PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 20, 1998

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 20, 1998.

AGENDA

Closed Session - City Council Work Session Room - Main Level

2:45 p.m. Property acquisition

Work Session - City Council Chambers - Lower Level

3:15 p.m. Council questions/comments
3:30 p.m. Review of regular meeting
3:45 p.m. Customer service award
4:00 p.m. Beverly Evans - legislative update
4:15 p.m. Flagstaff Development

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV PUBLIC HEARINGS

1. Ordinance approving a plat amendment combining Lot 16, the north 6.25 feet of Lot 15 and 18.75 feet of the vacated 12th Street right-of-way, Block 27, Snyders Addition, located at 1197 Empire Avenue, Park City, Utah

2. Ordinance amending Unit 17 of the Bald Eagle Club at Deer Valley Condominiums Record of Survey Plat located at 7920 Bald Eagle Drive, Park City, Utah

V CONSENT AGENDA

1. Ordinance approving a plat amendment combining Lot 16, the north 6.25 feet of Lot 15 and 18.75 feet of the vacated 12th Street right-of-way, Block 27, Snyders Addition, located at 1197 Empire Avenue, Park City, Utah

2. Ordinance amending Unit 17 of the Bald Eagle Club at Deer Valley Condominiums Record of Survey Plat located at 7920 Bald Eagle Drive, Park City, Utah

3. Award of three year contract to Johnson & Higgins/Marsh McLennan for insurance brokerage services in an amount not to exceed $48,000

4. Findings of fact and conclusions of law upholding the Planning Commission's approval of July 22, 1998 for a conditional use permit for temporary skateboard facility at Park City Mountain Resort

5. Authorization to staff to proceed with Grant Application #UT-03-0029 to the Federal Transit Administration outlining the local program of transit planning projects

VI OLD BUSINESS

Ordinance approving a plat amendment amending Prospector Square Supplemental Amended Plat to combine Lots 49A, 49B, 49C, 49D of Lot A & 19B, 19C, 7A-2 and 7B-2 of Lot B at 1912 and 1944 Sidewinder Drive, Park City, Utah

VII ADJOURNMENT

Posted: 8/17/98

PARK CITY 1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 20, 1998

Present: Mayor Brad Olch; Council members Hugh Daniels; Roger Harlan, Shauna Kerr; and Paul Sincock

Toby Ross, City Manager; Eric DeHaan, City Engineer; Jodi Hoffman, City Attorney; Bob Stephens, Administrative Services Director; Beth Sunday, Technical Services Manager; Rick Lewis, Community Development Director

State Representative Beverly Evans; Hank Rothwell, United Park City Mines Company (UPCM); Liz Josephson, agent for UPCM

Absent: City Councilman Chuck Klingenstein

1. **Council questions and comments.** Roger Harlan discussed an open house hosted by Hamlet Homes in Heber in September. He stated that he supported Council's decision last week on upholding the Planning Commission's on the skateboard park. In response to a question from Paul Sincock regarding Sally Elliott's concern about grading in an agricultural area, Mr. DeHaan indicated that the property is ten feet outside of the City limits. The Byer Family has obtained a permit for access to an agricultural home site and the City has not identified any violations of County codes. In response to a question from Paul Sincock about TCI service, Ms. Hoffman explained that it is converting to a digital system and there should be improved service. Mr. Sincock reported that the City is in the process of retaining a design firm to assist with an integrated design of the proposed post office and an intermodal center. The Mayor discussed a $5,000 request from the Friends of the Animals in conjunction with a matching grant from a family trust. Hugh Daniels suggested that the grant committee review this request. Shauna Kerr reported that the Utah League of Cities and Towns Legislative Policy Committee will be holding its regional meetings and our meeting is scheduled for October 29. She suggested that the Council cancel its meeting that night. Ms. Kerr relayed confusion over a car being towed in the Senior Citizens Center parking lot; staff will follow-up. She continued that there will be new green pedestrian signs installed at the school crossings. Hugh Daniels requested that the Council take a tour of the Mike Hale and Offret buildings. The City Manager added that the City is in the process of retaining a firm to assess the use of the property. Hugh Daniels pointed out illegal parking on the access and north Marsac lot; the access should be signed better. Shauna Kerr felt it inappropriate for City vehicles to park in the south lot and reported that a van with a trailer is taking up six spaces on the top of the China Bridge Parking Structure.

2. **Customer service award.** Bob Stephens reported that Beth Sunday has been selected for the Rotary Exchange Program. Ms. Sunday explained that she was one of four Utahns selected

to represent professionals in Utah and will be traveling to England October 5 and returning November 7. Hugh Daniels read a nomination from Tom Bakaly for Beth Sunday for the customer service award who worked overnight on the conversion of the new phone system. These efforts minimized inconvenience for City staff and constituents and minimized public safety issues. Mr. Bakaly's nomination mentioned that Ms. Sunday's primary objective has been customer service and that she should be considered as a recipient of the award because of her leadership skills. Beth Sunday noted that she will share the award with her staff who were key in the success of the project.

3. Review of regular meeting.

FTA grant. See staff report and regular meeting. In response to a question from Roger Harlan regarding the FTA grant application, Hope Bleecker felt that $1.7 million is probably earmarked for Park City priorities but a substantial amount of work needs to be done with the other venue cities, UDOT, and FTA. This is basically a checklist for Council for local planning projects.

4. Beverly Evans - legislative update. Representative Evans reported that the state legislature will be visiting Park City next year, probably the middle of September. She discussed a trip planned for Southern Utah and a previous outing to Uinta Basin where members of the legislature learn the issues of communities through field trips. Shauna Kerr suggested hosting a dinner with a specific agenda in 1999. Ms. Evans, who is running for State Senate, stated that she is committed to understanding and working on Park City's issues.

5. Flagstaff Development. Rick Lewis pointed out the changes made to this week's staff report, as a result of last week's discussions. The most significant is that unit configuration would be deferred to the Planning Commission at the time of MPD processing. There are two areas where staff would like feedback from the Council dealing with construction phasing and traffic mitigation in lieu of a gondola. He noted that there was mention of a mitigation fee for transportation.

Paul Sincock stated that Council members Kerr and Klingenstein previously discussed deferring development in Bonanza Flats until after the Olympics. His concern is that the market dictates the kind of units and rate of development and this issue is not a "hot button" for him. Hank Rothwell, UPCM, stated he understands the need for a reasonable growth pattern. UPCM anticipates a 10 to 15 year build-out; the last thing UPCM is interested in doing is over-building in any one year resulting in an artificial glut of products on the market. He emphasized it is critical to allow UPCM to respond to market conditions for ultimate success for everyone. Construction phasing has always been part of the dialog. Mr. Rothwell envisioned the plan to be a maximum number of building permits in any one year and/or an average guideline not to exceed certain numbers with some flexibility for a large project, like a hotel. He is concerned about infrastructure because it has significant impacts. There have been discussions with staff about a rock-crusher and a cement batch plant on site to help mitigate the construction traffic. Roger Harlan added that he is not that concerned about construction phasing as the infrastructure will probably take a couple of seasons. Mr. Rothwell anticipated a couple of years of infrastructure construction and above ground construction won't proceed until that is completed. It is not their intent to have the entire canyon torn up for three seasons, but there are times during the height of construction that they may have to close parts of the canyon to the biking and hiking public for safety reasons. In response to a question from Shauna Kerr regarding the phasing of the infrastructure, Mr. Rothwell explained that two water tanks are proposed in Flagstaff, one sized at one million gallons, and one at 600,000 gallons but his has not been finalized by staff. There are logical sequences and it is their goal to get the lower infrastructure in, and completed and revegetated before the high area is cut and graded. Ms. Kerr stated that they can't get everything revegetated before there is a freeze and thaw cycle and it creates a dangerous situation on unstable terrain. Ms. Kerr believed the logical extension of utilities is from the bottom of the canyon and there needs to be some closure of that portion of the project before others proceed. She explained that phasing to her isn't selling portions of the project until others are sold, but rather the logical extension of utilities. At the same time of installation of the infrastructure, Kimball Junction, US40 and SR248 will be torn up. The more the project can be confined to a portion of a project, the less aggravation to citizens. Paul Sincock believed this will be addressed during the MPD process. Hugh Daniels understood there would be caps on the number of building permits decided upon in the MPD process and the development agreement. He agreed with Ms. Kerr's comments.

Ms. Kerr asked what phases the golf courses would be built in Richardson Flats and Bonanza Flats, and at what point the Iron Mountain property would be transferred and restrictions be placed on open space. The earlier these things can be done for community, the more advantageous to all of us. Hank Rothwell stated that the Iron Mountain dedication could be accomplished concurrently with the development agreement. The conservation easement deed restrictions on open space on the site could also happen concurrently with the development agreement, or when legal descriptions are available. A discussion needs to take place about who receives those constraints and there are a number of alternatives. He continued that golf at Bonanza Flats is subject to a Wasatch County entitlement and it is their desire to begin that development as quickly after a Wasatch County approval as possible as this is a two to three year grading and seeding process. Richardson Flats is different because UPCM is dealing with the federal government and would like to use part of the impoundment for golf. They have had discussions about this with EPA last week, and UPCM is trying to move this along as quickly as possible. There is a significant public and private demand for golf in the market. He can't put a date on those as they are out of their control, but the designs are well underway. In response to a question from Shauna Kerr about bidding the golf courses together, Mr. Rothwell understood that the best contractor is from Phoenix and has a half dozen crews. Working on those sites simultaneously is not a construction problem. On Richardson Flats there is the issue of irrigation water that needs to be worked on with City staff. Mr. Rothwell discussed the importance of resort support development around both golf courses.

Rick Lewis asked for direction on a transportation fee in the absence of a gondola. The Mayor stated that it is his hope that there is enough density in Pods A and B to more than justify the construction of a gondola. However, if the gondola doesn't pencil, credits could be given for open space or reduction in density. There were comments made on the $4.5 million to build a gondola versus the proposed $1 million contribution toward transportation. Hank Rothwell stated that there is some value to the project to have a gondola. He admitted they were initially forced into this dialog by Council but have been persuaded that there is an added value to the project as it does allow a denser project. Marketing the heart of Old Town and on-site skiing is a tremendous benefit and without the gondola, the project will suffer. He accepts the $1 million figure for rubber tired shuttle vans that are directly related to the project and UPCM is looking at off-site improvements to the Mine Road in excess of $2 million. Paul Sincock felt that the gondola is a tremendous asset, aside from its marketing value, because it cuts vehicle trips and if this proposal is passed by, it will never be revisited again. He felt it should be looked at. Roger Harlan brought up maintenance responsibilities and ownership of the gondola. The Mayor believed this could be discussed at a later date and all parties need to be involved. Mr. Rothwell understood this would be reviewed in a public process this fall. Ms. Kerr pointed out that with a gondola serving Deer Valley, the resort can truly market visitor skiing during the Olympics on the upper mountain as all of the venues will be on the lower mountain. During this time, the Mine Road will be inadequate to get people to Deer Valley and the gondola has a real value during these days for guests who want to ski during the Olympics. She continued that the only way the gondola can become an asset to the community is if it is tied into Silver Lake in some meaningful way. Hugh Daniels understood the argument of $1 million versus the cost of building a gondola and urged the Council to keep in mind that that might not be the correct number.

Rick Lewis understood that as the City works through the gondola issue there may be as many as three or more options like density reduction, open space, or a transportation fee if the gondola is not an alternative. Ms. Hoffman cautioned that if the Council believes the gondola is a viable and beneficial community benefit that it not make the alternative too attractive.

Mr. Lewis referred to a proposal in the staff report that UPCM, at its discretion, may request additional residential density in the mountain village portion of the project in exchange for reducing the number of residential units proposed for Bonanza Flats. Ms. Kerr believed that this was conditioned on whether or not there is a gondola, as higher density would make the gondola more viable. She is not interested in redistributing density without it being tied to the gondola use. The Mayor believed there is a possibility of moving single family density with a conversion formula into Pod D. Shauna Kerr continued that she has a problem with this discussion in dealing fairly and honestly with Wasatch County as their interest in Bonanza is based on certain tax revenues. She could only be comfortable with this sort of arrangement if there is a reciprocal agreement and emphasized the importance of dealing in good faith. The Mayor agreed that it is important to have the buy-in of the Wasatch County Commission and only wanted to make a point that it may be possible to transfer density from Bonanza Flats. Ms. Kerr felt that if there is going to be a golf course on Bonanza that single family homes are probably less intrusive there than single family homes in Pod D and Pod C. If there was no golf course, she would have a different view. Paul Sincock stated that he doesn't want to entertain more single family in the upper mountain, but would be interested in transferring multi-family into the village area if there is a gondola. If there is a gondola it could be 1:1; if there is no gondola it could be 1:2/3, resulting in a penalty if there isn't a gondola. Hugh Daniels interjected that at some point, Pods A and B are saturated and there might not be the ability to transfer density and still have a good project. Mr. Rothwell added that they attempt to meet a market-driven response and there is only so much density that the City Council, Planning Commission, and developer are going to feel comfortable with and there are limits. Toby Ross added that there is the possibility of a formula, subject to future discretion, upon recommendation from the Planning Commission. If density is approved, it would be in the context of an interlocal agreement.

Paul Sincock stated that he objects to a private golf course. Hank Rothwell pointed out that the Richardson Flats course will have public access. Resort guests will have access to the Bonanza Flats course and this is an issues that Wasatch County raises from time to time regarding public access. It was clarified that a privately owned course does not preclude public access. Hank Rothwell also discussed the possibility of a joint venture with the City for a second course and driving range in Richardson Flats. Mr. Rothwell added that UPCM has hired a golf consultant regarding demand for tee times.

The Mayor hoped that the architectural guidelines would resemble those in Beaver Creek like the slate roofs, as opposed to what exists in Silver Lake. Liz Josephson responded that they are using the same architect that developed the design guidelines for Beaver Creek. UPCM has indicated that they want the standards higher as there are features in Beaver Creek that won't work for them. Mr. Rothwell stated that he can share this information with Council.

Hugh Daniels noted that the prior resolution clearly tied density with criteria and this approach would be helpful and informative. The City Manager agreed but determined that perhaps the best place for this information is in the development agreement where there is more refined language. A development agreement would follow a resolution of intent. Hugh Daniels asked if SBSID is committed to serving Bonanza Flats. The Mayor, as a SBSID Board member, explained that this matter has been continued to a future meeting. In response to a question from Hugh Daniels, Mr. Ross explained that a parking mitigation plan could include parking management and mixed-use development strategies to reduce the demand for parking. Mr. Daniels emphasized that he would like to see as much history saved on the mountain that relates to our mining heritage and would not want the language limited just to the Daly head frame. The Lady Morgan Lake area has been identified as a protected wetlands area, and Mr. Daniels wanted to make sure that all sensitive areas are considered. He has similar concerns about public access to the golf courses and suggested a number higher than 25% for on-site employee housing.

Shauna Kerr understood that UPCM would be willing to deed restrict its excess water rights in the Bonanza area so that they could not be used to promote additional development there. Ms. Kerr felt the language needs to be more specific with regard to identifying individual water rights and elevations served. In response to a question from Paul Sincock, Ms. Kerr indicated that water has not been an issue raised by the Wasatch County Commissioners.

Roger Harlan asked if a real estate transfer fee can be imposed on an interval ownership purchase. Mr. Rothwell believed the problem could be the collection of transient room tax on timeshares, with the exception of when units are placed in a pool and nightly rented. The voluntary real estate transfer fee would run with the deed, run with the ownership interest, and be collected. Mr. Harlan supported at least 25% employee housing on-site.

The Mayor stated that this is not a public hearing, but invited the public to comment. He added that there will be a noticed public hearing held on August 27 at 6 p.m. The City Council will not be taking action on a parameters resolution at that meeting. There was discussion about the timing of the adoption of the parameters resolution, an annexation ordinance, and a development agreement. Mr. Rothwell understood that the parameters resolution is a general outline, similar to Resolution No. 10-97 and staff will continue to work with them to refine a development agreement. It is their desire to have it sooner than later but understood that adoption of the parameters resolution would precede. Ms. Hoffman asked Mr. Rothwell when he needs action an the annexation ordinance. Mr. Rothwell stated that he would feel comfortable with the adoption of the development parameters and then continue to flush out the myriad of details which would be outlined in a lengthy development agreement along with a defined annexation plat. In response to a question from the Mayor, Mr. Rothwell indicated they could support action on a parameters resolution on September 3, 1998. Hugh Daniels stated that he would like a draft of the resolution available to the public before the public hearing next week. The Mayor invited public input.

