PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 13, 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 13, 1998.

AGENDA

Closed Session - City Council Work Session Room - Main Level

2:00 p.m. Personnel Matter
3:30 p.m. Property Acquisition

Work Session - City Council Chambers - Lower Level

4:00 p.m. Council questions/comments
4:15 p.m. Review of regular meeting
4:30 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 amendment to the Park City Survey, known as the Queens Plat Amendment, located at 527 Park Avenue, Park City, Utah

2. Ordinance approving an amendment to the Park City Survey, known as the 201 Norfolk Avenue Plat Amendment, located at 201 Norfolk, Park City, Utah

3. Lot 9 Snow Creek Subdivision

V CONSENT AGENDA

1. Ordinance approving amendment to the Park City Survey, known as the Queens Plat Amendment, located at 527 Park Avenue, Park City, Utah

2. Ordinance approving an amendment to the Park City Survey, known as the 201 Norfolk Avenue Plat Amendment, located at 201 Norfolk, Park City, Utah

3. Contract with Cache Valley Electric for fiber optics project in an amount not to exceed $62,000

VI OLD BUSINESS

1. Ordinance approving amendment to the Anchor Development Plat, a plat amendment to the Millsite Reservation Subdivision No. 1, located at 81 King Road, Park City, Utah

2. Award of contract to Concrete Concepts for Deer Valley Drive South Trail Phase 2 in an amount not to exceed $70,930

VII NEW BUSINESS

Appeal of Planning Commission's approval on July 22, 1998 for a conditional use permit for temporary skateboard facility at Park City Mountain Resort (PCMR); Appellants: Snowflower Condominium Owners Association and Three Kings Owners Association

VIII ADJOURNMENT

Work Session - City Council Chambers - Lower Level

Continuation of discussions on Flagstaff Development.

Posted: 8/10/98

PARK CITY
1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 13, 1998

Present: Mayor Brad Olch; Council members Hugh Daniels; Shauna Kerr; Chuck Klingenstein; and Paul Sincock

Toby Ross, City Manager; Myles Rademan, Public Affairs Director; Rod Daughtee, Technical Services; Alison Kuhlow, Planner; and Nora Shepard, Special Projects Manager

Hank Rothwell, UPCM; Karri Walzer, Planning Commissioner; George Hanson, Midway resident; Dave Stahley, CARG member

Absent: City Councilman Roger Harlan

1. **Council questions and comments.** Myles Rademan reported on the Leadership 2000 forum on September 28 and encouraged Council to attend.

2. **Review of regular meeting.**

Fiber optics project. In response to a question from Chuck Klingenstein regarding vendors for the fiber optics project, Rod Daughtee indicated that staff is still negotiating with U S West. He added that the project is under budget.

Anchor Development Plat. With regard to the vacation involved with the Anchor Development plat, Mr. Klingenstein understood that the Planning Commission made recommendations on the plat amendment and the Council would consider the fair market value of the right-of-way being vacated and other considerations. Staff's recommendation seems to be a reversal of past practice. Ms. Kuhlow explained that the reason staff looked at open space ratios for fair market value is because this land could not be developed separately. The City Manager added that a square foot price on a residential parcel can not be converted and applied to this vacation because it doesn't result in any additional development potential which is calculated by the land already owned by the applicant. The other question is the value of what the City is obtaining. Chuck Klingenstein again asked if this is consistent with past practice. Toby Ross indicated that past practice has been circumstantial and in earlier days when it was desired to induce development on Main Street, property was given away or at a nominal price. In other circumstances the City has charged a lot for property; more recently staff has looked at market value which is the case now. Ms. Kuhlow explained that the applicant is aware of the $17,000 recommendation, but he questioned why a listing price was used. Since that time, Ms. Kuhlow has obtained sales information in Old Town and has additional figures, reflecting $12,000. These sales occurred in the last year. Chuck Klingenstein pointed out the inflated real estate market and there could be up to a 30% increase in real estate values in the past year. He felt that $12,000 sounds low and the listing price is ambiguous. Ms. Kerr suggested $15,000.

See regular meeting minutes. The work session on Flagstaff Development occurred after the regular meeting.

Flagstaff Development. Nora Shepard explained that this is a continuation of the work session last week. She explained that she revised Resolution No. 10-97 according to Council discussions. This is conceptual at this point, and there are things that the Planning Commission must review through a small scale MPD application. She urged consensus on the broad parameters of the project and a potential annexation so the Planning Commission can move forward with the details. She also solicited specific concerns from Council which would eventually be translated into a development agreement as a part of the large scale MPD approval. Council discussed density, development configuration, and limitations on density last week. Chuck Klingenstein indicated his desire to again review density and development configuration. Hugh Daniels stated that there are many identical features with this and the prior application and key components are density and location. There are a few new items and changes including Pods D and C, Bonanza, Iron Mountain, the gondola, and Richardson Flats. He expressed interest in a public hearing on a potential annexation agreement and is not interested in rehashing old issues. Paul Sincock relayed that he has received criticism about the lack of public process on this application, but viewed this as a negotiation which has gone on for five years. Council needs to reconsider the present proposal but it is all part of the same project and the Council has accepted public input at every work session. He emphasized that he receives calls and talks to people and is chagrined to hear there is no process. Mr. Sincock stated he would like to hear input, but it should be specific and there should be suggestions to mitigate concerns. Ms. Kerr stated that she is uncomfortable with the process until the Council talks with Wasatch County. She believes there are variables that both parties can resolve or this process can be bifurcated now, similar to The Canyons, where everything is open space except for Pods A and B and then Council can work on what happens in Wasatch County. Right now, the City has solved as much as it can on this side of the mountain. She disclosed that she has spoken with one of the Wasatch County Commissioners and believes there is an opportunity to meet. Bonanza is a "wild card" right now.

