - (23) Hospital, General
 - (24) Light Industrial Manufacturing and Assembly
 - (25) Temporary Improvement⁸
 - (26) Passenger Tramway and Ski Base Facility
Ski tow rope, ski lift, ski run, and ski bridge
 - Commercial Parking Lot or Structure
 - (29) Recreation Facility, Public
 - (30) Recreation Facility, Commercial
Indoor Entertainment Facility
 - (32) Master Planned Development with moderate housing density bonus 10
 - (33) Master Planned Developments¹⁰
 - (34) Heliport
 - (35) Temporary Sales Trailer in conjunction with an active Building permit for the Site.⁸
 - (36) Fences greater than six feet (6') in Height from Final Grade

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

- (B) allow Conditional Uses to mitigate potential impacts,
- (C) accommodate complementary and supporting Uses such as parking, child care, retail, offices, group care, and recreation facilities, and
- (D) allow new light industrial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural design and details, color range, massing, lighting, landscaping, and the relationship to Streets and pedestrian ways.

15-2.19-2. USES.

Uses in the LI District are limited to the following:

(A) ALLOWED USES.

- (1) Secondary Living Quarters
- (2) Accessory Apartment 1
- (3) Nightly Rental
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting
- (6) Child Care, Family
- (7) Child Care, Family Group 2
- Child Care Center
- Agriculture
- Plant and Nursery Stock
- Office, General
- (12) Office, Moderate Intensive
- (13) Office, Intensive
- (14) Financial Institution without drive-up window
- (15) Retail and Service Commercial, Minor
- (16) Retail and Service Commercial, Personal Improvement
- (17) Retail and Service Commercial, Major
- (18) Commercial, Resort Support
- (19) Hospital, Limited Care
- (20) Parking Area or Structure with four (4) or fewer spaces
- (21) Recreation Facility, Private

(B) CONDITIONAL USES.

¹See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

²See LMC Chapter 15-4-9 for Child Care Regulations

- (1) Multi-Unit Dwelling
- (2) Group Care Facility
- (3) Child Care Center
- (4) Public and Quasi-Public Institution, Church, and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna 3
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 4
- (8) Accessory Building and Use
- (9) Raising, grazing of horses
- (10) Bed and Breakfast Inn
- (11) Boarding House, Hostel
- (12) Hotel, Minor
- (13) Private Residence Club Project and Conversion⁶**
- ~~(134)~~ Office and Clinic, Medical
- (145)** Financial Institutions with Drive-Up Window 5
- (156)** Retail and Service Commercial with Outdoor Storage
- (16) Retail and Service Commercial, Auto-Related
- (17) Transportation Services
- (18) Retail Drive-Up Window⁵
- (19) Gasoline Service Station
- (20) Café or Deli
- (21) Restaurant, General
- (22) Restaurant, Outdoor Dining
- (23) Restaurant, Drive-Up Window
- (24) Outdoor Event 6
- (25) Bar
- (26) Hospital, General
- (27) Light Industrial Manufacturing and Assembly Facility
- (28) Parking Area or Structure with five (5) or more spaces
- (29) Temporary Improvement⁶
- (30) Passenger Tramway Station and Ski Base Facility
- (31) Ski tow rope, ski lift, ski run, and ski bridge
- (32) Recreation Facility, Public
- (33) Recreation Facility, Commercial
- (34) Entertainment Facility, Indoor

³ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁴See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁵See Section 2.19-8 for Drive-Up Window review criteria

⁶Subject to Administrative Conditional Use permit.

- (35) Commercial Stables, Riding Academy
- (36) Master Planned Developments 7
- (37) Heliports
- (38) Commercial Parking Lot or Structure
- (39) Temporary Sales Office, in conjunction with an active Building permit.
- (40) Fences greater than six feet (6') in height from Final Grade.

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

EXHIBIT G

Chapter adopted by Ordinance No. 00-51

15-2.17-1. PURPOSE.

To allow for regional Commercial Uses on Properties not otherwise zoned for Commercial Uses. This overlay zone affords the Owner the option to apply for commercial Development and Use on lands affected by the overlay zone. In the event the Application for Commercial Use is denied, the underlying zoning governs permissible Development of the Property.

15-2.17-2. USES.

Uses in the RCO District are limited to the following:

(A) ALLOWED USES.

- (1) Secondary Living Quarters
- (2) Lockout Unit 1
- (3) Accessory Apartment 2
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting
- (7) Child Care, Family
- (8) Child Care, Family Group 3

⁷Subject to provisions of LMC Chapter 15-6, Master Planned Development.

¹Nightly Rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 for Child Care Regulations

- (9) Accessory Building and Use
 - (10) Conservation Activity
 - (11) Agriculture
 - (12) Parking Area or Structure with four (4) or fewer spaces
 - (13) Recreation Facility, Private
 - (14) Allowed Uses in the Underlying Zoning District
- Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays ⁴

⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling ⁵
- (2) Group Care Facility⁵
- (3) Child Care Center⁵
- (4) Public and Quasi-Public Institution, Church and School⁵
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure⁵
- (6) Telecommunication Antenna ⁶
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter ⁷
- (8) Plant and Nursery stock products and sales⁵
- (9) Bed and Breakfast Inn⁵
- (10) Boarding House, Hostel⁵
- (11) Hotel, Minor⁵
- (12) Hotel, Major⁵
- (13) Private Residence Club Project and Conversion⁹**
- ~~(13)~~ Timeshare Sales Office, off-site⁵
- ~~(14)~~ Office, General⁵
- ~~(15)~~ Office, Moderate Intensive⁵
- (16) Office, Intensive⁵
- (17) Office and Clinic, Medical⁵
- (18) Financial Institution, with and without drive-up window^{5, 8}
- (19) Retail and Service Commercial, Minor⁵
- (20) Retail and Service Commercial, personal improvement⁵
- (21) Retail and Service Commercial, Major⁵
- (22) Transportation Service⁵
- (23) Retail Drive-Up Window⁸
- (24) Neighborhood Convenience Commercial⁵
- (25) Commercial, Resort Support⁵
- (26) Gasoline Service Station⁵
- (27) Cafe, Deli⁵

⁵Subject to provisions of Chapter 15-6, Master Planned Developments

⁶ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸See Section 15-2.18-5 criteria for drive-up windows

- (28) Restaurant, General⁵
- (29) Restaurant, Outdoor Dining ⁹
- (30) Outdoor Event⁹
- (31) Restaurant, Drive-up window⁸
- (32) Bar⁵
- (33) Hospital, Limited Care Facility⁵
- (34) Hospital, General⁵
- (35) Parking Area or Garage with five (5) or more spaces⁸
- (36) Temporary Improvement⁹
- (37) Passenger Tramway Station and Ski Base Facility⁵
- (38) Ski tow rope, ski lift, ski run, and ski bridge⁵
- (39) Recreation Facility, Public⁵
- (40) Recreation Facility, Commercial⁵

⁹ Requires an Administrative Conditional Use permit

- (41) Entertainment, Indoor⁵
- (42) Master Planned Developments⁵
- (43) Heliport⁵
Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays 10

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38)

EXHIBIT H

15-2.6-1. PURPOSE.

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

- (A) preserve the cultural heritage of the City=s original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,
- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and

¹⁰Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

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

15-2.6-2. USES.

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

(A) **ALLOWED USES.**

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

¹Nightly Rental of Lock Units requires a Conditional Use permit

- (5) Accessory Apartment 2
- (6) Nightly Rental 3
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group 4
- (11) Child Care Center
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn 5
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office and Clinic, Medical
- (21) Financial Institution, without drive-up window
- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Displays 6

(B) **CONDITIONAL USES.**

- (1) Group Care Facility

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

³Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

⁴ See LMC Chapter 15-4-9 for Child Care Regulations

⁵ Requires an Administrative Conditional Use permit

⁶Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna ⁷
- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter ⁸
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major

⁷ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

- (8) Timeshare Projects and Conversions
- (9) Timeshare Sales Office, Off-Site within an enclosed Building
- (10) Private Residence Club Project and Conversion⁵**
- ~~(10)~~ Commercial Retail and Service, Major
- ~~(11)~~ Office, Intensive
- ~~(12)~~ Restaurant, Outdoor Dining⁵
- (13) Outdoor Events
- (14) Hospital, Limited Care Facility
- (15) Parking Area or Structure for five (5) or more cars
- (16) Temporary Improvement
- (17) Passenger Tramway Station and Ski Base Facility
- (18) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (19) Recreation Facility, Public or Private
- (20) Recreation Facility, Commercial
- (21) Fences greater than six feet (6') in height from Final Grade
- Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays 9

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38)

EXHIBIT I

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

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

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize the visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,

⁹Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate density bed base at the Town Lift,
- (G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) encourage preservation and rehabilitation of Historic Buildings and resources.

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit 1
- (5) Accessory Apartment 2
- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group 3
- (11) Child Care Center
- Accessory Building and Use
- Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn 4
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General
- (19) Parking Area or Structure, with four (4) or fewer spaces

(B) CONDITIONAL USES.

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴Requires an Administrative Conditional Use permit

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots one acre
- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna 5
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter 6
- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions
- (12) Private Residence Club Project and Conversion⁴**
- ~~(123)~~ Office, Intensive
- ~~(134)~~ Office and Clinic, Medical
- (14) Financial Institution, without drive-up window 7
- (15) Commercial Retail and Service, Minor⁷
- (16) Commercial Retail and Service, personal improvement⁷
- (17) Neighborhood Convenience Commercial, without gasoline sales
- (18) Café or Deli⁷
- (19) Restaurant, General⁷
- (20) Restaurant and café, Outdoor Dining⁴
- (21) Outdoor Events⁴
- (22) Bar
- (23) Parking Area or Structure, with five (5) or more spaces
- (24) Temporary Improvement
- (25) Passenger Tramway Station and Ski Base Facility
- (26) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (27) Recreation Facility, Commercial, Public, and Private
- (28) Entertainment Facility, Indoor
- (29) Fences greater than six feet (6') in height from Final Grade

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

⁵See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

⁶See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

⁷If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

City Council Staff Report



Author: Brooks T. Robinson
Subject: Amendment to Flagstaff Mountain
Development Agreement – Exhibit “A”/Pod D Boundary
Date: September 23, 2004
Type of Item: Legislative

**PLANNING
DEPARTMENT**

Summary Recommendations:

The Planning Staff requests that the City Council approve the applicant’s request to amend “Exhibit A” of the Development Agreement for Flagstaff Mountain, relating to the Pod D boundary, in a form to be approved by the City Attorney.

Topic

Applicant	United Park City Mines / Talisker Corp.
Location	Empire Pass (formerly known as Flagstaff Mountain Resort), top of Northside ski lift
Zoning	Estate (E) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses	Deer Valley Resort ski terrain, undeveloped land

Background:

On June 24, 1999, Council adopted Ordinance 99-30 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Ordinance 99-30 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel. The Development Agreement (DA) specifies that only 147 acres of the 1,655-acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space.

The DA defines the Northside Neighborhood, or Pod D, as 63-acres composed of property owned by five separate property owners: United Park City Mines, Deer Valley, Park Star Mining Company, Bransford Land Company, Stichting Beheer Mayflower Project. Pod D may contain a maximum of 38 detached single-family homes if all landowners provide written acceptance of the Development Agreement. Without acceptance by all property owners, United Park and Deer Valley may apply for a maximum of 30 detached single-family homes on lands owned by them. Section 2.4 of the DA further limits development:

- out of the meadows;
- disturbance to a minimum of 50 feet from a ski run;
- structures, roads, and utilities to minimize visual impacts;
- development out of the “Enchanted Forest”;

The boundary of Pod D is illustrated in Exhibit “A” of the Development Agreement (see *attached exhibit*).

All property owners of the Northside neighborhood, Pod D, have not provided written acceptance of the Development Agreement. Therefore, on September 26, 2003 United Park City Mines Company submitted a Master Planned Development application for a a 30-lot subdivision consistent with the DA allocation. The Planning Commission reviewed the project and held work sessions and/or public hearings on the application on July 14, July 28, and August 11, 2004.

Pod D Boundary and Planning Commission MPD Review:

As part of its review of the MPD, the Planning Commission was presented with a layout for the Red Cloud MPD/subdivisoin that goes outside of the development pod as shown on Exhibit A of the DA. The DA clearly defines the “Northside Neighborhood” as “that 63-acre portion of Flagstaff Mountain descried and depicted as the Northside Neighborhood in Exhibit A attached hereto an limited to the maximum density, unit equivalency, and configuration more fully described herein”. United Park City Mines asked consideration that because the various exhibits of the Annexation Plat (Exhibit A), and the Development Agreement (Exhibits A, J, and P) have different configurations of Pod D, there should be flexibility to formally establish the boundary as part of the MPD approval.

The applicant submitted an exhibit (Exhibit B) showing the previously approved boundary with the proposed boundary. The applicant also provided two alternative site plans, one showing general conformance with the pod boundaries, and a second with several lots further to the south near the western extent of the pod. The applicant sought approval of the second alternative as it provides more spacing between the building pads, better visual sensitivity, and a better winter skiing experience without houses crowding near the ski trails.

In reviewing the applicants’ preferred alternative, the Planning Commission determined that greater separation between houses is achieved, larger stands of forest are preserved between building pads and the location of the lots currently outside of the mapped pod boundary are not visually sensitive.

The Planning Comission found the Red Cloud MPD to be in substantial compliance with the design requirements set forth in the DA. The building pads are located outside of the

meadow areas and within locations that minimize significant tree removal. Building sites generally comply with the 50 ft. setback from adjacent ski runs. Access will be provided via a private road. Preliminary road plans indicate that the alignment is designed to minimize cut/fill slopes and maximize vegetation buffer areas.

On August 11, 2004 the Planning Commission approved the 30-lot Red Cloud Master Planned Development. The approval of the MPD is contingent upon City Council approval of an amendment to the Development Agreement Exhibit A for the boundary of Pod D prior to the review of the subdivision plat, and/or issuance of any Building Permit. The City Council has total legislative discretion to approve or deny an amendment to the Development Agreement.

Analysis:

Consistent with the analysis and Planning Commission MPD discussion, Staff finds the the proposed reconfiguration of the Pod D/ Red Cloud boundary (Exhibit A) is consistent with the intent of the 1999 Development Agreement. Staff also finds that the proposal results in an equal or better subdivision layout. Both Staff and the Planning Commission have determined that:

greater separation between houses is achieved;
larger stands of forest are preserved between building pads; and
the location of the lots currently outside of the mapped pod boundary are not visually sensitive.

In addition the proposed modification will result in a subdivision plan in which:

the building pads are located outside of the meadow areas;
building pad locations minimize significant tree removal;
building sites generally comply with the 50 ft. setback from adjacent ski runs; and
retains sufficient area in which to provide road and utility access to the land(s) which (if the remaining property owners sign the DA) may be developed with up to 8 lots per the Development Agreement, Section 2.4.

Recommendation:

The Planning Staff requests that the City Council approve the applicant's request to amend "Exhibit A" of the Development Agreement for Flagstaff Mountain, relating to the Pod D boundary, in a form to be approved by the City Attorney.