Kari Hays-Walzer, Planning Commissioner, stated that she doesn't feel that the Richardson Flats proposal falls into the category of a public benefit. It isn't being given to the City and the applicant has control over the area; she views this as an "add-on" to the project and it should be reviewed separately. Toby Ross explained that it is identified as a public benefit. The development is not yet approved, but restricted to proceed for recreation as opposed to commercial, industrial, or residential uses. This restricts Richardson Flats to an open space recreational use, but does not approve the development which is in the County. Mr. Ross continued that it is here because it was offered as a benefit that was not part of the previous proposal and the benefit is two-fold; it's a limitation on potential use to recreation, and publicly accessible recreational facilities will be paid for by the developer. Ms. Hays-Walzer added that the Iron Mountain dedication proposes 106 acres of open space, but there is skiing there. She takes issue that if she has to pay green fees or purchase a ski pass, it is not open space. Ms. Kerr asked if it is visually less open because people pay to ski on it, and Ms. Hays believed it is because there are lifts on buildings on the land. Considerable discussion ensued whether recreation open space is open space. Mr. Harlan interjected that part of the charm of the open space at the Osguthorpe farm is the barn and outbuildings, and most citizens consider this prime open space. Ms. Walzer-Hays believed there needs to be some open space where people don't have to pay to enjoy it. With regard to transferring units from Bonanza Flats to Pods A and B, Ms. Hays-Walzer believes that Wasatch County understands the potential property tax revenue from the area, and the possibility of paving Red Pine Road will be a "drop in the bucket" compared to all the money they can make from homes in Bonanza and Brighton Estates. The development of the road is inevitable and trying to restrict development in Bonanza is moot, because it's going to be developed anyway and she didn't feel it appropriate to grant more density in Pods A and B. She urged Council not to approve gates as it is against the community's goal. Paul Sincock emphasized that this is a mechanism to control traffic not promote exclusivity. The City Manager believed there will not be a gated entry; people will have access but not through access. Ms. Hays-Walzer noted that she doesn't support the gondola starting from Swede Alley because it will interfere with the privacy of residences. She suggested the Sandridge parking lot area as a better location. With regard to Pod D, she objected to destroying a beautiful area with glading and ski runs, displacing wildlife. A construction traffic plan needs to be carefully formulated. In response to a question from Kari Walzer regarding permit parking at trail heads, the City Manger stated that this hasn't been fully worked out, but parking would be regulated and if there is a fee it would be nominal. Kari Hays-Walzer suggested that shuttle services not use Old Town streets and that specific routing be designated for transportation.

Dana Williams, CARG member, stated that the project has been represented as being basically the same and it is not the same. The City gave somewhere between 250 to 300 unit bonuses for Bonanza, and is back to the same numbers with Bonanza included. He is concerned about comments that Bonanza is not really up to Park City. If part of our planning goes into Wasatch County, it should become part of our annexation so that certain critical things happen in Bonanza Flats. Mr. Williams is concerned about the ridge line and the placement of the density in Bonanza; it could be brought down farther so that all the upper lakes are protected. He indicated that lifts at 10-420 are unacceptable as it is part of the 1,500 acre conservation easement. The Mayor responded that this is really a Park City Mountain Resort issue and Mr. Williams believed the City could exert some pressure in preserving this pristine area. Mayor Olch felt that snowmobiles in the area are much more offensive and understood that this activity will go away when 10-420 is developed. The Mayor would prefer having skiers on 10-420 than snowmobiles in the area. Ms. Kerr added that this is part of a lease held by the ski area, and out of the control of the City. Mr. Williams pointed out that the free gondola in Telluride is totally funded by the merchants on the upper mountain. He isn't sure if the pods are tightened as much as they could be, especially Pod A. Hank Rothwell explained that the pods have a designated boundary which would not be broadened geographically with transfers; they would just become denser. Mr. Williams understood that there are many definitions of open space and believes the City open space is more like land banking as it is not protected and there are development rights with The Colony, skiing rights here, and the Osguthorpe property, although unlikely, could be sold tomorrow. Unless property is permanently protected, it should be called land banking and the only property that is being protected currently is the Gillmor parcel which was offered to the City with deed restrictions. The Mayor explained that in order for the City to sell property, it would require a vote of the citizenry. Mr. Williams indicated that CARG has received three calls from organizations interested in purchasing the property and having an approval is even better for potential buyers because a definite write-off can be determined. He clarified that if there is public and private money to buy Pods C or D that it just isn't the pod, it is the whole area of land being transferred into the pod. If the City Council decides not to proceed with an open space referendum this November, CARG will attempt to petition for it. He understood that a CARG member met with Mr. Rothwell with a potential buyer and will keep the Council updated.

Ron Auth, representing the Brighton Estate Property Owners Association, stated that the City's attempt to restrict water rights to limit development will be somewhat ineffective since they have their own water rights and have just completed a well. There is enough water to service another 250 homes. They would like to have access as a part of the project, but even if this project doesn't happen, there will still be a potential for 250 homes since they have their own water. There are fire and safety issues if there is no access to Brighton Estates. Mr. Auth emphasized that they are not going away and limited access may prompt more snowmobiles and cars and trailers to park in a lot. There will still be through traffic in the summer. In response to a question from Roger Harlan about sewer service, Mr. Auth explained that if this project is approved by Wasatch County, a sewer line would be required that goes to Midway and sized so that Brighton Estates would have access to it. If the project is serviced from the Park City side, their only option is septic tanks. He reiterated that they are not going away. They have a right to enjoy and improve their properties; they have water for half the platted lots and septic tanks are allowable. There was discussion about full-time residents and difficulties in providing school services in Brighton Estates.

Rick Lewis stated that staff will work on the development parameters so that they are available to the public for review by Monday. The public hearing is scheduled on August 27, 1998. Paul Sincock stated that he would prefer to see 16 PUD units on Prospect Ridge rather than single family so there is a consistent resort support base at the bottom. Hugh Daniels stated that he would prefer not to have single family on the ridge and Ms. Kerr expressed that she has less of a problem placing single family on a ridge closer to Old town single family neighborhoods than in the wilderness. Mr. Harlan felt there could be more single family in Pods A and B transferred from Pod D. There was no consensus on Mr. Sincock's suggestion.

See regular meeting minutes.

Prepared by Janet M. Scott

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PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 20, 1998

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 20, 1998. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, and Paul Sincock. Chuck Klingenstein was excused. Staff present were Toby Ross, City Manager; Alison Kuhlow, Planner; Brooks Robinson, Planner; and Kevin LoPiccolo, Planner.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV PUBLIC HEARINGS

1. Ordinance approving a plat amendment combining Lot 16, the north 6.25 feet of Lot 15 and 18.75 feet of the vacated 12th Street right-of-way, Block 27, Snyders Addition, located at 1197 Empire Avenue, Park City, Utah - See staff report. Alison Kuhlow explained that in 1979, Jack and Lois Maske purchased the right-of-way from the City and paid fair market value for the property. At the time the right-of-way was vacated, the City Council was aware of the Maskes' intention to construct one single family home using a portion of that right-of-way. The applicants are requesting approval of the plat amendment to combine these lots into two 25' x 75' single family home lots for development. In response to a question from Roger Harlan regarding the purchase price in 1979, Mr. Maske recalled that he paid the City $5 per square foot; but they also purchased property from adjoining neighbors and probably spent a total of $7,000. With no further questions or comments from the Council or the public, the public hearing was closed.

2. Ordinance amending Unit 17 of the Bald Eagle Club at Deer Valley Condominiums Record of Survey Plat located at 7920 Bald Eagle Drive, Park City, Utah - See staff report. Brooks Robinson, Planner, explained this application proposes shifting a building pad from the frontage on

Bald Eagle Drive to the frontage on Red Tail Court. A public hearing was held before the Planning Commission who forwarded a positive recommendation to the Council. With no questions or comments from the Council or the public, the public hearing was closed.

V CONSENT AGENDA

Hugh Daniels, "I move approval of the Consent Agenda Items 1 through 5". Roger Harlan seconded. Motion carried.

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

1. Ordinance approving a plat amendment combining Lot 16, the north 6.25 feet of Lot 15 and 18.75 feet of the vacated 12th Street right-of-way, Block 27, Snyders Addition, located at 1197 Empire Avenue, Park City, Utah - See staff report and public hearing.

2. Ordinance amending Unit 17 of the Bald Eagle Club at Deer Valley Condominiums Record of Survey Plat located at 7920 Bald Eagle Drive, Park City, Utah - See staff report and public hearing.

3. Award of three year contract to Johnson & Higgins/Marsh McLennan for insurance brokerage services in an amount not to exceed $48,000 - See staff report.

4. Findings of fact and conclusions of law upholding the Planning Commission's approval of July 22, 1998 for a conditional use permit for temporary skateboard facility at Park City Mountain Resort - See staff report.

5. Authorization to staff to proceed with Grant Application #UT-03-0029 to the Federal Transit Administration outlining the local program of transit planning projects - See work session notes and staff report.

VI OLD BUSINESS

Ordinance approving a plat amendment amending Prospector Square Supplemental Amended Plat to combine Lots 49A, 49B, 49C, 49D of Lot A & 19B, 19C, 7A-2 and 7B-2 of Lot B at 1912 and 1944 Sidewinder Drive, Park City, Utah - Planner Kevin LoPiccolo explained that on June 18 the City Council reviewed this request to combine the current application for four lots in Lot B into one lot. The applicant is also requesting that Lot A be combined which has the existing

Bellemarc Building which is a housekeeping matter. At the last meeting, Council expressed concerns about the architecture and the creation of a canyon effect along Sidewinder. The existing Bellemarc Building is about 210 feet long; the proposed building is about 205 feet and to the east there is the existing Creative Beginnings Buildings, resulting in 500 feet plus of continuous building frontage. Staff has worked with the applicant and his architect and arrived at a building design with additional breaks and achieved some landscaping area in the front of the building. Mr. LoPiccolo explained that staff and the applicant met with the Prospector Square Property Owners Association about landscaping in the parking lot, but were unsuccessful in persuading a change in its policy on losing parking spaces and obstructing snow removal efforts. Planner LoPiccolo explained that since the parking lot does not belong to Mr. Prothro, the Association felt it was inappropriate to allow any landscaping since it is common area. The application hasn't really changed since June 18 and staff is asking for direction from Council.

Mark Prothro, developer, explained that the City has obtained architectural control over the design of the building which resulted in adjustments in size, setbacks, facade variations, materials, and landscaping. There is architectural compatibility with the other buildings, and he discussed their efforts on landscaping Sidewinder. The rear of the proposed buildings has setbacks, facade variation and landscaping. Since the last meeting they have met with staff, the City Attorney, the Association and Roger Harlan and reviewed Mr. Sincock's idea of turning the building 90° into the parking lot. It was determined that it would create a tunnel effect for Creative Beginnings and would narrow the corridor between the Olympia Hotel. Breaking the building into multiple exterior finishes was discussed but the staff and his architect agreed this was not a good solution. He continued that landscaping in the center of the parking lot was suggested to the Association who felt awkward about giving up common area to benefit one property owner.

Mike Sloan, Prospector Square Property Owners Association, stated that they have been struggling with the parking issues in the area for a long time. About five years ago, the Association began replatting the area which was originally platted in 1974. The purpose was to redistribute building pads and parking and allowed them to do some landscaping. He discussed the improvements over the years and the landscaping of the mall. The Association receives numerous requests, but if it costs them a parking space, they won't relinquish and have been consistent with this policy. In fact in replatting Prospector Square, they ended up gaining eight parking spaces. Mr. Sloan believes Mr. Prothro is trying to work within the framework that the planning staff has laid out and the new building has addressed problems and they have made concessions. He estimated that the setback area has a value of $70 per square foot. He emphasized that the Association does not want to give up any parking, replatting the lots has been a help to the City, and the Association continues to beautify the area.

Park Sincock felt that the parking lot could be rearranged so that parking spaces are not lost and more landscaping could be installed. Mr. Sloan discussed that at the time of the replat, the Planning Department denied buildings being angled. He pointed out the success of the planting around the 1910 Building and this approach could be accomplished with this project. Roger Harlan felt that the policy of not giving up parking spaces is based on the Association's decision and not based on the occupancy of the lot since it is never full unless the Olympia needs overflow parking. Mike Sloan stated that the Olympia is part of the Association and has a right to use the parking. Mr. Sloan felt that Mr. Prothro has made a good effort in the design of the building and didn't see any benefit of breaking it up into four buildings. Parking is a problem in Prospector and continues to be a problem; they are at about 85% build-out.

Shauna Kerr stated that she has a business in Prospector and understands the shared parking system. The Council appreciates the efforts that Prospector has made in the past, but a massive parking area doesn't add to the mix and this is an opportunity to showcase Prospector. Saving a few parking spaces may be short-sighted as the landscaping between buildings and at the mall aren't very visible. Mr. Sloan reiterated that they tried this approach and were denied. Ms. Kerr interjected that this happened in the past and reconsideration of the Association's policy may be in the best interest of all parties. Mr. Sloan explained that the Association only controls the parking lots and not the building pads.

Soren Simonson, architect, stated that they began meeting with staff in May 1997 for this project and there were a number of iterations of designs attempting to incorporate staff recommendations. Options included splitting it up into two separate buildings and various facades across the building; ultimately those ideas were dismissed. This past spring, they met with members of the Planning Commission to further refine the articulation of the buildings. They increased the size of the windows, and provided additional vertical articulation in the rear of the building to create a scale that is more conducive to development behind it. He emphasized that the issue of the large parking lot is beyond the control of Mark Prothro. With regard to the issue of the design of the building, Mr. Simonson believes this building is an asset to the community and the process has resulted in a good product which included the architectural review mandated by the Planning Commission. The Mayor stated that he likes the design of the building.

Roger Harlan, "I move that we deny the combination of Lots 49A, 49B, 49C, 49D of Lot A and 19B, 19C, 7A-2 and 7B-2 of Lot B of the Prospector Square Supplemental Amended Plat". Motion died for lack of second.

Shauna Kerr, "I move that we approve the subdivision without specifically enumerating the lots". Paul Sincock seconded. Hugh Daniels commented that he made the motion to continue this item which provided further opportunity to visit the site. He believes that the applicant has done what was asked by Council and hopefully the Association will consider options to make the parking areas less massive. He added that it helps to have a scale model. Shauna Kerr hoped that there is enough articulation in the rear so that it is acceptable to residents behind the building. She supports not breaking up the buildings with different facades and believes that one building is better than four construction projects. Paul Sincock agreed. Motion carried.

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

VII 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 2:45 p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, and Paul Sincock. Chuck Klingenstein was excused. Staff present were Toby Ross, City Manager; Mark Harrington, Deputy City Attorney; and Jodi Hoffman, City Attorney. Paul Sincock,"I move to close the meeting to discuss property acquisition". Hugh Daniels seconded. Motion carried.

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

The meeting opened at approximately 3:15 p.m.

* * * * * * * *

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

MEMO

To: City Council
From: Nora L. Shepard NLS
Subject: Flagstaff Development Parameters
Date: August 17, 1998

Attached is a revised working draft of the development parameters for Flagstaff. I incorporated comments from the last City Council work session. The major modification is that the specifics on the unit configurations and locations are recommended to be deferred to the Planning Commission at the Small Scale MPD stage.

Process

On Thursday, August 20, a work session has been scheduled to review the modified Development Parameters.

A Public Hearing has been tentatively scheduled for Thursday, August 27, 1998 at 6pm in the Council Chambers.

The Council could, but is not expected to, act to accept the Development Parameters on Thursday, August 27, 1998.

The staff would return to the Council with a development agreement and annexation plat when they are prepared.

Issues for Discussion

- There was discussion about an additional traffic mitigation monies to be contributed by UPCMC if the Gondola does not move forward. The staff did not hear a consensus on this item.

- UPCMC would like to further discuss possible language and alternatives for construction phasing.

