PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 20, 2001

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 20, 2001.

AGENDA

Work Session

4:30 p.m.	Council questions/comments
5:00 p.m.	Recreation bond update
5:15 p.m.	Solamere neighborhood - special event mitigation/on-street parking limitations
5:45 p.m.	Review of regular meeting

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 23, 2001

V CONSENT AGENDA PUBLIC HEARING

Ordinance approving a subdivision of the metes and bounds parcel located at 1790 Bonanza Drive into two lots of record

VI CONSENT AGENDA

Ordinance approving a subdivision of the metes and bounds parcel located at 1790 Bonanza Drive into two lots of record

VII PUBLIC HEARING

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
SEPTEMBER 20, 2001

Present: **Council members Candace Erickson; Roger Harlan; Fred Jones; and Jeff Mann**

Toby Ross, City Manager; Tom Bakaly, Assistant City Manager; Pat Putt, Planning and Zoning Administrator; Lloyd Evans, Chief of Police

Dean Schulman, Chairman Parks and Recreation Board; Howard Kadwit and Tom Mcauliffe, Solamere neighborhood residents

Absent: **Mayor Brad Olch and Council member Peg Bodell**

1. **Council questions/comments.** Jeff Mann stated that he attended a reception celebrating the dedication of open space at the Richards property. In response to a question from Fred Jones, Tom Bakaly reported that the news racks will be installed this fall. Mr. Jones added that he appreciated the installation of the American flags on Park Avenue and there was discussion about decorating Main Street. He suggested that the Council sponsor a patriotic event for the community. It was clarified by the City Manager that the Library Board is meeting on October 1 to resolve the Library's schedule during the Olympics. Mr. Ross pointed out that if the library remains open, patrons may have a difficult time accessing it via Park Avenue, although there will be bus service. There is also a concern about the number of people walking through the area to the Park City Mountain Resort venue when there are events and it may be too complicated to set a schedule in tandem with Olympic events. Also, there is merit in freeing up library employees for other tasks and the Board will render a recommendation in early October. Mr. Jones commented on how pleased he is with the ski bridge on Park Avenue. Ms. Erickson reported on the School Board meeting where the budget for the Treasure Mountain remodel was discussed. She noted that the School District experiences the same frustration as the City with being criticized for lack of noticing and input from the public after it has solicited participation in a variety of ways. There is interest in continuing a quarterly breakfast with the School District and County Commission and bringing Planning Commissioners to the meeting. Roger Harlan added his support of the flags on Park Avenue and commented on the great success of the Leadership 2000 program.

2. **Recreation bond update.** Tom Bakaly reported that the Parks and Recreation Board made a formal recommendation on the bond at its meeting last night. During the budget review, the capital needs to the Racquet Club were discussed as well as other capital needs and Council directed that the Board look at a possible bond issue and related survey. The recommendation is to adopt a resolution that places two recreation facility bonds on the November 6 ballot; one for $2 million for the Racquet Club and the second for $4 million for an ice rink and park improvements. Initially,

rentals privately. He understood that there wasn't enough support required by a majority of the home owners to change the covenants.

Mr. Putt continued that there have been several meetings with representatives of the HOA, property management companies and staff over the past several months. Four alternatives were discussed: (1) adopt a municipal code amendment that would require the Chief Building Official to inspect all nightly rental units and establish a maximum occupancy as a condition of obtaining or renewing a business license; (2) establish a permit parking zone in Solamere during the Film Festival; (3) post no parking signs on one side of the street in Solamere, prohibiting parking between midnight and 6 a.m.; and/or (4) post no parking between midnight and 6 a.m. on both sides of the street. Mr. Putt understood that the Chief of Police believes that public streets are for public use but is not opposed to the no parking signs. However, enforcement is a work load issue and it creates an expectation of immediate action and parking is not a high priority in the Police Department unless there is an imminent public hazard. The penalty for a parking violation is a ticket and typically vehicles are not towed. He explained that staff is seeking Council direction on the alternatives but no formal action needs to be taken with regard to installation of no parking signs. Alternatives 1 and 2 would require formal action and raise significant staffing implications. Staff is recommending Alternative 4. Howard Kadwit, Solamere home owner, narrated a video he took last January filming activities in the neighborhood relating to the parties held during the night. The video revealed a number of shuttle vans dropping people off, significant traffic congestion and noise. At one instance, a police vehicle was blocked.

Mr. Kadwit explained that most of the property management companies with clients in Solamere have voluntarily signed an agreement for this winter, outlining a list of rules for rentals with an escalating schedule of penalties for violations. The Solamere HOA formed a subcommittee charged with enforcement of the rules and collection of fines. Tom Mcauliffe, Solamere resident, added he feels this direction does not hamper special events and protects the nature of the neighborhood. It would be their preference to gate the community during the Sundance Film Festival, but acknowledge that these are public streets. He hoped this will discourage hosting parties for hundreds of people occurring from 1 a.m. and going on to 5 a.m. or 6 a.m. It is disruptive for the neighborhood and very noisy often resulting in unfortunate behavior and the parking option seems relatively easy. He recognized that it won't eliminate vans from circulating around the area, but the attractive nuisance may be lessened. In addition, management companies adhering to occupancy limitations will be helpful. In response to a question regarding the cost of a permit system, Chief Lloyd Evans explained that the Park Meadows tournament pass operation costs several thousand dollars for manpower for three days, not including private security costs. Jeff Mann pointed out that the access passes may be easily counterfeited. Fred Jones felt that the owners of homes that have been rented for these parties must have concerns about property damage. Mr. Mcauliffe felt that home owners are very supportive because of potential damage and the fact that many were unaware of the parties hosted on their properties.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 20, 2001

I ROLL CALL

Mayor Pro Tem Roger Harlan called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, September 20, 2001. Members in attendance were Candace Erickson, Roger Harlan, Fred Jones, and Jeff Mann. Mayor Brad Olch and Council member Peg Bodell were excused. Staff present were Toby Ross, City Manager; Tom Bakaly, Assistant City Manager; Mark Harrington, City Attorney; Pat Putt, Planning and Zoning Administrator; Ray Milliner, Planner; Kevin LoPiccolo, Planner, and Linda Cook, and Special Projects Manager.

II PUBLIC INPUT

Racquet Club improvements - Rebecca Champion, resident, urged Council to consider including a covered pool as part of the proposed bond issue.

Physical fitness training services - Mike Hammil, professional body-builder and trainer, explained his concerns about security during the upcoming Winter Olympic Games in consideration of the recent terrorist attacks of September 11. He strongly believes that the Olympics may be targeted and preparedness should be heightened, including getting public safety personnel in top physical condition. He referred to his written correspondence to Council soliciting his services and proposing a dramatic rate cut for a City group program.

Washington School Inn project - John Plunkett, adjacent resident on Park Avenue, stated that he feels completely ignored by the Community Development Department and feels that the Department deliberately acts to minimize public input or access to information. There has been an abuse of power in CDD and he referred to the letter faxed to the City Council which he read. The Washington School submitted an application to replace a gable roof with a patio which is located about four feet from their residence. There were no public hearings held and in the spring Ron Ivie sent a letter to the HDC that the garage should be demolished so that it would have proper Historic District setbacks and design, but his letter was never provided to the HDC. The fire escape is proposed as a new entrance from Woodside and the parking is also proposed to be moved from Park Avenue to Woodside, which was not reviewed by the Planning Commission for these new uses. In August, CDD approved the application and issued a building permit but did not notify adjacent property owners by mail, providing a ten day appeal period before a building permit is issue. When he and his wife returned from a trip, they filed appeals immediately and a stop-work order was attached to the property. He understood that two appeals have been scheduled before the HDC and Planning Commission. However, the CDD has elected to lift the stop-work order tomorrow, and he urged Council to intercede. The Washington School Inn could finish the project before their appeals

Jeff Mann disclosed that he will be abstaining from voting as he was not in attendance. The Mayor Pro Tem requested a motion to approve. Candace Erickson, "I move we approve the minutes of the meeting of August 23, 2001". Motion carried.

Peg Bodell	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Fred Jones	Aye
Jeff Mann	Abstention

V CONSENT AGENDA PUBLIC HEARING

Ordinance approving a subdivision of the metes and bounds parcel located at 1790 Bonanza Drive into two lots of record - Ray Milliner stated that this application was reviewed by the Planning Commission who recommend approval based on the findings of fact, conditions of approval and conclusions of law outlined in the staff report. In response to a comment made by the Mayor Pro Tem about the location being under construction, Mr. Milliner explained that the applicant received a grading permit. With no further comments or questions from the audience or the City Council, the public hearing was closed.