Exhibits

Exhibit A – Proposed Pod D Boundary

Exhibit B – Existing and proposed boundary

AN ADENDUM TO THE DEVELOPMENT AGREEMENT FOR FLAGSTAFF MOUNTAIN, BONANZA FLATS, THE 20-ACRE QUINN'S JUNCTION PARCEL AND IRON MOUNTAIN AMENDING SECTION 2.5

Whereas, the former owner of United Park City Mines Company and Park City Municipal Corporation executed a development agreement for Flagstaff Mountain, Bonanza Flats, the 20-Acre Quinn's Junction Parcel and Iron Mountain on June 24, 1999; and

WHEREAS, the Owner of the property, Deer Valley Resort, has petitioned the City Council for approval of an amendment to Section 2.5 of the development agreement for Flagstaff Mountain, Bonanza Flats, the 20-Acre Quinn's Junction Parcel and Iron Mountain; and

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

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

WHEREAS, the Planning Commission held a public hearing on August 11, 2004, to receive input on the proposed amendment; and

WHEREAS, the Planning Commission, on August 11, 2004, forwarded a positive recommendation on the proposed amendment to the City Council; and

WHEREAS, on September 23, 2004, the City Council held public hearings to receive input on the proposed annexation and zoning; and

WHEREAS, it is in the best interest of Park City, Utah to approve this amendment to Section 2.5 of the development agreement for Flagstaff Mountain, Bonanza Flats, the 20-Acre Quinn's Junction Parcel and Iron Mountain.

NOW THEREFORE, THE PARTIES HEREBY AGREE TO AMEND SECTION 2.5 OF THE DEVELOPMENT AGREEMENT FOR FLAGSTAFF MOUNTAIN BONANZA FLATS, RICHARDSON FLATS, THE 20-ACRE QUINN'S JUNCTION PARCEL AND IRON MOUNTAIN AS FOLLOWS:

"Subject to conditional use review, Deer Valley may construct a skier day lodge of a maximum of 35,000 square feet, in the approximate location depicted in exhibit A. The day lodge shall have ~~no public road access and~~ no day skier parking, and must have adequate emergency vehicle access. ~~and shall have only limited~~ Any parking lot for the Lodge shall be for the purpose of meeting temporary event, service and administrative requirements, and shall be reviewed

by the Planning Commission as a conditional use. Pursuant to a conditional use permit, said temporary parking area may be located on adjacent properties. Permanent non-skier parking for the Empire Day Lodge will be considered part of the POD B-2 Master Planned Development. DEER VALLEY shall provide deed-restricted employee/affordable housing units as defined by the City's affordable housing policy in an amount equal to 20% of the commercial Unit Equivalents approved by the City for the day lodge prior to issuance of a Certificate of Occupancy for the day lodge."

PASSED AND ADOPTD this 23rd day of September, 2004.



EMPIRE PASS RESORT
 DEER VALLEY, UTAH
 DEVELOPER
 UNITED PARK CITY LANDS COMPANY
 2000 PARK CITY, UTAH 84060
 PHONE (435) 649-0111 FAX (435) 649-0035
 ALLIANCE ENGINEERING, INC.
EXHIBIT A

RECEIVED
SEP 13 2004
 PARK CITY
 PLANNING DEPT.

**CITY COUNCIL
STAFF REPORT**



DATE: September 23, 2004
DEPARTMENT: Planning Department
TITLE: 9200 Marsac Empire Day Lodge CUP
TYPE OF ITEM: Modification to Flagstaff Development Agreement

PLANNING DEPARTMENT

RECOMMENDATION Staff recommends that the City Council conduct a public hearing, review the proposed modification to the Flagstaff Development Agreement, and consider approving the modification via addendum in a form to be approved by the Legal Department.

DESCRIPTION

Project Name: Flagstaff Development Agreement Modification
Project Planner: Ray Milliner
Applicant: Deer Valley Resort (Bob Wells Representative)
Owner of Property: Deer Valley Resort
Location: 9200 Marsac Avenue
Zone: Residential Development in a Master Planned Development (RD-MPD)

BACKGROUND

The June 24, 1999 development agreement between Park City Municipal, Deer Valley Resort, and United Park City Mines Company provided for a 35,000 square foot day lodge to be located in Pod B-2 of the Flagstaff development. Section 2.5 of the agreement reads:

"Subject to conditional use review, Deer Valley may construct a skier day lodge of a maximum of 35,000 square feet, in the approximate location depicted in exhibit A. The day lodge shall have no public road access and no day skier parking, must have adequate emergency vehicle access, and shall have only limited parking to meet service and administrative requirements. DEER VALLEY shall provide deed-restricted employee/affordable housing units as defined by the City's affordable housing policy in an amount equal to 20% of the commercial Unit Equivalents approved by the City for the day lodge prior to issuance of a Certificate of Occupancy for the day lodge."

On May 12, 2000, Planning Commission approved a Conditional Use Permit for the day skier lodge. During the construction of the Lodge, Deer Valley Resort built a temporary asphalt parking lot for use during construction. Subsequent to completion of the building, the applicant discovered that there is a community demand to utilize the building for non-skier related activities, such as special events, weddings, and business

meetings. In January of 2002, the applicant applied for a modification of the original CUP approval to allow for the use of the structure for community events. The Planning Commission at its March 27, 2002 (see exhibit B) meeting heard the item and generally supported the day use of the Lodge and associated parking, however no action was taken, as the development agreement had not been modified. Therefore, the applicant has requested that the Planning Commission consider a revision to the Flagstaff Development Agreement at this time, to enable the CUP for parking and community-event (non-skier parking) day use of the Lodge. The proposed modification was reviewed by the Planning Commission at its August 11, 2004 meeting, wherein a public hearing was conducted and a positive recommendation forwarded to the City Council.

ANALYSIS

Central to this application is the relationship between the proposed parking area and the future development of the Pod B-2 section of the Flagstaff master plan. It is understood that development will occur on said Pod, however it is still unclear as to when. It is also understood that the parking area in its current form will change when development does occur on Pod B-2., once an MPD of the Pod is processed. The applicant is requesting that the development agreement be modified to allow the creation of a temporary parking lot as a CUP that would be reviewed by the Planning Commission. A permanent parking lot will be reviewed as part of a subsequent Pod B-2 MPD application.

Upon approval of the Day Lodge, the Planning Commission and staff expressed concerns regarding the impacts of temporary events would have on Marsac Avenue. However, since the time of the original Lodge approval, staff has noted minimal traffic impacts, and a positive public response to the facility and its use for community related events. Therefore, as an attempt to draw closure on the temporary event use of the Empire Day Lodge, staff recommends that the Development Agreement, Section 2.5, be amended in the following manner:

“Subject to conditional use review, Deer Valley may construct a skier day lodge of a maximum of 35,000 square feet, in the approximate location depicted in exhibit A. The day lodge shall have ~~no public road access and~~ no day skier parking, and must have adequate emergency vehicle access. ~~and shall have only limited~~ Any parking lot for the Lodge shall be for the purpose of to meeting temporary event, service and administrative requirements, and shall be reviewed by the Planning Commission as a conditional use. Pursuant to a conditional use permit, said temporary parking area may be located on adjacent properties. Permanent non-skier parking for the Empire Day Lodge will be considered part of the POD B-2 Master Planned Development. DEER VALLEY shall provide deed-restricted employee/affordable housing units as defined by the City's affordable housing policy in an amount equal to 20% of the commercial Unit Equivalents

approved by the City for the day lodge prior to issuance of a Certificate of Occupancy for the day lodge.”

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing, review the proposed modification to the Flagstaff Development Agreement, and consider adopting the attached ordinance.

EXHIBITS

- Exhibit A – Proposed modification to Flagstaff Development Agreement
- Exhibit B - Section 2.5 and Exhibit A of the Flagstaff Development Agreement.
- Exhibit C – Minutes from March 27, 2002 Planning Commission meeting.
- Exhibit D - Approval from May 10, 2000 Empire Day Lodge.
- Exhibit E – Site Plan
- Exhibit F – Aerial Photo of Site
- Exhibit G – Consent Letter From Talisker Development
- Exhibit H – Letter From Applicant

Ordinance No. 04-

AN ORDINANCE AMENDING EXHIBIT A OF THE DEVELOPMENT AGREEMENT FOR FLAGSTAFF MOUNTAIN, BONANZA FLATS, THE 20-ACRE QUINN'S JUNCTION PARCEL AND IRON MOUNTAIN

WHEREAS, the Owner of the property, United Park City Mines Company, has petitioned the City Council for approval of an amendment to Exhibit A of the development agreement for Flagstaff Mountain, Bonanza Flats, the 20-Acre Quinn's Junction Parcel and Iron Mountain; and

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

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

WHEREAS, the Planning Commission held public hearings on July 14, July 28 and August 11, 2004, to receive input on the proposed amendment as part of the Red Cloud Master Planned Development (Pod D); and

WHEREAS, the Planning Commission, on August 11, 2004, forwarded a positive recommendation as a Condition of Approval for the Red Cloud MPD on the proposed amendment to the City Council; and

WHEREAS, on September 23, 2004, the City Council held a public hearing to receive input on the proposed Exhibit A boundary alignment; and

WHEREAS, it is in the best interest of Park City, Utah to approve this amendment to Exhibit A of the development agreement for Flagstaff Mountain, Bonanza Flats, the 20-Acre Quinn's Junction Parcel and Iron Mountain.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City Of Park City, Utah that:

SECTION 1. APPROVAL. Exhibit A of the Development Agreement for Flagstaff Mountain Bonanza Flats, Richardson Flats, the 20-acre Quinn's Junction Parcel and Iron Mountain is hereby amended in accordance with the attached Exhibit A.

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

PASSED AND ADOPTED this 23rd day of September, 2004.

may not exclude free public access to the public trail systems identified on the Trails Master Plan.

2.4.1.5. **Enchanted Forest.** No development shall occur in the "Enchanted Forest" area generally designated on Exhibit A and further defined in the Small Scale MPD process.

2.4.1.6. **Deed Restricted Open Space.** Within 30 days of issuance of a Small Scale MPD, DEVELOPER shall record perpetual covenants and restrictions with respect to all designated open space associated with the Small Scale MPD and which shall prevent the construction thereon of residential, commercial and retail structures but shall allow ski-related uses.

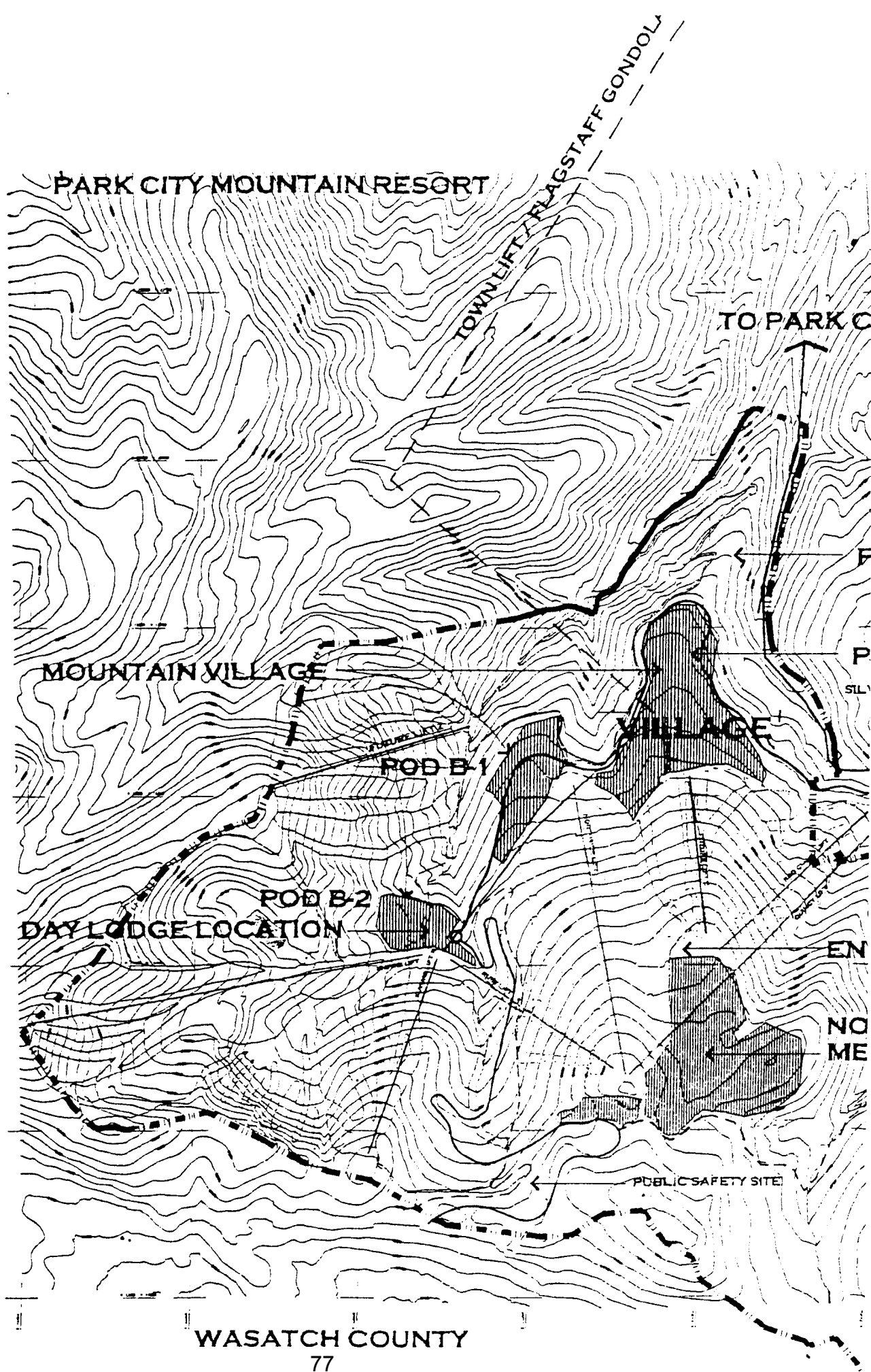
2.4.2. **Northside Neighborhood Conservation Plan.** DEVELOPER and DEER VALLEY agree to refrain from transferring, improving or developing the Northside Neighborhood for 3 years, from the date of this Agreement to facilitate the potential of (a) the fee simple sale of the Northside Neighborhood, or (b) the sale and transfer of the development rights from the Northside Neighborhood. In either case, the sale would be completed within said time period and would be to a conservation buyer or buyers at fair market value at the date of purchase. Fair market value in this context shall reflect the entitlement for single family detached units set forth in the Large Scale Master Plan and this Agreement or, if the Small Scale Master Plan has been issued, as reflected in the Small Scale Master Plan for the Northside Neighborhood. The three-year period noted above shall not limit the Planning Commission's authority in connection with approval of the phasing plans required in sections 2.1.10 and 2.1.11.

2.5. **Ski-Related Development.** Subject to conditional use review, DEER VALLEY may construct a skier day lodge of a maximum of 35,000 square feet, in the approximate location depicted on Exhibit A. The day lodge

shall have no public road access and no day skier parking, must have adequate emergency vehicle access, and shall have only limited parking to meet service and administrative requirements. DEER VALLEY shall provide deed-restricted employee/affordable housing units as defined by the City's affordable housing policy in an amount equal to 20% of the commercial Unit Equivalents approved by the City for the day lodge prior to issuance of a Certificate of Occupancy for the day lodge.