FLAGSTAFF DEVELOPMENT PARAMETERS
AUGUST 17, 1998 DRAFT

SECTION 1. Development Configuration, Limitations and Maximum Density

A. Flagstaff:

1. Mountain Village (Pods A and B) shall consist of a maximum of:

 - 16 single family homes on Prospect Ridge, above about the 7800 foot elevation. The applicant shall limit the height and size and siting of the single-family development on Prospect Ridge north of the proposed road with the precise limitations to be established by the Planning Commission at the MPD stage based on a visual analysis.
 - 470 residential units (705 unit equivalents) to be clustered in a village. Configuration and mix of units to be determined by Planning Commission at small scale MPD stage.
 - A maximum of 75,000 sq. ft. of resort related commercial uses which shall include neighborhood commercial uses for residents and visitors, such as groceries.

2. Northside Neighborhood (Pods C and D) shall consist of a maximum of:

 - 38 single family homes in the vicinity of the former Pod D. Size and location of homes shall be determined by the Planning Commission at the Small Scale MPD/Subdivision stage. Homes shall be placed out of the meadow areas and limits of disturbance shall be at least 50 feet from any ski run.
 - A Chapel will be allowed under the following conditions:
   -No utility extension will be allowed (power may be allowed if it is readily accessible).
   -The Chapel will not be accessed by an improved road.
   -The siting and construction will comply with the provisions of the Sensitive Lands Ordinance.

3. UPCMC has agreed to preserve the headframe at the Daly West site.

4. The applicant agrees to limit wood-burning to one fireplace or wood-burning device per single family unit. The multifamily units will be allowed to have only one common woodburning fireplace per project.

5. The applicant intends to formulate and incorporate detailed design guidelines for the development. It is the intent that the Empire Canyon development have a

strong common architectural theme. These guidelines would have to be approved by the Planning Commission prior to any building permit issuance in Empire Canyon.

6. Existing improvements to the Ontario Mine Site (Silver Mine Adventure) shall be permitted and will be allowed to be improved or replaced. Any expansion would require review by the City.

7. Building heights are anticipated to be those allowed in the RD zone. Projects in Flagstaff would be subject to the height provisions of the Land Management Code, which includes a process for consideration of height variation.

8. Interval methods of ownership are not prohibited in the Flagstaff area and will be considered according to the provisions of the Land Management Code as a part of the Small Scale MPD process.

B. Bonanza Flats.

UPCMC agrees, as a condition of annexation, to restrict the residential development in the Bonanza Flats area to a maximum of 260 Unit Equivalents, of which no more than 160 would be single family. The commercial development would be limited to 75,000 sq ft of resort related support commercial, a private 18 hole tees and greens golf course and alpine and nordic skiing. This would require an amendment of the development application which UPCMC currently has on file with Wasatch County. The areas which are not to be developed will be appropriately zoned and restricted through a third party so that they are permanently reserved for recreational and open space uses.

UPCMC, at their discretion, may request additional residential density in the Mountain Village portion of the project in exchange for reducing the number of residential units proposed for Bonanza Flats and designating those areas as permanent open space. If such additional density is approved in Park City, it is anticipated that an interlocal agreement with Wasatch County will be initiated to address the potential fiscal impact of the density transfer.

SECTION 2. Access and Utilities

A. UPCMC agrees to the following restrictions on access:

1. Some realignment to existing U224 would be necessary. The road would be to a similar standard as existing U224 with an asphalt surface for dust and erosion control. Access over U224 would remain seasonal (see attached exhibit).

2. Restricted snowmobile access to Brighton Estates would be maintained, but the current recreational snowmobile operation in Empire Canyon would be discontinued.

3. A secondary, private road would serve the Empire Canyon project. Access would be limited to project use at the two intersections with U224, not at the County line (see attached exhibit). Operational procedures to control access would be refined prior to any small scale Master Plan approval.

4. Only minimal improvements of Pine Creek Canyon Road would be permitted. The limited use, seasonal character of the road would be maintained.

5. The project would require seasonal secondary access through Deer Valley.

6. A comprehensive emergency response plan would be required. The proposal includes a public safety facility site. The final public safety and emergency access plan would be determined prior to any permit issuance.

7. Recreation access for the public must be maintained.

B. Utilities shall be provided in the following manner:

1. Bonanza and Empire Canyon would be served by Snyderville Basin Sewer Improvement District (SBSID) rather than construction of a new sewer facility.

2. Water for both Bonanza and Empire Canyon would be a part of the Park City water system. UPCMC would be responsible for developing the distribution system and UPCMC and the City for developing the source. UPCMC agrees to cooperate with the City in developing sources including, but not limited to, making well sites, water rights and easements available to the City.

3. UPCMC agrees that Provo River water rights in excess of those necessary for this project (including Bonanza) will not be used in the Bonanza area, but may be used elsewhere in the Provo River watershed.

SECTION 3. Transit, Traffic and Parking.

A. Transportation and Traffic Mitigation. The developer has agreed to provide the following to reduce the traffic generated by the project:

1. Provide a base level of van and shuttle service including, but not limited to, circulator service within Mountain Village and a designated City transit connection; and guest shuttles to key destinations such as Main Street, Silver Lake and recreational trail heads.

2. Construct road and intersection improvements of Highway 224 and the intersection of Marsac and Deer Valley Drive to remedy existing deficiencies including:

- Some financial participation by UPCMC on the reconstruction on the intersection of Marsac and Deer Valley Drive. UPCMC would be responsible for its proportional share of the cost not to exceed $150,000.
- Dedication of land and construction of a run-away truck lane
- Widening and passing lane on Mine Road
- Drainage Improvements
- Landscape improvements uphill from the intersection with Hillside to act as a project entry

B. Parking.

1. Reduce the parking provided and provide offsetting mitigations in the multifamily components of project by at least 25% as compared to the requirement in the Land Management Code.

2. Provide shared parking in all commercial, short-term residential and mixed use buildings (assigned or reserved spaces prohibited).

3. The majority of parking will be fully enclosed. This precise requirement will be determined at the small scale MPD stage for each development area.

C. Trails. As a part of the Empire Canyon Annexation application, the applicant agrees to:

1. Construct and maintain a year round (hard surfaced) trail system interconnecting developments within Mountain Village and connecting those areas to Old Town provided that the City provides a suitable alignment on the lower portions of Prospect Ridge (the property owned by PCMC).

2. Construct and maintain summer trails throughout the property for biking and hiking.

3. Provide and regulate trail heads for public access to back country skiing in Wasatch County. Parking at the trail head would be regulated by a permit system.

D. Gondola

CTEC has determined that an 8 person gondola from the base of Swede Alley to Pod A via an angle station near the bulkhead property is feasible and can be built for about $4.5-5.0 million. UPCMC is willing to install the gondola if the City determines, through the appropriate public process, it is in the City's best interest.

1. Operation and maintenance costs would be borne by a variety of beneficiaries to be negotiated prior to approval of the Gondola.

2. Total length - about 9,000feet

Trip time - 10 minutes
Capacity - 1200 people per hour

3. A base facility could be located at several locations in close proximity to Historic Main Street. An angle station would have to be built on the hillside to the east of the intersection of U224 and Hillside Ave.

4. Mountain Village shall be designed with clustered density and to be primarily pedestrian oriented to encourage the use of alternate modes of transit, including a gondola, should it be installed.

5. Any multifamily units transferred from Bonanza should be relocated in the Mountain Village.

6. Transit connectors to and from the top of the Gondola would be critical from other portions of the project and other areas in Deer Valley.

7. Park City reserves the right to explore extending the Gondola from Mountain Village to Silver Lake Village and to Bonanza.

8. If the Gondola becomes a part of this project, the City and Deer Valley will evaluate the Deer Valley Master Plan for skiing to determine if modifications are necessary to integrate the gondola into it.

9. If the City Council determines that a gondola is not in the public interest, then UPCMC agrees to contribute $1 million toward other traffic mitigation projects in the City which are related to the project.

10. UPCMC would be obligated to secure agreement from Deer Valley to operate the Gondola.

SECTION 4. Construction Mitigation. The developer is willing to provide measures to mitigate the impact of construction. These measures will be reflected in CC&R's of each development parcel. The conditional use review for each development parcel will specify site and development specific mitigation measures.

A. The applicant agrees to:
- Limits of Disturbance and Vegetation Protection for the construction of public improvements
- Provision of a construction staging and stockpile area at the Daly West
- A construction traffic routing plan
- Dust and soil monitoring and controls
- Keep all earthen material on the site
- Provide on-site batch plants, material staging and construction material recycling
- Mitigation of mining and soils hazards

B. Developers of individual sites will be required to:

- Provide secure storage for tools and equipment on-site
- Limits of Disturbance and Vegetation Protection
- Traffic routing plan

SECTION 5. Employee Housing

A. The applicant agrees to provide 10% employee/affordable housing units as defined by Resolution 8-93 in connection with development in Empire Canyon. UPCMC agrees to put 25% of these units on-site. Mountainlands Housing Trust will be consulted to determine the type and location of housing which would be most effective in offsetting the demand generated from this project. At the City's discretion, the balance of the obligation would be provided as follows:

1. Developed on the 20 acre "corner parcel" by the developer; or

2. by donating the corner parcel to the City and constructing the units on an alternate parcel provided by the City; or

3. by paying a fee in lieu of housing, if it results in the construction or dedication of actual units for affordable/employee housing.

B. Additionally, the applicant agrees to provide employee/affordable housing units equal to at least 10% of the residential units eventually approved by Wasatch County

SECTION 6. Ski Expansion and Open Space. Deer Valley will be allowed to expand skiing consistent with the Empire proposal, subject to administrative review procedures.

A. Skiing

1. Pod Z shall be allowed to contain only 2 graded runs. Limited vegetation removal may be considered in the balance of the pod.

2. A skier day lodge of about 35,000 square feet at Daly West with no public road access or public parking.

3. Provision of skiing opportunities for cross-country skiers.

4. A private club cabin for the benefit of property owners.

B. Open Space

1. Zone all areas not developed as Recreation Open Space.

2. Prohibit development in significant wetland and wildlife areas such as the Lady Morgan Springs area.

3. Dedicate an open space easement for land not designated for commercial and residential development to assure that the land is permanently open. Different sections of this land may have different provisions in the open space easement (i.e. ski terrain, wildlife habitat, sensitive lands).

4. Dedicate the area below (north of) Prospect Ridge to the City as an addition to and providing a continuous link with the City's open space on Prospect Ridge.

SECTION 7. MPD Requirements

A. The annexation agreement and development agreement constitute Large Scale MPD approval.

B. Prior to any construction occurring on the site and prior to or concurrent with the first small scale MPD approval, the following must be reviewed and approved:

- Design Guidelines
- Detailed Construction Mitigation Plan
- Mine/Soil Hazard Mitigation Plan
- Construction and Housing Phasing Plans, which calls for the efficient extension of services, concentrating initial development in Mountain Village and secondarily in the Northside Neighborhood.
- Specific transit plan
- Specific design of roads and public improvements
- Access limitation procedures
- Trail locations, specifications and phasing
- Detailed Open Space Management Plan
- Historic Preservation Plan
- Emergency Response Plan
- Timing and details of water system development
- Sewer alignment

C. Each development parcel will be required to be reviewed and approved as a Small Scale MPD.

SECTION 8. Additional Public Benefits/Mitigation

A. Iron Mountain Property
UPCMC agrees to deed restrict or transfer to the City 106 acres on Iron Mountain (at the City's discretion) with skiing rights reserved.

B. Richardson Flat

As a part of an Empire Canyon project with the City, or the County, UPCMC is considering the following two options in the Richardson Flat area (total area of about 600 acres), subject to UPCMC entering into a satisfactory agreement with EPA regarding reclamation and reuse of the Richardson Flats tailings impoundment area. Recreation impact fees for Empire Canyon would be earmarked toward development of this site. The project would pay a negotiated park development impact fee similar to the rate charged by the Recreation Districts impact fee.

Option 1

- A private golf course which would have public access to be constructed by UPCMC.
- A 50 acre site which could be used for activities such as an equestrian facility, rodeo grounds, a special events site, driving range, or other recreational activities.

Option 2

- The Richardson Flat area may accommodate 36 holes of golf. If this is the case, 18 holes would be required to be public and 18 could be for exclusive use. This alternative would require the acquisition of additional land an adjacent property owner and the City would consider participating in this acquisition. The public course will require public funds for improvement. If 2 courses are achievable, UPCMC and the City will work to provide water to both courses and cooperatively develop shared facilities such as a driving range and maintenance shops.

UPCMC is exploring a couple of alternatives for water delivery to Richardson Flats, including using an Ontario Canyon source conveyed to the site via the existing slurry line, or development of UPCMC rights in Jordanelle water.

UPCMC does not oppose annexation of this area to the City.

C. Real Estate Transfer Fee

UPCMC has offered a Real Estate Transfer Fee of 1% which is considered an enhancement and will be used as follows:

- 50% to the Master Property Owners Association to assist in funding transit and open space maintenance
- 50% to Park City Municipal Corporation to assist in funding transit, recreation improvements and open space acquisition

The Real Estate Transfer Fee would be contributed in addition to usual impact fees.

D. Sandridge Property

UPCMC agrees to dedicate property owned by UPCMC is the Sandridge area (both parking and hillside area) to Park City. The applicant would like to retain the option of exploring affordable housing on the hillside site.

PARK CITY
1884

CITY COUNCIL REPORT

DATE: **August 20, 1998**
DEPARTMENT: **Planning Department**
AUTHOR: **Alison Kuhlow** AK
TITLE: **1197 Empire Avenue Plat Amendment**
TYPE OF ITEM: **Legislative**

SUMMARY RECOMMENDATIONS: Conduct a public hearing, consider public input and approve the Plat Amendment to create two (2) single family lots at 1197 Empire Avenue.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant:	Jack L. and Lois J. Maske
Location:	1197 Empire Avenue
Zoning:	Historic Residential District - HR-1
Adjacent Land Uses:	Vacant RC parcels, single family residences, and a four-plex
Date of Application:	April 23, 1998

B. Background.

On August 12, 1998 the Planning Commission forwarded a positive recommendation to the City Council to approve the Plat Amendment to create two (2) single family lots at 1197 Empire Avenue.

The applicant's. Jack and Lois Maske, own Lot 16 and the north 15 feet of Lot 15, which are located directly south of unimproved 12th Street. In May of 1979, the City Council discussed the vacation of 12th Street/Nelson Street in response to a petition filed by Jack and Lois Maske and Sweetwater Properties. Sometime in 1979 the City Council approved the vacation request and executed a Quit Claim Deed to the Maskes for the southern, 15' of the 12th Street right-of-way. The Maskes, compensated the City Council for the vacated parcel by paying the City fair real estate value for the parcel. Staff has been unable to find the date of the meeting where the vacation took place. On October 29, 1979 Sweetwater Properties executed a Warranty Deed to the Maskes which gave them an additional 3.75' of the vacated right-of-way.

Jack and Lois Maske currently own Lot 16, the north 6.25 feet of Lot 15, Block 27 and the southern 18.75' of the vacated 12th Street, submitted an application to combine the lots into two (2) 1875 square foot lots for single family development. The lots are located in the Historic Residential District (HR-1) and are currently vacant. The lots were graded by Sweetwater in the early 1980s which has made the lots generally level. All new structures will need to conform with the Historic District Design Guidelines and Land Management Code Requirements.

Staff introduced the project to the Planning Commission at the July 22, 1998 Work Session. The Planning Commission reviewed the Maske's proposal and gave Staff direction to draft findings of approval to allow the proposed two single family lots. The Planning Commission's determination was based on the Maske's payment of fair market value for vacated Nelson Street in 1979, and the vacation was at that time was granted to allow additional units on the lots.

C. Analysis

The application request proposes to create two (2) 25' X 75' lots to accommodate single family residences. The application meets the minimum lot size requirement for the HR-1 District and would need to comply with all Land Management Code requirements as stated in the table below. The Historic District Commission will review any proposed designs for the structures prior to the issuance of a building permit.

The table illustrates the Land Management Code requirements for the two proposed lots. Both lots are subject to any subsequent ordinances that may change the regulations as stated below.

		Lot A		Lot B	
Lot Size		1875 s.f. each		1875 s.f. each	
F.A.R.		1687 s.f. each		1687 s.f. each	
Setbacks	• Front	10 foot min.	total 30 feet	10 foot min.	total 30 feet
	• Rear	10 foot min.		10 foot min.	
	• Side	3 feet		3 feet	
Height		27 feet*		27 feet*	
Parking		2/unit		2/unit	
Design		HDC Review		HDC Review	

* Height is determined at the time a building permit is issued.