VI CONSENT AGENDA

Fred Jones, "I move approval of the Consent Agenda". Jeff Mann seconded. Motion carried.

Peg Bodell	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Fred Jones	Aye
Jeff Mann	Abstention

Ordinance approving a subdivision of the metes and bounds parcel located at 1790 Bonanza Drive into two lots of record - See public hearing and staff report.

VII PUBLIC HEARING

Ordinance amending a record of survey for a portion of the common area of Building No. 3 within Prospector Square Condominiums, located at 2105 Prospector Avenue, Park City, Utah - Kevin LoPiccolo explained that this application was reviewed by the Planning Commission who recommend denial on the amendment to the plat. The purpose of the request is to allow a laundry

distribution equipment to facilitate Park City events at ten different sites". Candace Erickson seconded. Motion carried.

Peg Bodell	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Fred Jones	Aye
Jeff Mann	Aye

VII ADJOURNMENT

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

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

DATE: September 20, 2001
DEPARTMENT: Olympic Services / Capital Management and Budget
AUTHOR: Linda Cook
TITLE: Park City Events Power Distribution
TYPE OF ITEM: Award of Contract

SUMMARY RECOMMENDATIONS:
Award a contract to PC Electric, LLC in the amount of $ 140,908.67 for the installation of electrical power distribution equipment to facilitate Park City events power distribution upgrades at 10 different sites.

DESCRIPTION:

A. Background: Our access to SLOC and their venue design architects has provided several opportunities to evaluate the electrical and other alternative power requirements for large events such as the Games. Most recently, Ron Ivie, Chief Building Inspector and several other staff members visited Tampa, Florida to see the Super Bowl preparations. We were struck by the scale of cabling, temporary power panels, fuel resources and other power necessities required for a fair weather event, let alone a winter venue. Following that trip, we were approached by Utah Power representatives who wished to explore our plans for the Olympics. Utah Power recognized, as we do, that our electrical power in and around Park City is at or near capacity, particularly in the Old Town core. Their hope was that the City would consider this a good opportunity to work with Utah Power to increase access to electrical power on the ground and consider economies of scale to provide future capacity in areas currently deficient. Utah Power representatives have been involved in our power assessments for this project and have assisted in the planning effort. Three additional transformers will provide primary distribution from Utah Power.

We've taken several factors into consideration to justify the site locations for this project: 1) Does the increase in power access at a particular site serve us for future events? 2) Does the increase in power access at a particular site reduce our reliance on generators or fuel such as propane? 3) Does a permanent installation make more sense than temporary panels and cable runs? 4) Is the cost of providing permanent power at any given site reasonable, i.e. does existing infrastructure nearby allow a fairly simple and cost-effective installation? 5) Does a permanent installation assist the City in meeting code requirements for temporary facilities?

Other utilities are completing service requests around the area in support of Olympic activities. There is a great opportunity to coordinate with QWEST at the corner of 5th Street and Swede Alley. The Main Street Post Office has granted a utility easement to the City and QWEST for the

placement of a power panel and a communications panel in the back corner of the Post Office parking area. QWEST has readily agreed to set expanded communications capacity in the Post Office lot, place their current communications box at the intersection into a vault below it's current location and, in addition, to provide and install all conduit for our power distribution in and across Swede and into our project site at no cost to the City. This cooperation significantly reduces the City's cost and some unsightly fixtures at this site.

B. Analysis: Our site assessments with an Electrical Engineer, Utah Power representatives and SLOC representatives identified 10 sites around the Main Street area, Swede Alley, Miners Hospital, and Library Park that affirmatively met the criteria above. As an illustration, the City parking lot just south of the Wasatch Brew Pub at the top of Main Street supports the Art Festival as a food court and entertainment area. The lot is the location of the Main Street Celebration food court and planned video board and stage for the Games. There is no secondary electrical power on the ground anywhere on site despite the close primary power that must be converted and tapped from power poles for any event. This site is ranked highest. Conversely, we looked at the Mawhinney lot in City Park directly across Park Ave. from the Library and Ed Center. The Mawhinney lot has close proximity to basic residential electrical power because of the buildings that stood there and the existing capacity will likely be sufficient for suspected future use of the site. While we considered increasing the capacity, the job would require tapping an underground high voltage line with a dedicated switch and transformer coordinated by Utah Power at a base cost of $30,000. Due to lack of future need and the unjustifiable cost associated, the site was discounted. Any Olympic use of the site that requires greater electrical capacity will require generator power.

There were twelve plan-holders which indicates a high interest in the project among contractors. Of the twelve, eight contractors submitted bids. The lowest four ranged from $140,908 to $157,410. The bid process was clean and unchallenged.

C. Department Review: Olympic Events Coordination Committee, Office of Capital Management and Budget, Community Development Department, Public Works Department, Legal Department.

ALTERNATIVES:

A. Approve the Request: Award the contract to PC Electric, LLC in the amount of $140,908.67 and direct staff to proceed with the work to include an electrical power upgrade at 10 sites so that the project can be finished by December 31, 2001.

B. Deny the Request: Deny the award of contract, reject all bids and cancel the project. There is no time to re-bid.

C. Modify the Request: Council could reduce the scope of the project by eliminating sites, though staff views each site as meeting the criteria for legitimate current and future need. Eliminating sites would require a review of the bids and could possibly identify a new apparent low-bid. Staff does not recommend modifying the scope of the project.

D. Continue the Item: A continuance would place particular pressure on those working with the project as there are lead times for material and trenching and excavations that must be

complete by an October 15, 2001 deadline. A continuance of more than one week could jeopardize project completion

SIGNIFICANT IMPACTS: The necessity of power improvements, whether permanent or temporary, was anticipated in the FY 2002 Capital Improvements Budget, with approved funds in the 31-49150 Olympic Cleanup Projects Capital Account. The project also includes an estimated cost of $16,000 for Utah Power primary power distribution. There is $175,000 available for the total project in the Olympic Cleanup Capital Account.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Because time is of the essence, denying or modifying an award of contract would have the likely consequence of delaying the project, in whole or in part, beyond the necessary completion date. The project completion date is set to avoid conflict with the Sundance Film Festival in January and allow proper connections with temporary facilities for the Olympics following Sundance.

If the project were to be cancelled, our reliance on generators and stored fuel would increase dramatically. The greatest justification for this project is that it allows the City to dictate most types of electrical connections sized to each site, and to provide safe, grounded, well-planned panels and points of connection that reduce the "creative" plethora of temporary cable runs and other hazards that come with rigged electrical power configurations.

RECOMMENDATION: Staff recommends awarding the contract to the low bidder, PC Electric, with the anticipated scope of work. Though the contractors purport that the work is not complex, the project will take three months to complete. There is particular urgency to complete street pavement cutting and trenching at several sites before the City's October 15th paving deadline. We have gained economies of scale by increasing power capacity this year of the Games with other utilities cooperating to do the same. The City would miss this larger scale opportunity if delayed to future years. We will continue to pursue possibilities of cooperation with other utilities and capitalize on these opportunities. Staff is pleased that a local contractor is the low bidder, and could provide future support to the project on the basis of familiarity with the installation.

PARK CITY
1884

CITY COUNCIL STAFF REPORT

Date: **September 20, 2001**
Department: **Planning Department**
Title: **2105 Prospector Avenue - Plat Amendment**
Type of Item: **Legislative**

Summary Recommendations: Conduct a public hearing and uphold the Planning Commissions recommendation to deny a plat amendment request to eliminate the "storage room" designation from a portion of the common area of building No. 3 within the Prospector Square Condominiums located at 2105 Prospector Avenue.

A. Project Statistics

Applicant:	Prospector Square Condominiums HOA
Location:	2105 Prospector Avenue
Zoning:	RD (Residential Development)
Adjacent Land Uses:	Multi-Family Residential/Commercial
Project Planner:	Kevin LoPiccolo
Date of Application:	March 30, 2001

B. Background

The Planning Commission reviewed and discussed at their August 8, 2001 meeting, a request to delete the designation "storage room" from a portion of the common area of Building No. 3 (Exhibit A) that is presently and has been used as a laundry facility since 1993. Through public testimony, property owners of Prospector Square Condominiums stated their opposition to allow any change to the approved plat other than what was originally defined and approved as storage. The public testimony demonstrated evidence of adverse neighborhood impacts over noise, service deliveries, loss of unit market value, and service related traffic generation. After hearing testimony from the property owners over the requested plat amendment or deletion of the storage room designation of building No. 3 to an undefine use of common area, the Commission made a determination that there was not good cause and felt that there was materially harm to the property owners of Prospector Square Condominiums if the plat amendment was approved. The Commission directed staff to prepare findings for denial for the request to amend the plat for the Prospector Square Condominiums.