2.5.1 Conditional Use (Administrative). Ski terrain and ski-related development is an administrative conditional use within the Project, consistent with the Deer Valley Ski Area Master Plan depicted in Exhibit F attached hereto, provided that only two graded runs shall be allowed in ski Pod Z, with thinning and other limited vegetation removal in the balance of Pod Z for skier safety and glade skiing. Review of ski terrain and ski-related development shall include, but shall not be limited to consideration of the following:

- 2.5.1.1 Openings for ski trails and lifts with straight edges and uniform widths will be minimized to the greatest extent possible.
- 2.5.1.2 Trails that are designed for base area return or circulation between fall line areas shall be designed for appropriate grades and widths consistent with minimizing visual impact.
- 2.5.1.3 Lift towers shall be painted or otherwise treated to blend with the natural surroundings.
- 2.5.1.4 Vegetation management, re-vegetation and erosion control techniques shall be designed in accordance with the "Deer Valley Resort Company Ski Run Construction and Revegetation Standards" attached hereto as Exhibit G. The objective shall be to achieve a vegetative condition that enhances the skier experience and long



The Staff requested that this item be continued to April 10, 2001.

MOTION: Commissioner O'Hara moved to CONTINUE this item to April 10, 2002. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

3. Amendment to the Empire Day Lodge Conditions of Approval

Planner Brooks Robinson reviewed the request by Deer Valley Resort to modify the Empire Day Lodge CUP as outlined in the staff report. The staff report also contains the E-Mail received from Bob Wells. Conditions 5 and 6 for Empire Canyon Lodge are also pertinent to this discussion. Condition 5 states that, if Deer Valley desires to use Empire Canyon Lodge for other than skier day use, an MPD modification will be required which will address the proposed uses and associated parking impacts. Condition 6 states that, if and when there is additional development in the Daly West area, a comprehensive parking plan will be required, and parking for the Day Lodge may be required to be incorporated into any future development. Planner Robinson noted that in constructing the Day Lodge, an interim temporary asphalt parking lot was built, primarily for construction vehicles. Deer Valley would like to use the skier day lodge for summer activities and use the parking lot to accommodate those activities. Code compliance issues related to the parking lot were reviewed, one of which is that there is no surface lot on the master plan for this area. Other buildings are proposed in that area, and when they are built, there may be parking for the Day Lodge. One concern is that, since it is unknown when Empire Pod B2 will be built, they do not know how long an interim parking lot would be available. There are also engineering concerns about health and safety issues if the temporary parking lot remains for five or ten years. It is not built to Code requirements for lighting and landscaping and does not meet the size required by Code. The Staff recommended that the Planning Commission take public input and provide direction but was not comfortable moving forward toward an approval this evening.

Vice-Chair Larson asked if there was a time frame for removing the temporary lot. Planner Robinson replied that there was not, and the only designation on the plans was a circle diagram labeled "interim parking." He was unsure how that was approved by the Building Department.

Bob Wells, representing Deer Valley, stated that he attempted to respond to the Staff's concerns through a letter sent to the Commissioners. He clarified that this request is not for a permanent amendment to the existing CUP. They are requesting an interim use utilizing temporary parking until development occurs in Pod B2. He understood that a permanent parking plan could not be developed until Pod B2 is proposed for development and related applications come to the Planning Commission. He believed the temporary parking area would probably exist for two years and could be removed with development of Pod B2 or installation of Lift Z. He believed they were asking for a season-to-season or year-to-year approval, and they would have no problem with a permit conditioned on the satisfaction of any issues or that could be revoked based on the

Exhibit C⁸

parameters contained in the Flagstaff Annexation Agreement and the Development Agreement. When the original CUP was issued, access to the Lodge was by a dirt road with steep grades. Last year they started to implement the Flagstaff road system and developed improved access to the Lodge site that comes off of Guardsman Road in two locations. The access that was available this winter will be disrupted this summer based on plans for Flagstaff utility infrastructure. He noted that access is planned to be at the upper connection of the Guardsman Road. The arrival area at the Lodge was staffed on a full-time basis this year to enforce the condition that there would be no day skier parking, and he proposed that they do the same thing with functions that would be allowed by the application for this permit. He believed everyone would benefit if they controlled that situation to ensure that function uses do not exceed available parking. Skier food service use of the building exists at 450 seats, but the function use they are applying for would not utilize the space in the same manner as skier food service. It would be reduced to at least half, and he believed they could further reduce it to comply with parking. Traffic impacts will be minor, and functions will not be held on a regular basis. He anticipated that functions would typically occur on Friday and Saturday afternoons and evenings and to a lesser extent on Sunday, and he believed the impacts would be less than what was experienced with construction use on the parking lot.

Commissioner Erickson asked if the application is for use in the spring, summer, and fall only. Mr. Wells replied that the application would also cover the possibility of an evening banquet in the winter. Commissioner Erickson asked if this application would change the current restriction on day skier parking. Mr. Wells replied that it would not.

Commissioner Powers felt that a large wedding or banquet would overwhelm the parking and asked if Deer Valley transportation to the Lodge had been considered. Mr. Wells replied that shuttling is a possibility. However, the size of events they have experienced are typically 60 to 100 people, and that level of attendance is easily handled with the current parking. They would be prepared to offer shuttle service as well as valet parking.

Chair Larson opened the public hearing.

There was no comment.

Chair Larson closed the public hearing.

Chair Larson commented that this application represents a definite expansion of the existing CUP. Although it is considered an interim modification contingent on either Pod B2 or Lift Z, because they do not know the timing of either contingency, they must look at this as a permanent modification to the existing CUP and address all the issues. He pointed out that the construction parking lot was for construction, not this type of activity.

Commissioner O'Hara disagreed, noting that the Planning Commission has modified a number of CUP's based on time. He recalled that the reason for not allowing parking had to do with traffic issues on Ontario Avenue,

which has always been a focal point on Flagstaff. He stated that he could see ways to grant this request, but he was wrestling with the core issue of whether a wedding in the summer would violate the philosophy of trying to restrict traffic on Ontario. He recalled that the Planning Commission only discussed day skiers in the original approval, and he believed that restriction should remain on the CUP. He suggested restricting the number of parking spaces or requiring valet parking. His main concern was overflow parking spilling out onto the streets. He suggested implementing a mechanism to close this to other parking to keep it from being used every day and suggested a one- or two-year review if they chose to allow it.

Commissioner Erickson agreed with Chair Larson about the need to modify the original CUP with additional terms and agreed with time limits as proposed by Commissioner O'Hara. He generally agreed with Commissioner O'Hara in terms of process, and his personal concerns were limitation of incidental parking, a mechanism to limit time and number of events, restatement of no day skier parking, continuation of the controls Deer Valley has in place of an attended parking lot, and that this in no way provoke any discussion of use for off-site developments, either summer or winter. He envisioned this as a controlled lot used only for special events. Commissioners Zimney and Volkman concurred.

Chair Larson summarized that the Planning Commission would entertain a modification to the CUP with a finite time limit of two years with a one-year review, addressing traffic and number of parking spaces, providing a mechanism to prevent overflow parking and restricting incidental parking, addressing the number and timing of events, and with no day skier parking.

Commissioner Powers asked if winter use would be allowed at all. Commissioner O'Hara believed a formal justification for winter use would be required given their concerns for traffic on Ontario ~~Avenue~~. Chair Larson suggested that number and timing of events should also include season of events.

Commissioner Erickson asked if additional clarification of parking was needed as part of the Flagstaff MPD. He did not think the MPD for Flagstaff needed to be modified, but if there is a use for the Day Lodge that requires parking, the MPD should accommodate that parking, and the parking probably will not be on the surface or necessarily in that location. Administrator Putt asked if Commissioner Erickson was trying to not shut the door on alternative solutions when they look at the Pod B2 master plan in more specific detail. Commissioner Erickson stated that, if this use is to continue, he wanted to know where this parking will go when they look at Pod B2, and it should be tied to this action. Planner Robinson suggested that looking at the parking tabulations, net leaseable space, and the 25% reduction, so parking for use of this building would be 92-98 spaces. That number would have to be incorporated into other buildings. Commissioner Erickson suggested making a finding on the amount of parking required for use of this building at the end of the two-year review period. He summarized that he wanted to see this operate, review it in a year, look at it the second

year, and as part of the second year review make a finding about how much parking is required for future uses, then continue on a two-year extension of the use until Pod B1 is developed.

Commissioner O'Hara asked about tents. Chair Larson suggested they discuss that matter at the next meeting and make a definite decision on whether to allow, disallow, or control tents.

MOTION: Commissioner Erickson moved to CONTINUE this item. Commissioner Powers seconded the motion.

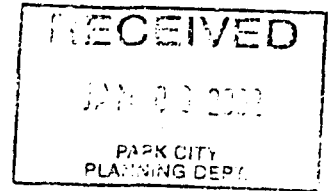
VOTE: The motion passed unanimously.

4. 555 King Road - Appeal of staff's determination

Commissioner Erickson disclosed that he was contacted by Rory Murphy, the original applicant, who requested information as to his recollection of the minutes of the meeting, and he had an opportunity to speak with Mr. Murphy about that matter.

Planner Robinson explained that language in the minutes for the subdivision approval of 555 King Road reflect discussions about a single-family house on a 90,000-square-foot building pad and 45,000 feet of disturbance on the building pad. The main building floor area was limited to 20,000 square feet, and the second floor was limited to 67% of the total of the first floor. He referred to language that is not Code defined and is the subject of this discussion. The plat notes and conditions of approval referred to an accessory building being allowed within the building zone only, not counted toward the 20,000-square-foot maximum, as long as it remains under one story and under 19 feet in height. If that height were exceeded, the floor area for the outbuilding would be counted toward the 20,000-square-foot maximum. He noted that the language does not define accessory structures or outbuildings within the Code. However, accessory building language states that it does not include a dwelling unit. The Staff recalled that the language and discussions referred to a guest house, and Planner Robinson asked the Commissioners for their recollection. He asked if it was the Planning Commission's intent to allow a guest house, which would be a CUP in the Estate District, or multiple guest houses, or whether the intent was for outbuildings and accessory structures to be wood shops, a barn, an artist studio, or other uses that do not include a kitchen or sleeping quarters and a bathroom.

Rory Murphy, representing the applicant, stated that when this came before the Planning Commission, he realized it was a visible and sensitive piece of property for Park City. On 75 acres, the Estate Zone allows between 5 and 9 units. If positioned along King Road, any of those units would have been visible from Old Town, and they could have been very large houses. He recalled discussing this at length with COSAC, but they were not able to reach an agreement, so they took their submittal back to the Staff. There was a great deal of dialogue with the Staff and Planning Commission, and they agreed to consolidate all the density into one 2-acre lot on 75 acres, of which 50% could not be



May 12, 2000

Department of Community Development
Engineering • Building Inspection • Planning

Deer Valley Resort Company
Mr. Bob Wells
Post Office Box 889
Park City, Utah 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name Empire Canyon Day Lodge Conditional Use Permit
Project Description 25,000 square-foot day lodge in the Daly West area of Empire Canyon
Date of Meeting May 10, 2000

Action Taken By Planning Commission Approved in accordance with the findings of fact and conclusions of law outlined in the staff report. The conditions of approval are listed below.

Conditions of Approval

1. Prior to building permit issuance, the planning staff shall review and approve the final architectural drawings and site plan for the Empire Canyon Lodge.
2. A site reclamation and landscape plan shall be required to be submitted by the applicant and approved by the Community Development Department prior to building permit issuance.
3. Prior to building permit issuance for the Empire Canyon Lodge or any associated utility work, a construction mitigation plan shall be required which shall address, at a minimum:
 - No construction traffic or activity will access the site from Daly Avenue
 - Specific construction traffic routes shall be approved
 - Every effort will be made to decrease vehicle trips necessary, including carpooling of construction employees
 - All construction areas will be contained with runoff control devices
4. The City Engineer, Public Works Department and Chief Building Official must review and approve the final utility plans for the Empire Canyon Lodge which demonstrates adequate water for fire protection purposes.

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

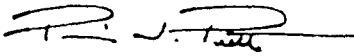
82
Exhibit D

~~Exhibit G~~

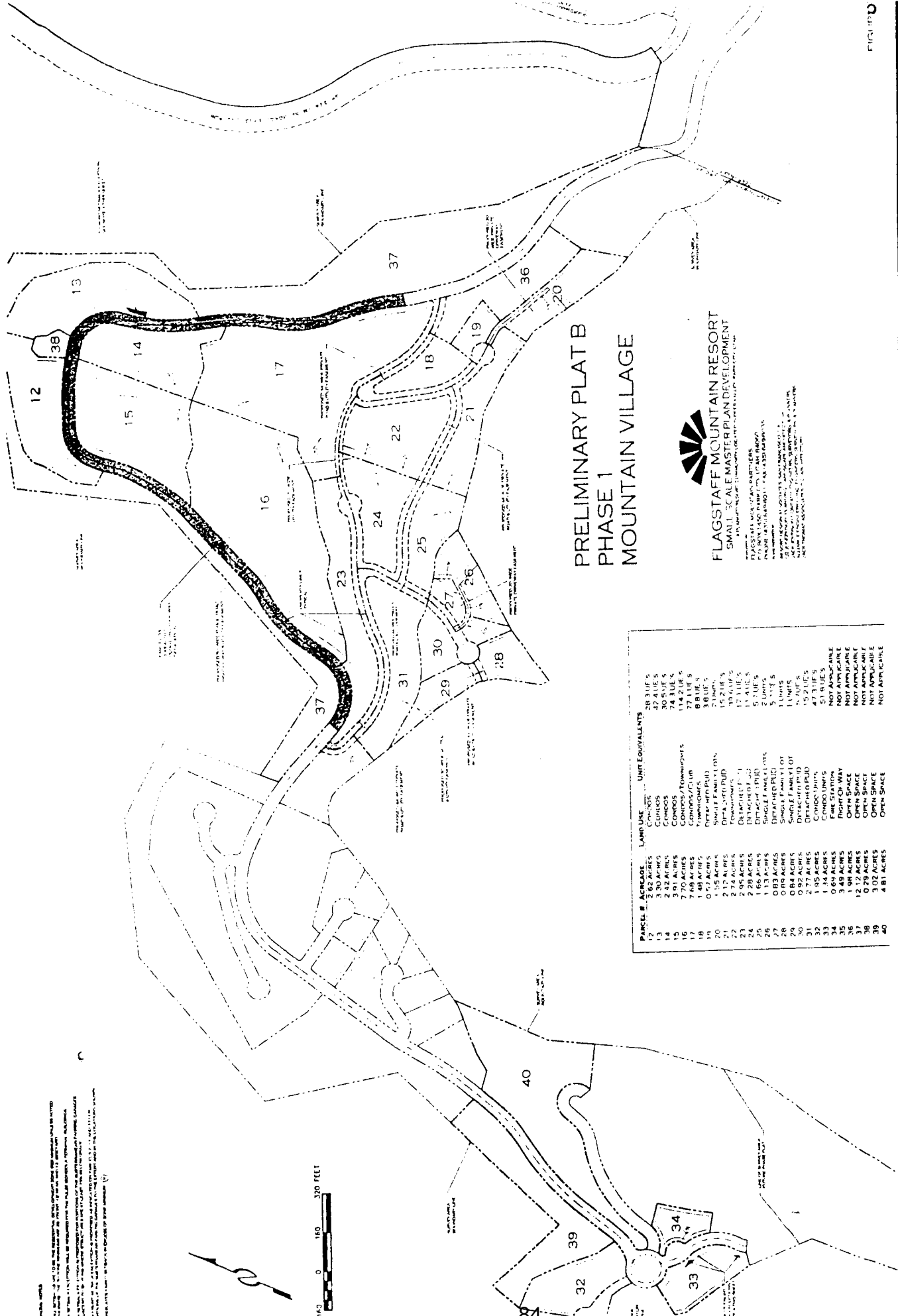
5. If Deer Valley desires to use Empire Canyon Lodge for other than just skier day use, an MPD modification will be required which will address the proposed uses and associated parking impacts.
6. If and when there is additional development in the Daly West area a comprehensive parking plan will be required. Parking for the day lodge may be required to be incorporated into any future development.
7. The standard project conditions shall apply.