The structures in the neighborhood range from single family residences to the west and south of the lots, Sweetwater (a multi-unit condominium project) to the north and a four-plex to the east. Single family structures or a duplex would be compatible with the neighborhood.

E. <u>Department Review.</u>
The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat prior to recordation. The request was discussed at a Staff Review Meetings on May 19, and August 4, 1998, where representatives from local utilities and City Staff were present. All comments raised are mitigated through the Conditions of Approval.

<u>ALTERNATIVES</u>

A. Approval of the proposed plat amendment combining Lot 16 and the north 6.25 feet of Lot 15 and 18.75' of the vacated 12th Street right-of-way, Block 27 Snyder's Addition and thereby allowing for the parcels to accommodate two single family homes.

B. Deny the subdivision plat amendment and retain the original Record of Survey that may allow for the development of Lot 16.

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

<u>SIGNIFICANT IMPACTS</u>:
The proposed amendment will result in two (2) lots which meet the minimum lot requirement for the HR-1 District. Given the required setbacks, the historic district height restrictions, and the predominant ownership pattern and house size in the area, the lot combination results in proposed structures that are compatible in mass and scale with the immediate neighborhood.

<u>CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION</u>:
If the plat amendment is not approved as proposed, the Lot 16 could be developed separately which would add one single family residence on a 25' x 75' lot along Empire Avenue.

<u>RECOMMENDATION</u>:
Staff recommends that the City Council conduct a public hearing, consider public input and consider adopting the attached ordinance 1197 Empire Avenue based on the following Findings of Fact, Conclusions of Law and Conditions of approval;

<u>Findings of Fact:</u>

1. The property is in the HR-1 District.

2. The site is currently vacant and consists of Lot 16 and the north 6.25 feet of Lot 15 and 18.75' of the vacated 12th Street right-of-way, Block 27 Snyder's Addition.

3. The proposed Plat Amendment will combine one (1) lot, part of one lot and area from

vacated 12th Street right-of-way to allow for the construction of two single family residences on two 25' x 75' lots.

4. Two single family structures are compatible with the development along Empire Avenue.

5. Dedication of a ten (10) foot non-exclusive snow storage easement along Empire Avenue is necessary to provide adequate snow removal services.

6. Jack and Lois Maske paid fair market value for the portion of vacated 12th Street in 1979.

7. Norfolk Avenue is a narrow road and is used for both residential and commercial traffic.

8. The applicant agrees with the conditions of approval.

<u>Conclusions of Law</u>:

1. There is good cause for the amendment as the proposed density is consistent with the surrounding uses along Empire Avenue.

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

3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

<u>Conditions of Approval</u>:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and these conditions of approval is a condition precedent to plat recordation.

2. A ten (10) foot non-exclusive snow storage easement along Empire Avenue shall be dedicated to the City on the plat.

3. Only one (1) single-family home is permitted on each of the newly-created lots.

4. Design of the proposed homes require review and approval by the Historic District Commission in compliance with the Historic District Design Guidelines. The front facade shall be designed to minimize the appearance of the single car garage and emphasize the front entry and porch elements.

5. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.

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6. Building Permits for Lot A and Lot B may not be issued until the plat is recorded.

7. A Construction Mitigation Plan, submitted to and approved by the Community Development Department, will be required prior to any construction on the newly created lots.

8. All Standard Project Conditions shall apply (Please see Exhibit C - Standard Project Conditions).

EXHIBITS:
Attachment A - Ordinance
Exhibit A - Location Map
Exhibit B - Proposed Plat
Exhibit C - Standard Project Conditions
Exhibit D - Letter from the Applicant
Exhibit E - Minutes from the July 22, 1998 Planning Commission Meeting

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Ordinance No. 98-

AN ORDINANCE APPROVING THE PLAT AMENDMENT TO COMBINE LOT 16 AND THE NORTH 6.25 FEET OF LOT 15 AND 18.75' OF THE VACATED 12TH STREET RIGHT-OF-WAY, BLOCK 27 SNYDER'S ADDITION LOCATED AT 1197 EMPIRE AVENUE, PARK CITY, UTAH

WHEREAS, the owners of Lot 16 and the north 6.25 feet of Lot 15 and 18.75' of the vacated 12th Street right-of-way, Block 27 Snyder's Addition have petitioned the City Council for approval of a revision to the final plat; 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 12, 1998, and June 24, 1998 to receive input on the proposed condominium plat;

WHEREAS, the Planning Commission, on August 12, 1998, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 20, 1998, the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The property is in the HR-1 District.

2. The site is currently vacant and consists of Lot 16 and the north 6.25 feet of Lot 15 and 18.75' of the vacated 12th Street right-of-way, Block 27 Snyder's Addition.

3. The proposed Plat Amendment will combine one (1) lot, part of one lot and area from vacated 12th Street right-of-way to allow for the construction of two single family residences on two 25' x 75' lots.

4. Two single family structures are compatible with the development along Empire Avenue.

5. Dedication of a ten (10) foot non-exclusive snow storage easement along Empire Avenue is necessary to provide adequate snow removal services.

6. Jack and Lois Maske paid fair market value for the portion of vacated 12th Street in 1979.

7. Norfolk Avenue is a narrow road and is used for both residential and commercial traffic.

8. The applicant agrees with the conditions of approval.

:

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendment, that neither the public nor any person will be materially injured by the proposed amendment and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The plat amendment to combine lot 16 and the north 6.25 feet of lot 15 and 18.75' of the vacated 12th Street right-of-way, block 27 Snyder's Addition known as 1197 Empire Avenue Plat Amendment, is approved as shown on Exhibit B, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and these conditions of approval is a condition precedent to plat recordation.

2. A ten (10) foot non-exclusive snow storage easement along Empire Avenue shall be dedicated to the City on the plat.

3. Only one (1) single-family home is permitted on each of the newly-created lots.

4. Design of the proposed homes require review and approval by the Historic District Commission in compliance with the Historic District Design Guidelines. The front facade shall be designed to minimize the appearance of the single car garage and emphasize the front entry and porch elements.

5. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.

6. Building Permits for Lot A and Lot B may not be issued until the plat is recorded.

7. A Construction Mitigation Plan, submitted to and approved by the Community Development Department, will be required prior to any construction on the newly created lots.

8. All Standard Project Conditions shall apply (Please see Exhibit C - Standard Project Conditions).

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

PASSED AND ADOPTED this 20th day of August, 1998.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

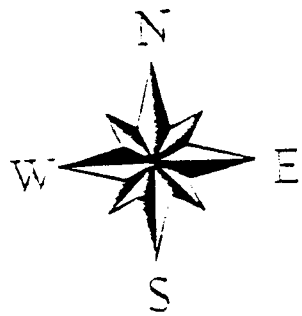
Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, Deputy City Attorney

1197 Empire Ave.



PARK CITY
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EXHIBIT A: VICINITY MAP

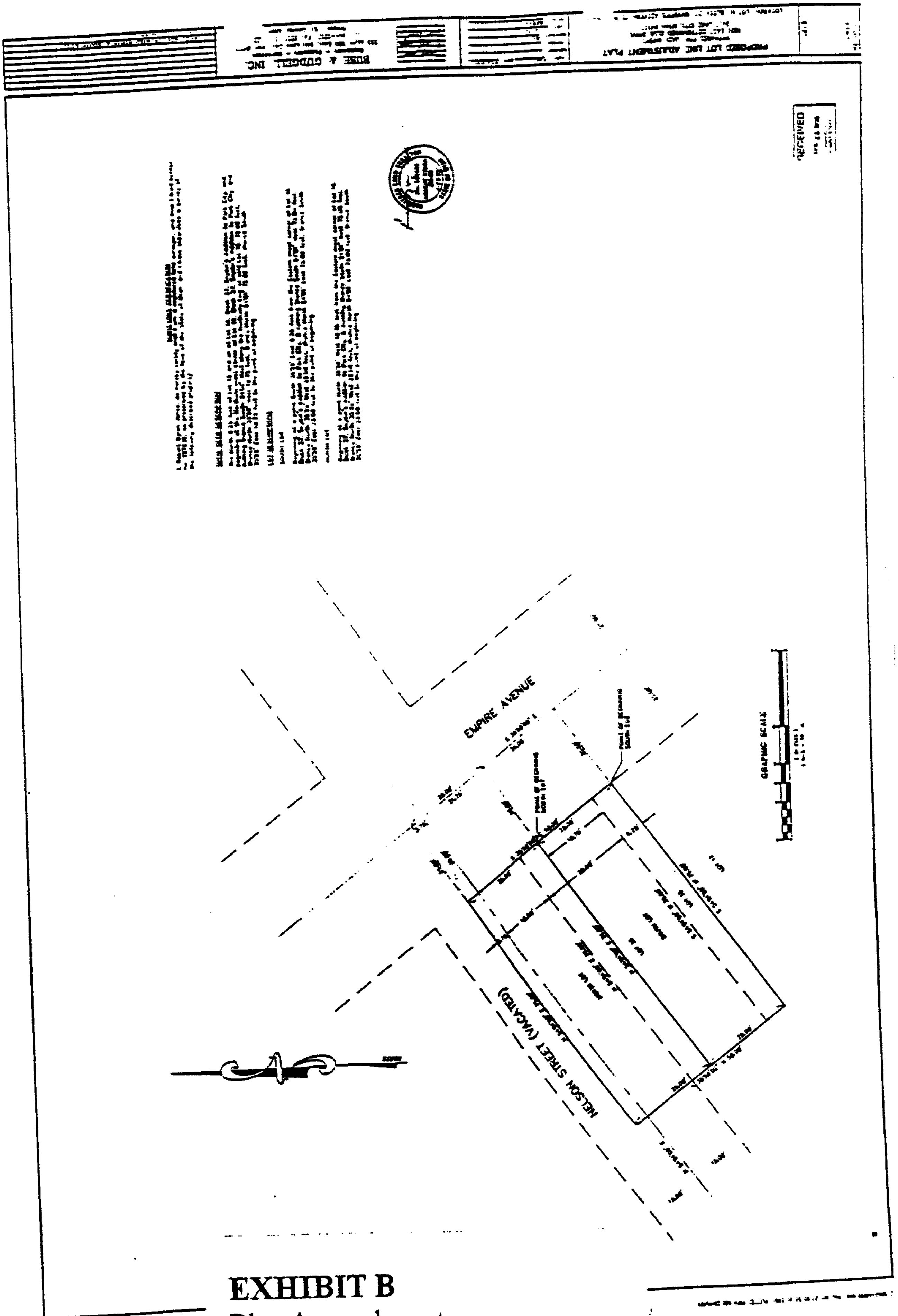

EXHIBIT B
Plat Amendment

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes; the Park City Design Standards, Construction Specifications, and Standard Drawings; and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
2. All modifications to plans as specified by conditions, and all final design details, such as material and color samples, shall be submitted to and approved by the Community Development Department prior to issuance of any building permits.
3. The applicant is responsible for compliance with all conditions of project approval.
4. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
5. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof.
6. Construction staging areas shall also be clearly defined and approved by the Community Development Department, and shall be placed so as to minimize site disturbance. The landscape plans shall include plans for revegetation of all areas disturbed during construction.
7. Final grading, drainage, utility, erosion control and revegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
8. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
9. All construction shall be completed according to the approved plans on which building permits are issued. The approved plans include all site improvements shown on the site plan. "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grades, walls, landscaping, lighting, planting, paving, paths, and trails, and similar improvements, as shown on the set of plans on which final approval and building permits are based.
10. Any desired modifications to approved plans, after the issuance of a building permit, must be specifically requested and approved in writing prior to execution.
11. Plans shall conform to all design standards for persons with disabilities as required by any applicable federal, state and local laws.
12. Access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
13. The required utility easements along street frontages shall include language to allow for these areas to be used for snow storage. Typically, a 10-foot snow storage easement is required above Deer Valley Drive (approximate elevation of 7,200 feet). A five feet easement is necessary below this elevation.
14. Lockout units are not permitted unless specifically approved.
15. The infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or termination of the permit as specifically conditioned.
17. The name of a master planned development, plat, record of survey, subdivision, condominium project, or other approved project may not be changed without review and approval by the Community Development Department, said approval is not to be unreasonably withheld. The Community Development Department's review shall be limited to prevent confusion of the project with others in terms of emergency and delivery services and project identification.

Exhibit C
Standard Project Conditions

July 7, 1998

Planning Commission
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060

RE: application for Lotline Adjustment

Gentlemen:

In the year 1969, we bought Lot 16 and 6.25 ft. of Lot 15, Block 27, Snyders Addition to Park City. At that time, we were contemplating building a ski chalet.

Prior to 1979, we spoke with David Preece and Bruce Decker to ask about the zoning on our property and asked about getting a building permit. In that conversation, we were told that the City intended to vacate Nelson Street and would give at no cost 15 ft. to each adjoining property owner. We were told at that time that in order to build 2 houses , A duplex, or possibly a triplex, we would have to get an additional 3.75 ft. from property owner to the north of Nelson Street in order to have a 50 x 75 ft. parcel or two 25 x 75 parcels.

Sometime later we called to find out the status of the vacation of Nelson Street and were told that they would notify us when a meeting was scheduled. Shortly after this conversation, the City notified us that they were going to vacate Nelson Street but were going to charge us for it. We then contacted Sweetwater Properties north of Nelson Street and told them we would not be interested in purchasing ½ of Nelson Street because we'd still only have one building lot and we already had enough property for one house. Sweetwater then agreed to sell us 3.75 ft. of their 15 ft. so that we'd have a 50 x 75 ft. parcel, enough for two houses or a duplex.

Sometime later the City informed us that they were going ahead with the vacation of Nelson Street and wanted a cashier's check from us to pay for the property in full, and on September 14, 1979, we sent our check to the City. The City of Park City didn't get their Quitclaim deed to the title company until 1983. At that same time, we purchased 3.75 ft. from Sweetwater Properties.

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Exhibit D
Letter from the Applicant

At one of the meetings prior to the vacation of Nelson Street, we asked the then Head of Zoning, who understood we were getting 15 ft. from the City and 3.75 ft. from Sweetwater Properties, what we'd have to do to get a building permit, and were told that when we get our building plans together, just apply for building permits. He said our property was "grandfathered". We intended at that time to go ahead with developing the property, but as luck would have it, Lois broke her leg while skiing at Park City, and all our plans were put on "hold".

Last year, the property taxes were increased substantially which we took as a message to do something with the property. In Feb., 1998, we went to the Park City Municipal Building and eventually spoke with Kevin LoPiccolo who informed us that before we could get a Building Permit,we would have to get a lot-line adjustment. He gave us the necessary papers and said that since we were in accordance with zoning, the lot-line adjustment could be handled Administratively, and it should not take very long. About a month later, I talked to Kevin to find out where we stood and was told that our application had been turned over to Allison Kuhlow. We then called Allison who told us that our application could not be handled administratively but would have to go through the Planning Commission since approval of our application would result in the creation of a new developable lot.

We have researched the area along Empire Avenue and Lowell Avenue and it appears to us that single family homes predominate. It also seems to us that single family homes look much nicer from the street than do the larger structures. The Historic District Commission also advises "that all re-subdivisions of lots within the HR-1 zone comply with a standard lot size of approximately 25 x 75 feet". The Historic District Commission also states as their purpose, among other things, "to encourage densities of development that will preserve the desirable residential environment".

Again, quoting from the Land Management Code, 9.1, "As a Community dependant upon the tourism industry, the atmosphere and aesthetic features of the community take on an economic value for the residents and property owners of Park City."

It is our opinion that single family homes will tend to attract not only ski tourists, but summer tourists as well; such as Palm Springs residents who want to spend the summers in Park City.

We think it's a win-win situation for the City, the tourists, and us.

We will appreciate your handling our application in the most expeditious manner possible.

Respectfully yours,

Jack L Maske
Lois Maske

Jack Maske and Lois Maske

cannot agree. He does not see this happening and believes the plan as proposed is very close to what will be approved.

Commissioner O'Hara asked about the parking restrictions along Sullivan Road on the same side of the street as the development.

The architect, Rick Brighton remarked that parking across the street is for the City Park and there is no parking on the development side of the street.

Planner Von Puttkammer noted that the applicants have an active CAD application pending and they are scheduled before the Historic District Commission on August 3 to review the historic structure.

Mr. Riley noted that the shed has been removed and a solid cedar fence was put up to screen their property from the neighbors property.