At their September 12, 2001 meeting, the Commission took public testimony from the Homeowner's representative and heard arguments from the HOA as to why the proposed application request should not be approved. An HOA representative was present at the

September 12, 2001 Planning Commission meeting, and asserted that the application was a correction to delete the storage designation from the original plat to an undefine area used for common area by the Home owners Association. The Commission deliberated and determined that there was not good cause for the Plat Amendment, and through public testimony was not convinced that if the proposed plat request was forwarded with a positive recommendation that there would not be materially harm done to the property owners within Prospector Square Condominiums as was demonstrated by some property owners at the August 8, 2001 meeting.

C. Analysis

The Prospector Square Condominiums have a laundry facility that is located in building No. 3. The laundry has been in operation since 1993 in an area that was originally defined as "Storage Room" on the approved plat. The Association opted to submit a plat amendment to correct what they felt was a clerical error when the plat was originally approved. The Association feels that there should not be a designation of use, but an undefine area that could be used as suited by the Homeowners Association as a common area designation, whether it be storage or laundry use.

Typically, uses that occur within a condominium complex, provided that the use complies with all Building Codes and the Land Management Code would be allowed. Granted, the use in this case would be a use that would have a direct relationship to the Condominiums only. Given the public testimony and the history of the current use of a laundry, there have been Building Code violations, concerns over various Property Management companies utilizing the laundry that had no direct relationship with the Prospector Square Condominiums, but that provided laundry services to other projects within Park City.

The proposed application indicates the area affected by this correction (Exhibit A) is only in the common area that has been designated "Store Room". Actually, the use of the laundry has expanded into what is defined as "Private Ownership" as indicated on the approved plat. Based on the current configuration, the applicant would need to correct the current application to reflect the true dimensions of the actual laundry area.

If the City Council decided to reverse the Planning Commissions recommendation, the Homeowners Association would have to submit a new application stating that the affected areas in question includes the "Common area" and "Private ownership". A revised application would be required to have consent of two-thirds of the unit owners to alter the Prospector Square Condominium Plat.

Criteria for Review:

Plat amendments require approval by the City Council pursuant to the Land Management Code and State Subdivision statutes, the Council must be able to conclude that:

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Public Input:

Based on public input at the August 8 and September 12, 2001 meetings, the Commission did not feel compelled to make any changes to the plat designation at the Prospector Square Condominiums. The Commission felt that changing the storage designation to an undefine area would further exacerbate the existing problem of allowing the laundry facility to continue in its

current function. The Commission made a determination that a change in the Prospector Square Condominium plat would further impact the neighborhood relating to service deliveries, traffic generation and noise, and therefore, did not meet the criteria review to forward a positive recommendation to the City Council. The Commissions recommendation to the City Council is for denial.

Public Notice:
Owners within 300' of the property were noticed. The list was prepared by the applicant and mailed to the respective unit owners on July 25, 2001. There has been a complaints that not all property owners within 300' were notified of this request for a Plat Amendment. Based on the property owners list that was supplied by the applicant, a unit owner within 300' was not listed, but has since been notified of the meeting. Staff received phone calls on the existing laundry facility alleging that the facility is being used and operated for other projects other than Prospector Square Condominiums.

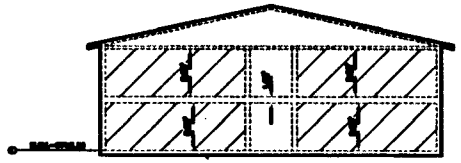
D. Recommendation:
The Planning Department requests that the City Council uphold the Planning Commissions recommendation to deny the Plat Amendment to the City Council based on the following:

Finding of Fact:
1. The property is located in the RD zone.
2. The Record of Survey designates the area within Building number 3 of the Prospector Square Condominiums as "storage room".
3. Property owners in Prospector Square Condominiums through public testimony stated their opposition to change the storage designation to an undefine use that would allow a laundry to operate within Building number 3.
4. Public testimony demonstrated evidence of adverse neighborhood impacts over noise, service deliveries, loss of unit market value, and service related traffic generation.
5. The laundry facility has been in operation since 1993.
6. The laundry facility has expanded beyond the common area into an adjacent residential unit. The current application does not address this fact in a manner that complies with the Condominium Act.

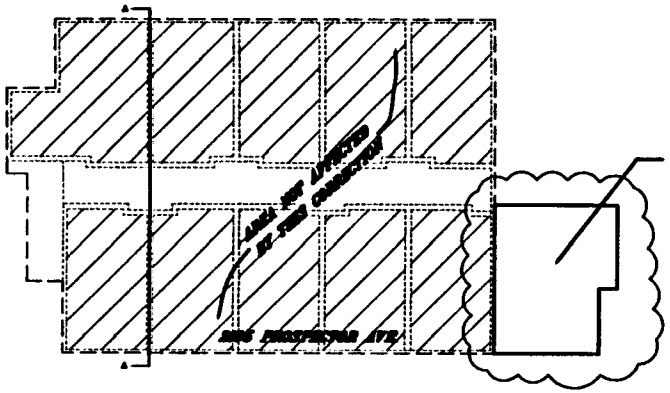
Conclusions of Law:
1. There is not good cause for this Plat Amendment
2. The Public will be materially injured by the proposed plat amendment.

Exhibits:
Exhibit A - Proposed Plat Map
Exhibit B- Vicinity Map
Exhibit C - Letters to and from the HOA
Exhibit D - Planning Commission Minutes, August 8, 2001

RECEIVED
MAR 30 2001
PARK CITY
PLANNING DEPT.



BUILDING NO. 8
SECTION DETAIL "A"
FIRST AND SECOND FLOORS
SCALE 1"=10'



AREA AFFECTED BY THIS CORRECTION DESIGNATION "STORERAM" DELETED

BUILDING NO. 8
PRIOR PLAT
FIRST AND SECOND FLOORS
SCALE 1"=10'

CORRECTION PLAT OF PROSPECTOR SQUARE CONDOMINIUMS A UTAH CONDOMINIUM PROJECT

LOCATED AT 806 PROSPECTOR AVE.
LYING IN THE NORTHEAST QUARTER OF SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

Sheet 1 of 1

CITY COUNCIL	CITY ENGINEER	CITY PLANNING COMMISSION	SEWER DISTRICT	APPROVAL AS TO FORM	RECORDED
PRESENTED TO THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2001. AT WHICH TIME THIS PLAT WAS APPROVED. MAYOR	REVIEWED FOR CONFORMANCE WITH AVAILABLE INFORMATION IN THE PARK CITY ENGINEERING DEPARTMENT ON THIS ____ DAY OF _____, 2001. CITY ENGINEER	APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF _____ 2001. CHAIRMAN	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS ____ DAY OF _____, 2001.	APPROVED AS TO FORM ON THIS ____ DAY OF _____ 2001.	ENTRY NO. _____ BOOK _____ PAGE _____ STATE OF UTAH, COUNTY OF SUMMIT, DATE _____ TIME _____ RECORDED AND FILED AT THE REQUEST OF: COUNTY RECORDER

THE JACK JOHNSON COMPANY
1777 Sun Peak Dr. • Park City, Utah 84098
(435) 649-3456 • fax (435) 649-4459