Chuck Klingenstein recalled that last year, there were 16 single family homes on Prospect Ridge and was confused if the location is at 7,900 feet or 7,800 feet. Nora Shepard indicated that Resolution No. 10-97 reads 7,800 feet but is unsure about the Planning Commission recommendation. Ms. Kerr believed that there is a land feature like a road that identified the elevation. With regard to Pods A and B, Chuck Klingenstein suggested that rather than determining types of units would prefer to discuss development in terms of unit equivalents and allow the

Planning Commission at the small scale MPD to decide the best mix for a village. He emphasized the importance of a mountain village that is transit and ski oriented with density as tight and concentric as possible. Around the day lodge there is some multi-family which can not be served by mass transit. The Planning Commission process should also determine the transit options. There was discussion about housing and access to the day lodge area. Nora Shepard clarified that the Planning Commission indicated that Pod A (Prospect Ridge portion) could contain single family units not to extend below the 7,900 foot elevation and Council moved forward with 7,800. The Commission recommended that the size of the single family units be evaluated at master plan approval. Ms. Shepard recalled there was a presentation by the applicant regarding the delineation. Hank Rothwell pointed out there is a road at 7,800 feet used by the City to service its water tank, providing access to UP&L to a substation and for the City and the mine to access the Judge Tunnel. He noted that the Planning Commission felt the heights needed to be restricted but there would be some use of that road. The 7,800 foot level accommodated the prior plan for 24 lots above the road which eliminated about one-third of the density in that proposal. There would be a subdivision road, and restricted access for the City and utilities to the Judge Tunnel. In keeping with direction from both the City Council and the Planning Commission for on-site employee housing, they looked at a site at the mouth of that canyon as potential seasonal housing for employees.

Hank Rothwell continued that they believed that multi-family is appropriate resort support housing in the day lodge area and a bridge and/or tunnel for skier access from the new expansion down Empire Canyon to lifts that are proposed in the future would be needed. Chuck Klingenstein reiterated his recommendation for a tightly clustered transit-oriented mountain village. Councilman Sincock agreed. Ms. Kerr also supported efforts to make Pods A and B a village; it could support more density to increase the likelihood for mass transit to work and may also cut infrastructure costs. Hank Rothwell agreed with the concept and felt that a 35,000 square foot, 750 seat restaurant is a significant anchor and opportunity to site on the top of a reclaimed 100 year old mine site, with a residential component that is resort support and multi-family in nature. They would welcome City transit service there, as is done at Silver Lake and if a gondola is not approved, UPCM has made a commitment to supporting the bus system to meet the demand of public access. Hugh Daniels asked what was originally envisioned in Pods A and B. Hank Rothwell explained that the Planning Commission approval provided for a range of 650 to 750 units of which 100 units were single family in Pod D in exchange for a Bonanza Flats commitment. The residential component, in their minds, was in excess of 500 residential units which was a mix. After many discussions in the last few months, UPCM has made an effort to cluster density around anchors. Chuck Klingenstein suggested that perhaps the day lodge is in the wrong location as there are day lodges around the country that sit alone. There was discussion about the location's proximity to ski lifts. Mr. Rothwell stated they want to motivate skiers not to rely on cars or mass transit a good portion of the day. Paul Sincock agreed with the suggestion at arriving with a density number and having the Planning Commission determine the mix. Ms. Kerr expressed Council consensus as not having a Pod A and Pod B, but a concept of a village that makes mass transportation work as well as the skiing component. The Mayor felt that the village concept works well in Pod A, but there are challenges in Pod B.

Nora Shepard understood that Council wants the Planning Commission to deal with the configuration, the mix, and the boundaries of the mountain village and asked if Council desires to determine densities. Paul Sincock reported that on March 2, 1997, the Planning Commission approved 750 units, 582 multi-family, 130 single family, together with hotel, commercial and employee housing units. The City Council also approved 750 units, but reduced the square footage per unit which affected the amount of construction. Council approved 500 multi-family and 42 single family with none in Pod, and the same amount for hotel rooms. The latest proposal includes 524 units, 350 multi-family, 60 PUD units, and 54 single family houses. Hotel units are reduced. Paul Sincock suggested taking out the 16 single family on Prospect Ridge and change them to PUD units, resulting in 350 multi-family, 76 PUD units, and hotel units which could be located in the mountain village. He walked the site and reviewed the plans, and prefers no housing in Pods C and D, however in light of this new proposal, the 32 and six units are okay because UPCM has carefully planned open space areas. Limits of disturbance should not be within 50 feet of a ski run. He could also support moving the six homes in Pod C to Pod D. What is being proposed is about 14% to 15% less than the Planning Commission recommendation. He suggested reducing parking requirements for visitors to encourage mass transit or gondola use, and reduce car trips. Mr. Sincock pointed out that he total development acres in this proposal are about the same approved by the Planning Commission. In the context of Empire Canyon, this is not that much different than what was approved by the Commission.

The Mayor asked why Mr. Sincock suggested changing the single family on Prospect Ridge to PUDs. Paul Sincock believed this to be more consistent with resort support. PUDs are 3,900 square feet instead of up to 10,000 square feet and the structures would be less intrusive and more in keeping with the mountain village atmosphere. The Mayor discussed the Telluride mountain village. He felt that the gondola is a wonderful concept but the $5 to $6 million required to build a gondola may be better served by buying down density somewhere in the project. Hank Rothwell relayed that he has information on the Telluride mountain village which is about five times larger than their proposal and understands concerns about attempting to make a gondola functional and long-term. He agreed there is a point where it doesn't make good economic sense if there isn't enough critical bed base, but if the gondola makes sense, UPCM will cluster and tighten density to whatever extent reasonable. Paul Sincock felt it appropriate to leave this issue as an option in the approval which requires more study. The Mayor again referred to the flexibility of using those dollars for something else.