Please call me if you have questions. My phone number is 615-5062.

Sincerely,

A handwritten signature in black ink, appearing to read "P. J. Putt", with a long horizontal line extending to the right.

Patrick J. Putt
Planning and Zoning Administrator



PRELIMINARY PLAT B PHASE 1 MOUNTAIN VILLAGE



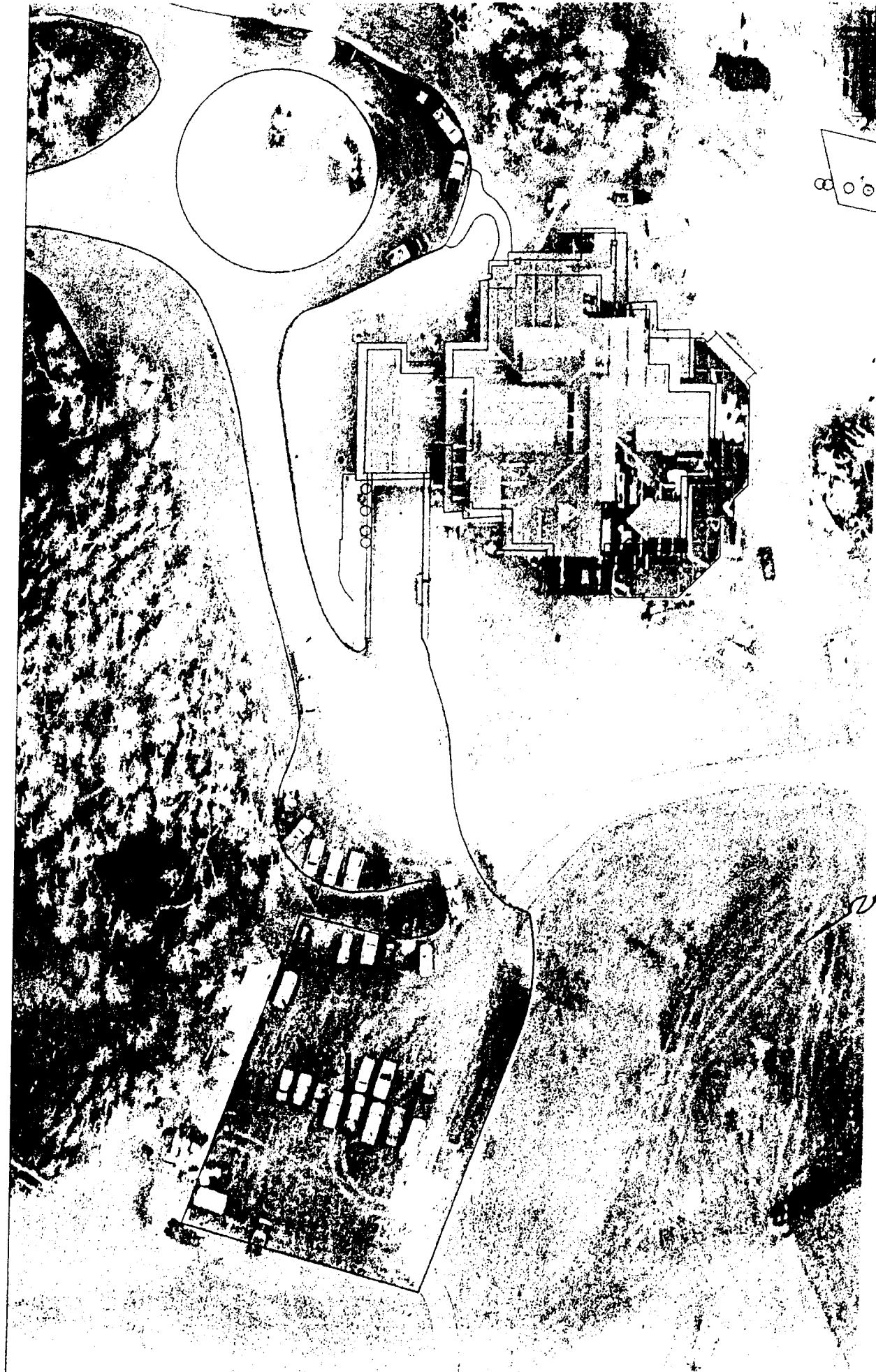
FLAGSTAFF MOUNTAIN RESORT SMALL SCALE MASTER PLAN DEVELOPMENT

THIS MAP IS A PRELIMINARY PLAT B FOR THE FLAGSTAFF MOUNTAIN RESORT, A DEVELOPMENT OF THE FLAGSTAFF MOUNTAIN RESORT COMPANY, INC. (FLAGMOUNTAIN.COM). THE MAP IS NOT A FINAL PLAT AND SHOULD NOT BE USED FOR ANY PURPOSES OTHER THAN FOR INFORMATIONAL PURPOSES. THE MAP IS NOT A FINAL PLAT AND SHOULD NOT BE USED FOR ANY PURPOSES OTHER THAN FOR INFORMATIONAL PURPOSES.

PARCEL #	ACRES	LAND USE	UNIT EQUIVALENTS
12	2.62	CONDOMINIUMS	28 31U'S
13	2.62	CONDOMINIUMS	42 41U'S
14	2.62	CONDOMINIUMS	30 51U'S
15	3.91	CONDOMINIUMS	74 31U'S
16	7.70	CONDOMINIUMS	114 21U'S
17	7.69	CONDOMINIUMS	8 81U'S
18	0.61	CONDOMINIUMS	3 81U'S
19	1.55	CONDOMINIUMS	21 11U'S
20	2.12	CONDOMINIUMS	17 11U'S
21	2.95	CONDOMINIUMS	11 41U'S
22	2.28	CONDOMINIUMS	5 21U'S
23	1.66	CONDOMINIUMS	5 11U'S
24	1.13	CONDOMINIUMS	1 11U'S
25	0.80	CONDOMINIUMS	1 11U'S
26	0.84	CONDOMINIUMS	1 11U'S
27	0.82	CONDOMINIUMS	1 11U'S
28	0.82	CONDOMINIUMS	1 11U'S
29	0.82	CONDOMINIUMS	1 11U'S
30	0.82	CONDOMINIUMS	1 11U'S
31	0.82	CONDOMINIUMS	1 11U'S
32	0.82	CONDOMINIUMS	1 11U'S
33	0.82	CONDOMINIUMS	1 11U'S
34	0.82	CONDOMINIUMS	1 11U'S
35	0.82	CONDOMINIUMS	1 11U'S
36	0.82	CONDOMINIUMS	1 11U'S
37	0.82	CONDOMINIUMS	1 11U'S
38	0.82	CONDOMINIUMS	1 11U'S
39	0.82	CONDOMINIUMS	1 11U'S
40	0.82	CONDOMINIUMS	1 11U'S

New Road System Installed by Deer Valley Resort Company in 2001.

Exhibit E



 (Not to Scale)	STAFF	EMPIRE DAY LODGE AND SITE PLAN	SHEET 1 OF 1
	DATE	PIONEER VALLEY RESORT COMPANY 1000 10th St. S.E. P.O. Box 1000, Grand Rapids, Mich. 49501-1000	



March 22, 2004

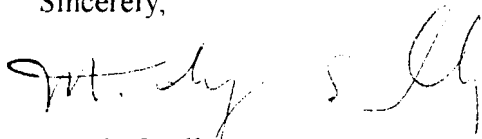
Mr. Pat Putt
Park City Municipal Corporation
Planning Department
P.O. Box 1480
Park City, Utah 84060

Re: Amended CUP for Empire Lodge Functions Use

Dear Pat:

Talisker is aware of and consents to the use of the temporary parking at the Empire Lodge.

Sincerely,



Mandy Scully
Executive Vice President

cc: Bob Wells

MLRS:lsh

MAR 23 2004

890 Main Street, Suite 5109
P.O. Box 4349
Park City, UT 84060

Telephone 435-615-8395
Facsimile 435-615-1239

Deer Valley Resort
Amendment to Conditional Use Permit for Empire Lodge
March, 2004

- A. The Development Agreement for Flagstaff Mountain dated June 24, 1999, by and between United Park City Mines Company, Deer Valley Resort Company, and Park City Municipal Corporation ("Development Agreement") in Section 2.5 provides that subject to conditional use review, Deer Valley may construct a skier day lodge of a maximum of 35,000 square feet adjacent to the bases of the Empire Express and Ruby Express ski lifts in Pod B-2 of the Flagstaff (now Empire Pass) development. The day lodge shall have no public road access and no day skier parking, must have adequate emergency vehicle access, and shall have only limited parking to meet service and administrative requirements.
- B. Deer Valley applied for a Conditional Use Permit for the Empire Lodge pursuant to the provisions of the Development Agreement that was approved by the Planning Commission on May 12, 2000. The CUP application included a surface parking area for construction, service and employee needs, located adjacent to the lodge on a site the area of which was partially on a proposed future ski trail (the access trail from Pod B-2 to the base of the proposed future Z lift in Deer Valley's ski area master plan) and partially on a potential future real estate development site in Pod B-2. The CUP approval provided that if Deer Valley desired to use Empire Lodge for other than just skier day use, an MPD modification would be required which would address the proposed uses and associated parking impacts. It further provided that if and when there was additional development in the Daly West area a comprehensive parking plan would be required and that parking for the day lodge may be required to be incorporated into any future development.
- C. The Empire Lodge was constructed by Deer Valley and placed in service in December, 2001. Initial winter access to the facility was over a portion of SR224 to SR224's winter closure point and from that point over a new road constructed by Deer Valley in 2001 in connection with construction of the lodge. The new segment of road was accepted by UDOT in substitution for a segment of SR224 that crossed through the lower Northside pod of the Deer Valley ski area. The temporary surface parking developed in connection with construction of the Lodge accommodated approximately 60 vehicles. Deer Valley has staffed the arrival area at the Lodge since opening to prevent day skier parking. The access road to the Lodge has been posted No Parking.
- D. Once constructed and in use, customer demand for function uses (weddings, banquets, etc.) was substantial due both to the facility itself and to its setting. In January, 2002, Deer Valley applied for a modification of the original Conditional Use Permit for the Lodge to allow for function uses (weddings, banquets, etc.) on a interim basis and with conditions until such time as further development was approved in the Pod B-2 potential development area and a comprehensive parking plan developed. At its meeting on March 27, 2002, the Planning Commission

Nov-02	0	0	0	0	0	0	0	0
Dec-02	9	1	8	0	16-200	76	0	9 Note 1
Jan-03	6	2	4	0	20-108	47	0	6
Feb-03	7	1	6	0	20-154	72	1	6 Note 1
Mar-03	11	3	8	0	45-125	75	3	8
Apr-03	2	1	1	0	59-139	99	0	2 Note 1
May-03	5	3	1	1	85-250	140	0	5 Note 1
Jun-03	11	3	7	1	20-105	67	5	6
Jul-03	11	5	4	2	24-356	92	1	10 Note 1
Aug-03	17	6	5	6	20-150	65	5	12
Sep-03	12	5	3	4	20-200	99	2	10
Oct-03	6	1	3	2	33-200	108	1	6
Nov-03	2	0	1	1	62-100	81	1	1
Dec-03	7	0	4	3	50-162	80	0	7
Jan-04	13	0	7	6	27-250	90	1	12 Note 1
Feb-04	6	0	4	2	50-110	69	0	6

Note 1: Larger functions and several corporate functions utilized shuttles and busses for guest transport.

Note 2: No winter functions involved guest departure between 4:00PM and 5:00PM

- F. The function uses of Empire Lodge have been consistent with the conditions outlined above. No adverse effects have been noted or reported as a result of the function uses that have occurred to date. The function use is a positive economic benefit to Deer Valley as well as to the community as a result of sales tax and restaurant tax generation.
- G. Access to the Lodge is by improved public road (new alignment of SR224) due to events that have occurred since the execution of the Development Agreement as opposed to the graveled private road that existed in 1999.

supported Deer Valley's request and advised Staff to develop findings based on the following conditions of approval:

- Based on use of temporary parking until such time as small scale MPDs addressing permanent parking quantity and use in connection with development of Pod B-2 of Flagstaff are approved by the Commission.
- Continued winter staffing by Deer Valley of arrival area at the Lodge to prohibit day skier parking and to manage function use parking.
- No snowmobile trailhead parking at the Lodge site.
- Prohibition of functions of a size that require more parking than available at the site as supplemented by shuttle.
- No street parking except in outside lane of roundabout; clear fire access to be maintained both to main building entrance and to fire department connection at dock side of building.
- No functions to be scheduled with departure time between 4:00 pm and 5:00 pm during winter skiing season.
- Utilization to be weddings, luncheons / banquets and conferences with anticipated frequency of:
 - April and May – average of 3 per month.
 - June through September – average of 10 per month.
 - October and November – average of 3 per month.
 - December through March – average of 5 per month (evening functions after peak traffic hours).
- Potential revocation by Commission based on finding of conditions not met.

E. After the March 27, 2002 Planning Commission meeting, Deer Valley proceeded with function uses as described above. Deer Valley has provided Staff with a detailed accounting of the function uses by date, time, type and attendance numbers. Following is a summary of such uses:

Month	Total # of Functions	Function Types				Attendance		Time (Note 2)	
		Weddings and/or Wedding Receptions	Corporate Meetings and/or Dinners	Other	Range of # Attendees	Average Size	Day	Evening	Notes
Apr-02	2	1	1	0	105-123	114	0	2	
May-02	2	2	0	0	20-102	61	0	2	
Jun-02	10	6	4	0	10-152	80	1	9	
Jul-02	7	3	3	1	10-135	70	1	6	
Aug-02	6	6	0	0	20-200	122	0	6	
Sep-02	11	7	3	1	40-190	106	1	10	
Oct-02	3	2	1	0	60-135	98	1	2	

City Council Staff Report



Subject: Lots 2-16 of Block 5 of the Park City Survey
Rezone from HR-1 to HRM
Date: September 23, 2004
Type of Item: Legislative

Planning Department

Summary Recommendations:

Hold a public hearing, discuss the proposed revisions to the Park City Zoning Map, and consider approving the proposed re-zone of lots 2-16 of Block 5 of the Park City survey from HR-1 to HRM, as provided in the attached draft ordinance.