85

Exhibit A - Proposed Plat Map

2105 Prospector Ave.

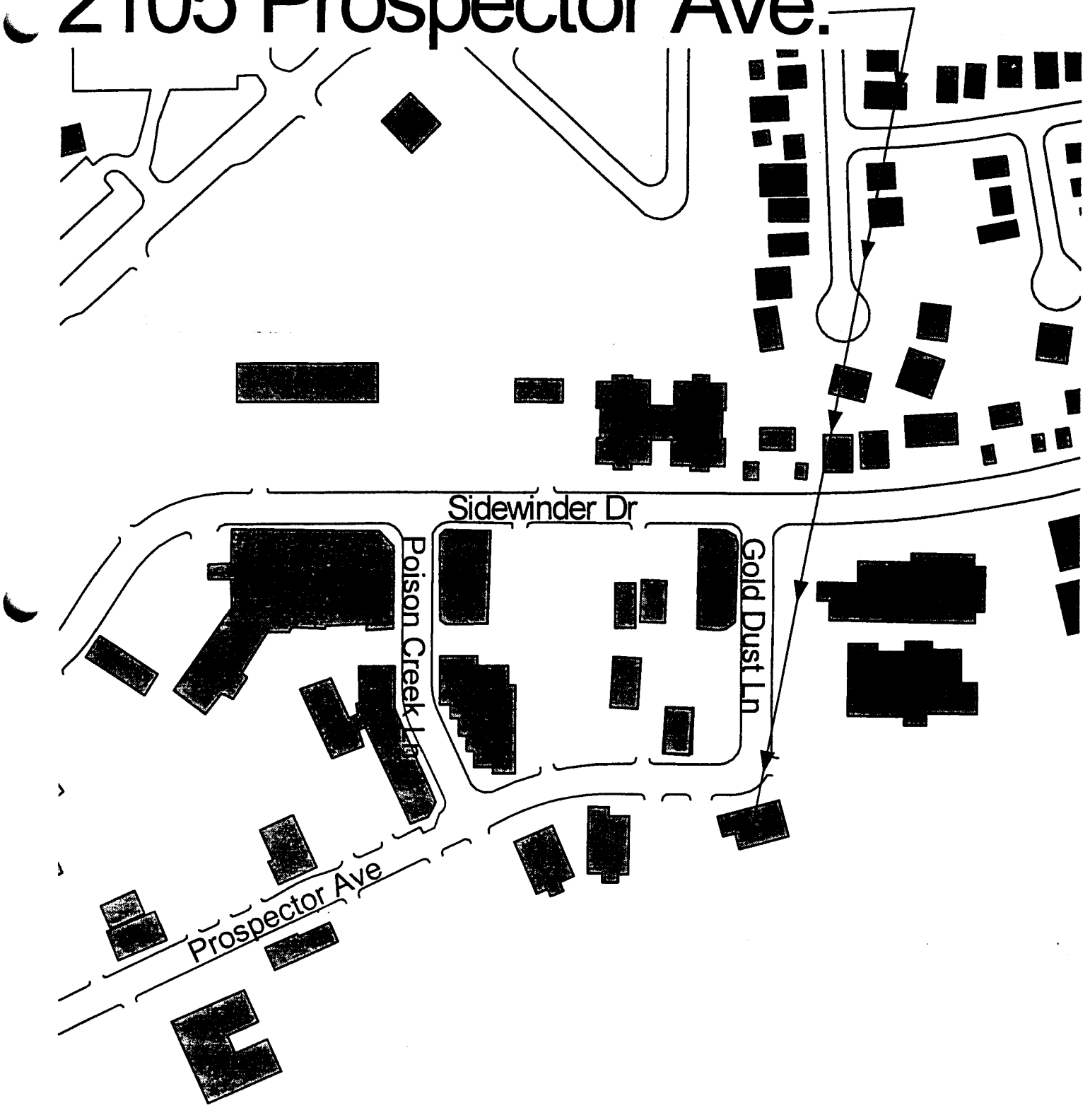


Exhibit B- Vicinity Map

PARK CITY

Legal Department

January 29, 2001

Ms. Sara A. Henry
SAHV, P.C.
P O Box 681466
Park City UT 84068

Re: Prospector Square Condominiums Laundry Facility

Dear Sara,

This letter will serve to confirm our conversation of this morning regarding the laundry facility at the above-referenced condominiums.

The building permit for the construction of the laundry facility is invalid. The laundry room was installed in an area platted as a portion of a residential unit and as "storage." In order to obtain a valid building permit, the owners association must amend the plat to correctly reflect the area occupied by the laundry room and thereafter submit accurate plans to the Park City Building Department.

Additionally, there are various building code violations existing in the current laundry facility. Those violations are set out in the compliance inspection report attached to this letter.

The Chief Building Official of Park City is willing to allow the owners association 90 days from the date of this letter to obtain a valid building permit and correct the violations set forth in the attached report. If the owners association does not comply within that time period, the Chief Building Official will prohibit the further use of the laundry facility.

Finally, the laundry facility may serve only the Prospector Square Condominiums. Any use of the facility for other property or customers is not a permitted use and will result in a violation of the Land Management Code of Park City.

Please sign this letter below where indicated and return the original to me. Any previous correspondence from Park City Municipal Corporation staff can be ignored to the extent it is

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480
Phone (435) 615-5025 • FAX (435) 615-4914

inconsistent with this letter. If you have any questions, please feel free to call me at 615-5028.

Thomas A. Daley

Sara A. Henry
Attorney for Prospector Square HOA

Ron Ivie
Chief Building Official

May 17, 2001

Mr. Ron Ivey
Park City Building Department

SENT VIA FACSIMILE

Dear Mr. Ivey:

I have reviewed the documents submitted by Prospector Square Condominium Association for the plat amendment regarding the laundry.

It seems to me that Mr. Williams is trying to get around the requirement to have a vote by all unit owners in regards to the use of the space now used for the business of a laundry that is run for the benefit of Prospector Management Company LLC, a company that runs its rental management company on Association owned property. Mr. Williams assertion that since the area in question will still be designated as common area and therefore a vote by all unit owners is not required is totally false according to our bylaws and the state laws regarding condominium ownership.

Prospector bylaws also state that no commercial enterprise may be run on the property.

We would also like you to note that Association funds are being used to pay for the required fees etc, and this is not Association business.

Thank you for your attention to this matter.

Sincerely,

The Lodging Company™

PARK CITY UTAH

July 15, 1999

Regarding: Violation of Bylaws

The fact that you continue to harass the staff of the laundry, the Management of The Lodging Company and the staff living in building 3 is a violation of "The right to quiet enjoyment."

You also continue to represent yourself in some manner in order to solicit visits by building inspectors, safety inspectors, fire inspectors and utility companies. This activity must stop. If you have questions please bring them to a Director of the Association Board or me personally.

The staff and management have been instructed not to take any direction from you nor allow you or anyone access to our facilities without first notifying me and then my presence is required. The fine for the above violation of the bylaws is $100.00.

In the future, you may be billed for my personal time as well if it is required to any request or activity instigated by you.

Respectfully,

Dennis L. Gray

PROSPECTOR SQUARE CONDOMINIUMS
ASSOCIATION OF UNIT OWNERS

January 2, 2001

HAND DELIVERY & U.S. MAIL

Park City, UT 84060

Dear .

You recent action of contacting Park City to report an erroneous condition relative to the existing lease between the Association and Park City Hotels, Inc., was not only inappropriate, but interfered with the tenant's use of the leased premises.

As a result of your action, the Association has been assessed damages of Fifteen Hundred Dollars ($1,500.00) by Park City Hotels, Inc. In light of the fact that your actions were non-meritorious, unauthorized and in violation of our Declaration the Association is directly billing you for the amount it has been assessed, as well as any subsequent legal fees that may arise from this matter.

Enclosed please find a corrected billing for January 2001 reflecting the above referenced charged. Please make prompt payment of this matter. The Association will avail itself of all legal means in pursuit of this and other debts currently outstanding.

Very truly yours,

Samuel M. Williams
President, The Management Committee

Enclosure

Cc: Sara Henry, Esq.

PROSPECTOR SQUARE CONDOMINIUMS ASSOCIATION OF UNIT OWNERS

RESOLUTION OF THE MANAGEMENT COMMITTEE

TO WHOM IT MAY CONCERN:

This RESOLUTION OF THE MANAGEMENT COMMITTEE OF PROSPECTOR SQUARE CONDOMINIUMS ASSOCIATION OF UNIT OWNERS (hereinafter the "Resolution") is made and executed this 16th day of March 2001, by the undersigned, on behalf of the Management Committee (hereinafter the "MC") of the Prospector Square Condominiums Association of Unit Owners, a Utah non-profit corporation (hereinafter the "Association").

RECITALS

WHEREAS, in 1993, the Association duly sought a building permit to construct a laundry facility within the space connected to building 3, that was being used as a maintenance shop. On March 1, 1993, Park City Municipal Corporation, through its building department, issued permit number 7202 which authorized the construction of the laundry facility.

WHEREAS, circa 1999 as a result of a complaint, Park City's building department reviewed the validity of the building permit and determined that it was not valid because the plat associated with the area in which the laundry was located identified the space as a "storeroom."

WHEREAS, even though the Association's Declaration of Covenants, Conditions and Restrictions only authorize areas to be designated as common areas, limited common areas or units and the laundry area is technically designated as common area, the City has required that the plat be corrected to remove the term "storeroom" and again confirm that the laundry area is common area. Once the plat is corrected, the use of the area as a laundry will be valid.

WHEREAS, because the plat is technically only being corrected and there is no change in the designation of the area as "common" area, the MC executes this resolution pursuant to its powers set forth in the Association's Bylaws.