Hugh Daniels stated that he was the only member of Council who supported development in Pod D earlier and still does and would prefer Pod C in Pod D to reduce sprawl and additional infrastructure. He felt that the City and the applicant agree on many things. With regard to the gondola, he would hate to see something built that won't work and it might not be an easy approval through the Historic District Commission. Mr. Sincock's numbers seem in line, and he could live with single family on Prospect Ridge, but would prefer it somewhere else like Pod D. All this is negotiated and it's not just one thing, but relates to access to Bonanza Flats, improvements to SR224, and Brighton Estates development. Mr. Daniels stated that he has concerns about traffic and controlling it is a benefit to the community. He is pleased with the recreation options on Richardson Flats which has value to him. Iron Canyon is sort of land-locked and doesn't have as much value to him. There is going to be development and it should occur within the City. He concurred that Wasatch County be involved in discussions and would prefer that Bonanza and Empire Canyon are dealt with together. He supports ski improvements on 10-420 which has always been in the master plan.

Shauna Kerr stated that she still is opposed to development of Pod D, because of road cuts and infrastructure and would prefer to have these houses on Prospect Ridge which is close to development. She believes the PUD units in the mountain village should not be detached and clustered so the likelihood of using mass transportation increases. There are less utility cuts when units are built closer to each other and it is less invasive to the environment. She felt Mr. Sincock's numbers were reasonable but would like to see the single family in the upper area omitted and could support transferring those to the canyon. However, she stated Mr. Rothwell informed her that single family homes couldn't convert into multi-family. Without more multi-family in the mountain village and Deer Valley participating in service in the Silver Lake area, she is skeptical that the gondola will be functional. There needs to be a transportation connection into an area where parking is already at a premium. If the gondola does not get built, there should be an exchange of a similar amount that will compensate for the transportation component in a meaningful way or reduce density. She continued that the phasing is important to her, and extension of services and utilities should be logical from bottom to top and from the top to Bonanza. The mountain village and Prospect Ridge should develop first and utilities on Pod D not be expanded until there are meaningful results in the mountain village. Bonanza should not come on line until the other phases are significantly completed.

Hugh Daniels pointed out that much of this information is still conceptual but would like to move forward. Mr. Sincock discussed the possibility of Wasatch County not approving an acceptable project within a reasonable time. If this occurs, the applicant may seek additional density for exchange of Bonanza Flats and felt this new idea was something worth exploring. Chuck Klingenstein felt that the six single family homes in Pod C should be clustered so that Pod D is the only north side neighborhood. He pointed out that Wasatch County may make a determination on a multi-family tightly clustered configuration in Pod D in a golf course concept. The gondola should be linked into Silver Lake and bed base. And although it is faster to drive into town, it is not necessarily a safe ride and there is paid parking. The Mayor suggested incorporating Pod C into Pod D and if the amount of density in Bonanza is challenged by Council, the City may have to look at increased density in Pod D. Chuck Klingenstein agreed with Ms. Kerr about phasing, and the mountain village and north side neighborhood could be Phase 1. Hugh Daniels noted this has merit, but Wasatch County may have feelings about this. It was clarified for the benefit of Ms. Shepard that phasing in Bonanza would include the golf course. Nora Shepard felt that Council has rendered good direction. Ms. Kerr clarified that she has initiated discussions and will be hearing back from the Wasatch Commissioner regarding a joint meeting.

The Mayor invited comments from the public.

Planning Commissioner Karri Walzer felt this application is a different project than the Commission reviewed over the past three years. She can't imagine a gondola in Old Town impacting residences and no one has been noticed about the gondola. This is a Planning Commission issue and the Mayor stated earlier that he didn't want to serve as a "super Planning Commission" but that is what the Council is essentially doing, because this is a different project. At this point, she doesn't understand all of the components and as a citizen she believes this needs to go back through the process and that there needs to be public input again. She questioned the reality and exclusivity of gated communities. It has been well over a years since the Planning Commission approval and project approvals are only valid for one year. She doesn't understand why this is different; there will be repercussions if the process isn't followed.

George Hanson, Midway resident, felt that the public has been involved. He urged the Council to pursue discussions with the Wasatch County Commissioners. He commented on the City obtaining an easement to protect its borders on the south side. If Council is considering buying property, it should look at the entire area including Bonanza. He encouraged Council not to solve Brighton Estates' problems. Construction mitigation could be handled by having on-site materials, van pooling workers, limiting the hours of deliveries to 6 a.m. to 9 a.m. and 6 p.m. and 9 p.m., and watering the road. He questioned if the City really wants Brighton Ski Resort to access ski improvements on 10-420 and there was discussion that the lift would be located in Wasatch County and the City is not contemplating annexation at this point in time. Mr. Hanson countered that the Council needs to look at this holistically because it is part of the plan. One hundred and sixty homes in Bonanza Flats is preferable to any ancillary development alternative that the City has the power to stop.