1197 Empire Avenue - Plat Amendment

Planner Kuhlow reported that this is a work session item only. She reviewed the application for a plat amendment to create two lots, one out of a 25' x 75' Old Town lot and one out of a portion of the vacated Nelson Street. The applicants purchased the right-of-way in the late 1970's and came forward with an application early this spring requesting to do two 25' x 75' lots to accommodate two single family homes. When the Staff began their review the density question surfaced. The issue is the difference between the density allowed today and what the applicants are requesting by adding another unit on top of the vacated right-of-way. Planner Kuhlow noted that the Staff report contains minutes from previous meetings where the Planning Commission discussed right-of-way vacation. She also included a letter from the applicant outlining the history of the property.

Chair Larson clarified that the primary issue is the allowable density on the proposed one or two lots. Planner Kuhlow explained that the issue for the Planning Commission this evening is to determine the allowable density on the lot.

Chair Larson remarked that there are straightforward guidelines on street vacations and one fact is that density increases are not allowable with street vacations. Planner Kuhlow replied that one finding that needs to be made is that there is no increase in density. Chair Larson noted that the discussion for the Planning Commission is whether to stay with the allowed density of one unit or find a mechanism for not using the street vacation policy and the density increase policy.

Exhibit E
Minutes from July 22, 1998
Planning Commission Meeting

Commissioner Jones suggested that this situation might be different than the typical vacation request because the applicants made the purchase a long time ago. Planner Kuhlow clarified that the applicants do own the property and they did pay fair real estate value when it was purchased. Chair Larson agreed that the situation may be different but there is a new policy in place that is very strict and does not allow for a density increase. He reiterated that the question is whether to stick with the vacation policy or determine that it does not apply.

Commissioner Erickson stated that as much as he dislikes manipulation of systems, he believes that this particular plat vacation occurred before the new plat policy and he prefers to see two houses on 25' x 75' lots rather than see option 3 or option 4. Commissioner Erickson remarked that the purchase was made in times when these things were done and he thinks they should allow the applicants to build their requested density. Commissioners Zimney and O'Hara concurred.

Aside from the street vacation, Commissioner Jones felt they should consider the fact that the lots are flat and very developable. He believes this waives in favor of the plat amendment.

Commissioner Erickson requested that the Staff draft rigorous findings that make the definitions clear and address adequate snow storage, open spaces, and flat lots.

Chair Larson stressed the importance of preparing findings that clearly delineates this request from any other street vacations in the future.

Planner Kuhlow offered to prepare findings for the next meeting.

Deer Crest Annexations

Manager Nora Shepard reported that this project was formerly called Telemark Park. It went through the Wasatch County approval process in the early 1990's and received a density determination from Wasatch County for approximately 500 units. The primary issue the City had was the use of Keetley Road which they wanted to use as a primary access in and out of Telemark Park because it dumps directly into an existing residential neighborhood. The City was concerned that it would have all the impacts and none of the revenue.

Manager Shepard noted that litigation was filed and after several years of negotiations, a settlement agreement occurred in December 1995. This settlement agreement limited or restricted access on to

PARK CITY

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CITY COUNCIL STAFF REPORT

DATE:	**August 20, 1998**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Brooks T. Robinson**
TITLE:	**7920 Bald Eagle Drive, Unit 17 Bald Eagle Club at Deer Valley Condominiums Amend Record of Survey to Shift Building Pad**
TYPE OF ITEM:	**Legislative**

<u>**SUMMARY RECOMMENDATIONS:**</u> Hold a public hearing, consider public input, and and consider the Planning Commission's reccomendation for approval of the record of survey as conditioned.

<u>DESCRIPTION:</u>

A. <u>Topic</u>

PROJECT STATISTICS:

Applicant:	Otto/Walker Architects for Mark Freiman
Location:	7920 Bald Eagle Drive
Zoning:	RD- Residential Development
Adjacent Land Uses:	Residential
Date of Application:	June 12, 1998
Project Planner:	Brooks T. Robinson

B. <u>Background</u>

The property is legally described as unit 17 of the Bald Eagle Club at Deer Valley Condominium. When the project was originally approved in 1989, the condominium project designated building pads for each unit. This request is for approval of an amendment to the Record of Survey to realign the building pad for unit 17. The currently platted building pad fronts onto Bald Eagle Drive. The proposed building pad, while keeping the same square footage, would have access from Redtail Court. The greatest number of trees on the site is within the existing building pad. Relocation of the building pad will preserve these trees by only allowing construction within new pad limits. An existing ski trail, for use by others within Bald Eagle, crosses the site and will be relocated and improved (please see Exhibit B). The ski trail is not a public use ski run associated with the Deer Valley Resort. The proposed relocation of the building pad and ski trail have been reviewed and approved by the Bald Eagle Club Architectural Committee (Exhibit D).

C. Analysis

The proposed amended Record of Survey is consistent with the Land Management Code, the RD zone and the subdivision regulations. The preservation of a number of existing trees will be accomplished with this change. Unit 17 is on a sloping hillside. Although the house that will be constructed will be higher in elevation, the preservation of the existing trees downslope from the house will screen the view of the house from Bald Eagle Drive. There are no other visual impacts. The relocated ski trail will be improved and will more closely follow the terrain.

D. Department Review

The City Engineer and the City Attorney's office will review and approve the Record of Survey for final form and compliance with the Land Management Code and State Law prior to recordation.

5. Notice

The property was posted and notice was mailed to property owners within 300 feet. No input has been received by the time of this report.

RECOMMENDATION:

The staff recommends conducting a public hearing, consider any input and then affirming the positive recommendation of the Planning Commission to amend the Record of Survey of the Bald Eagle Club at Deer Valley condominium based on the following:

Findings of Fact

1. The condominium project known as The Bald Eagle Club at Deer Valley was approved in 1989.
2. Unit 17 of the Bald Eagle Club condominiums is located at 7920 Bald Eagle Drive. The property is zoned RD, Residential Development.
3. The proposed Amended Record of Survey relocates the building pad and ski trail. The building pad is not increased in size.
4. Significant vegetation exists on the existing building pad site.

Conclusions of Law

1. There is good cause for this Amended Record of Survey as no visual impacts result from the change and a number of significant trees are preserved.
2. The Amended Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Amended Record of Survey.
4. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within the one year's time, this approval and the plat will be void.
3. All conditions of approval of the Bald Eagle Club at Deer Valley condominium continue to apply.
4. A construction mitigation plan will be required as part of the construction of the house. Fencing of tree preservation areas must be a part of this plan.

EXHIBITS:

Exhibit A- Location Map
Exhibit B- Proposed Amended Record of Survey
Exhibit C- Applicant's letter
Exhibit D- Bald Eagle Club's approval

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Ordinance No. 98-

AN ORDINANCE AMENDING UNIT 17 OF THE BALD EAGLE CLUB AT DEER VALLEY CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 7920 BALD EAGLE DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property known as 7920 Bald Eagle Drive have petitioned the City Council for approval of a revision to the final plat; 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 12, 1998, to receive input on the proposed condominium plat;

WHEREAS, the Planning Commission, on August 12, 1998, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 20, 1998, the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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

Findings of Fact

1. The condominium project known as The Bald Eagle Club at Deer Valley was approved in 1989.
2. Unit 17 of the Bald Eagle Club condominiums is located at 7920 Bald Eagle Drive. The property is zoned RD, Residential Development.
3. The proposed Amended Record of Survey relocates the building pad and ski trail. The building pad is not increased in size.
4. Significant vegetation exists on the existing building pad site.

Conclusions of Law

1. There is good cause for this Amended Record of Survey as no visual impacts result from the change and a number of significant trees are preserved.
2. The Amended Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Amended Record of Survey.

4. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval</u>

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within the one year's time, this approval and the plat will be void.
3. All conditions of approval of the Bald Eagle Club at Deer Valley condominium continue to apply.
4. A construction mitigation plan will be required as part of the construction of the house. Fencing of tree preservation areas must be a part of this plan.

<u>SECTION 4. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.
PASSED AND ADOPTED this 20th day of August 1998 .

PARK CITY MUNICIPAL CORPORATION

____

Bradley A. Olch, MAYOR

ATTEST:

____

Jan Scott, City Recorder

APPROVED AS TO FORM:

____

Mark Harrington, Deputy City Attorney

7920 Bald Eagle Dr.

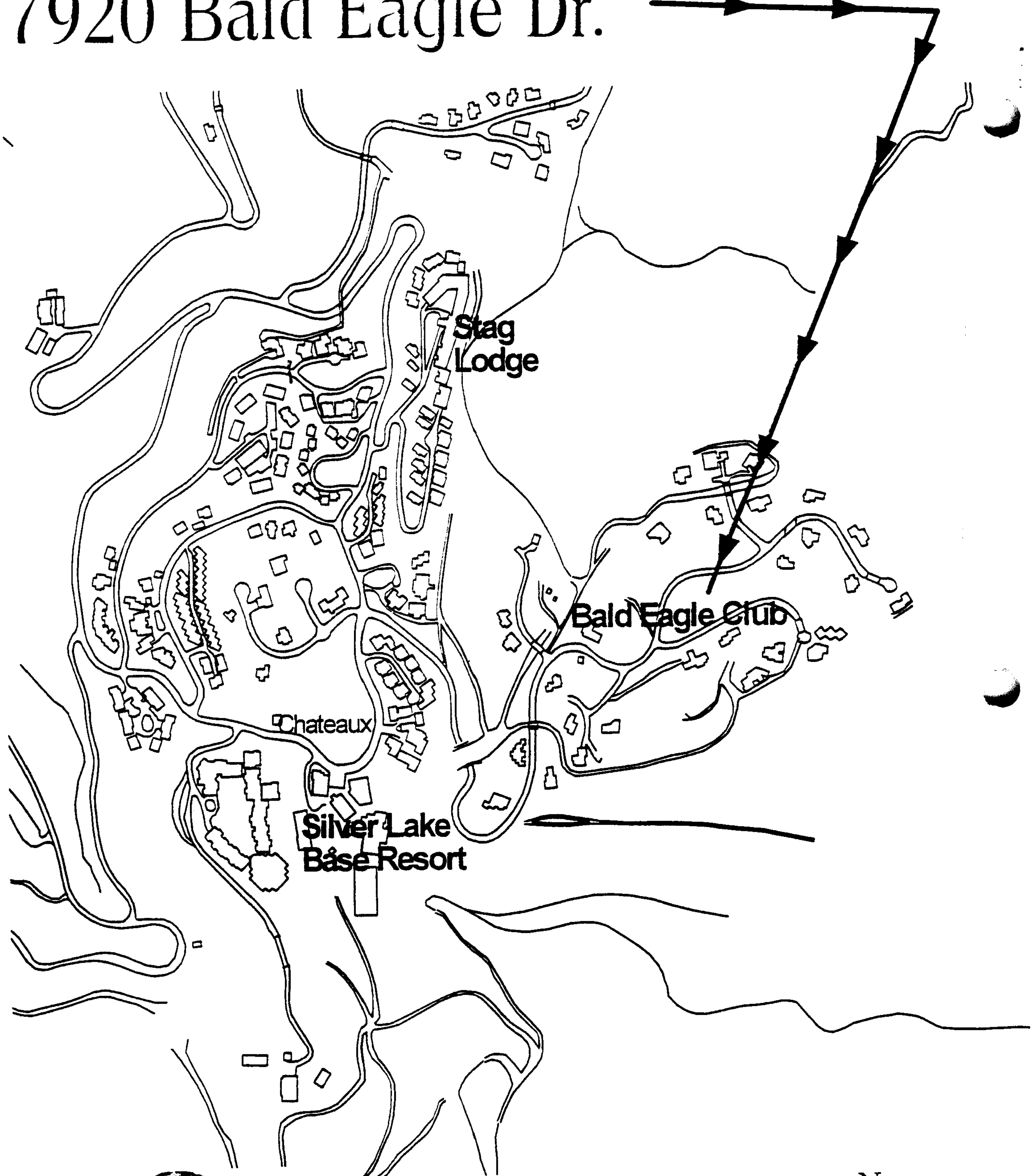

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Exhibit A
Vicinity Map

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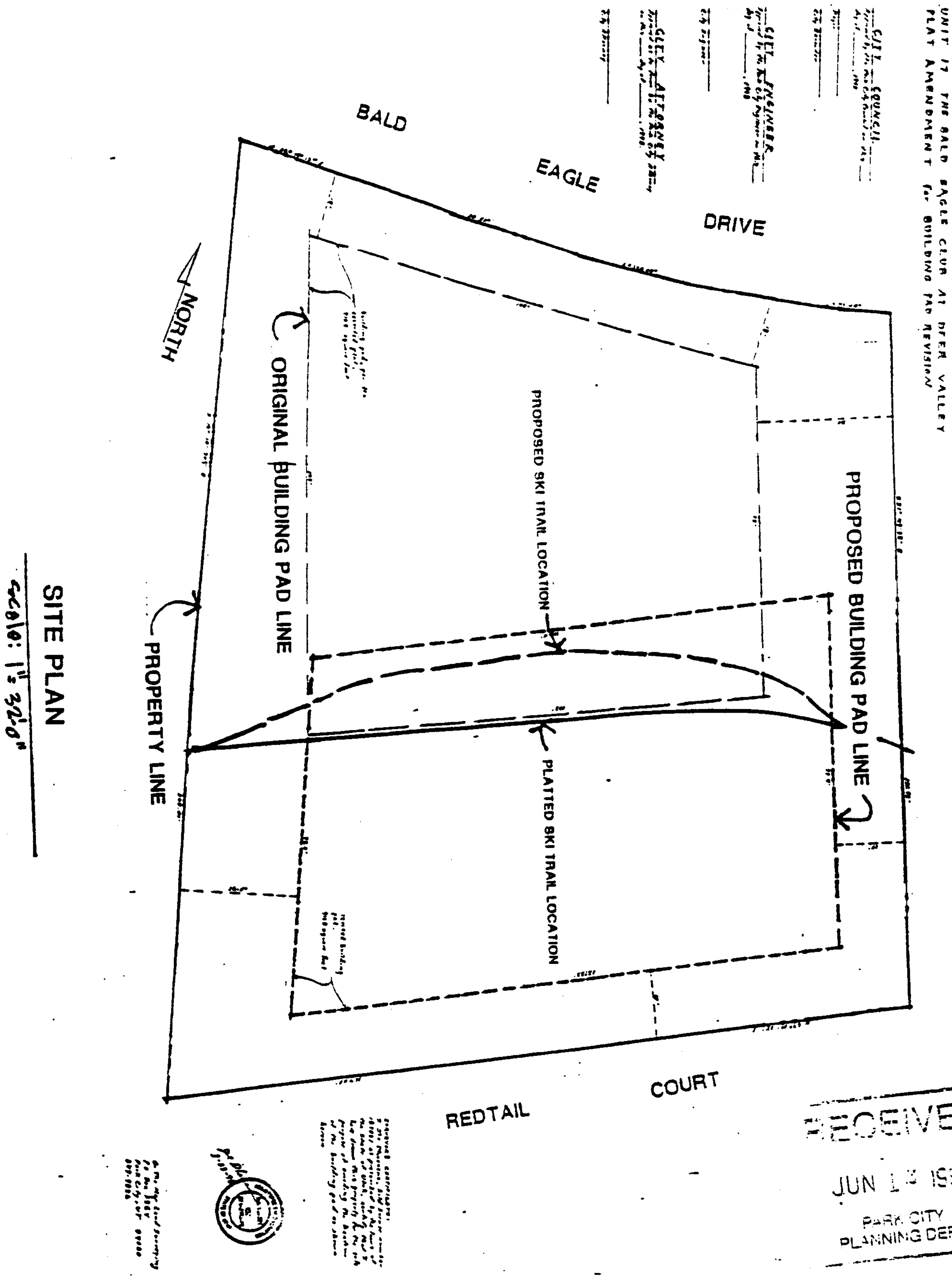

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EXHIBIT B

OTTO / WALKER Architects

2200 Park Avenue

Suite C201

Park City, Utah 84098

435/649-6373

Fax 435/649-6378

June 9, 1998

MEMO

To: Brooks Robinson/Park City Planning Dept.

From: Rick Otto/Otto Walker Architects

Re: Record of Survey Plat Amendment for Lot #17
Bald Eagle Club Subdivision

Description of Proposed Modification

The proposed modification to Lot #17 would move the building pad currently located on the north portion of the lot and accessed from Bald Eagle Drive, to the south portion of the lot and allow access from Red Tail Court. The new building pad has been designed to have the same square footage as the original building pad and is described on the attached site plan drawing.