TOPIC

Project Name: Re-zone of Lots 2 through 16 of Block 5 of the Snyder's Addition
Applicant: Carol Shepard
Proposal: Revisions to the Zoning Map
Project Planner: Ray Milliner

BACKGROUND

On May 12, 2004 the Planning Commission reviewed an application for a Special Meeting from Carol Shepard to look at the possibility of a re-zone of lots 2 -16 of Block 5 of the Snyder's Addition to the Park City Survey (1109 - 1161 Park Avenue) from HR-1 to HRM. At the meeting, the Planning Commission indicated to staff that it would be appropriate for the applicant to submit an application for a re-zone of the subject property. On May 24, 2004 Ms. Shepard submitted a complete re-zone application. The Planning Commission reviewed the application for a rezone on June 23, 2004, and again on July 14, 2004, at the meeting, they conducted a public hearing and forwarded a positive recommendation to the City Council.

The property proposed for re-zone is located one block south of the Park City Library and Education center and is bordered on three sides (north, south and east) by small sections of the HRM zone. The property to the west is zoned HR-1. The HRM property on the south is the existing frame shop and jewelry studio at 1101 Park and the HRM property on the north is the single-family home at 1201 Park Avenue.

On September 21, 2000 the City Council approved an amendment to the zoning map to change the east side of Park Avenue from 10th Street to Silver King Drive from HR-1 to HRM. The Council also changed the west side from 13th street to Silver King Drive from HR-1 to HRM. The reasoning behind the change was to create a better transition between the HR-1 and HRC districts, as well as between the HR-1 and RC districts, along lower Park Avenue. The subject property was originally included in the proposal, but was removed by the City Council prior to final action due to Council concerns that this segment of Park Avenue constituted a relatively intact Block of historic residential

structures and commercial uses may have a negative impact on the neighborhood. The creation of the HRM zoning district was intended to allow adaptive reuses of restored historic structures into light-neighborhood commercial uses subject to specific LMC criteria compliance and the issue of a Conditional Use Permit.

ANALYSIS

The properties in question are the 15 lots on the west side of Park Avenue between 11th and 12th streets, all of which are zoned HR-1 (see attached zone map and photos). The remaining lot, lot 1 at the southern end is already zoned HRM, and houses an existing approved minor retail commercial use. There are 9 historic homes, of which four have received grants from the Historic District Commission for rehabilitation, however only two of the grants were utilized.

The HR-1 zone is primarily a residential zone, the purpose of which is to encourage the preservation of historic homes, and the construction of historically compatible homes while maintaining and enhancing the goals of the Park City General Plan. Commercial uses in the HR-1 zone are limited to childcare centers, home occupations, and bed and breakfast inns.

The HRM zone is a transitional residential zone, with the purpose of preserving historic homes, and the construction of historically compatible homes in context with nearby commercial, resort and recreation zones. As an incentive for the preservation and restoration of the historic buildings in the area, the HRM district permits adaptive reuse of historic buildings (via a CUP) for neighborhood commercial uses provided parking can be accommodated in a site-sensitive manner.

Basic lot LMC requirements HRM and HR-1 zone

LMC Requirement	HRM	HR-1
Minimum Single Family Lot Size	2,812	1,875
Minimum Single Family Lot Width	37.5'	25'
Height	27' above existing	27' above existing
Setbacks	15' front 10' rear 5' sides	10' front and rear 3' sides

Primary among the items discussed by the Planning Commission were the potential creation of non-complying structures along Park Avenue, and the potential traffic impacts that would be incurred along Park Avenue and 12th street as a result of this application. Staff has researched this issue and found that the proposed re-zone would create only one potential non-conforming lot on Block 5, as all other lots are at least 37.5 feet wide, and all lots meet the required minimum lot area requirements. Although the lot is not wide enough on the Park Avenue side, it has sufficient square footage for the HRM zone, and houses an existing historic single-family home, that would retain its property rights as a non-complying structure.

The Planning Commission indicated that although the potential impacts of the traffic on the neighborhood could be difficult, it felt that potential impacts of the commercial/adaptive re-uses can be evaluated through a CUP process on a case by

case basis for LMC compliance and impact mitigation. Therefore, the Commission directed staff to move forward with the proposed re-zone. Although unnecessary for a legislative action, such as this rezone, the Planning Commission adopted the following findings in support of their recommendation to approve this rezone application.

1. On May 12, 2004 the Planning Commission conducted a Special Meeting to review and discern whether a re-zone of the property was appropriate.
2. The applicant would like to re-zone lots 2-16 of Block 5 of the Snyder's addition to the Park City Survey from HR-1 to the HRM zone.
3. The proposed properties are located between 1109 and 1161 Park Avenue.
4. The HR-1 zone is primarily a residential zone, the purpose of which is to encourage the preservation of historic homes, and the construction of historically compatible homes while maintaining and enhancing the goals of the Park City General Plan.
5. The HRM zone district is intended to allow adaptive reuses of restored historic structures into light-neighborhood commercial uses subject to specific LMC criteria compliance and the issue of a Conditional Use Permit.
6. The HR-1 zone and the HRM zone primarily differ in the prohibition of commercial uses in the HR-1 zone that are allowed as a conditional use in the HRM zone.
7. There are 9 historic single-family homes within the proposed re-zone area.
8. The HRM zone requires a minimum lot width of 37.5 feet.
9. There is one lot within the proposed re-zone area with a lot width less than 37.5 feet.
10. There are 8 properties within the proposed re-zone area with a lot width of 37.5 feet or greater.
11. The HRM zone requires a minimum lot size of 2,212 square feet.
12. All lots within the proposed re-zone area have at least 2,212 square feet of lot area.
13. All of the lots within the proposed re-zone area have existing historic single-family homes.
14. Impacts of commercial uses (parking, noise, traffic) on Park Avenue may increase as a result of this re-zone.
15. The proposed re-zone lots are bordered on three sides (north, south and east) by sections of the HRM zone.
16. Rezoning lots 2 – 16 of Block 5 of the Snyder's Addition to the Park City Survey from HR-1 to HRM would not have a significant impact on the City's resort economy.

PUBLIC INPUT

A significant amount of public input has been received by staff both for and against the proposed rezone. Minutes from the May 12, June 23 and July 14, 2004 Planning Commission public hearings on this application are attached as Exhibit F.

RECOMMENDATION

Discuss proposed revisions to the Park City Zoning Map, and consider approving the proposed re-zone of lots 2-16 of Block 5 of the Park City survey from HR-1 to HRM according to the attached draft ordinance.

EXHIBITS

Exhibit A – Proposed Ordinance

Exhibit B - Plat Map of Area

Exhibit C – Current Zone Map of Area

Exhibit D – Photograph of Area

Exhibit E – Letter From Applicant

Exhibit F – PC Minutes May 12, 2004 and June 23, 2004

Ordinance No.

AN ORDINANCE APPROVING AN AMENDMENT TO THE PARK CITY ZONING MAP FOR LOTS 2 THROUGH 16 OF BLOCK 5 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, ALSO KNOWN AS 1109 – 1161 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner, Carol Shepard, has petitioned the City Council for approval of a rezone of lots 2 – 16 of Block 5 of the Snyder's Addition to the Park City Survey; and

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

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

WHEREAS, the Planning Commission held public hearings on, May 12, and June 23, 2004, to receive public input on the proposed rezone; and

WHEREAS, the Planning Commission, on June 23, 2004, forwarded a positive recommendation on the proposed rezone to the City Council; and

WHEREAS, on September 23, 2004, the City Council held public hearings to receive input on the proposed annexation and zoning; and

WHEREAS, it is in the best interest of Park City, Utah to approve this amendment to the official Park City Zoning Map.

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

SECTION 1. ZONING MAP APMENDMENT. The official zoning map of Park City, as adopted by Section 15-1-5 of the Park City Land Management Code, is hereby amended to include the rezone of lots 2-16 of Block 5 of the Snyder's Addition to the Park City Survey from HR-1 to HRM.

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

PASSED AND ADOPTED this 23rd day of September 2004.

Puggy Holmgren
P O Box 431
1209 Park Avenue
Park City, UT 84060-0431
435*645*9512

20 September 04

Dana Williams, Mayor of This Great City
City Council
Park City, UT 84060

RE: PROPOSED ZONE CHANGE ON PARK AVENUE

Dear Dana,

On 14 July 04, the Planning Commission voted to recommend to Council that the zone for e the 11th - 12th block of Park Avenue be changed from HR 1 to HRM, allowing the possibility of commercial activities in that block.

PLEASE DO NOT ALLOW THIS TO PASS.

As a long time resident of 1209 Park Avenue, I have witnessed, and lived through many changes on the street that was named after our City.

The positive trend has been steadily moving towards stronger residential-friendly zoning. First, with the decision to save the Carl Winter Building; then, the Mahwinney garage and the Offret home made way for expanded Park and Recreation area (including our world class skateboard park!). An attorney, who used to practice on the corner of 12th (off of Sullivan) and Park Avenue, moved his office to Kearns Boulevard; and, that building reverted back to a single-family residence.

Park Avenue is enjoying a renaissance, of sorts. A sense of neighborhood has taken root and is growing. Last year, the City meetings about Park Avenue traffic calming brought neighbors together, who were unanimous with strong opinions about slowing (calming!) traffic and emphasizing the residential quality of Park Avenue. This unity continues with the strong opposition to this proposed Zone change.

Page 2 of
Puggy to Dana
20 Sep 04

According to the Planning Department Staff Report, dated 23 June 04, the proposed HRM Zone is a "transitional" zone, which would allow specific commercial use in historical homes. The block on Park Avenue that this one change is proposed for is the 11 - 12 Block.

- 1 This is the most residential block on (lower) Park Avenue, with nineteen single-family homes; homes that are looking better, now, than perhaps, ever, with bright colors and gardens.
- 2 What needs to be "transitional?" Main Street is four blocks South; Deer Valley Drive is seven blocks north.

Park Avenue is the Residential Artery of Old Town.

In researching, this proposed type of zone change is frequently suggested for neighborhoods that are "blighted", or "need help." (areas such as Bad Ass Coffee, Davanza's, Peter Pan Smokes/bakery, etc) I have heard, from "Staff" that the proposed zone change will offer the opportunity to make the neighborhood more "vibrant," with the possibility of "cute little shops."

Park City is not Salt Lake City (thankfully!). We are not Sugar House, nor are we The Avenues. We enjoy and take pride in our "unique-ness."

The Neighborhood of Park Avenue enjoys and takes pride in our location. We are families. We are active in local activities and politics. We recycle. We walk our dogs on leashes and scoop their poop!! We are already vibrant!!! That block of 11 - 12 Park Avenue is especially vibrant, without opening the door to possible commercial ventures.

An insulting frustration in this situation is that I feel that it's fairly obvious that this proposed zone change request is developer driven. Many residents of Park Avenue and (the same block of) Woodside have indicated strong opposition to the proposed zone change. We have asked repeatedly why are you doing this? Why this block? So many residents in and around this block do not want a zone change; why are you doing this?

The response was "because we can." ((that is a direct quote))

Page 3 of 3
Puggy to Dana
20 Sep 04

- 1 Residents of Park Avenue do not want a zone change in their neighborhood, on Park Avenue
- 2 People, who live in a completely different area want a zone change in the Park Avenue neighborhood.
- 3 the Park City Planning Commission, at "Staff's" advice, recommends the zone change.

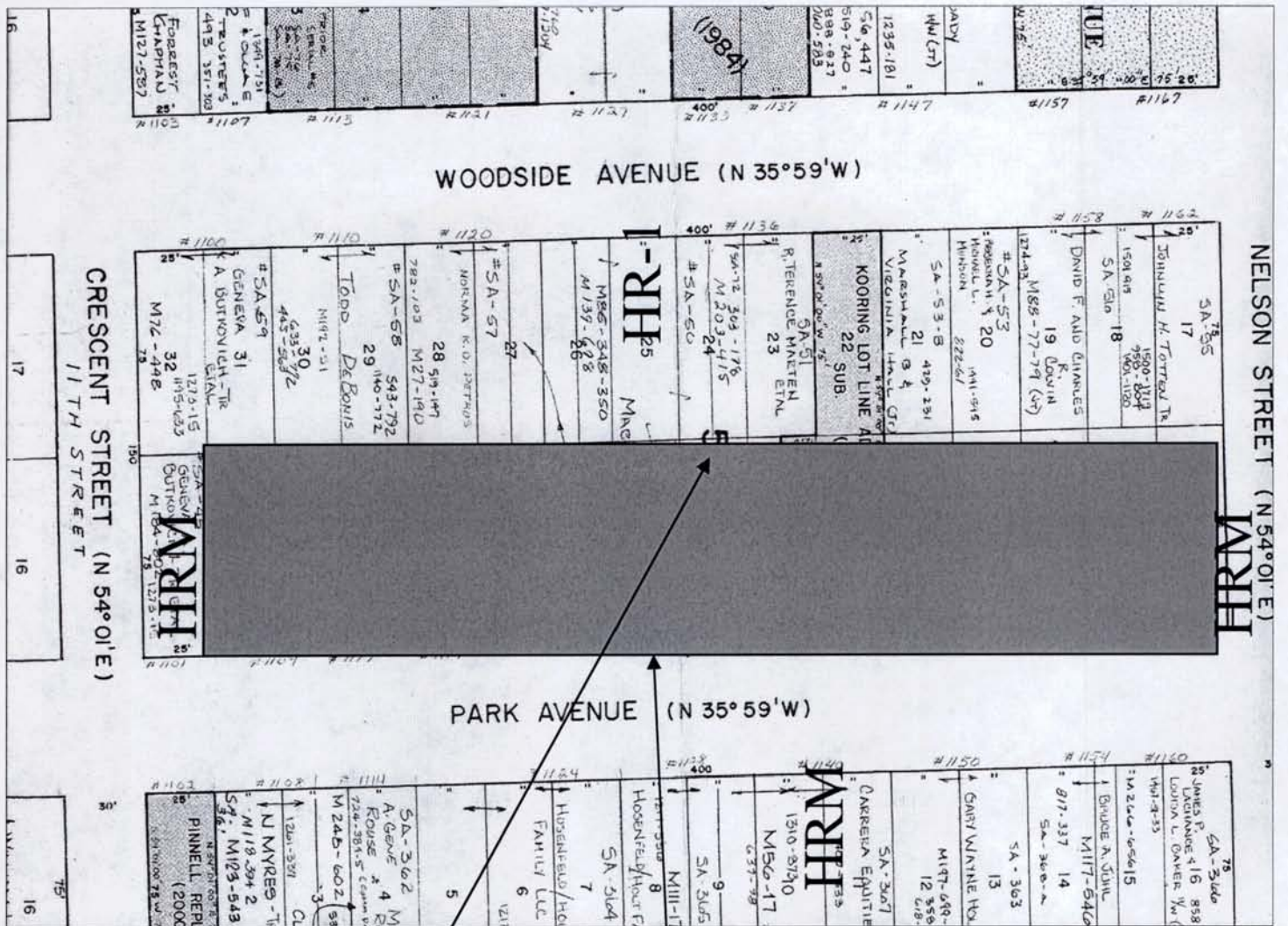
What is wrong with this scenario?!?