Dave Stahley, CARG member, pointed out the difference in accepting public comment and soliciting public comment. A meeting should be noticed to provide an opportunity for public input. With regard to the 7,800 foot level road on Prospect Ridge, access to the Judge Tunnel occurs through Daly (Empire) Canyon. CARG has discussed purchasing a portion of the project or the entire project with UPCM and encouraged that negotiation to continue. Shauna Kerr felt that realistically the City doesn't have enough money to buy the project. Mr. Stahley understood there was a discussion last year, but the City's offer didn't get the attention of UPCM. A purchase can be pursued if UPCM can relay what Pods C and D and Bonanza Flats are worth as there will be a huge time frame to realize a return. He felt it possible to add $10 to $15 million of private funds. Chuck Klingenstein felt it would take all open space funds and may prohibit the acquisition of open space parcels in the future to save this project. Ms. Kerr agreed that a $30 million bond would probably be the maximum the City could ask from the public. Paul Sincock added that the option to purchase or buy down density is not out of the realm of possibility. The City Manager recognized that CARG would like the City to purchase the entire project, and asked if there are areas that are priorities for consideration. Mr. Stahley felt that the upper potions are prime space, Pods C and D, Bonanza Flats, and Pod A. He asked for more time for CARG to formulate a recommendation on a purchase. UPCM has experience with tunnels and an option could be a subway from Old Town to Silver Lake and to Pod A rather than a gondola.

Nora Shepard distributed a memo on employee housing prepared by Mountainlands Community Housing and staff for Council review. The City Manager indicated that staff will meet with Mr. Rothwell about the suggestions made tonight and a work session can be held next week to finalize language and determine a public hearing date.

Prepared by Janet M. Scott

PARK CITY 1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 13, 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 13, 1998. Members in attendance were Brad Olch, Hugh Daniels, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Roger Harlan was excused. Staff present were Toby Ross, City Manager; Kurt von Puttkammer, Planner; Meg Ryan, Planner; Alison Kuhlow, Planner; Kevin LoPiccolo, Planner; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter not scheduled on the agenda.

Flagstaff Development Project:

Ed Brophy, resident, admitted that he doesn't have all the facts on the Flagstaff annexation but felt that the Planning Commission, staff, Council and CARG members all have differing opinions. He felt that Planning Commissioners Jones and Larson are diametrically opposed to Council's position. He hoped that people would get closer to consensus.

Liz Hoey, CARG member, read a letter she wrote to the *Park Record* Editor. There was record breaking public attendance last year on Flagstaff which was a mandate. She believed the Council is avoiding a formal public process and the only direction being given to the planning staff is from the developer. She asked what Council's platform is on this issue and emphasized that a "no comment little advertised" work session is not enough. The Council should publicly clearly state the tracks of its logic on this matter. If the public states nothing new it is because the answer is still no and because there has been no proper process to gather meaningful input. Ms. Hoey continued that they have been told to look at the big picture and acknowledged the development in and around the area. If Wasatch County is that stupid to ruin the most beautiful area in the country, then what has the City done but to let them do it and they can take the burden of responsibility for it. We are sacrificing what we can control to grasp at something we will never entirely control, Wasatch County. She continued that controlling the road is no guarantee that they will never develop. The City can only stick to its own principles, do what is right according to our rules, and try to convince Wasatch County why we believe their way to be detrimental. The City has the ability to create our own buffer in an area contiguous to us if we would just realize that Summit County might not bend over as far as Park City. She stated not only does it seem that Council doesn't believe that, but it is not doing much to address it.

Rich Wyman, resident, explained that five years ago, he and others formed a coalition of residential renters which evolved into CARG as the focus changed to growth issues, particularly with Flagstaff. CARG and worked hard and has been influential in getting people out to public hearings over the years. Last year, the public input was huge and it wasn't just CARG. Mr. Wyman stated that this is not a public hearing and this project is sliding through too fast. The project is now back and it's bigger.

Mary Martin, resident, stated that she lived in Aspen for 24 years and the only answer to growth problems is to form a political organization of residents. People need to raise money to buy property. She explained her involvement in an Aspen organization. She would be glad to support anyone who will organize a people's rights organization. Government can become arbitrary and give into the developer. She reiterated that in order to preserve property, money has to be raised

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV PUBLIC HEARINGS

1. Ordinance approving amendment to the Park City Survey, known as the Queens Plat Amendment, located at 527 Park Avenue, Park City, Utah - Kurt von Puttkammer explained that this is a combination of three lots into two lots. A sewer easement will run down the center; there are two existing structures on the property. With no questions or comments from the public or the Council, the public hearing was closed.

2. Ordinance approving an amendment to the Park City Survey, known as the 201 Norfolk Avenue Plat Amendment, located at 201 Norfolk, Park City, Utah - Kurt von Puttkammer pointed out that the property is steep and this application is intended to consolidate 13 parcels into one lot. The Planning Commission and Historic District Commission have approved the design of four single family homes over a nine stall parking structure. This will allow the applicant to proceed to obtain a building permit and there will be a condominium plat at a future date. With no questions or comments from the public or the Council, the public hearing was closed.

3. Lot 9 Snow Creek Subdivision - Meg Ryan explained that this is a ten acre site and the proposal divides the property into two parcels; one being Lot A which is approximately two acres. This is part of the large scale master planned development for the Snowcreek Project of which the commercial portion is 90% completed. There were previous discussions two years ago about hotel development and residential but there was no general consensus. She explained that the

subdivision on the two acre piece house a postal center. There are special considerations for access, circulation, wetland mitigation, and trail realignment, which are draft recommendations.

Chuck Klingenstein stated that he looking for integrated uses on the site and is concerned that this proposal is not for a local post office but a regional distribution center which really belongs in an industrial location. He doesn't see how this fits into the entry corridor. Post Office Regional Director Steve Johnson responded that this is not a regional postal center, but a new main post office for Park City. The reason for the size of the deck is to plan for Park City's growth in the future. The operations housed in the building include replacement for the Emporium Post Office and services are solely for Park City (Zip Codes 84060 and 84068). Summit County, Jeremy Ranch or Kimball Junction services are handled at Kimball Junction. In response to a question from Paul Sincock, Mr. Johnson stated that this facility will be four times larger than the Main Street Post Office. He explained the letter carriers for 84060 and 84068 were relocated to Kimball Junction and will be moved back to the new facility; additionally there is a need for new post office boxes.