NOW THEREFORE, BE IT HEREBY RESOLVED that by a vote of 4 to 1 (with Kyle Jensen voting against because he stated that he did not understand the corrected plat) the Correction to Plat submitted to the MC by Jack Johnson Company on March 15, 2001 is hereby approved. Jack Johnson Company is authorized to submit the

Correction to Plat to the City. Sam Williams, as President of the MC, is hereby authorized to execute the Correction to Plat on behalf of the MC and the Association.

CERTIFICATION OF DECLARANT

The undersigned, do hereby certify:

1. That he is the President of the Management Committee;

2. That the requirements for approval of this resolution have been properly fulfilled in full compliance with the Bylaws of the Prospector Square Condominiums Association of Unit Owners;

3. That the forgoing Resolution constitutes a valid resolution of the Management Committee, as duly adopted at the annual meeting of the Management Committee of the Prospector Square Condominiums Association of Unit Owners, duly held on the 15th day of March 2001; and

PROSPECTOR SQUARE CONDOMINIUMS
ASSOCIATION OF UNIT OWNERS,
a Utah non-profit corporation.

By: _____
Sam Williams, President

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

On this 16TH day of March 2001, personally appeared before me, SAM WILLIAMS, President of the Prospector Square Condominiums Association of Unit Owners and the Declarant herein, who upon oath did swear that he is empowered to sign the foregoing Certification of Declarant, and acknowledged to me that he signed the same of his own free act and deed.

NOTARY PUBLIC
AMY M. JOHNSON
675 E. 2100 SO., STE 150
SALT LAKE CITY, UT 84106
COMMISSION EXPIRES
JANUARY 8, 2005
STATE OF UTAH

Amy M. Johnson
NOTARY PUBLIC
My commission expires
January 8, 2005

RECEIVED
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PARK CITY LEGAL DEPT.

SAHV,
a Professional Corporation
SARA A. HENRY(*)(**)
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P.O. Box 681466
Park City, Utah 84068-1466
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E-mail Address: saralaw@bigplanet.com
**Also admitted to practice in California and Colorado*
*** Of Counsel – Tesch, Vance & Miller, L.L.C.*

February 26, 2001

Thomas A. Daley, Esq.
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060-1480

Re: Prospector Square Condominiums Laundry Facility

Dear Tom:

As you are aware, I represent the Prospector Square Condominiums Association of Unit Owners (hereinafter "the HOA"). The HOA's Management Committee (hereinafter "the MC") has asked that I contact you with regards to confusion concerning the 1993 permitted construction of the laundry facility located in a "Limited Common Areas and Facilities" as defined by the HOA's Declaration of Covenants and Bylaws. The resolution of this issue is of particular concern in light of apparent inaccuracies contained in the February 17, 2001 Park Record Article written by Bruce Lewis and in light of the fact that said inaccuracies may effect litigation that is presently pending in the Third District Court.

Some history of the "laundry" issue as provided to me by the MC is in order. A laundry facility existed to service the HOA as early as 1978, originally located within the athletic club. In 1993, the HOA relocated the laundry facility since the athletic club had been sold and was completely independent of the HOA. The site selected and evidenced by drawings attached to the 1993 Building Permit was an area adjacent to Building 3, formerly used as a maintenance shop (the plat referenced "storage" area). The laundry facility remains part of the "Conference Center and appurtenances" limited common area leased to Prospector Management, LC. This property management company handles the majority of Prospector Square Condominiums rentals. The laundry facility is strictly for the benefit of these rentals (i.e. it has **never** been used as a "commercial laundry").

In furtherance of obtaining approval from the City for the relocating and building of the new laundry facility, on March 1, 1993 the general contractor, Tom Stevens Construction on behalf of the HOA, submitted a Building Permit Application to the City. A copy of said Application is attached hereto. Said Application was approved by the Building Inspection Department on March 10, 1993 under Permit No. 7202. A copy of the floor plan for the new laundry showing the approval stamps is attached hereto, along with a written list of the

additions to the laundry facility. Based on said approvals, the laundry facility was constructed and has been used as a non-commercial laundry ever since.

As you are aware, when the issue of the laundry was raised by a homeowner, the City had various responses to whether the laundry was legal. During the course of the City's investigation into the legality of the laundry, the HOA has been told by various members of the building department the following:

1. No permit was issued for the conference center laundry. See 6/29/99 Compliance Inspection Report. When this report came out, it was up to an HOA representative to review the City's file, find the permit and point out the City's error. Even after the permit was located, the City again issued another report dated 12/22/00 again stating: "We have no record of an approval or permit for the laundry." Based on this finding, the City actually issued a "stop work" order stating that the space had been remodeled without a "permit or business license." Once again, an HOA representative was forced to go to the City and again point out the City's erroneous statement.

2. The laundry is being used as a commercial laundry. See 6/29/99, 7/16/99 Compliance Inspection Reports. Also Keven LoPiccolo's letter which states that a "business" is being conducted in the facility. This statement is simply untrue and is not supported by any evidence other than unsubstantiated false allegations.

3. The laundry has various building code violations. The HOA acknowledges that there have been building code violations, all of which have now been remedied. However, such violations are clearly distinct from the issue of whether the laundry was properly permitted and legally being used as the laundry for the rental units as is authorized in RD zoned properties.

4. Apparently after further consideration, the City eventually acknowledged that the 1993 permit for the construction of the laundry actually existed. However, then Kurt Simister stated that the permit was not valid because "it didn't provide information that the laundry was being moved into an area platted for storage." Mr. Simister's statement also turned out to be false as the permit application and the drawing clearly show the location of the new laundry facility, water heaters (new and existing), as well as the location of the washers and dryers. Now, most recently, the City has stated that the duly issued and approved 1993 permit is invalid because the City should have required that the HOA amend the plat before approval of the permit.

Although, the HOA is now in the process of amending the plat, this requirement begs the issue relative to the HOA's control relative to Limited Common Areas. The Declaration defines "storage" as Limited Common Areas and therefore the HOA questions the City's requirement to amend the plat. The plat appears to define "usage" which is inconsistent with the detailed description found within the HOA's Declaration. Moreover, such inconsistencies are not uncommon in properties constructed twenty-five years ago.

It would have been the HOA's hope that before any of the aforementioned reports had been issued that the City building officials would have performed a more thorough investigation into the actual facts concerning the laundry and the issuance of the permit pertaining thereto before issuing reports that in fact contained inaccurate information and presumptions (i.e. no permit and "commercial" laundry). Normally, the HOA would not be too concerned about the fact that the City's information on the legality of the laundry facility has been inaccurate and has continued to be revised with each passing month. However, the HOA is now involved in litigation and the issue of the legality of the laundry is front page news in the business section of the Park Record.

It is extremely frustrating for the HOA to read the first sentence of the 2/17/01 Article which stated: "Park City officials first knew of the existence of a laundry in a Prospector Square Condominium building in July 1999..." This statement is clearly false, especially in light of the fact that the City files contained the 1993 building permit. When the article was published, once again it was up to an HOA representative to provide a copy of the building permit to Bruce Lewis to contradict the findings made by the City in their inspection reports. The fact that a permit had been issued and the construction of the laundry facility approved by the City, and the additional fact that the laundry has never been used as a commercial laundry would have negated almost every issue raised by the Park Record article, as well as the homeowner whose inquiries initiated the City's actions. Yet, the article was published based on the City's inaccurate information, thus leading the public to believe that the laundry is illegal.

Even now the City is stating that it is up to the HOA to amend the plat, which if required should have been a condition made by the City before the permit was issued in 1993. While the HOA has agreed to undertake this responsibility, it would have been appropriate for the City to bear some responsibility for the fact that apparently the City should not have issued the 1993 permit without the plat amendment to begin with. The HOA has every right to believe that when the City issues a permit that the City has undertaken its due diligence to insure that the permit is legal. Yet, as the newspaper articles about this issue presently read, the blame seems to be falling solely on the HOA.

The purpose of this letter is to request that the City issue a letter to the HOA confirming the fact that the City, in fact, issued a lawful permit for the construction of a laundry facility in 1993 in its current location, which was approved by its Zoning Department. Further, that only now after a review of the permit has the City determined that a plat amendment should have been required before the 1993 permit was issued. Additionally, the HOA requests that the City also confirm that it has no credible evidence (other than unsubstantiated allegations) to suggest that the laundry has ever been used to service units outside of the HOA.

If the City is unwilling to issue such a letter, please let me know the reasons for its refusal to do so. Additionally if you feel that any of the information set forth herein is inaccurate, please let me know. Again, it is the HOA's sincere hope that in the future such

controversies can be avoided by a more thorough investigation before issuance of such false public reports.