PLEASE DO NOT ALLOW THIS ZONE CHANGE TO PASS

Respectfully.

A handwritten signature in black ink, appearing to read 'Puggy', with a large, sweeping flourish above it.

Puggy Holmgren

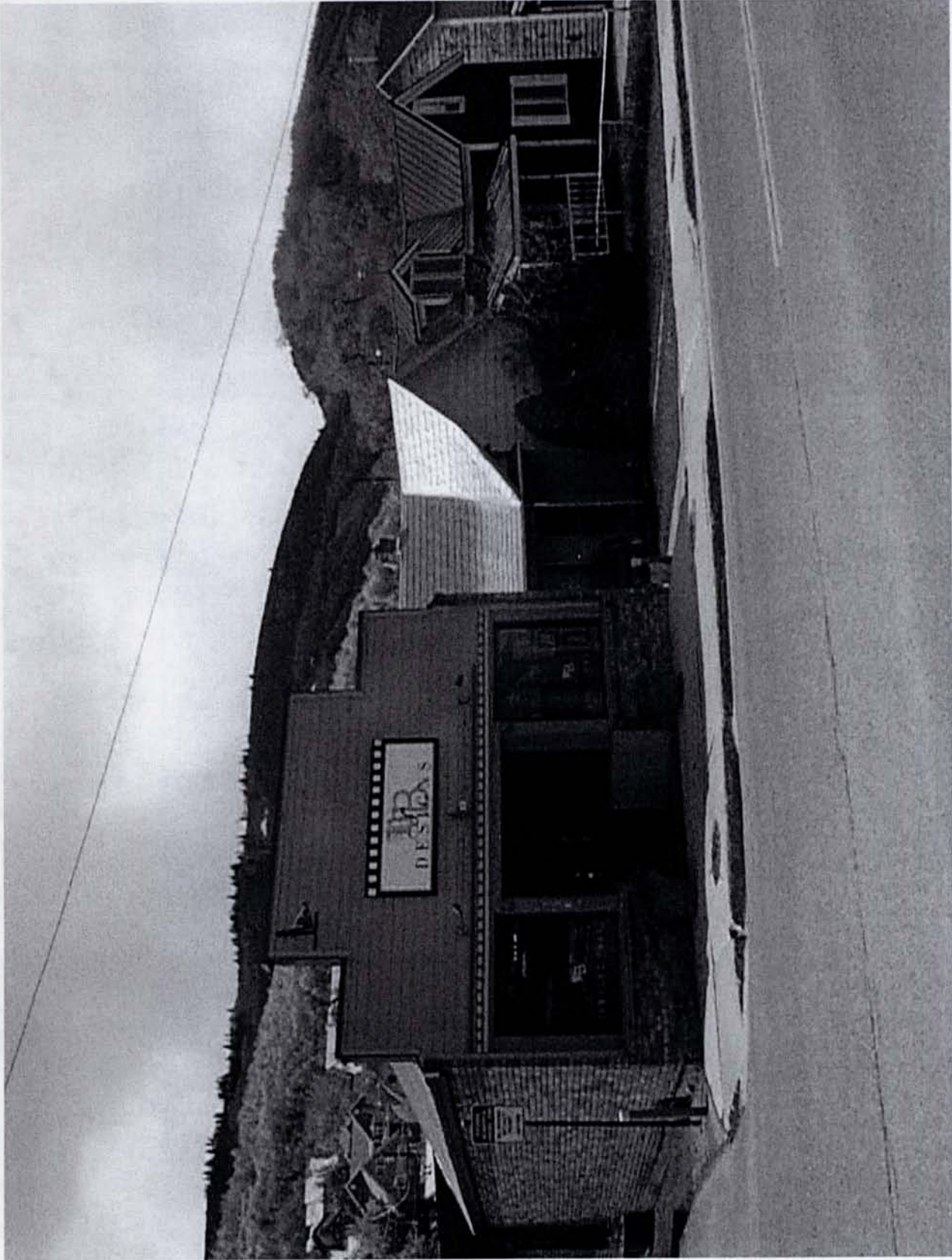


BLOCK 5 SNYDER'S
ADDITION PLAT

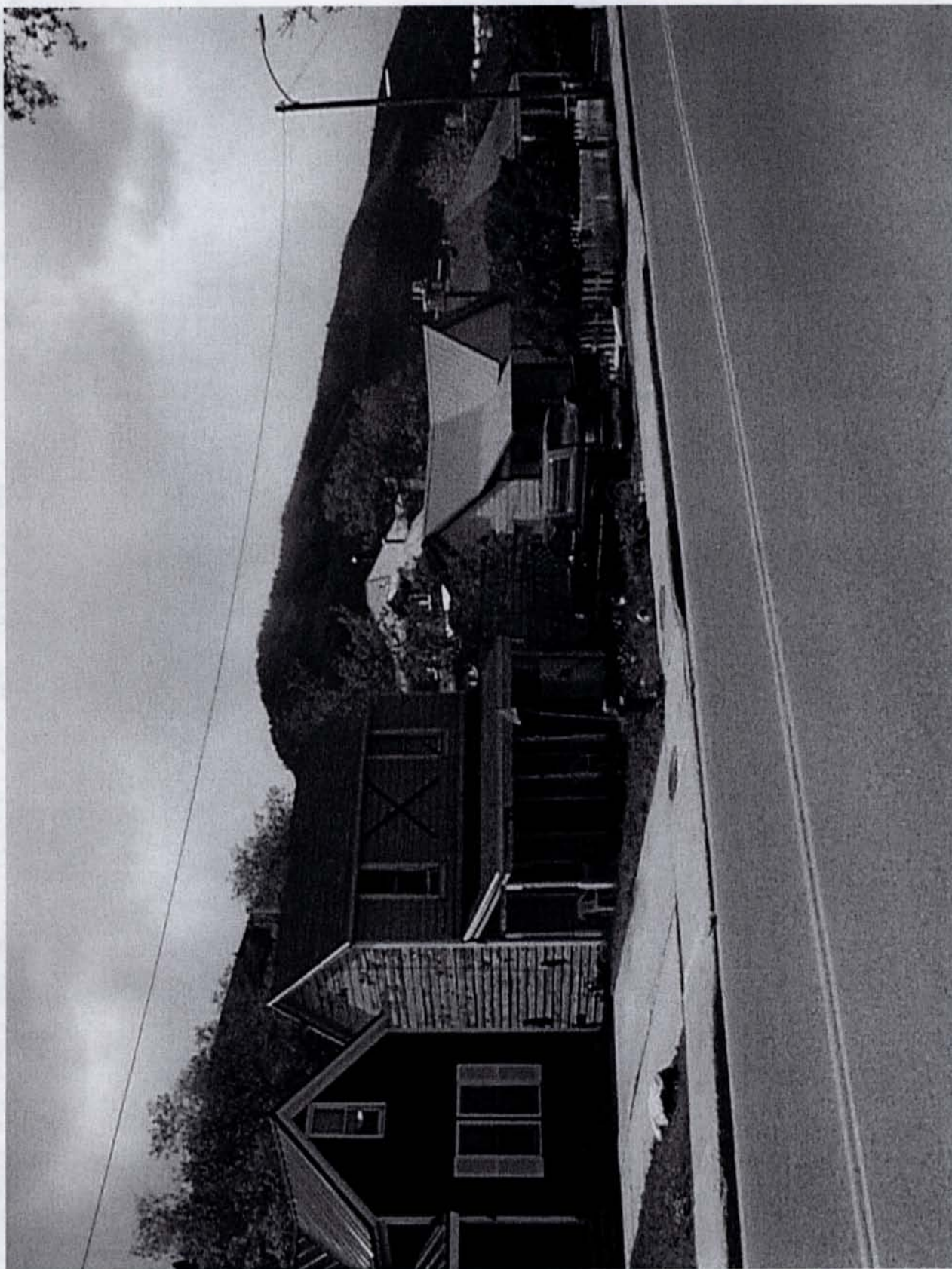
PROPOSED RE-
ZONE AREA

Proposed Rezone Area.





Design Studio Currently zoned HRM



Historic Homes at 1109-1119 Park Avenue



Historic Homes 1125 and 1129 Park Avenue



Historic Homes at 1141 and 1149 Park Avenue



Historic Home at 1161 Park Avenue

NELSON STREET (N 34° 01' E)

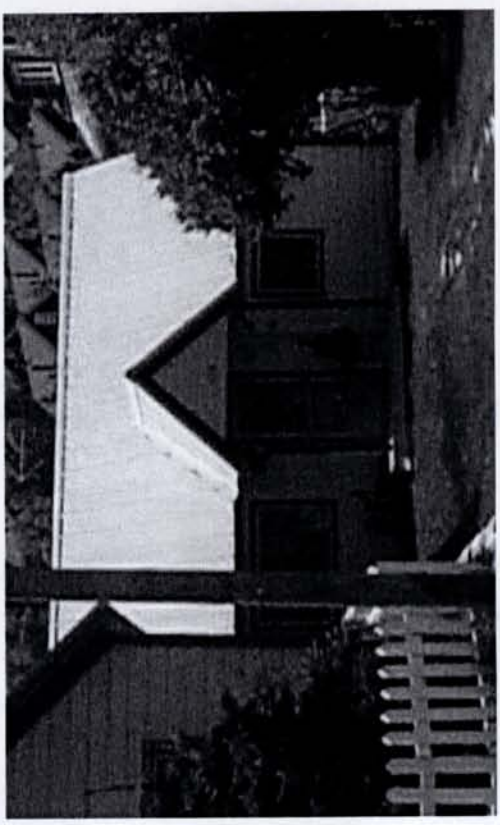
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WOODSIDE AVENUE (N 35° 59' W)

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PARK AVENUE (N 35° 59' W)

16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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POTENTIAL NON-COMPLYING STRUCTURE

MOTION: Commissioner Erickson moved to CONTINUE this item to August 11, 2004. Commissioner Barth seconded the motion.

VOTE: The motion passed unanimously.

2. 1205 Iron Horse Drive - Conditional Use permit for minor retail service commercial/art gallery in the Light Industrial Zone

MOTION: Commissioner Erickson moved to CONTINUE this item. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

3. Lots 2-6, Block 5 - Snyder's Addition - Rezone from HR-1 to HRM

Director Putt reviewed the request to amend the zoning on Lower Park Avenue in Block 5 of the Snyder's Addition, Lots 2-16, on the west side of Park Avenue between 11th and 12th Streets. The properties are currently zoned HR-1, and nine historic homes are located in this half block. The Staff has analyzed the impacts associated with this zone change in detail. Director Putt explained that the HR-1 zone is primarily a residential zone in Old Town with the primary purpose being to allow for single-family home construction on a minimum lot size of 25 feet x 75 feet. Key to the HR-1 zone is preservation of historic homes in the area and construction of new, historically-compatible homes. The HRM zone was created primarily as a transition zone between the HR-1 zone and the RC zone located to the west toward the Park City Mountain Resort. The primary purpose of the zone is to allow for preservation of historic single-family homes and allow for construction of newer contemporary, compatible-sized homes. The HRM zone allows for a limited number of neighborhood commercial uses to be considered if proposed in a historic home and if the historic home will be restored as part of the adaptive reuse of the building.

Director Putt reviewed the distinctions in basic zoning requirements between the HR-1 and the HRM zones. In reviewing the 15 lots and nine homes in the proposed rezone area, the Staff identified one lot that would be non-complying. The lot is 25 feet wide at Park Avenue and runs back to Woodside Avenue. It meets the minimum lot size requirements, but will not meet the minimum 37-1/2 foot width requirement of the zone on the Park Avenue side.

Director Putt presented the existing zoning map showing the area of the proposed rezone along Park Avenue and adjacent zoning. He noted that the property is currently surrounded by HRM to the south and City Park ROS zoning directly across the street to the east. The Ron Butkovich property located on the southernmost corner is currently zoned HRM. The historic homes at 1109 through 1119 Park Avenue have been developed on 1-1/2 and 2-lot configurations and comply with the lot size and width requirements if the proposed zoning. Director Putt identified the home where the property runs from Park

Avenue to Woodside Avenue and explained that the situation is unique due to the location of the historic home. Because the home is historic and is in a historic condition, the Land Management Code designates it as a legal non-compliant structure which would be allowed and considered to comply with the setbacks. Director Putt noted that the historic structure at 1161 Park Avenue is the genesis of the rezone request and the property contemplated for an adaptive reuse of a small neighborhood deli/bakery. Director Putt presented a brief overview of existing residences and the character of the residences in the Woodside Avenue area. At the previous meeting, the Planning Commission took public comment, and the Staff has received numerous communications, letters, and E-mails. Director Putt stated that he was contacted by Ron Butkovich who requested that his support for the rezone be included in the record. The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the findings of fact prepared by the staff.

Chair Volkman asked Director Putt to explain what a property owner would do if they wanted a commercial use in one of the buildings if the area is rezoned. Director Putt explained that a number of light or neighborhood commercial uses are contemplated in the HRM zone. Those uses would go through a Conditional Use Permit process and public hearing before the Planning Commission. As part of the public hearing process, they would be required to demonstrate compliance with all the criteria for a CUP outlined in the Land Management Code, such as parking, traffic, circulation, mitigation of nuisances, etc. Standards are also required for the rehabilitation of the historic building which would have to be met prior to approval.

Carol Shepard, the applicant, stated that she hoped many of the concerns had been addressed in previous meetings. She clarified that the process this evening addresses the rezone, not the CUP. She offered to be available to answer questions.

Chair Volkman opened the public hearing.

Steve Schueller, a resident at 1147 Woodside Avenue, directly behind 1161 Park Avenue, stated that he opposed the rezone of properties on Park Avenue because he did not want commercial uses occurring close to his property. He did not want the existing nuisance issues that Old Town residents experience to be worsened, such as noise, odors, traffic, parking, and congestion. He was concerned that the uses would be incompatible with the residential character of the neighborhood and would create more traffic congestion. He worried that the traffic would spill over into Woodside Avenue and exacerbate the problems that already exist. He did not believe enough consideration had been given to what will happen if the uses are changed. He stated that he had spoken with two other coffee shops on Park Avenue which serve hundreds of customers each day, and nearly everyone drives to their location. He commented on the existing traffic problems on Park Avenue and believed the applicant's business would add to those problems. He noted that there has

been no discussion of the suitability of the streets to accommodate increased traffic. He noted that the streets are narrow, and people park on the street, effectively turning it into one lane of traffic and creating additional congestion. He did not think there had been enough discussion of the cumulative impacts to the neighborhood. Mr. Schueller stated that he considered this to be spot zoning and that it is not a comprehensive approach to what is happening on Lower Park Avenue. He requested that the Planning Commission delay a decision on the zoning pending a larger analysis of what can be done on Lower Park Avenue. If the City keeps zoning small sections, they will end up with the same sprawl that occurs everywhere else.