Post Office Representative Ed Bavouset explained that the need for more space did not occur overnight and this project has been on their priority planning schedule for over five years and competes with 11 other western states. He emphasized that there are no plans to close down the existing Main Street Post Office, which will be reclassified as the Park City Downtown Station. The interior will be renovated, there will be a postal store, and the level of service will be increased. The new facility will only serve Park City. Postmaster Sandy Trout explained current truck traffic and added that one major concern is the lack of a dock at the Emporium Station which is a safety hazard, especially in the winter-time.

With regard to concerns about the traffic generation associated with a post office, Chuck Klingenstein reported that a shopping center generates about 80 trips per day per 1,000 square feet; a convenience market 577 per 1,000; and a government building (post office) 70 per 1,000 square feet. Mr. Klingenstein pointed out that the community has prided itself in a level of character and feared allowing an interior design to drive an exterior design, and trying to "hang things" on it to make it look better. The building needs to become integrated into the site and entry corridor and meet the intention of the Land Management Code and General Plan. Ed Bavouset clarified that the postal service standardizes its designs, however, it has flexibility to accommodate designs so that they are architecturally compatible with the community. He understood that federal government doesn't have to subject itself to local ordinances, but it is the postal service's philosophy to comply wherever possible to all local requirements. Mr. Bavouset noted that he has stated to staff that they will accommodate the exterior design as the District is looking at the design as a flagship for the 2002 Olympics. Steve Johnson added that their architect has been working with the planning staff and Planning Commission and this rendering is the third iteration. Paul Sincock discussed a preliminary concept of integrating the post office with a transit center/parking structure. Mr. Johnson believed that their architect met on this issue and there is flexibility in the design as it relates to the parking structure. The Mayor invited the public to comment.

George Hanson, Midway resident, stated that there is an aesthetically well designed post office building in Midway.

Meg Ryan understood that the post office would begin construction next spring and there will be further discussion when the City has more direction on the parcel. She illustrated a site plan received this afternoon and oriented the public to features of the parcel. Fred Murdock, postal service architect, stated there isn't an architect on board for the remainder of the site and they have made assumptions about where to tie the two facilities together. He pointed out a possible bridge-way location. He explained access for trucks, the parking deck, and the layout of the building. Chuck Klingenstein felt there would be two boxy buildings side-by-side; Mr. Murdock explained that the intent is to have two facilities that are complimentary and one massive building would be detrimental. Ms. Kerr suggested having parking between the buildings. Mr. Murdock stated that they considered this but they wanted to avoid having the main entrance to the post office facing the parking structure. He added that it is proposed to use sandstone for a rustic feel. The main level is visible from SR224 and the only time the basement level can be seen is from the east side. He reiterated that the intent is to work closely with the staff and the planning staff, and there isn't an architect for the balance of the property.

The Mayor thanked representatives from the post office for attending, and closed the public hearing.

V CONSENT AGENDA

Chuck Klingenstein, "I move approval of the Consent Agenda with three items". Shauna Kerr seconded. Motion carried.

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

1. Ordinance approving amendment to the Park City Survey, known as the Queens Plat Amendment, located at 527 Park Avenue, Park City, Utah - See public hearing and staff report.

2. Ordinance approving an amendment to the Park City Survey, known as the 201 Norfolk Avenue Plat Amendment, located at 201 Norfolk, Park City, Utah - See public hearing and staff report.

3. Contract with Cache Valley Electric for fiber optics project in an amount not to exceed $62,000 - See public hearing and staff report.

VI OLD BUSINESS

1. Ordinance approving amendment to the Anchor Development Plat, a plat amendment to the Millsite Reservation Subdivision No. 1, located at 81 King Road, Park City, Utah - See staff report and work session notes. Alison Kuhlow explained that in 1996, the City Council adopted an ordinance approving the Anchor Development Plat. In 1998, applicants Mike Watts and Rudy Reit submitted an amendment to the plat to add two addition lots to accommodate two single family homes and requested the vacation of a portion of Ridge Avenue right-of-way. She urged Council to consider compensation and approval of the plat amendment. Hugh Daniels stated that he could support moving ahead with $6,980 for Lot 1, $9,782 for Lot 3, and $1,072 for Lot 4. Mike Watts explained that the staff report contains an average listing price and sales information for the past year. He felt that some of the listings are skewed and aren't relative to the market; appraisers base their information on what has sold, reflecting of the market. Mr. Watts believed there is compensation being given to the City through conditions as there is a reduction of density and height, and increased setbacks and suggested an average sale prices. He pointed out that the City would not purchase property at a listing price without obtaining an appraisal which is based on sale information. Ms. Kuhlow indicated that the sales prices are within a year. Chuck Klingenstein felt that the sales prices are too old. There was a suggestion of averaging the high and low ends resulting at $15,000 to $16,000. Ms. Kerr, "I move to approve this at the sum of $15,000, with a condition that on Lot 4, the sum be fixed at $900 because of the facade easement". Chuck Klingenstein seconded recognizing that other consideration was a part of this application. Motion carried.

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

2. Award of contract to Concrete Concepts for Deer Valley Drive South Trail Phase 2 in an amount not to exceed $70,930 - See staff report. Hearing no questions or comments, the Mayor requested a motion for approval. Chuck Klingenstein, "I so move". Shauna Kerr seconded. Motion carried.