Thank you in advance for your courtesy and cooperation.

Very truly yours,
SAHV, P.C.

Sara A. Henry

SAH:ap
cc: Mr. Sam Williams - HOA President

or roof antenna set back 10 feet on the main building. He cannot meet setbacks on top of the stairwell, so a roof mount cannot be done there. He suggested that Mr. Nelson return with two options for the Planning Commission to review, either a skid mount on the main building or a roof mount on the penthouse.

Mr. Nelson stated that the owner of the building did not want a skid mount because he has a new roof. The only other option would be to extend five feet above the penthouse. Commissioner Larson suggested that Mr. Nelson show the antennas on the penthouse so the Commissioners can see the visual impacts.

2105 Prospector Avenue, Prospector Square Condominiums - Amendment to record of survey

Planner Kevin LoPiccolo reported that the applicant is requesting that the Planning Commission review a request to amend the record of survey for the Prospector Square Condominiums and delete the word storage room from the recorded plat. The storage room, shown on the plat as part of a common area, has been used as a laundry since 1993. The surrounding land uses consist of commercial office and recreational uses. The City has met with the Association and suggested that it file the plat amendment to remove the storage designation and leave it as common area. The existing use could still exist provided that it complies with the Building Code and Land Management Code. A number of homeowners have expressed concern that the plat amendment should not occur and that the area should remain as storage. However, there is no storage, as it has been replaced by the laundry. A number of homeowners have complained that the laundry is being used as a commercial laundry facility. Planner LoPiccolo explained that, in order to simplify the request, the Association is asking to remove the word "storage" and the Planning Commission should determine whether there is good cause to do so. The Staff requested that the Planning Commission make a determination and direct Staff to prepare findings for a recommendation to the City Council.

Commissioner Larson asked whether Planner LoPiccolo was aware of whether the laundry facility is private or commercial. Planner LoPiccolo replied that, based on the Land Management Code, the laundry facility can be used for the condominium owners. If it is intended for any other purpose, it would be contrary to the Code and would not be allowed as a commercial laundry. He did not believe there was sufficient evidence to show that the laundry was being used commercially. He noted that Building 3 has

two zoning designation, with 3/4 of the building being residential and the 1/4 which houses the laundry facility being zoned commercial.

Chair Hier commented that this application does not address whether the laundry is commercial or not, and the use does not preclude the Planning Commission from making a decision on whether to omit the word "storage."

Commissioner Powers asked if the homeowners had presented any evidence showing that this is being used as a commercial laundry. Chair Hier preferred to leave the issue of commercial use out of the decision. The question to address is whether or not it is a laundry.

1310 Lowell Avenue, Four Season Resort - Conditional Use Permit for Parcels B, C, D, & E and Park City Mountain Resort - Master Planned Development amendment

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

Planner Kirsten Whetstone reviewed the request to amend the Park City Mountain Resort master plan and for a Conditional Use Permit for 1310 Lowell Avenue for the Four Seasons Resort at Park City. The project incorporates Parcels B, C, D, and E of the master plan. She requested that the Planning Commission comment on the issues for discussion identified in the staff report, such as vacation of Lowell Avenue, the roundabout and traffic concerns, parking issues, particularly day skier and employee parking, access and circulation, utilities, fire services, and accommodation of the public transportation system. Another issue is how the proposal integrates with the existing area and the pedestrian links.

Robert Green, representing LDW Resort and Hotel Development, provided a brief introduction and background of the company. He stated that they studied many sites in the Park City area and concluded that this site at the base of the Park City Mountain Resort was the right place for them. Key considerations included the ability to provide a product mix that is critical to their economics, including a sizable 200-room hotel. They believed it was critical to have for-sale products such as whole ownership condominiums and fractional interest units which will be branded, serviced, and operated by Four Seasons. They will also have a significant retail component and other mountain service components. They will build all subterranean parking for their purposes and to service the mountain as required by the master plan. They also intend to install and participate in financing a new gondola that will emanate from the hotel

Mr. Harrington stated that the majority of the Planning Commission would have to find that the definition, given the mitigating conditions of approval, still meets the original intent of the ordinance and the CUP criteria. There was general consensus among the Commissioners, and Mr. Harrington was directed to draft appropriate language. Mr. Harrington offered to review the proposed staff report with both parties.

3. 300 McHenry Avenue - Conditional Use Permit for guest house/ subdivision

The Staff requested that this item be continued to August 22.

MOTION: Commissioner Larson moved to CONTINUE this item to August 22. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

VI. NEW BUSINESS

1. 2105 Prospector Avenue, Prospector Square Condominiums - Amendment to record of survey

The Planning Commission discussed this item during work session.

Planner LoPiccolo reviewed the request to amend the original record of survey to remove the word "store room" from a designated area in Building 3. The store room has been used as a laundry facility for seven or eight years. The application is strictly to determine whether the words "store room" can be eliminated from the plat provided that meets the criteria for a plat amendment, which are that there is good cause for the amendment and that neither the public nor any person will be materially injured by the proposed plat amendment. After hearing comments from the public, he requested that the Planning Commission provide direction to the Staff to prepare findings for a future meeting. Planner LoPiccolo explained that the City informed the Association that this would be the best way to solve the problem regarding the plat issue. Some homeowners are claiming that the laundry room is not being used exclusively for unit owners and is being used as a commercial laundry. They are requesting that the Planning Commission deny the change in use and return the area to storage as originally platted.

Chair Hier opened the public hearing.

Jeff Brueningson, a resident and owner at Prospector Square Condominiums, stated that two years ago he found his building in a slum condition,

including this apparent illegal laundry. At the time, he found that gas, water, and electricity were being piped into the laundry without separate metering, and the Homeowners Association was being billed by the people running this private, commercial, full-time laundry. He talked to one of the detectives, who has an ongoing criminal investigation of the theft of services in this situation. He provided photographs of the trucks that block the entrances and the gas meter going directly into the laundry. Other photos showed the hallway blocked with laundry bags, garbage, garbage cans, and blocked doorways and the laundry personnel giving themselves haircuts in the hallways. Mr. Brueningson explained that he was told by the police to photograph any illegal activity. He explained that people buy the units as nightly rentals and investments, and when he came two years ago his unit was in such bad shape that he could no longer put it on the nightly rental market. He now lives in his unit as a permanent resident and sees all that goes on. He provided copies of his current tax notice showing that his property value has decreased by $5,000 this year. He referred to the two criteria outlined in the staff report and noted that he has seen no documentation or testimony to back up the claim that putting storage in the unit was a mistake. He and other homeowners in that area are harmed materially and financially by the existence of the illegal laundry. He read from documents submitted by the applicant stating that the laundry was originally the maintenance shop and was not addressed within the context of the 1988 or 1999 Conference Center lease documents. A second document, minutes from a Management Committee meeting, states that the lease which was assigned to Park City Hotels in September 1992 did not address the appendage to Building 3 and the laundry area. The laundry area was never addressed in any leases and therefore was just put in. Mr. Brueningson clarified that the laundry is for the personal and private profit making use of one owner in the Association and is not for the whole Homeowners Association. He noted that part of the process is to notify all unit owners, but he and the other owners he talked to had not received notices. The list of names submitted with the application did not include all the owners, and he believed that violated the application process. He indicated the storage areas on a copy of the plat and how a doorway was cut through for the commercial washers and dryers. He read from sections of the Utah Condominium Act in support of the evident violations and illegality of this activity. He requested that the Planning Commission deny the request to remove the word "store room" from the plat, because there is no indication or documentation that this was done in error. He believed a denial would be the first step toward getting rid of this illegal laundry.

Mark Tanner, a unit owner at Prospector Square, understood that Chair Hier asked that the comments relate to the issue of the store room/

laundry, but he believed they needed to know some history. He explained that the owners met a few months ago and voted on the board members. The two individuals who are majority owners of the property with 45% of the units evidently persuaded Deer Valley to sway votes in their favor, and the few number of owners do not have much voice. Based on that, he believed the Planning Commission would have an opportunity to make a difference, because what takes place tonight could lead to bigger problems with the property. He felt it was important for the Planning Commission to make a statement that these are nightly rentals, and he did not want the property to deteriorate to the point of becoming slum housing. He asked the Planning Commission to stop the nonsense and deny the request. He was disappointed that the members were not noticed, because they have impact on this space as owners in the Association.

Chair Hier closed the public hearing.