Rondi Snow stated that she opposes the rezoning. Her house abuts the back of 1161 Park Avenue, and her bedroom window is 30 feet from the actual structure. She commented that this is a quaint Old Town neighborhood with families, dogs, and cats, and they do not need more commercial businesses in the area. She noted that a number of mothers use 12th Street to drop off their children, and she asked the Planning Commission to do an in-depth study of the traffic on 12th street when both schools are in session. She stated that she has parked on the streets in town to run into a coffee shop, and she was certain that would happen in this location. She commented on existing parking and traffic issues and stated that she would hate to see another commercial use in this quiet, friendly area. As a nurse who sleeps during the day, she did not want the noise associated with a coffee shop. She agreed that the zone change would turn Park Avenue into Lower Main Street.

Arnold Sprung believed the presentation this evening described the problems that exist on Park Avenue but did not address whether changing the zoning would make those problems worse or better. Changing the zone means that a CUP will be required, which gives the City and the populace more control over the property than they have now, since this is now a defacto commercial zone. There are few single-family homes with families living in them. The houses with multiple rooms being rented out make the problems worse. If the zoning is changed, people would be forced to apply for a CUP, and the City could dictate how the property is improved. When tourists come into Park City, this area is the first thing they see, and he did not believe there was much motivation for people to improve their houses. Instead, the motivation is to rent as many rooms as possible to get as much income as possible. Mr. Sprung believes the zones change would be a step toward improving the entrance to Park City under the conditions of a CUP so additional problems are not created.

Judy Janc, a property owner at 1136 Woodside, complimented the City on what they have done to better the neighborhood. Woodside has been impacted by the existing uses, but they are livable at this point, and Ms. Janc opposed the rezone. The non-conforming lot is next to her house, and she was unsure how that lot would be used. She did not believe the rezone would improve the integrity of the neighborhood and encourage families to live there, and a zone change at this time would impact the neighborhood. She echoed the

concerns about parking and traffic and requested that the Planning Commission not approve the zone change.

Al Janc, a resident at 1136 Woodside, reiterated that the rezone would bring commercial zoning to Woodside because of the non-conforming lot. If anyone takes advantage of the rezone, they would have to use Woodside for their commercial use. He commented that the City has redirected traffic from Park Boulevard to Deer Valley to avoid Park Avenue, and this rezone would invite traffic back to Park Avenue. Mr. Janc stated he had been under the impression that the rezone was only for the house on the corner; he did not realize it was for the entire block. He stated that he would probably not oppose one corner being used for a café to facilitate Library and Park users, but opening a whole block to commercial zoning that would spill over to Woodside is not in the best interest of Lower Park Avenue.

Jonny Totten reminded the Planning Commission that the City put in a traffic calmer on Park Avenue to control traffic. She presented a copy of an e-mail sent to the Planning Staff from Shannon and Misty O'Neal, residents on Woodside who oppose the rezone.

Puggy Holmgren, a resident at 1209 Park Avenue, stated that she opposes the zoning change based on traffic issues. She listed the uses on Park Avenue and noted that there are 19 single-family residences between Blocks 11 and 12, which is the heaviest residential, single-family home block on Park Avenue. She questioned why it would make sense to change the zoning to commercial in that block and not others. She stated that most people who live in the area do not want this zone change, but it is being shoved down their throats. She stated that she is on the Historical Preservation Board, and on Monday they received an application for a historical grant from a gentleman who wants to restore his house. He wants to bring the house to code and improve it as a single-family residence. Ms. Holmgren urged the Planning Commission to give this rezone a second and third thought before sending it to the City Council.

Abby McNulty, a resident of Old Town, agreed with Arnold Sprung and supported the rezone. She believed the rezone would provide an opportunity to rehabilitate Old Town homes. She stated that she owns two homes and knows it is incredibly expensive and laborious to restore the structures. She believed Lower Park Avenue could benefit from this revitalization. She anticipated that small businesses would provide an opportunity for the community to grow and gather in conversation. She stated that she chooses to live in Old Town because she can walk to Main Street and would like to see something else that supports her local interest in Old Town.

Chris Taylor stated that he supports the rezone. Old Town is a community, and he hoped the rezone would revitalize and bring the community together. He believed there would always be traffic issues, but a commercial use would require a CUP that would evaluate

the traffic patterns and how traffic is handled at this site. He believed what the applicant wants to do would revitalize and improve the community.

Peter Marth, an Old Town resident and property owner, found it difficult to understand how this area could be rezoned to commercial when the City has said for years that the goal is to keep the community intact and keep families in Old Town. He believed there are many negatives, and in addition to the traffic concerns, the residential values in back of this rezone would be reduced. He stated that cars are the biggest problem with the quality of life in Old Town, and this rezone would open a can of worms on Park Avenue.

George Goodman, a resident at 921 Norfolk, felt people were talking about two different things. People think that if this zone change occurs, there will automatically be a business in every house. The Planning Commission is considering the rezone of a certain area where the uses will be subject to CUP's. He believed it was important to strike a balance between rejuvenating Lower Park Avenue, reducing traffic, and restoring old properties. He believed there was a way to solve traffic problems, and this rezone would give the City more control over what happens there.

Ron Shepard stated that the house in question is not succeeding as a residence. The house has rooms for eight tenants, and four currently live there. Many properties are failing as residences along Park Avenue. Having restored one Old Town home, he knew it would be expensive to renovate the home, and those costs cannot be recouped through rent. He believed the community would have greater success with light commercial uses. A more beautiful entry corridor can be created which the City can govern with greater control. He stated that he and his wife propose revitalizing the entry corridor, not degrading it.

Rand Hatrom, a resident at 1101 Norfolk, stated that he supports the rezone and echoed the sentiment that it will revitalize the community. He wanted to see neighborhood businesses within the community. He believed the issue at hand was rezoning, and they should leave the details of the Land Management Code and the CUP up to the individual commercial projects. The community has a responsibility to attend every CUP hearing to agree or disagree which what happens there.

Laura Weaver, a resident at 1101 Norfolk, supported the rezone and echoed the comments of those who spoke in support this evening. She understood the traffic concerns but believed the proposed business was geared toward local Old Town residents and that most people would walk there rather than drive.

Rondi Snow commented that everyone who supports the rezone lives on Norfolk and are not the people who will be affected.

Audrey Sprung, a resident on Norfolk, stated that she stopped going down Park Avenue in the area where the rezone is proposed because the homes are flophouses. She believes a small café with coffee and donuts would improve the property.

Carol Shepard, the applicant, commented on the number of letters in support of the rezone which have come from neighbors within 300 feet of the rezone. She commented that this is a neighborhood, not just one block or one house. Old Town consists of a mix of uses, and if people want a purely residential neighborhood, they should live in Park Meadows, not Old Town.

Puggy Holmgren clarified that she is not opposed to a zone change but does not believe this block is appropriate for this zone change.

Chair Volkman closed the public hearing.

Commissioner O'Hara asked Director Putt to outline the allowed commercial uses in the HRM zone that would not require a CUP. Director Putt replied that any use other than residential in this zone would require a CUP. In addition to meeting the standard CUP requirements, a property must demonstrate compliance with the Historic District guidelines and stringent parking requirements. Not every property lends itself to meeting these criteria, and they are looked at on a site specific basis. The proposed use at 1161 Park Avenue needs to be addressed separately from the rezone. The Planning Commission should focus on this particular neighborhood, consider how the General Plan applies to this area, and consider the existing character of the neighborhood and trends along Park Avenue. He noted that language throughout the General Plan discusses preserving existing neighborhoods and looking at ways to prevent undue impacts from other related uses, which speaks to the opposing comments heard this evening. On the other hand, several areas in the General Plan address historic preservation and finding creative ways to fund historic preservation outside the grant program. It could easily be argued that adaptive reuse is an effective mechanism which speaks in favor of the rezone. The General Plan also refers to creating walkable neighborhood communities with mixed use components and supporting the recreational and resort components of Park City, and this neighborhood is a transitional neighborhood. The main CUP use in the land use table is retail service commercial minor. These are businesses primarily engaged in the sale or rental of goods, merchandise, or services with low customer turnover, low parking demand, and no outdoor storage. These uses do not include automobile or large equipment rental or sales. Such uses include art supply stores, bakeries, bookstores, clothing stores, candy stores, florists, gift shops, liquor stores, home furnishings, and interior design studios. Director Putt acknowledged that not all of these uses would be appropriate for this block.

Commissioner Powers felt they were venturing into an area that could harm this neighborhood. If the café were to change to a use that draws people from outside the

neighborhood, the parking is not sufficient, and that could be harmful to this neighborhood. He believed the neighborhood was getting along fine without a coffee shop.

Commissioner Barth stated that he could see this as a potential positive for the neighborhood in understanding how the CUP process works. The rezone would provide a good tool for controlling traffic and other issues. He was surprised by some of the testimony this evening. A major issue is traffic, including capacity of existing streets in the area, and the Planning Commission would look at that specifically during each CUP review. He noted that in some applications the Planning Commission has conditioned the CUP with annual reviews to track the impacts. He envisioned this as being completely different from Main Street.

Commissioner Erickson explained that the Planning Commission is considering this rezone because they chose to consider a citizen's request. They also took the advice of the Staff that this should be done in accordance with long-range considerations of the neighborhood, not a single lot. He agreed with Chair Volkman that the purpose of this meeting is to consider this request in the context of the citizens who live in the area. He noted that the Planning Commission has an obligation to consider this request to rezone in the context of the Land Management Code and General Plan. He stated that only those uses identified by Director Putt this evening are distinct between the HR-1 zone and the HRM zone and that minor hotels up to 16 rooms and nightly rentals are allowed in the HR-1 zone. Therefore, a significant number of uses that generate traffic are already allowed in the zone. He believed the amount of traffic could be reduced by eliminating the residential trips from current single-family structures. He was concerned about the precise interpretations of the HRM zone for conditional uses and was not comfortable moving forward until the Staff addresses those concerns. He referred to the footnote to Subparagraph 8 which refers to certain uses being allowed in historic structures and questioned whether the proposed use would be allowed and not conditional based on that language. He requested that the Staff clarify how the footnote is to be interpreted. Director Putt clarified that no commercial uses are allowed without a CUP in this zone. He explained that the footnote means that a new structure cannot be built in the HRM zone that looks like a historic structure for the purpose of a commercial business. Commissioner Erickson remarked that when the rezone was brought forward, it was important to consider both sides of the issue, and he felt additional debate was needed.

Commissioner O'Hara agreed that they should not move forward unless they are comfortable that a CUP is required for all commercial uses. Director Putt clarified that a CUP is approved for a particular use. If the use changes, the new use would go through its own separate CUP review process, because the nature of the use may be different and create additional impacts.

Chair Volkman asked if the CUP process would include number of seats and whether take-out would be allowed. He felt they needed to discuss issues that control the amount of traffic and number of patrons. Director Putt replied that table tops and seats equate to a parking requirement, and an applicant would be required to demonstrate a sufficient amount of parking available for a particular use.

Commissioner Powers stated that he favors the idea of a neighborhood bistro where people can get together, but he was concerned about zoning an entire block and how it would impact the neighborhood.

Commissioner Barth asked Director Putt to comment on an annual review. Director Putt replied that the ability to be discretionary with conditional uses is becoming increasingly more limited as viewed by the courts. The Planning Commission must demonstrate that the application complies with the requirements in the LMC. The ability to have broad discretion and add criteria or conditions beyond the scope allowed in the LMC would be very difficult. The only measures available are the measures in the LMC. Commissioner Barth asked if a CUP can be reviewed at a later time if it is found that the impacts are greater than what was originally approved. Director Putt felt they could, but only if they could tie a specific condition to a specific finding that lays the groundwork for doing so. That finding would have to be rooted in one of the CUP review criteria.

Chair Volkman asked Commissioner Erickson if he was comfortable with Director Putt's explanation of a CUP versus an allowed use. City Attorney Mark Harrington confirmed that Director Putt's interpretation is correct. The footnote applies only to listed conditional uses that are allowed in historic structures.

MOTION: Commissioner O'Hara moved to forward a POSITIVE recommendation to the City Council for the proposed rezone of Lots 2-16 of Block 5 of the Park City Survey from HR-1 to HRM. Commissioner Barth seconded the motion.

Commissioner Erickson asked to amend the motion to ask for specific findings regarding traffic. While he believed trip generation would be less with this action, he wanted a finding that states that traffic on Park Avenue will not be increased. His intent was to lay the groundwork for consideration of future conditional uses with respect to traffic if the area is rezoned. He felt the Planning Commission should forward findings in the recommendation to the City Council to show that they have considered traffic impacts. After further discussion, Commissioner Erickson suggested that the motion be amended to include a finding of fact that a potential rezone may affect traffic on Park Avenue, Woodside, and adjacent neighborhood streets and that the Planning Commission discussed those traffic concerns. The Planning Commission would ask the Staff to provide additional directly-related traffic information to the City Council for their consideration during this process,

traffic concerns in the zone would seriously be considered during the review of CUP's, and the Planning Commission does not intend to degrade the traffic on Park Avenue.

Commissioner O'Hara accepted the amendment to his motion. Commissioner Barth seconded the motion.

VOTE: The motion passed 3 to 1, with Commissioners Barth, Erickson, and O'Hara voting in favor of the motion and Commissioner Powers voting against the motion.

Director Putt clarified for the public that the Planning Commission forwarded a positive recommendation to the City Council with amended findings for this rezone, and the public will have an additional opportunity for input at the City Council level.

Findings of Fact - 1161 Park Avenue Rezone

1. On May 12, 2004, the Planning Commission conducted a special meeting to review and discern whether a re-zone of the property was appropriate.
2. The applicant would like to rezone Lots 2-16 of Block 5 of the Snyder's Addition to the Park City survey from HR-1 to the HRM zone.
3. The proposed properties are located between 1109 and 1161 Park Avenue.
4. The HR-1 zone is primarily a residential zone, the purpose of which is to encourage the preservation of historic homes and the construction of historically compatible homes while maintaining and enhancing the goals of the Park City General Plan.
5. The HRM zone district is intended to allow adaptive reuses of restored historic structures into light neighborhood commercial uses subject to specific LMC criteria compliance and the issue of a Conditional Use Permit. The HR-1 zone and the HRM zone primarily differ in the prohibition of commercial uses in the HR-1 zone that are allowed as a conditional use in the HRM zone.
6. There are 9 historic single-family homes within the proposed re-zone area.
7. The HRM zone requires a minimum lot width of 37.5 feet.
8. There is one lot within the proposed re-zone area with a lot width less than 37.5 feet.
9. There are 8 properties within the proposed re-zone area with a lot width of 37.5 feet or greater.
10. The HRM zone requires a minimum lot size of 2,212 square feet.
11. All lots within the proposed re-zone area have at least 2,212 square feet of lot area.
12. All of the lots within the proposed re-zone area have existing historic single-family homes.
13. Impacts of commercial uses (parking, noise, traffic) on Park Avenue may increase as a result of this re-zone.
14. The proposed rezone lots are bordered on three sides (north, south and east) by sections of the HRM zone.