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

VII NEW BUSINESS

Appeal of Planning Commission's approval on July 22, 1998 for a conditional use permit for temporary skateboard facility at Park City Mountain Resort (PCMR); Appellants: Snowflower Condominium Owners Association and Three Kings Owners Association - Kevin LoPiccolo discussed the distribution of a noise analysis which was sent to the appellants. This proposal is located at 1310 Lowell Avenue at the north end of the Resort's lower First Time parking lot. Snowflower is approximately 120 feet away; Three Kings to the north is approximately 120 feet. The noise ordinance is based on 110 feet. The Snowflower appeal is based on the impacts of the proposed skateboard park to their long term visitors, decrease in property values, increase in noise, loitering, utilization of bathrooms and locker rooms, and potential vandalism. The grounds for the Three Kings appeal include failure to notice property owners within 300 feet for a conditional use permit, disregard of residents, inappropriate location, and an incomplete CUP because of unknown noise levels and capacity. He continued that as a part of the conditions of approval of July 22, noise was addressed and approval was conditioned with compliance with the City's noise ordinance and during the Planning Commission hearing, music was eliminated to make sure that the facility would comply with the noise ordinance. The Three Kings Home Owners Association was listed as a property owner and notices were given.

It was pointed out that the noise ordinance applies regardless of conditions of a CUP. Jodi Hoffman stated that the Council sits as a quasi-judicial body, and not as a legislative body. The Council's rules of conduct on an appeal are to determine whether or not the Planning Commission erred as a matter of law; whether it failed to consider a Land Management Code requirements or criteria in arriving at its decision. She emphasized that the Council does not sit as a super Planning Commission or substitute its judgment for the Planning Commission. This is relatively formal process; the Council will first hear from the appellants and any non-duplicative testimony that the appellants would like to solicit from the audience, and the Council may ask questions of the appellant and that part of the appeal will close. Next, the respondent will testify and the Council will deliberate in open or closed session and render a decision which will be put into writing by the next Council meeting. There is no general public input unless the appellant or respondent assign others to testify. Hugh Daniels disclosed that he received information from Tom and Louise Fox regarding the appeal and has distributed a copies to the Council.

Appellant Teri Whitney, representing Snowflower Condominiums, stated that the owners are not against the facility itself but the location. They feel it is inappropriate to be so close to any residential complex and have concerns about noise. She felt the fence will help but the are three and four levels and is uncertain how sound will travel beyond the fence. Individual owners were not notified but the Association received notice. All other concerns have been addressed and overall, the Snowflower Condominium owners hope that the City and the Mountain Resort can find a good location for the skateboard park, because they feel it could be a successful facility.

Chuck Klingenstein read an excerpt from the LMC regarding courtesy notice which indicates that it is not a legal requirement and any defect in courtesy notice shall not affect or invalidate any hearing or action by the City Council or any board or commission. He asked for clarification regarding noticing home owners associations. Ms. Hoffman explained there is a policy of notifying condominium associations through their registered agents. It is the responsibility of the associations to register with the City. Jodi Hoffman explained that a courtesy notice is not a legal requirement because it is not determining the use of any property other than the property at question. A plat amendment, however, requires that every property owner who is part of a plat be notified as they have property rights. This is an adjacent property and all three types of notice have been sent.

Appellant Dick Weber inquired if the findings are available from the Planning Commission's meetings. Ms. Hoffman indicated they are a part of the staff report. He felt there was failure to notice property owners as the last notice they received was with regard to grading the hill; there was no notice regarding this application. The staff report from the July 9 meeting did not mention the Three Kings Association, even though they are within 300 feet. He asked if the applicant prepared pre-addressed stamped envelopes for a mailing to adjacent property owners. Kevin LoPiccolo explained that when the staff report was written, the majority of the 72 letters received were from the Snowflower Condominiums property owners. He added that the applicant provided envelopes which were mailed; Mr. Weber insisted they did not receive notice. Shauna Kerr interjected that this was already addressed; the notice was sent to the home owners associations. Mr. Weber insisted he did not receive notice. Chuck Klingenstein pointed out that courtesy notice is not a legal requirement and lack thereof would not invalidate Council or board actions. Mr. LoPiccolo stated that as part of the CUP process, he believes that Three Kings was notified as a letter from Mr. and Mrs. Fox was received from Three Kings opposing the skateboard park. He added that applicants often use a title company to research owners within 300 feet and seven or eight properties were identified within the radius. Mr. Weber insisted the Fox's didn't learn about the project through mailed notice. He just happened to attend the Planning Commission hearing and was surprised at the progress of the project. Mr. Weber stated that the size of the project increased to 24,000 square feet from 16,000 square feet and there is no capacity limitation. It was not prudent of the Planning Commission to hold the noise ordinance at bay without capacity numbers. Paul Sincock explained that a conditional use permit can not exempt the noise ordinance in any event. He added that he visited a skateboard park in Steamboat Springs and the activity could not be heard 100 feet away. Mr. Weber emphasized there is not enough information to make a decision and there was bias on the part of staff and the Planning Commission. The neighborhood has voiced that it doesn't want a skateboard park at this location and at the July 8, 1998 meeting, the majority of the Planning Commission questioned whether the location was the best site for a skateboard facility. He felt that the skateboard facility could be moved to a less intrusive location, at least 300 feet from a residential area. Because he has to report back to the Board, he would like to hear Council member's reasons for upholding or denying the appeal and feelings on a skateboard facility.

Doug Clyde, Park City Mountain Resort, stated that when this application was filed they contacted the property managers for Snowflower, Three Kings, and Silver King Condominiums, held a meeting on the site and presented the plans. Because this is a temporary facility, it was desired to locate it on existing asphalt which needs to be relatively flat, and this site was selected. It was also felt that the site has fairly generous setbacks from other surrounding properties, and because of the construction, their options were limited. Mr. Clyde noted that as a part of discussion with the Planning Commission, they conducted noise measurements at a skateboard park in Salt Lake City. They felt comfortable that they would be able to comply with the noise ordinance and understood that there would be no exception. As a condition of approval, the Commission requested a noise study and that was provided. Music is also prohibited as a condition of approval. Doug Clyde indicated that this is a temporary approval but would like to monitor it and receive feedback from adjacent property owners as the skateboard facility requires a fairly flat platform which this site provides. It was clear to Mr. Clyde that if there is a noise violation that the facility will be forced to close.