Chair Hier thanked Mr. Brueningson and Mr. Tanner for their comments which put a different light on the problem. He explained that his original concern was that someone was worried that this was a commercial laundry for business outside versus a laundry for business within the complex. After hearing their comments, he did not think that had an impact on the issue. He stated that if he was buying a unit and saw an area designated as common area storage, he would assume that it would be storage that could be used by all owners and would be concerned when he found he could not use it. These facts, along with the fact that material harm is being done, would influence his decision if he were allowed to vote.

Commissioners Larson and Zimney concurred with Chair Hier. Commissioner Erickson did not think it was possible to make a finding that no material injury would occur as no evidence has been submitted to make that finding.

MOTION: Commissioner Larson moved to DIRECT the Staff to prepare findings for denial of this request. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 7:50 p.m.

Approved by Planning Commission_____

PARK CITY
1884

CITY COUNCIL REPORT

DATE: **September 20, 2001**
DEPARTMENT: **Planning Department**
TITLE: **1790 Bonanza Drive**
TYPE OF ITEM: **Subdivision of 1790 Bonanza Drive**

SUMMARY RECOMMENDATIONS: Staff recommends that the City Council consider approving the proposed subdivision according to the findings of fact, conclusions of law, and conditions of approval in this staff report.

A. PROJECT

Project Name:	1790 Bonanza Centura Commons Subdivision
Applicant:	Rodman Jordan
Location:	1790 Bonanza
Zoning:	General Commercial (GC) Zone
Adjacent Land Uses:	Commercial
Date of Application:	May 16, 2001
Project Planner	Ray Milliner

BACKGROUND.

The applicant, Rodman Jordan, is requesting a Subdivision of a metes and bounds parcel into two lots of record. The applicant has acquired a long term lease from the property owner Greater Park City Corporation (who has consented to this application). On August 22, 2001 the applicant presented the item to the Planning Commission for a public hearing and direction. The Commission directed staff to further investigate the parking situation on the site, and return with findings for approval. On September 12, 2001 the Planning Commission again heard the item and forwarded a positive recommendation to the City Council.

The property in question is a 2.36 acre metes and bounds parcel with two buildings of approximately 10,200 square feet each (commonly referred to as the Business Commons). The proposal would subdivide the property into two lots of record, one to house the Business Commons (lot A) and the other to house the proposed carwash (lot B). The City owned portion of the Rail Trail runs along the southern border of the property and the Park City Plaza borders to the north. A paved access/parking area which has been traditionally used by property tenants runs along the rear of the Business Commons and encroaches upon City Property. The City has initiated preliminary discussions as discussed in more detail below with the applicant concerning the relationship between the Rail Trail and the Business Commons. Staff anticipates that these

negotiations will continue through the required MPD process for Lot A and will be consummated prior to final approval of that application.

The applicant received a Conditional Use Permit for a 4,560 square foot six bay carwash composed of four self-service wash bays and two fully automatic carwash bays with a 1,200 square foot accessory apartment on the second floor at the September 12, 2001 Planning Commission meeting.

ANALYSIS

The proposed plat amendment will subdivide the 2.36 acre metes and bounds parcel at 1790 Bonanza Drive into two lots of record. Proposed Lot B, a .51 acre piece of property located on the north west section of the parcel is intended to house the proposed carwash. Access from the property will come from Bonanza Drive through a shared access driveway (an easement has been placed on the proposed plat). An existing sanitary sewer line dissects the property, which serves the property.

Proposed Lot A will encompass the remainder of the property (1.85 acres) and house the existing Business Commons buildings. The existing buildings total 20,382 square feet of which 5,488 are utilized as light industrial, 11,758 are utilized as general office space and 3,136 are used as retail. The following table illustrates the amount of parking required by the Land Management Code.

Use	Amount of Sq. Ft.	LMC Formula	Required
Light Industrial	5,488	1 space per 1,000 Sq. Ft.	5.5
Office	11,758	3 spaces per 1,000 Sq. Ft.	35
Retail	3,136	3 spaces per 1,000 Sq. Ft.	9.5
TOTAL	**20,382**		**50**

Consistent with the Land Management Code requirements, the applicant has proposed 50 spaces for the Business Commons, therefore staff finds that the proposal meets the minimum parking requirements of the LMC. Future changes in the intensity of use on the property will initiate a review of the parking through the MPD process, which will determine the viability of the use on the property.

The applicant has entered into preliminary discussions with the City regarding future improvements on the City owned Rail Trail section which borders the south property line of Lot A. These discussions have centered on the possibility of the applicant and the City partnering in the creation of parking and an entry element for the Rail Trail while meeting all of the environmental and land management requirements for the site. Though discussions have been initiated, the two parties have not reached an agreement. It is anticipated that these discussions will continue throughout the MPD process for Lot A. If for whatever reason, the discussions are terminated without an agreement, the applicant will be required to remove the existing asphalt

(on City property) behind the Business Commons buildings and return the area to a natural state.

The access to the property will be shared from Bonanza Drive for both properties. Parking from Lot "A" encroaches upon Lot "B". As part of the approval, a reciprocal parking easement will be required as part of the CUP/Subdivision approval. Access easements for this circulation will be required on the recorded plat.

RECOMMENDATION:
Staff recommends that the City Council consider approving the proposed subdivision according to the findings of fact, conclusions of law, and conditions of approval in this staff report.

Findings of Fact:

1. The property is located in the General Commercial (GC) zone.
2. The GC zone is characterized by a mix of multi-family dwellings, retail commercial structures and commercial office uses.
3. The Planning Commission forwarded a positive recommendation to the City Council for the proposed subdivision on September 12, 2001.
4. The amendment will subdivide the metes and bounds parcel at 1790 Bonanza Drive into two (2) platted lots of record to allow for additional development on the property.
5. Proposed Lot A will consist of 1.89 acres.
6. Proposed Lot B will consist of .51 acres.
7. The project is on Bonanza Drive with dense commercial uses. Adequate construction staging area is necessary.
8. Access to both lots will be shared.
9. An access easement for Lot B will be shown on the plat.
10. Two buildings of approximately10,200 square feet each exist on proposed Lot A.
11. The Land Management Code requires 50 parking spaces for the current uses within the buildings on Lot A.
12. 50 parking spaces are proposed for Lot A.
13. No remnant lots will be created by this plat amendment.
14. The City owned section of the Rail Trail abuts the property along the south property line.
15. A section of pavement encroaches onto the City owned Rail Trail property that is used by the applicant to access the rear of the property.
16. The City and the applicant have entered into preliminary discussions regarding the relationship between the proposed subdivision and the Rail Trail.
17. The subdivision plat amendment will increase density on the lot.
18. Staff will review the applicant's proposed modifications to the existing Business Commons building as a Master Planned Development application.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. All proposed construction and improvements to Lot A of the Centura Commons Subdivision will require review and approval by the Planning Commission as a Master Planned Development application. This note shall be added to the plat.
3. Cross easements shall be shown on the plat providing access for the carwash across the parking area of the Business Commons from the rear exit, and from the main entrance from Bonanza Drive.
4. If the applicant and Park City Municipal Corporation have not reached an agreement regarding improvements to the Rail Trail within one year of this approval, then Park City Municipal shall have the option to require that the applicant remove the existing improvements to the rear of the Business Commons and restore the property to a natural state.
5. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to final plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
6. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
7. No further subdivision of the property is allowed on either lot.
8. The City Engineer, in accordance with his approval of the plat, will review the cross easements necessary for this development.

EXHIBITS:

Exhibit A - Proposed Ordinance
Exhibit B - Proposed Plat
Exhibit C - Letter of Plat Explanation From Applicant

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Ordinance No. 01-

AN ORDINANCE APPROVING A SUBDIVISION OF THE METES AND BOUNDS PARCEL LOCATED AT 1790 BONANZA DRIVE INTO TWO LOTS OF RECORD

WHEREAS, the applicant, Centura Development, for the property known as 1790 Bonanza Drive, have petitioned the City Council for approval of a subdivision plat; and

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

WHEREAS, on September 12, 2001 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to subdivide one metes and bounds parcel into two lots of record; and

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

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

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

1. The property is located in the General Commercial (GC) zone.
2. The GC zone is characterized by a mix of multi-family dwellings, retail commercial structures and commercial office uses.
3. The Planning Commission forwarded a positive recommendation to the City Council for the proposed subdivision on September 12, 2001.
4. The amendment will subdivide the metes and bounds parcel at 1790 Bonanza Drive into two (2) platted lots of record to allow for additional development on the property.
5. Proposed Lot A will consist of 1.89 acres.
6. Proposed Lot B will consist of .51 acres.
7. The project is on Bonanza Drive with dense commercial uses. Adequate construction staging area is necessary.
8. Access to both lots will be shared.
9. An access easement for Lot B will be shown on the plat.
10. Two buildings of approximately10,200 square feet each exist on proposed Lot A.
11. The Land Management Code requires 50 parking spaces for the current uses within the buildings on Lot A.