The existing 4 foot wide ski access trail is described on the plat to be located at the southern edge of the existing building pad area. The new building pad location overlaps this trail location so that the trail will be pushed to the north below the proposed house location. The grading for the trail will be constructed so that a level grade will be maintained from the entry point on the east property line to where it intersects the west property line it shares with Lot #20. Retaining will be required to regrade the trail, but it will improve the width and provide better access for Lot #20 and #18 to the west.

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EXHIBIT C

COPY

May 28, 1998

Mark Freiman
270 Farmington Avenue
Suite #309
Farmington, CT 06032

re: Relocation of Building Pad on Bald Eagle Lot #17

Dear Mr. Freiman:

As requested, the Architectural Review Committee has taken a careful look at your proposed relocation of the building pad on Bald Eagle Lot #17. Additionally, we have petitioned the owners of the lots adjacent to yours.

Everyone involved understands and agrees with your desire to access the home from Red Tail Court rather than lower Bald Eagle Drive. Everyone is also very aware of the required changes to the Ski Trail Easement created by your proposed relocation.

Please understand that this is not an approval of the entire project. The Architectural Review Committee still must see your final plans and drawings including dimensions, materials, and location within the building pad. However, so long as the agreement (see attached) made by your architect is honored, and with the understanding that the building pad will not be enlarged, relocation of the building pad is hereby approved and agreed to by both the committee and the owners surrounding your lot.

We applaud your desire to begin construction as soon as possible and hope that this letter will help in your approval process from city officials. We look forward to receiving the final plans from you for another wonderful home in Bald Eagle.

Very truly yours,

Glen Traylor

cc: Rick Otto
Park City
Skippy Gerard
Bart Carlson

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Bald Eagle
CLUB
7711 Bald Eagle Drive
P.O. Box 894
Park City, Utah 84060-0894
Gate House: (801) 649-1751

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EXHIBIT D

PARK CITY
1884

DATE: July 28, 1998
DEPARTMENT: Legal
AUTHOR: Tom Daley
TITLE: INSURANCE BROKER SERVICE CONTRACT
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS:

1) Authorize staff to enter into an Insurance Brokerage Service Contract in the amount of $48,000.00 with J&H Marsh and McLennan for a term beginning August 1, 1998, and ending August 1, 2002.

DESCRIPTION:

A. Topic: Insurance Brokerage Services.

B. Background: The above-referenced $48,000.00 is to secure insurance brokerage services for the period August 1, 1998, through August 1, 2002. Johnson & Higgins' current three year contract terminates August 1, 1998. Last year, Johnson & Higgins underwent a merger and is now Johnson &Higgins/ Marsh McLennan (J&H Marsh and McLennan).

C. Analysis: The City's insurance policies will expire September 1, 1998. J & H Marsh and McLennan is already working with underwriters to secure renewal policies which will be effective on that date. I have received assurances that we will be able to meet the September 1, 1998, deadline.

D. Department Review: Since the current insurance broker contract expires this year, the Legal Department placed requests for proposals for brokerage services in the Park Record and the Salt Lake Tribune. The ads ran two consecutive weekends. Also, the Legal Department sent letters to six local insurance agents inviting them to submit bids.

J&H Marsh and McLennan was the only broker who responded to our request for proposal. J&H Marsh and McLennan has agreed to provide brokerage services with no increase over the current contract's fees. Thus, Park City paid $16,000.00 each year for 1995-1998, and would pay $16,000.00 each year, or $48,000.00, for three years' brokerage services running from 1998-2001.

ALTERNATIVES:

A. Approve the request. This is the recommended action. Park City staff has been very satisfied with the level of service provided by J&H Marsh and McLennan. We have put a great deal of effort into bringing insurance coverage up to date and obtaining coverage at the lowest premium available. Staying with J&H Marsh and McLennan would allow us to continue to achieve our insurance goals.

B. Deny the request. This is not recommended. J&H Marsh and McLennan has agreed not to increase its fee, and no other agency responded to our request for proposal.

C. Continue the item. The Council may continue the item if there is a desire to further evaluate the selection of J&H Marsh and McLennan as our broker.

D. Do nothing. Not a good option. The better option is to take action on this item as soon as possible.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Park City would have to hire a broker and obtain insurance coverage within a tight time frame, as current policies expire on September 1, 1998.

RECOMMENDATION: Authorize the payment of $48,000.00 over three years to J&H Marsh and McLennan for insurance brokerage services.

PARK CITY

COUNCIL AGENDA REPORT

DATE: August 20, 1998
DEPARTMENT: Public Works
AUTHOR: Hope Bleecker, Transportation Director HB 8/17/98
TITLE: Approval of Program for Transit Planning Projects
Federal Transit Administration (FTA) Grant Application
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Review and approve the local program of transit planning projects as specified in grant application #UT-03-0029 to the Federal Transit Administration (FTA).

DESCRIPTION:

A. **Topic**. Program of Local Planning Projects/FTA grant application.

B. **Background**. A federal grant application in the amount of $14,298,460 has recently been filed with the FTA by the City for capital and planning projects related to bus transfer facility construction and system expansion. The capital projects include 14 new and replacement buses, and engineering, site work, and construction of the Old Town Transfer Facility. The planning projects include system development and conceptual planning of two transit transfer centers.

The FTA requires applicants to formally adopt local planning programs for transit projects when requesting federal funds. The City's transportation planning program includes four separate projects.

1) ***Develop Long-Range Transit Plan***
$125,000 - This work is in progress and was approved with the authorization of a consultant contract last spring. When completed, the document will specify schedules and methodology for improved local transit programs. The long-range plan will recommend service expansions, improved scheduling, marketing, capital improvement, service monitoring, and procurement of new transit ITS and AVL technologies.

2) *Old Town Project Development, Environmental Analysis and Conceptual Design*
$265,000 - This work is in progress pursuant to authorization of a consultant contract last spring. The work activity includes planning associated with development of the Old Town Transfer Center, including environmental analysis, conceptual design, local input process, and securing committee approval.

3) *Develop Short-Range Transit Plan*
$20,000 - The purpose of this project is to ensure that additional planning monies will be available if the Long-Range Plan needs to be updated or in the event that transit operating designs are proposed by the City to the SLOC prior to 2002. These funds would not be scheduled for drawdown until 2001.

4) *Transfer Center #2*
Project Development, Environmental Analysis, and Conceptual Design.
$240,000 - An additional transfer center has been specified in the preliminary draft of the Long-Range plan. The center would function as a Park and Ride Facility in order to establish a transit corridor between Highway 224, ski resorts, and commercial centers throughout Park City. The primary purpose would be to intercept traffic and to avoid auto congestion throughout the city. The work activity would include environmental analysis, project development, and conceptual design through the 30% project design phase for the transfer center #2.

C. Analysis.
Six hundred and fifty thousand dollars have been requested from the FTA for the four planning projects. The projects 1 and 2 specified in the above list are almost completed and have sufficient local approval already in place. However, projects 3 and 4 must be formally adopted before any monies can be received. It is anticipated that grant approval will occur sometime during the second or third quarter of this fiscal year.

D. Department Review. This report has been reviewed by the City Manager.

ALTERNATIVES:

A. **Adopt the Program of Planning Projects** -This is the recommended course of action, as it would ensure that conceptual design work on a second transit center could begin, and additional planning reserve funds could be utilized in the event they are needed.
B. **Do not adopt the Program of Planning Projects** - This action would require local transit fund reserves to pay for the planning projects.
C. **Continue the Item**- This action would delay receipt of federal funds.

RECOMMENDATION: Review and approve the program of local transit planning projects as specified in Park City's grant application to the Federal Transit Administration. The program includes a total federal dollar amount of $650,000 for long and short-range planning activities and conceptual design, environmental analysis, and project development of two transit transfer centers.

PARK CITY
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CITY COUNCIL STAFF REPORT

Date:	**August 20, 1998**
Department:	**Planning Department**
Title:	**1944, 1960, 1976, 1992 & 1912 Sidewinder Drive - Plat Amendment**
Type of Item:	**Legislative**

Summary Recommendations

Conduct a public hearing and if the Council decides that the proposed request is a acceptable, the attached Ordinance approving a plat amendment as conditioned to combine lots 49A, 49B, 49C, 49D of Lot A & 19B, 19C, 7A-2 & 7B-2 of Lot B of Prospector Square Supplemental Amended Plat. If the Council recommends denial, staff will prepare findings and will return at a subsequent meeting.

A. Topic

Applicant:	Mark Prothro
Location:	1944, 1960, 1976, 1992 & 1912 Sidewinder Drive
Proposal:	Plat Amendment
Zoning:	General Commercial (GC)
Project Planner:	Kevin LoPiccolo
Adjacent Land Uses:	Commercial Office, Day Care Facility & Multi-Family Residential

B. Background

The Council reviewed this Plat Amendment request at their June 18,1998 meeting, but had concerns that the lot combination would allow a solid building facade and create a canyon effect along Sidewinder Drive. The Council requested that staff work with the applicant as well as Prospector Square Property Association on achieving landscaping within the parking lot to help break up the perception of having one continuous building. Since the applicant is not the owner of the parking lot, staff met with the Prospector Square Property Association to find out if landscaping could be incorporated into this plat application. The Association felt that this was not in the best interest of Prospector Square because the parking is needed for the businesses in the general area.

Staff was unsuccessful with Prospector Square Property Association in terms of landscaping portions of the parking lot that would help reduce the visibility or help achieve a break in the building. Staff previously worked with the applicant and was able to get landscaping at the front of the proposed building.

There have been no substantive changes that reflect what the Council discussed at their June 18 meeting, such as adding landscaping to the parking lot, change building form to crate a U-shape building or reorientating the entire building to break up the facade to show four different variations.

All of this was discussed with the applicant and the Prospector Square Property Association. The Association will not permit any landscaping to be installed in the parking lot due to snow removal, and common area ownership of the parking lots that provide parking spaces for that general area. The Association asserts that other common area was dedicated for the purposes of open space and the lots were platted with expectation of lot - line build out.

Since Prospector Square was approved with zero setbacks, a building will generally be built to zero setbacks, therefore allowing no area for planting unless the applicant decides to decrease the building size. Staff worked with the applicant and architect on providing greater building articulation, materials, and widening of a sidewalk that links the residential area to Prospector Square. (See Exhibit G). The result allows for more landscaping than if the building were built lot line to lot line.

The four lots that are proposed to be combined into one lot are situated between the Bellemarc office building and Creative Beginnings day care center, and is adjacent to the Aspen Villas Apartments. The applicant is requesting that these four lots be combined to construct the 23,029 square foot office building.

The applicant is requesting to combine four 40 - 70 foot vacant lots into Lot B one lot of record at 1944 Sidewinder Drive and combine four lots into one lot at 1912 Sidewinder Drive. The Bellemarc building sits on the four lots, Lot A at 1912 Sidewinder Drive. The applicant is requesting that Lot A & Lot B be reviewed under this application.

The Planning Commission reviewed this request at their April 8 & May 13, 1998 meetings to combine the four lots at 1912 Sidewinder and the request to combine four lots into one lot at 1944 Sidewinder Drive. As part of the four lot combination at 1944 Sidewinder (Lot B), the Commission has reviewed the proposed design for the construction of a two-story, 23,029 square foot commercial office building. The applicant has incorporated several changes as requested by the Planning Commission. At the May 13, 1998 meeting, the Commission approved the plat amendment and made a determination that the applicant's design complied with Park City's Design Standards, Chapter 9 Design Standards and the Land Management Code.

C. <u>Analysis</u>

To approve the request, the Council must find:

1. Good cause for the amendment;

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

The request is also reviewed against the Land Management Code, Chapters 7, 9 &15 and the General Plan.

Land Management Code:

Under the General Commercial Zone, Section 7.9.8. Prospector Square has an overlay for a maximum floor area ratio of 2.0 and a reduction in setbacks which essentially allows a structure to be constructed at zero lot line, provided that clear view of intersecting streets is not obstructed. The current proposal for Lot B meets this objective.

The height for this zone allows structures up to 40 feet in height. The building as proposed in this preliminary review, meets the height requirement. The building at its highest point is 38 feet.

Based on preliminary review of the proposed building, the applicant is requesting 23,029 square feet of total floor area. The current floor area ratio meets this objective. Final square footage calculations & height will be reviewed at time of building permit submittal.

Chapter 9, Architectural Review

(b) Structures which exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the structure at each 120 foot interval (or less of the developer desires) reflecting a change in function or scale. The shift shall be in the form of either a 15 foot change in building facade alignment or a 15 foot change in roof line. A combination of both a roof line and facade change is encouraged and to that end, if the combined change occurs at the same location on the building plane, a 15 foot total change will be considered as full compliance.

(d) The facade length and variation requirements apply to all sides of a building.

The applicant has applied facade shifts to both sides of the building.

D. Department Review

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

Alternatives

A. Approve the proposed plat amendments creating one 12,308 square foot lot for 1944 Sidewinder Drive and one 12,561 square foot lot for 1912 Sidewinder Drive.

B. Deny the plat amendments and retain the original form of the properties.

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

Significant Impacts

Approval of the plat amendments will allow the combination of four lots for each Lot to be combined into one lot of record. Ultimately, the creation of one lot will allow the construction of 23,029 square foot office building at 1944 Sidewinder Drive. The lot combination at 1912 Sidewinder Drive which has an existing office building will bring the lot into conformance with the Uniform Building Code.

Consequences of not taking the recommended action

Denial of this application would prohibit the property owner from construction of a 23,029 square foot office building on Lot B. Separate buildings could be constructed on each individual lot. Lot A would retain the original property configuration at 1912 Sidewinder of allowing an existing building to cross property lines which would be in violation with the Uniform Building Code. An addition or remodel would require a plat amendment to correct the situation.

Recommendation

Based on the questions and concerns that the Council had at their June 18 meeting, staff was able to meet with both the applicant and the Prospector Square Association. Unfortunately, Prospector Square Property Association felt that placing landscaping in the parking lot was not in the best interest for that area since parking and snow storage is a concern. Alternatives were reviewed with the applicant as far as building changes in shape and form, but a plat amendment would be required as well as support from property owners because the change would encroach into the parking lot which is considered common area.

Given the fact the Prospector Square Property Association is unwilling to accommodate the building redesign (IE. Building encroachments into the common area or landscape improvements as suggested by City Council, there appears that little substantive changes can be made to the building design.

Staff has drafted Finding of Fact, Conclusions of Law, and Conditions of Approval should the City Council wish to approve the application and future building as proposed. Should City Council determine that maintaining the existing lots (and the development of 4 new separate facades is more in keeping with the neighborhood, staff may be directed to prepare Findings fro denial for action at a future meeting.

Finding of Fact

1. The properties are in the GC Zone.

2. A Construction Mitigation Plan is necessary to mitigate impacts of new construction in this heavily built out commercial neighborhood.

3. The revision is necessary to combine the properties into two lots of record.

4. The proposed Lot A is 12,561 square feet, and Lot B will be 12,308 square feet.

5. The applicant consents to all conditions of approval.

Conclusions of Law

1. There is good cause for the amendments as a better design can be facilitated on Lot A, and the building on Lot B will be brought into conformance with the Uniform Building Code.

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

3. The proposal is consistent with both the Park City Land Management Code Chapter 7 & 15 and State subdivision requirements.

Conditions of Approval

1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.

2. All standard Project Conditions shall apply and Land Management Codes shall apply.

3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year time, the approval and the plat shall be considered void.

4. All exterior lighting shall comply with the City's Lighting Ordinance and will need to be shown on the elevations prior to final building permit issuance.

5. A master sign plan approved by Community Development Department describing general location and material type will need to be detailed and shown on elevations prior to issuance of building permit.

6. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.

7. All modifications to the plans approved hereby (Exhibit E) as specified by conditions, and all final design aspects, such as architectural detailing, building materials, colors, lighting, sign area must be submitted to and are subject to approval by the Community Development Department prior to the issuance of any building permits.

8. All proposed public improvements are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawing. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.

9. Any desired modification to the approved plans, after the issuance of a building permit, must be specifically requested and approved by the Community Development Department in writing prior to execution.