Jodi Hoffman stated that members of the Snowflower Condominiums and Three Kings Condominiums were present at the Planning Commission hearings, and regardless of whether notice was sent properly, presence waives a complaint about notice.

Hugh Daniels pointed out that Council must determine whether the Planning Commission acted correctly under the LMC and its decision is not based on personal opinions about skateboard parks, but based on Council's error of law philosophy for quasi-judicial matters. In reading through the appellants' letters and receiving testimony, he understood that noise levels are not part of a CUP, this appears to be a location which is zoned appropriately as long as it receives a CUP, and it appears that the Planning Commission properly reviewed this CUP according to the LMC. Mr. Daniels felt there was a phenomenal response to this application through any number of means and in reading through the Planning Commission minutes, he couldn't find where it regarded one section of the community and disregarded another part. He felt the explanation for notice for CUPs has been covered, and there has been input from many people. Mr. Daniels stated he will be upholding the Planning Commission's decision.

Ms. Kerr did not believe that the appellants have met their burden of proof that there was some error committed at the Planning Commission level and would vote to uphold the Planning Commission's approval. Chuck Klingenstein concurred with Council's comments; he understood the concerns expressed at the hearing and in correspondence, but believed that the Commission reviewed all issues adequately. Paul Sincock agreed with Mr. Daniels' comments and can find no evidence that would merit overturning the Planning Commission's decision. He expressed that he was amazed at the opposition to a skateboard park near residential areas and felt it is an expression of fear of delinquency. He does not believe that to be the case and has personally observed skateboard parks and discussed the success of a facility in Helen, Montana. He is uncertain if this is the best location, but this will be a good experiment which he personally supports. The Mayor indicated that he agrees with his colleagues. He emphasized to the public that in order to make a difference on planning issues, opinions need to be expressed at the Planning Commission level, rather than appealing to the City Council, expecting it will act as a "super Planning Commission".

Ms. Kerr explained to Mr. Weber that she would feel uncomfortable expressing her personal feelings about the facility site because her role tonight is whether the Planning Commission committed an error in judgment. She then made a motion, "I move that we uphold the Planning Commission's decision, and would be happy to give him (Mr. Weber) any personal commentary". Chuck Klingenstein seconded. Motion carried.

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

Ms. Kerr pointed out the intense construction noise in the area involving the Resort and Snowflower and felt the noise from a skateboard park would be nominal in comparison. This may not be the perfect site, but this is an opportunity the Planning Commission considered in terms of our youth's needs. She hoped there will be a permanent facility in the future. Chuck Klingenstein understood the fear of the unknown, and success is dependent on the management of the site. The Resort has tremendous experience and he hoped there could be an additional public facility. Hugh Daniels added that he is also not sure this is the long-term site but is convinced there is a need for some sort of a facility. Kids are also citizens in our community and he hoped they would police themselves and help make the skateboard park successful. This is a starting point and a good experiment.

VIII ADJOURNMENT

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

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Roger Harlan 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 a personnel matter and property acquisition". Chuck Klingenstein seconded. Motion carried.

The meeting opened at approximately 5:15 p.m.

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STATE OF UTAH)
ss.
COUNTY OF SUMMIT)

CERTIFICATE OF CLOSED SESSION
CITY COUNCIL OF PARK CITY, UTAH

As presiding officer of the City Council of Park City, Utah, I hereby certify that the closed session meeting held by the City Council on August 13, 1998, was held pursuant to Section 52-4-5(1)(a)(I) to discuss the character, professional competence, or physical or mental health of an individual.

DATED this 14 day of SEPTEMBER, 1998.

Bradley A. Olch

Mayor Bradley A. Olch

Subscribed and sworn before me this 14 day of SEPTEMBER, 1998.

NOTARY PUBLIC
JANET M. SCOTT
445 Marsac Ave. P.O. Box 1480
Park City, Utah 84060
My Commission Expires
March 11, 2000
STATE OF UTAH

Janet M. Scott

Janet M. Scott, Notary Public

* * * * * * * *

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

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1,
1884

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY
1884

CITY COUNCIL REPORT

DATE: August 10, 1998
DEPARTMENT: Community Development
AUTHOR: Nora Shepard NCS
TITLE: Flagstaff Development
TYPE OF ITEM: Annexation

SUMMARY RECOMMENDATIONS:
Review the attached working document.

DESCRIPTION:

A. Topic:

United Park City Mines Company (UPCMC) is requesting that the City Council amend the terms of the Resolution 10-97, Resolution of Intent to Annex.

B. Background:

The City Council and Planning Commission have held several work sessions on proposed amendments to the terms of annexation. The work session on August 13, 1998 is a continued discussion of the proposal. A working paper is attached for use in this review.

C. Analysis:

At the last work session, the City Council discussed and provided direction on

- Density and Configuration (Section 1)
- Employee Housing (Section 5)
- Open Space Protection (Section 6)
- Construction Mitigation (Section 4)
- Phasing (Section 7)
- Parking and Traffic Mitigation (Section 3)
- Water (Section 2)

The staff is requesting that the City Council continue discussion of the issues which include:

- Proposed development in Bonanza and the offer to limit that development (Sections 1B; 2)
- Proposed public amenities in Richardson Flat (Section 8B)
- Project design, road width (Sections 2,3)
- Gondola (Section 3D)
- Fiscal Impacts (separate document)

The attached working document is fairly conceptual. Once the major issues are agreed to, it is anticipated that the staff will prepare a development agreement for review and action by the City Council.