12. 50 parking spaces are proposed for Lot A.
13. No remnant lots will be created by this plat amendment.
14. The City owned section of the Rail Trail abuts the property along the south property line.
15. A section of pavement encroaches onto the City owned Rail Trail property that is used by the applicant to access the rear of the property.
16. The City and the applicant have entered into preliminary discussions regarding the relationship between the proposed subdivision and the Rail Trail.
17. The subdivision plat amendment will increase density on the lot.
18. Staff will review the applicant's proposed modifications to the existing Business Commons building as a Master Planned Development application.

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

I.

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

SECTION 3. CONDITIONS OF APPROVAL. The proposed subdivision plat attached as Exhibit B is hereby adopted with the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. All proposed construction and improvements to Lot A of the Centura Commons Subdivision will require review and approval by the Planning Commission as a Master Planned Development application. This note shall be added to the plat.
3. Cross easements shall be shown on the plat providing access for the carwash across the parking area of the Business Commons from the rear exit, and from the main entrance from Bonanza Drive.
4. If the applicant and Park City Municipal Corporation have not reached an agreement regarding improvements to the Rail Trail within one year of this approval, then Park City Municipal shall have the option to require that the applicant remove the existing improvements to the rear of the Business Commons and restore the property to a natural state.
5. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to final plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
6. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
7. No further subdivision of the property is allowed on either lot.
8. The City Engineer, in accordance with his approval of the plat, will review the cross easements necessary for this development.

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

PASSED AND ADOPTED this 20th day of September, 2001.

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Bradley A. Olch

Attest:

_____

Janet M. Scott, City Recorder

Approved as to form:

_____

Mark D. Harrington, City Attorney

SUBDIVISION PLAT APPLICATION

Property:	Centura Commons (f/k/a PC Business Commons)
Address:	1790 Bonanza Drive, Park City, UT
Applicant:	Rodman W. Jordan, Centura Canyons, LLC. 2476 Aspen Springs Dr. Park City, UT 84060
Date:	July 30, 2001

Applicant is the Purchaser of a leasehold interest in the referenced property. Greater Park City Company ("Owner") is the owner of the land, which on July 2, 1980 was leased to William Traeger for a term of 55 years with two 10-year options for renewal. On July 26, 2001, Applicant was authorized by Owner to assume the lease and in connection therewith is authorization to develop, improve, plat and obtain all necessary approvals including zoning, conditional use permits, and building permits necessary to construct a car wash facility.

The real estate is a 2.39-acre tract of land located at 1790 Bonanza Drive. The property was constructed

PARK CITY
1884

CITY COUNCIL REPORT

DATE: September 14, 2001(September 20, 2001 Meeting)
DEPARTMENT: Community Development
AUTHOR: Patrick J. Putt, Planning and Zoning Administrator PJP
TITLE: Solamere Special Event/Film Festival Impacts – On-Street Parking Limitations Discussion
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATIONS: Staff recommends that Council discuss alternatives for addressing impacts on the Solamere Subdivision caused by large, public and/or private assemblies in nightly rental residences. Staff recommends that the City implement Alternative No. 4 and post "no parking between Midnight and 6 AM" signs on both sides of Solamere streets.

DESCRIPTION:

A. Topic: Work session discussion relating to neighborhood impacts from large public and/or private assemblies in the Solamere Subdivision during special event periods such as the Sundance Film Festival.

B. Background:

Over the past several years the City has received complaints from the Solamere Subdivision Homeowners Association (the HOA) and neighborhood residents concerning neighborhood problems associated with large gatherings in neighborhood residences being utilized as nightly rentals. The problems include large volumes of late-night/early morning traffic, lack of access for emergency vehicles, excessive noise, lewd behavior, public intoxication, as well as trash and debris.

The HOA approached the Planning Commission and Council during the rewriting of the Land Management Code beginning in 2000 seeking LMC amendments and/or a subdivision rezoning to alleviate the problems. The alternatives discussed at that time included:

* rezoning Solamere from Residential Development (RD) to Single Family (SF)
* eliminating nightly rentals in RD zone
* requiring a conditional use permit for nightly rentals in Solamere

* eliminating nightly rentals only within Solamere

The Planning Commission and Council did not support rezoning Solamere to SF, eliminating nightly rentals in the RD zone or Solamere, or requiring a conditional use permit for nightly rentals within the subdivision. However, Council amended the LMC to clarify that nightly rentals do not include the use of dwellings for commercial uses. The LMC was also amended to refine the definition of "commercial use" be "an occupation, employment, or enterprise that is carried on to facilitate an exchange of goods, services, or ideas."

During the LMC amendment discussions Council encouraged the HOA to amend the Solamere Subdivision's covenants, conditions, and restrictions (CC&Rs) to prohibit nightly rentals. To do so requires approval by 66% of the HOA membership. The proposal to amend the CC&Rs to prohibit nightly rentals failed to receive the necessary approval. A total of 36% (41property owners) voted against the amendment. In the meantime, the HOA has since established a nightly rental approval process for its property owners which includes a financial security and a penalty for non-compliance.

Problems in the Solamere relating to impacts from large gatherings in nightly rental residences have persisted since Council's last review of this matter. The HOA has requested a work session to discussion possible solutions to these on-going problems.

C. Discussion:

City Staff has meet on several occasions with representatives of the HOA and on one occasion with a representative of a local property management company. Staff present at the meetings included Lloyd Evans, Chief of Police; Lieutenant Rick Ryan; Mark Harrington, City Attorney; Rick Lewis, Community Development Director; Ron Ivie, Chief Building Official; and Patrick Putt, Planning and Zoning Administrator.

Among the alternatives that have been discussed are:

1. a Municipal Code amendment requiring the City Fire Marshall/Chief Building Official to inspect (with an inspection fee) all nightly rental units and establish a maximum occupancy for each nightly rental as a condition of approval for obtaining or renewing a nightly rental business license;

2. establishing a Permit Parking Zone (PPZ) for Solamere during the Sundance Film Festival similar to Park Meadows during the golf tournament;

3. posting "no parking" signs on one side of the street and "no-parking between Midnight and 6 AM" on the other side of the street within the Solamere Subdivision;

4. posting "no parking between Midnight and 6 AM" signs on both sides of Solamere streets.

At the most recent meeting with staff and representatives of the HOA, Police Chief Lloyd Evans expressed the opinion that public streets are for the public; however, he did not oppose posting "no parking between Midnight and 6 AM" signs on both sides of Solamere streets. Chief Evans

expressed two (2) concerns:

1. Enforcing "no parking" zones is a priority and a workload issue. Creation of new "no parking" zones may create an expectation for immediate enforcement. Parking enforcement on residential streets is typically a low-priority for Police Department response compared to emergency-related situations and subject officer availability; and

2. The penalty for parking in a "no parking" zone is a ticket. Vehicles are not towed for the first 72 hours, unless a public safety hazard exists, i.e. blocked fire hydrant, impeding traffic circulation, or blocking a driveway.

At the conclusion of the last meeting between staff and the HOA representatives, staff agreed to present the list of possible options to Council for a work session discussion. Staff is seeking Council direction on this matter. No formal Council action is necessary to post the proposed "no parking" signs (Alternatives No. 3 or 4). Inspections of nightly rental units as part of the business licensing process or creation of a permit parking zone (PPZ) will require a public hearing and formal action by the Council.

D. Department Review: This matter has been reviewed by the Community Development, Legal, and Police Departments. Staff supports installing "no parking" signs as outlined in Alternatives 3 and 4.

E. Significant Impacts: Installation of "no parking" signs (Alternative 3 or 4) will involve minor cost and limited staff time. Enforcement of the "no parking" areas is a workload issue inasmuch as it may create an unrealistic expectation for immediate Police enforcement. Creation of a nightly rental inspection requirement or a permit parking zone will have significant staff, workload, and cost impacts.

F. Consequences Of Not Taking the Recommended Action:
The consequences of not installing the proposed "no parking between Midnight and 6 AM" signs on both sides of Solamere streets will be that public on-street parking will remain in effect year-round. Traffic circulation, emergency access, and snow removal may be affected at times when large events occur in the neighborhood during the late-night or early morning.

G. Recommendation:
Staff recommends that City implement Alternative No.4 and post "no parking between Midnight and 6 AM" signs on both sides of Solamere streets.