10. All Standard Project Conditions of Approval apply to this project.

Exhibits

Exhibit A - Proposed Plat Map
Exhibit B - Location Map
Exhibit C - Site Plan
Exhibit D - Floor Plans
Exhibit E - Elevations
Exhibit F - Minutes from June 18, 1998 meeting
Exhibit G - Proposed Office Building submitted by Mark Prothro
Exhibit H - Proposed Ordinance

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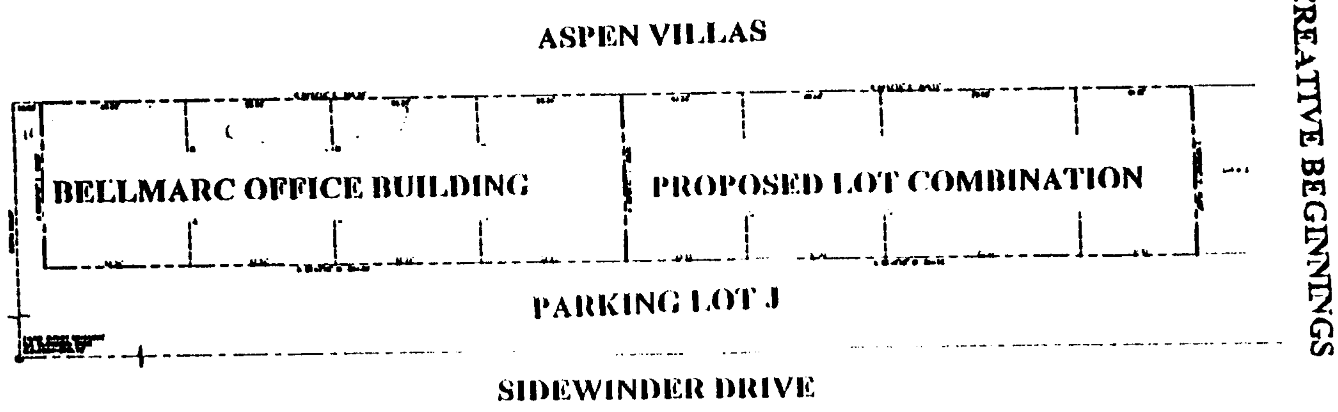
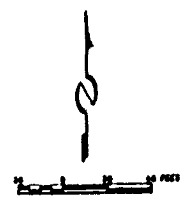




RECEIVED
NOV 1 9 1997
PARK CITY
PLANNING DEPT

SIDEWINDER REPLAT

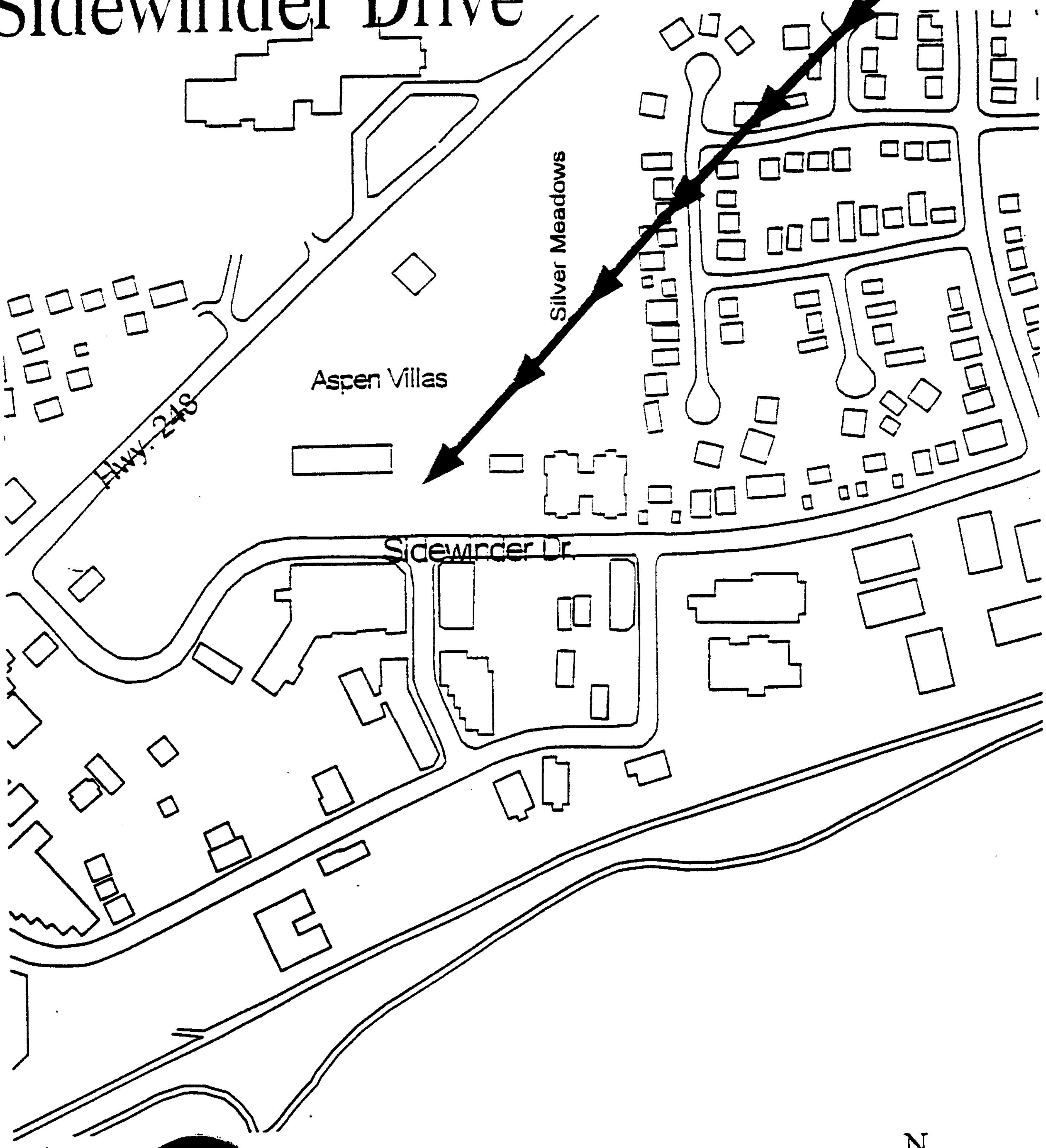
A LOT COMBINATION LOCATED IN THE NORTHEAST QUARTER OF
SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
PARCK CITY, UTAH

EXHIBIT A - PROPOSED PLAT AMENDMENT

ALLIANCE ENGINEERING INC.	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED

7
51

1944, 1960, 1976, 1992
Sidewinder Drive



PARK CITY 1884

EXHIBIT B - VICINITY MAP

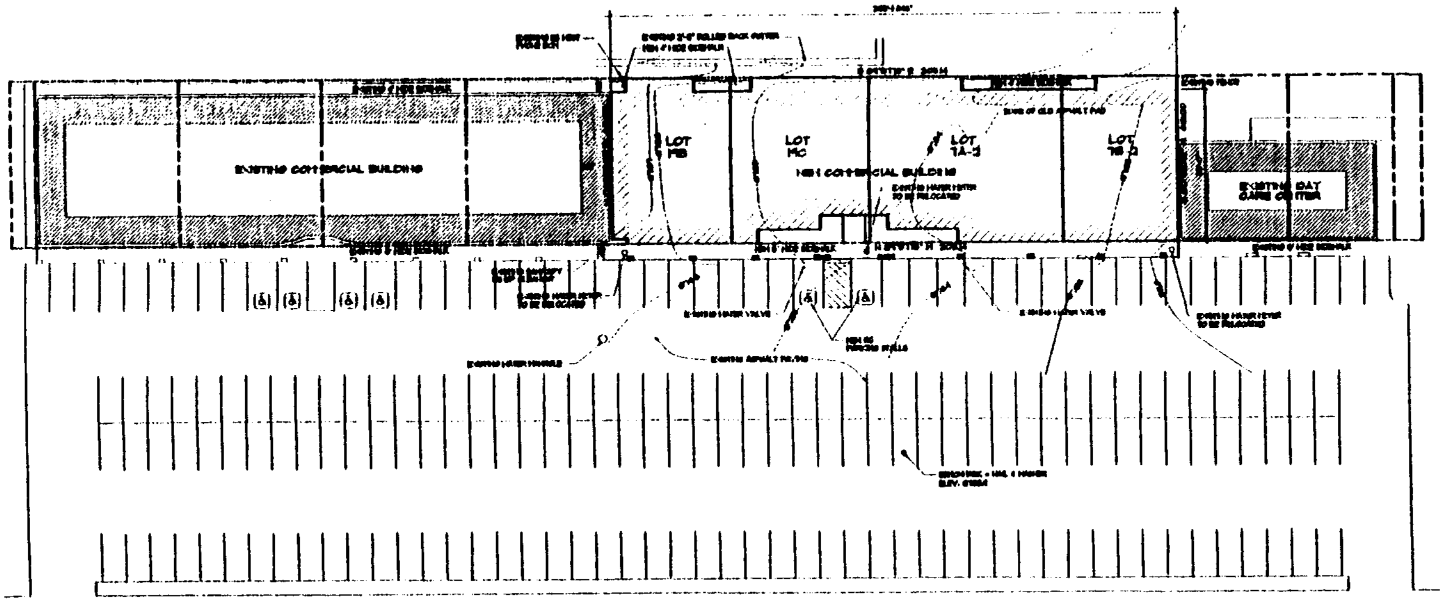
Vicinity Map

8

52

6

REFERENCE NOTES



53

EXHIBIT C - SITE PLAN

RECEIVED

MAY -5 1998

PARK CITY
PLANNING DEPT.

A PRELIMINARY PLAN

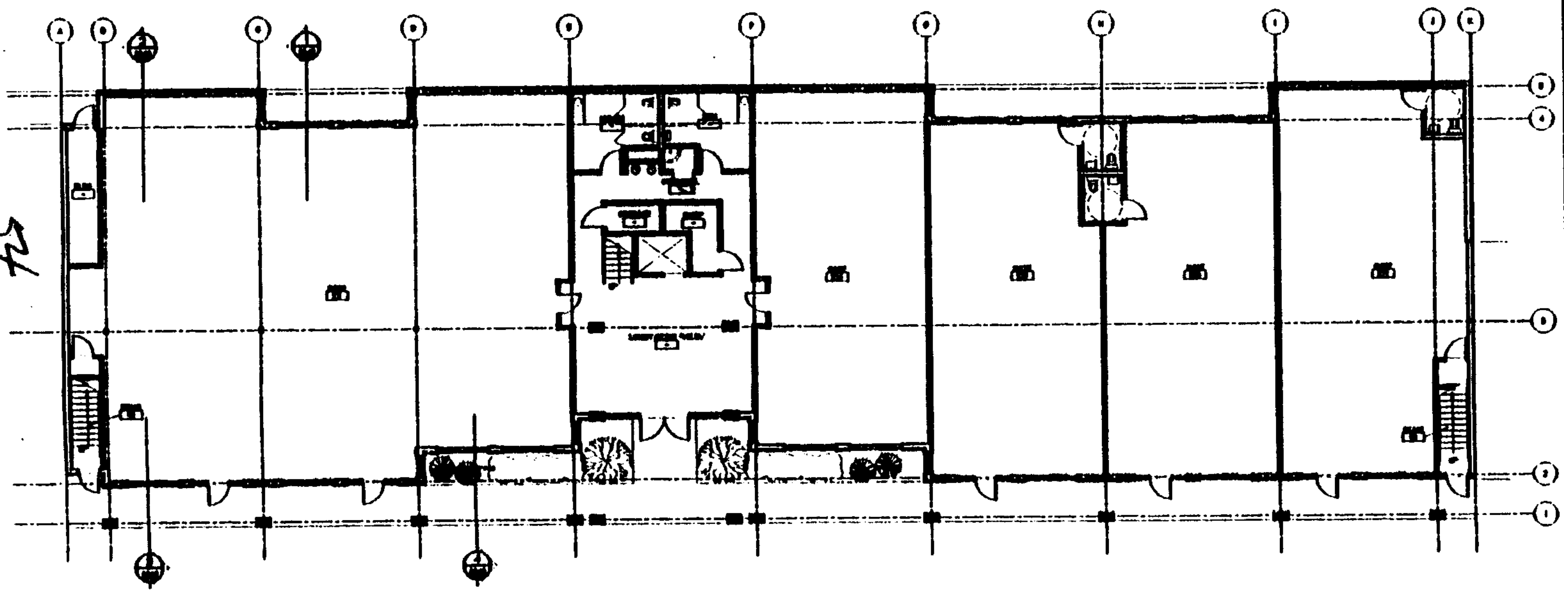
COOPER/ROBERTS ARCHITECTS, A.I.A.
262 WEST 300 NORTH
SALT LAKE CITY, UTAH 84103
(801) 355-5915 FAX (801) 355-9885

BELLEAIRE BUILDING
MARK PROTHRO, OWNER

PRELIMINARY
SITE PLAN

SD101

01



54

EXHIBIT D - FLOOR PLANS

RECEIVED
MAY -5 1998
PARK CITY
PLANNING DEPT.

A FIRST LEV[illegible] [illegible]OR PLAN

REFERENCE NOTES

FIRST LEVEL
SQUARE FOOTAGE CALCS.

NORTH

COOPER/ROBERTS ARCHITECTS, A.I.A.
302 WEST 300 NORTH
SALT LAKE CITY, UTAH 84103
(801) 355-5915 FAX (801) 355-9885

BELLEAIRE BUILDING
MARK PROTHRO, OWNER
PROSPECTOR SQUARE, PARK CITY, UTAH

FIRST LEVEL
FLOOR PLAN

A101

11

REFERENCE NOTES

SECOND LEVEL
SQUARE FOOTAGE CALCS.

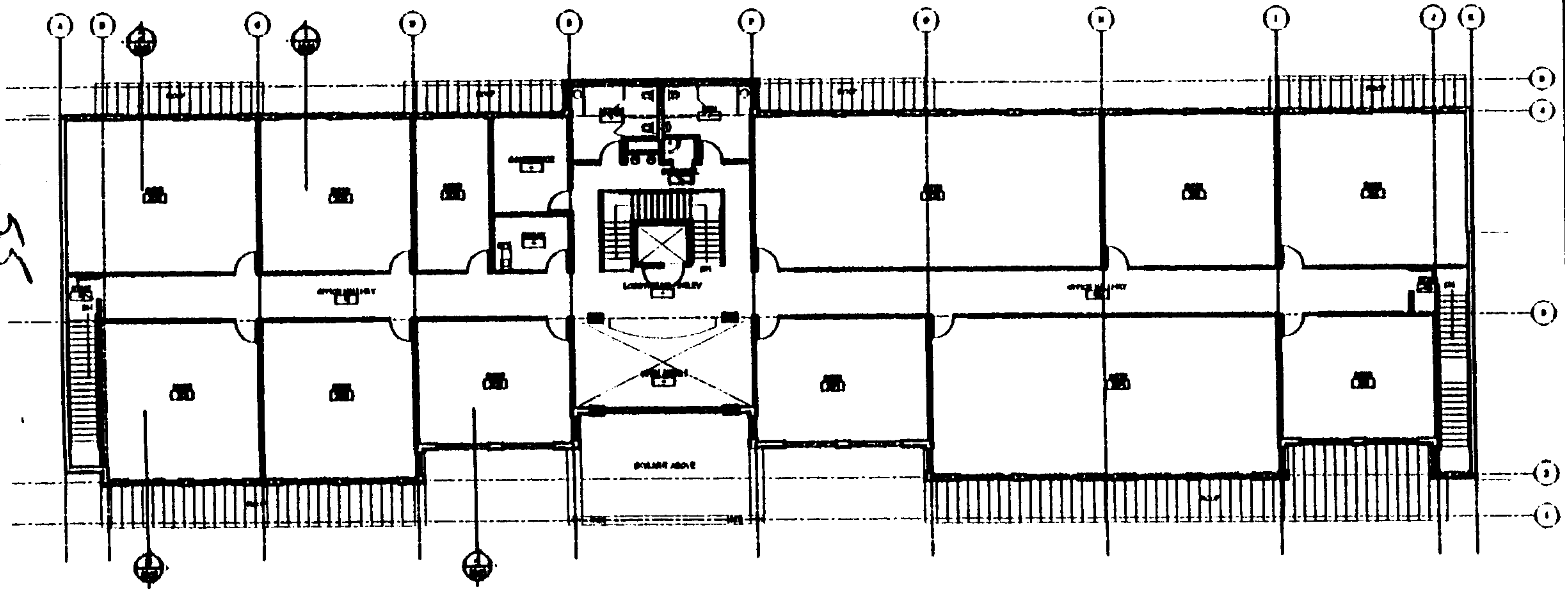


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EXHIBIT D - FLOOR PLANS

RECEIVED
MAY -5 1998
PARK CITY
PLANNING DEPT.