15. Re-zoning lots 2-16 of Block 5 of the Snyder's Addition to the Park City Survey from HR-1 to HRM would not have a significant impact on the City's resort economy.
 16. A potential rezone may affect traffic on Park Avenue, Woodside, and adjacent neighborhood streets, and the Planning Commission discussed those traffic concerns. The Planning Commission would ask the Staff to provide additional directly-related traffic information to the City Council for their consideration during this process, traffic concerns in the zone would seriously be considered during the review of CUP's, and the Planning Commission does not intend to degrade the traffic on Park Avenue.
4. 2336 Sidewinder Drive, Prospector Park #2 - Conditional Use Permit for a neighborhood park

Planner Brooks Robinson reviewed the application for a CUP for a public recreation facility in the residential development (RD) zone at 2336 Sidewinder Drive. The lot is owned by the City with the intent of turning it into a small neighborhood park. The main feature of this park is an artificial bouldering wall which may reach a height of 14 feet. There will also be a small turf berm and flat area with additional landscaping around the perimeter adjacent to the neighboring residential houses. The Staff recommended that the Planning Commission approve the CUP based on the findings of fact, conclusions of law, and conditions of approval outlined in the staff report.

Commissioner O'Hara asked what elements of this proposal support the City's water conservation efforts. Planner Robinson replied that the turf size on the lot is small. The City is considering using Dura Turf, which uses less water and requires less maintenance. Additional trees and shrubs will be drought tolerant, and the irrigation system will be low spray and low water use. Commissioner O'Hara requested that the conservation plan be included in the findings of fact.

Commissioner Powers asked if the City's insurance will cover liability for the bouldering wall. Assistant City Attorney Tim Twardowski replied that it will.

Chair Volkman opened the public hearing.

Noni Hogle, a resident in the neighborhood, remarked that this park is a small piece of ground that will be ugly from the south looking west. She owns a piece of property adjacent to the park, she believed the park would impact her property. As a neighbor, she worried about the impacts to small children. She stated that the corner is dangerous, with buses coming and going for special events and the regular route. She believed parking was an issue and that the wall would be unattractive to look at from the Rail Trail. People who intend to build on their property to the west or the south would be highly impacted.

1. Lots 14, 15, 16, Block 5 of Snyders Addition - Rezone HRM/HR-1 to HRM

Planning Director Putt reported that the Staff has received an application for a special meeting from Carol Shepard to look at a possible rezone from HR-1 to HRM for Lots 2-16 in Block 5 of the Snyders Addition in the Park City Survey, which includes lots 1109 through 1161 Park Avenue. A Special Meeting can be held so an applicant can address the Planning Commission before making a formal application to receive initial feedback on a particular idea or project. Based on input from the Planning Commission, the applicant can then submit a formal application. The discussion this evening centers around whether the Planning Commission would entertain a rezone request for a series of lots one block south of the City Library and Education Center on the west side of Park Avenue. The properties are currently zoned HR1 with the exception of Ron Butkovich's Studio on the corner of 11th Street, which is zoned HRM. That property was previously zoned HCB, and the City rezoned it when the LMC was revised and the zoning map was amended. The north, south, and east sides of this neighborhood are also zoned HRM. On September 21, 2002, the City Council approved the amendment to the zoning map that created the HRM zone. The primary purpose for the HRM zone was to create a better transition in use and scale between the HR-1 zones and HRC zones. It was also created as a mechanism to look at adaptive reuse of historic buildings where buildings could be rehabilitated and preserved provided that they meet several criteria through a Conditional Use Permit. There are eight historic homes in this block, and several have been remodeled and rehabilitated as part of the City's Historic Grant Program. The primary attributes of both zones are that the HR-1 zone is primarily a single-family, historic residential zoning district which allows single homes by right of use and duplexes by a CUP. Height in the zone is 27 feet, and minimum lot size is 1,875 square feet. Setbacks in the zone are a minimum of 10 feet on the front and rear and 3 feet on the sides. Typically, the smallest increment in the HR-1 zone is a 25' a 75' lot, and in the HRM zone the minimum lots sizes are typically a lot and a half equivalent. The height in the HRM zone is also 27 feet, and setbacks are 15 feet in the front, 10 feet in the rear, and 5 feet on the sides.

Director Putt reviewed a list of pros and cons related to the application as outlined in the staff report. Pros include historic preservation and continuity of zoning along Park Avenue.

Potential negative impacts include increased traffic, parking, increased noise, and fire code compliance. One issue for discussion is whether the Planning Commission can support reopening a review of this block in the form of a formal rezone. He emphasized the importance of the public hearing process when rezoning an existing neighborhood. Another issue is whether the Planning Commission feels it is appropriate for the applicant to initiate the rezone.

Carol Shepard, the applicant, distributed information packets to the Planning Commission outlining the reason for the rezone and addressing the negative impacts. She provided a

vision of her business plan and explained that she sought out this location because it supports the current neighborhood and provides an inexpensive gathering place for locals.

She believed her business would enhance the school and library as well as the Parks and Film Series. The building sits on a corner and has available parking. It will not be a destination restaurant, but it will be important to have parking for those who drive there. She intended the use to be as low impact as possible to the existing neighborhood. The historic structure fits into her business plan because she wants the intimate feel of walking into your grandmother's kitchen. She did not anticipate an increase in traffic, because most people who attend the Soaring Wings School drive there, and her plan would allow them to park their cars and walk across the street to get coffee. She noted that there are six or seven parking spaces on the property and a parking lot across the street in front of the skateboard park. She would only have seven tables, which would not attract a large number of patrons. In terms of service vehicles, she explained that pastries and coffee will come from an out-of-state distributor who will use Federal Express and UPS. Other items for her restaurant will be purchased by her from Costco. She has spoken with Ron Ivie about fire issues and expects to be required to use a sprinkler system. If the Planning Commission chooses to move forward, she will work with Mr. Ivie and an architect to address fire safety. Ms. Shepard noted that she previously restored another home in Old Town and fully intends to restore this home for her business. She has had positive response from the neighborhood and provided names and telephone numbers of neighbors who support her plan.

Commissioner Barth looked forward to discussing the rezone and encouraged the applicant to initiate the process.

Commissioner Zimney agreed and stated that she supports low-level commercial uses on Park Avenue. She was unsure about a restaurant use but expressed a willingness to discuss whether it could work.

Commissioner O'Hara was concerned with how a rezone of the entire side of the block would affect all the lots that would then become non-conforming in lot size. Director Putt stated that, if they move forward, the Staff will provide an analysis of how many lots will be affected.

Commissioner Erickson agreed with the desire to see commercial uses that work to restore historic homes. While he agreed that the applicant should initiate a rezone on her property, he felt they should follow the Staff recommendation to rezone the entire strip.

2. 401 Silver King Drive, Snow Flower Condominiums - Amendment to Record of Survey Plat

Conclusions of Law - 255 Park Avenue - Lock out Unit

1. As conditioned, the application complies with all requirements of Section 15-1-10(E) of the Land Management Code.
2. The use will be compatible with surrounding structures in use, scale, mass and circulation.
3. The proposed use is consistent with the Park City General Plan as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval - 255 Park Avenue - Lock out unit

1. All standard conditions of project approval shall apply to this project.
2. No construction may commence on the property prior to the recordation of a plat amendment combining Lots 13 and 14 of Block 2, Park City Survey.
3. The approval of this CUP for nightly rental of a lock out unit is conditioned on Planning Commission approval of a Steep Slope CUP for the proposed single-family residence.
4. The approval of this CUP for nightly rental of a lockout unit is conditioned on the City Council approval and recordation at the County Recorder's office of the proposed plat amendment to combine Lots 13 and 14 of Block 2, Park City Survey, into one lot of record.
5. The modification of the lock out unit parking space to a location outside of the side yard setback is a condition precedent to the issuance of a building permit.
6. A nightly rental business license (issued by the City) is required before the lockout unit may be used for nightly rentals.
7. All lighting for the use shall be consistent with the City lighting ordinance found in Section 15-5-5(1) of the LMC.
8. This approval shall be null and void as of June 23, 2005, unless the applicant has received a building permit for the project.

9. Lots 2-16, Block 5 - Snyder's Addition - Rezone

Planner Milliner reviewed the application for a rezone of Lots 2-16 of Block 5 of the Snyder's Addition, 1119 Park Avenue through 1161 Park Avenue. The applicant is requesting that this area be rezoned from HR-1 to HRM to take advantage of the commercial uses allowed in the HRM zone. The Staff has reviewed this application and provided findings and conclusions for a positive recommendation to the City Council. However, the recommendation this evening is that, due to a noticing issue, the Planning Commission hold a public hearing on the proposal but not take action. The Staff became aware that sufficient notice was not given, and they want to be sure everyone in the area has an opportunity to speak to this issue. The Planning Commission conducted a special meeting on this item more than a month ago, and at that time there were not many concerns about the rezone. A number of concerns have been expressed by the public and

the Staff, most of which revolve around traffic, parking, and impacts of delivery and service vehicles on commercial buildings in the area. Any commercial use in the zone is considered a conditional use in the HRM zone and requires a second tier of review that would give the Planning Commission an opportunity to review commercial uses individually as they relate to different structures. One concern is whether the rezone would create a number of non-conforming buildings in the HRM zone. The HRM zone has a larger minimum lot size requirement for a single-family home than the HR-1 zone. The Staff's research found that one lot in the block would contain a non-complying building. The lot is 25 feet wide rather than the 37-1/2 feet required in the HRM zone. The other buildings in the area have lot widths along the street of at least 37 feet. Planner Milliner reported that he has received a number of calls and letters from the public within the last few days regarding the rezone. One call was from an individual on Woodside Avenue who originally wrote a letter supporting the rezone and now wishes to rescind that support and request that the lots remain as they exist. A call was also received from Ron Butkovich, owner of the jewelry store at 1109 Park Avenue, who favors the application. Director Putt distributed a number of letters to the Planning Commission in support of the rezone request. The Staff requested that the Planning Commission conduct a public hearing and provide direction.

Director Putt explained that the house located at 1125 Park Avenue, which is the potentially legal non-complying structure, does not meet the setback requirements in the HR-1 zone given the 25-foot-wide lot and the width of the existing house. The property meets the overall property size requirements because the property owner also owns the lot to the rear that faces Woodside Avenue. If the zone change were to occur, the status of the house would not change because it is currently legally non-complying. A provision in the Land Management Code that deals with existing historic structures allows historic structures to be located in their original historic condition, even if they do not meet setback requirements, and it would allow for additions and remodeling. The addition or new construction would have to meet the setback requirements, but the house would enjoy the benefit of being legally non-compliant.

Chair Volkman opened the public hearing.

Tanya Totten, who owns the house directly behind the proposed zone change, stated that when she was initially approached, she agreed to write a letter of support, but she had some concerns. After learning more about this application, she did not want to see a food and beverage business in this location as the bedrooms in the house she owns are right next to the structure. She was concerned about traffic, which is already heavy, and although the planned use is a walk-to café, people will drive to it. Another issue is the noise that would be created by delivery trucks and loud music. Ms. Totten stated that, with all the uses that could be proposed, she opposes the food a beverage use. While the

concept of a café is good and she would like to see one in Park City, it is not a good use for this building.

Puggy Holmgren, a resident at 1209 Park Avenue since 1991, stated that after she purchased her house, she started to pay more attention to what was happening on Park Avenue. She questioned the appropriateness of changing the zoning of the block to HRM.

With the exception of Ron Butkovich and the former Cattle and Brand X, this block is the most residential block on Park Avenue. She asked why the block should be changed to HRM when the applicant could go north or south in either direction and bring in the soft commercial they are looking for.

Carol Shepard, the applicant, addressed some of the neighbors' concerns and stated that she has tried to be very open in her communication and vision for the café. She stated that she is an old town resident who has the same concerns and issues as her neighbors. She noted that music has never been part of her business plan. Her intent is to operate a breakfast and lunch spot with limited hours and a low-key atmosphere with seven or eight tables. Delivery vehicles will not be necessary because she will use Costco, Federal Express, and UPS to supply her establishment. With regard to traffic and parking, she stated that she selected this location because parking is available on the lot and in municipal lots across the street in both directions. She did not believe a local business would attract people from outside the neighborhood. She commented that she views her business as an amenity that will support the patrons of surrounding facilities, and if she had wanted to draw tourists and outside patrons, she would have chosen a location on Main Street. She stated that she has worked in the corporate world for 25 years, and now she is looking to be more connected with her neighborhood and her community. She plans to establish a very low key, low impact business that will enhance a historic structure and provide a place for people to patronize. She noted that, in addition to letters and E-mails presented by Planner Milliner this evening, she submitted to Director Putt a list of people who support her endeavor and would like to have this type of amenity in the neighborhood. She stated that she did provide letters, labels, and mailing envelopes to the City in a timely manner and was unsure why there was a delay in proper noticing.

Director Putt clarified that the issue for discussion this evening is the zone change request, not the type of business. The staff report provides an analysis of whether a zone change would be appropriate in the context of the existing lots and the broader neighborhood. A zone change will be approved only after a public hearing at the City Council. Approval for a specific use such as a café or deli requires a separate application and a separate public hearing in front of the Planning Commission.

Chair Volkman asked what would happen to the CUP if Ms. Shepard were to go out of business in the future and another use comes in. Director Putt replied that a CUP is reviewed and approved on a specific use request and lapses with the use.

MOTION: Commissioner Powers moved to CONTINUE the public hearing to July 14. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

Commissioner O'Hara stated that he understood the application is to rezone a block and asked how that would work since the applicant only owns one piece of property on the block. Commissioner Erickson explained that at a previous Planning Commission meeting the Staff suggested that rezoning the entire block may support redevelopment of other historic homes. The Planning Commission provided direction to the Staff to provide for a City-initiated rezone. He stated that he generally supports the rezone because of the historic homes and the opportunity to redevelop this particular home. He understood the traffic and use concerns but believed they could be addressed through a CUP.

Commissioner Powers asked if this configuration constitutes a spot zone. Director Putt replied that typically zoning lines are drawn wherever possible around platted blocks or subdivision boundaries. In Old Town, those lines are at a minimum along half-block lines, depending on the neighborhood and the streets. Initially, the Staff and applicant discussed whether the property located at 1161 Park Avenue would be the subject of the rezone application. The Staff told Ms. Shepard that would be problematic because it would be a spot zone or zone re-designation on one specific piece of property. The Staff suggested that the rezone be considered in a broader neighborhood context, which is the half block. The Staff did not think it would be appropriate to extend the application to the other half of the block that fronts Woodside. A half block does not constitute spot zoning, but one lot would. Commissioner Powers asked about other people on the block who would be affected by the rezone. Director Putt explained that is the purpose of a public hearing. Chair Volkman clarified that changing the zone does not require individual property owners to change the use of their dwelling.

Commissioner Larson remarked that usually in a rezone from HR-1 to HRM, he would look for an area that is failing in its residential nature and needs commercial use to become viable or an area that is in need of historic preservation where commercial zoning can be used as a motivation. He was unsure if either was true on this block. While Ms. Shepard proposes a fine operation, he did not believe it was sufficient rationale to move forward. Commissioner Erickson suggested that Commissioner Larson consider this particular home and decide whether it needs help in this location. He viewed the rezone to HRM to be the beginning of the transition of Park Avenue and the historic homes along Park Avenue, and he believed this would be a test case to see what will happen. Chair Volkman recalled from the discussion at the previous meeting that the intent was to help redevelop other homes on the block and not to intensify the use. Commissioner Larson clarified that he was not opposed, but those would constitute his two rationale for a rezone. He stated