NORTH

A SECOND LEVEL FLOOR PLAN

COOPER/ROBERTS ARCHITECTS, A.I.A.
202 WEST 300 NORTH
SALT LAKE CITY, UTAH 84103
(801) 355-5915 FAX (801) 355-9086

BELLEAIRE BUILDING
MARK PROTHERO, OWNER
PROSPECTOR SQUARE, PARK CITY, UTAH

SECOND LEVEL
FLOOR PLAN

A102

1 SOUTH ELEVATION

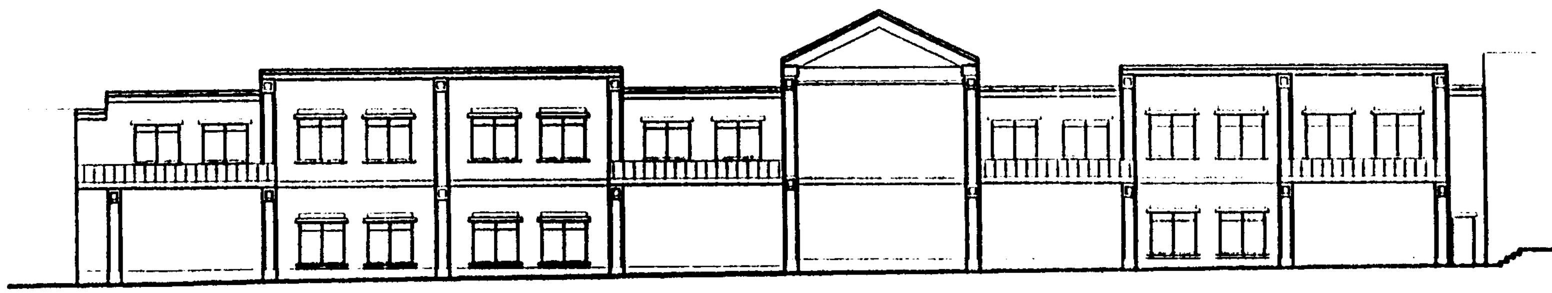

EXHIBIT E - ELEVATIONS

2 NORTH ELEVATION

REFERENCE NOTES

RECEIVED
MAY -5 1996
PARK CITY
PLANNING DEPT.

COOPER/ROBERTS ARCHITECTS, A.I.A.
262 WEST 300 NORTH
SALT LAKE CITY, UTAH 84103
(801) 355-5915 FAX (801) 355-9685

BELLEAIRE BUILDING
MARK FROTHERO, OWNER

EXTERIOR
ELEVATIONS

A201

12
56

PARK CITY
1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 18, 1998

Present: Mayor Brad Olch; Council members Hugh Daniels; Roger Harlan; Shauna Kerr; and Paul Sincock

Toby Ross, City Manager; Kevin LoPiccolo, Planner; Ron Ivie, Chief Building Official; Mark Harrington, Deputy City Attorney; Hope Bleecker, Transportation Director

Absent: Chuck Klingenstein

1. **Council questions and comments.** Hugh Daniels stated that the interagency committee met last week. The School District is looking for $25,000 to expand its ESL program and is planning on holding a special bond election in March for a new school. It was the consensus of the group to postpone the interagency dinner meeting to November after the General Election. He complimented Chief Evans on the for Police Department's annual report. Mr. Daniels asked about the status of a monthly pass at the Racquet Club. Roger Harlan stated that this was discussed at the Parks and Recreation Board's meeting and will return to Council. Ms. Kerr reported that she attended the League of Cities and Towns Legislative Policy Committee on Monday where it was recommended that cities meet with counties about roads. Ms. Kerr raised this with the County Commission and asked that the City Manager follow-up. She discussed participation in the Fourth of July parade. She thanked the golf course and parks staff on the improvements to the golf course facility. The Mayor reported that he, Hugh Daniels, and Frank Bell attended the Summit County Olympic Committee meeting.

2. **Review of regular meeting.**

1944 Sidewinder Drive plat amendment. Kevin LoPiccolo explained that this request is to combine four lots which includes two applications. There is an existing building, Bellemarc, which was constructed a few years ago and did not have to go through a plat amendment procedure. The building was built over property lines and the applicant requested that it be included in this application to consolidate the lots. He described the location of the property. He stated that Councilman Harlan contacted him with concerns about the project. This is a combination of four lots to build one building approximately 23,000 square feet. If the plat amendment was not granted, the applicant could build on the four lots at zero lot line. The plat amendment would result in the same building mass or frontage, but there would be different articulation which each building constructed on the individual lots. Staff has worked with the applicant since last November and has been before the Planning Commission several times. The Commission reviewed it last May and recommended approval to the City Council as they were satisfied with the building design. The

EXHIBIT F - MINUTES FROM JUNE 18, 1998 MEETING expressed that if the plat amendment is denied and there are four separate buildings, the square footage would be substantially less. Mr. LoPiccolo did not agree.

Roger Harlan emphasized that if this proposal is approved, it would result in about 600 linear feet of building comprised of three separate structures. He preferred to have this remanded to the Planning Commission so that the design of each building could be examined again. He encouraged the applicant to approach the Prospector Property Owners Association to explore the possibility of installing vegetation and trees in the parking lot area. The only time that parking lot is filled is when there is an overflow from the Olympia Park Hotel. In response to a question from Shauna Kerr, Mr. LoPiccolo explained that the parking lot existed before development, which is controlled by the Association. He added that staff requested the applicant to pursue additional landscaping in the parking lot and he indicated that the Association would not allow it because of snow removal considerations. Ms. Kerr felt that the Bellemarc Building, the Olympia Hotel, and a new building would create a canyon effect. It would be preferable to approve two double lot buildings rather than one large building there, which would shadow the apartments in the rear. She discussed the impacts to the neighborhood of constructing one building or four separate buildings.

Mr. LoPiccolo noted that the Planning Commission discussed the project with regard to the elements of the General Plan and the Land Management Code regarding design. Paul Sincock pointed out that one large building will look similar to four separate buildings with common fire walls. He suggested turning the four buildings 90° creating parking in the middle and resulting in a more interesting project. Mr. LoPiccolo stated that this was never discussed as the Code allows building at zero lot line. Ron Ivie, Chief Building Official, pointed out that four buildings would require four elevators where one building would only require one. Mr. Harlan stated that although this would be to the benefit of the owner, it comes at great expense of aesthetics to the neighborhood.

The Mayor encouraged the Council to discuss this further at the public hearing on the agenda when the architect will be present.

3. **Communications from staff.**

Flagstaff annexation. Toby Ross stated that in May 1994, United Park City Mines filed an annexation application for the Flagstaff development. Last year, the Council unanimously approved the annexation with limitations on the development parameters. The City has recently received a request from UPCM to consider modifications to the development parameters and to consider additional public benefits it is prepared to offer with respect to those modifications. Time is a critical factor for UPCM and there will probably be a joint work session with the Planning Commission scheduled in July.

Pending LMC revisions. Mark Harrington explained that when the Planning Commission reviewed Phase 1, staff raised the issue of vesting because the LMC has a provision that and the Commission forwarded a positive recommendation to the City Council with the findings of fact, conclusions of law, and conditions of approval as outlined in the staff report. With no questions or comments, the public hearing was closed.

2. Ordinance approving a plat amendment, amending Prospector Square Supplemental Amended Plat to combine Lots 49A, 49B, 49C, 49D of Lot A and 19B, 19C, 7A-2 and 7B-2 of Lot B at 1912 and 1944 Sidewinder Drive, Park City, Utah - Kevin LoPiccolo explained that this is an application for two plats; one at 1912 Sidewinder where the existing Bellemarc building is located over four lots. The 1944 - 1992 Sidewinder application is to combine four lots into one to construct a 22,000 square foot office building. He continued that the standards for a plat amending include (1) good cause; and (2) no person or the public will be injured by the amendment. The application was reviewed by the Planning Commission several times and the Commission forwarded a positive recommendation to the City Council. Staff worked with the architect and the property owner on a better building design. The Commission indicated that approval would be predicated on building design and on May 13, it unanimously approved the building or recommended that the plat be approved.

Council member Harlan believed the applicant has not demonstrated good cause for the plat amendment as there is not enough articulation in the design. The burden of good cause should be placed on the applicant not on the Council or Commission. With no further Council comments, the Mayor invited public input.

Mark Prothro, applicant, agreed that there is a long expanse in the parking lot. He explained that about five years ago, the Prospector Square Association transferred buildable lots from crowded parking areas to lots that were underutilized which resulted in these ten lots being moved to this parking lot. This occurred concurrently with the construction at Silver Lake where a concern was expressed about several architectural styles in a small area. This concern was considered in the design of the Bellemarc Building and Creative Beginnings who used the same architect. He continued that Prospector Square allows building lot line to lot line, and rather having ten buildings with ten different architectural styles, he has tried to narrow that down to be more compatible. Mr. Sincock reiterated his suggestion from work session, which would be to construct two building at a 90° angle. He didn't believe any parking would be lost. Mr. Prothro stated that the Prospector Square Association owns the parking lot and traditionally have wanted to hold on to every parking space. He added that he has a tenant requiring 6,000 square feet on one level, which couldn't be provided if the building is broken apart. Mr. Harlan suggested that Mr. Prothro contact the Association about the reconfiguration. Mr. Prothro commented that the proposed building has more set-backs and facade changes than the existing Bellemarc Building. As a landlord, one building would be more efficient and meet the needs of tenants. There was discussion about the architectural features on the front being carried to the back.

Soren Simonson, Cooper Roberts Architects, explained that they have gone to considerable efforts to break up the mass of the building. There is vertical and horizontal stepping exceeding ordinance requirements. In this case it is one building as opposed to ten buildings, but they feel from a design standpoint that a single architectural theme is much stronger aesthetically. The back of the building is also articulated which is compatible with neighborhood. Landscaping the rear of the building was discussed. Roger Harlan disagreed that four separate buildings would be less architecturally pleasing and described an example in the area. Mr. Simonson explained that while property owners work together to maintain an architectural theme, more often they don't work together. Paul Sincock commended the architecture of the Bellemarc Building and this building, but is concerned that it will "read" like one long building. He encouraged them to "think outside the box", and agreed with Mr. Harlan's comments.

Hugh Daniels stated that he is not comfortable in making a decision tonight and would like to consider this further. The Mayor requested that this matter be removed from the Consent Agenda and moved to New Business. In consideration of Mr. Prothro's comments about the space needs of tenants, Ms. Kerr suggested that the building could be designed in a u-shape with an atrium. This would break up the monotony of a long structure and would still function as one big building.

With no further comments, the public hearing was closed.

3. Ordinance approving the 313 Daly Avenue Subdivision, a plat amendment to the Park City Survey metes and bounds Parcels A and B, located at 313 Daly Avenue, Park City, Utah - See staff report. Ms. Kuhlow invited questions. The Mayor invited public input.

Steve Elrich stated that he is presenting neighbors Jim Smith and Sara Cassidy, who have nine feet of frontage and a parcel in the back. He discussed the three foot setback and if everyone builds, there would be only six feet between the two homes that are about 2,800 square feet in size. Mr. Elrich suggested five foot setbacks because of the size of the homes. Mr. Elrich stated that Smith and Cassidy would be agreeable to five foot setbacks when they apply. There was discussion about proposed provisions in the Land Management Code rewrite.

Rob McMahon, property owner, felt the focus should be his application. He believes the setback on the adjacent property is more than three feet because of the size of the lot. Mr. McMahon wasn't sure if Mr. Elrich is attempting to vest some rights, but the issue at hand is his lot. In response to a question from Paul Sincock, Mr. McMahon stated that he believes that the side yard setbacks are set by formula for larger lots. Mr. Sincock asked if Mr. McMahon has a problem with agreeing to the five foot setback. Rob McMahon stated he would because he has worked through the process and has already agreed to losing 65 feet on the back, and two feet off the front, and now he is looking at an additional side yard setback configuration.

Proposed Office Building

Revised; June 23, 1998

Lot J – Prospector Square Subdivision, Plat Amendment 1993

1. 5 years ago (1993), previous Planning Commission & City Council relocated 5 lots to this area
2. Preliminary plan staggered lots
3. 500' rectangular design to maximize parking
4. Small lots – 2 are split from other lots
5. Anticipate building on multiple lots because of small size

Prospector Square Development Guidelines

1. Zero lot line, similar to Main Street
2. No set backs
3. No parking requirement (2 floors)
4. No landscape

Public Benefit

1. Architectural design control, with Planning Commission & staff review
2. Resulting size control
   - A. 22,165 sq. ft building rather than 4 buildings totaling 24,600 sq. ft
   - B. 1,694 sq. ft additional interior open areas
   - C. Less net leaseable space
3. Building materials review
4. Compatible architectural style with adjacent buildings, yet different architecturally
5. Landscaping as a buffer along Sidewinder
6. Landscaping on site at building entrance
7. 3 buildings rather than 6
8. Less parking impact with less square footage
9. Improved rear architectural design
10. Sidewalk, widen west of Bellemarc

Owner Results

1. Ease of construction and infrastructure cost (high ADA costs for 4 small lots)
2. Loss of leaseable square footage in exchange
3. Large space on one floor to meet demand
4. Higher construction costs to mitigate staff & commission requests to meet code for 200' building
5. $46,265 rent loss per year for set backs, $462,265 for 10 years (2,435 sq. ft @ $19)
6. $67,500 lost land value, setbacks
7. Substantial architectural revision costs

EXHIBIT G - LETTER FOR PROPOSED OFFICE BUILDING

Ordinance No. 98-

AN ORDINANCE APPROVING A PLAT AMENDMENT, AMENDING PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT TO COMBINE LOTS 49A, 49B, 49C, 49D OF LOT A & 19B, 19C, 7A-2 & 7B-2 OF LOT B AT 1912 & 1944 SIDEWINDER DRIVE, PARK CITY, UTAH

WHEREAS, the owner, Prothro Enterprises, of the property known as 1912 & 1944 Sidewinder Drive, have petitioned the City Council for approval of an amendment to the amended Prospector Square Supplemental 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 May 13, 1998 the Planning Commission held a public hearing to receive public input on the proposed final plat amendment and forwarded a positive recommendation of approval to the City Council; and

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

WHEREAS, the proposed plat amendment combines lots 49A, 49B, 49C, 49D of Lot A (1912 Sidewinder Drive) and 19B, 19C, 7A-2 & 7B-2 of Lot B (1944 Sidewinder Drive) into one parcel.

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 in the GC Zone.
2. A Construction Mitigation Plan is necessary to mitigate the impacts of new construction in this heavily built out commercial neighborhood.
3. The revision is necessary to combine both properties into one lot of record.

4. The proposed Lot A is 12, 561 square feet, and Lot B will be 12, 308 square feet.

5. The applicant consents to all conditions of approval.

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

1. There is good cause for the amendments as a better design can be facilitated on Lot A, and the building on Lot B will be brought into conformance with the Uniform Building Code.

2. Neither the public not any person will be materially injured by the proposed plat revision.

3. The proposal is consistent with both the Park City Land Management Code Chapter 7 & 15 and State subdivision requirements.

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

1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.

2. All standard Project Conditions shall apply and Land Management Codes shall apply.

3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year time, the approval and the plat shall be considered void.

4. •All exterior lighting shall comply with the City's Lighting Ordinance and will need to be shown on the elevations prior to final building permit issuance.

5. A master sign plan describing general location and material type will need to be detailed and shown on elevations prior to issuance of building permit.

6. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.

7. All modifications to the plans approved hereby (Exhibit E) as specified by conditions, and all final design aspects, such as architectural detailing, building materials, colors, lighting, sign area must be submitted to and are subject to approval by the Community

Development Department or the Planning Commission prior to the issuance of any building permits.

8. All proposed public improvements are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawing. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.

9. Any desired modification to the approved plans, after the issuance of a building permit, must be specifically requested and approved by the Community Development Department in writing prior to execution.

10. All Standard Project Conditions of Approval apply to this project.

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

PASSED AND ADOPTED this 20th day of August, 1998.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, Deputy City Attorney