As was discussed last week, many of the specifics of the development will be reviewed and determined after a development agreement has been approved and as a part of Small Scale Master Plan review for each piece of the project. At this time, it is important to set forth the general parameters and identify specific direction for further review.

D. <u>Department Review</u>:

The Planning Department has had an opportunity to discuss the proposal and has the following comments:

- Mountian Village - the configuration and location of units in Mountain Village should be looked at in much more detail with an effort to screen development and preserve significant natural areas.

  The single family homes on Prospect Ridge should be carefully reviewed and limited in size and height based upon detailed visual analysis.

- Gondola - the planning staff is very concerned with a proposed Gondola and its impact on the Historic District. A thorough public process is necessary and the Gondola should be considered only if it can mitigate traffic.

- Skiing in 10420 pod - The Park City General Plan recommends creating an open space buffer around Park City. The preference, from a staff standpoint, has always been that the buffer be undeveloped. Introducing a skiing pod in the location of 10420 eliminates a significant backcounty opportunity and increases pressure to interconnect with Big Cottonwood Canyon.

- Employee Housing - Employee housing should be required to offset the demand generated by the project. Mountainlands Community Housing Trust should be consulted to provide this direction.

- Northside Neighborhood - The location and configuration of homes in the Northside Neighborhood is critical and the Planning Commission should have review authority at the Small Scale MPD stage.

RECOMMENDATION:
The staff requests that the City Council continue reviewing the proposed development and provide direction for further negotiation.

WORKING DOCUMENT - FLAGSTAFF DEVELOPMENT

AUGUST 10, 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 the 7800 foot elevation. The applicant shall limit the height and size of single-family development on Prospect Ridge north of the proposed road with the precise limitation to be established at the MPD stage based on a visual analysis.
   - 60 detached, PUD type units (averaging 3900 sq. ft.)
   - 350 multifamily units (average size 3,000 sq ft)
   - 240 Hotel Rooms or condominium bedrooms
   - 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:

   - 32 single family homes (10,000 sq. ft. maximum) in the vicinity of the former Pod D (27 +5; see development agreement)
   - 6 single family homes (8,000 sq. ft. maximum) along the private road in the vicinity of the former Pod C.
   - 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 250-260 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 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 remain permanently only for recreational and open space uses.

If Wasatch County does not approve an acceptable project within a reasonable time, the applicant could seek approval of additional density in Park City for exchange for designating Bonanza as open space. In such case, Park City would anticipate an interlocal agreement with Wasatch County to address fiscal issues.

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. Construction access for the infrastructure for Bonanza will be restricted to Pine Creek Canyon Road, but construction of structures would likely come from the Park City side. UPCMC will require 3rd party construction access through Wasatch County when seasonally available.

6. The project would seasonal secondary access through Deer Valley.

7. 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.

8. 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. <u>Parking</u>.

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. <u>Trails</u>. 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. <u>Gondola</u>

UPCMC 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 the base of Swede Alley (across from Gateway at or near the proposed transit center) and 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 would be redesigned to be more clustered and pedestrian oriented if the Gondola becomes part of this project as follows:

   - __% of the units shall be located within ___feet of the Gondola station.

   - The relocation of the Prospect Ridge single family parcels to the Northside Neighborhood.

   - Dedication of the Prospect Ridge to the City.

   - Relocation of some of the multifamily units from Bonanza to Mountain Village.

5. 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.

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

7. 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.

8. 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.

9. UPCMC would be obligated to secrure agreement from Deer Valley to operate the Gondola.

SECTION 4. <u>Construction Mitigation</u>. 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
- keeping all earthen material on the site
- Providing on-site batch plants, material staging and construction material recycling
- Mitigating 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. <u>Employee Housing</u>

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. <u>Ski Expansion and Open Space</u>. 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. <u>MPD Requirements</u>

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
- 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 offering 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:

Option 1

- 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.

- 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 from Florence Gillmore. 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.

UPCMC would grant to Park City first right of refusal or other such commitment regarding recreational options on UPCMC Richardson Flats property, subject to satisfactory resolution with EPA.

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 STAFF REPORT

DATE: August 13, 1998
DEPARTMENT: Planning Department
AUTHOR: Kurt von Puttkammer, AIA
TITLE: 527 Park Avenue-Plat amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Staff requests the City Council conduct a public hearing, consider public input, and review the project within the context of the Land Management Code. Staff recommends the City Council adopt an ordinance amending the plat at 527 Park Avenue, to combine Lots 7, 8, and 9, Block 5 of the Park City Survey.

DESCRIPTION:

A. Topic

PROJECT STATISTICS

Applicant:	Deffebach Limited Partnership
Location:	527 Park Avenue
Proposal:	Plat amendment
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential
Project Planner:	Kurt von Puttkammer, AIA

B. Background

The owners of Lots 7, 8, and 9, Block 5 of the Park City Survey, Deffebach Limited Partnership, submitted an application to combine three lots into two (2) 2812.5 square foot lots to accommodate existing single family structures. The proposed project is located on the west side of Park Avenue with the Interline Condominiums on the southwest and vacant lots to the north. Lots 7, 8 and 9 are each a standard 25' x 75' old town lots. The ownership pattern has split Lot 8 into two equal pieces of the lot owned by the abutting lot owner. The existing structure at 527 Park Avenue sits on Lot 7 and encroaches onto Lot 6. The structure located at 539 Park Avenue sits entirely on Lot 9. Lot 8 is currently undeveloped.

Any additions or modifications to the existing structures will need to conform with the Historic District Design Guidelines and Land Management Code Requirements. The Historic District Commission will review the design prior to the issuance of a building permit.

C. **Analysis**
This request is to combine three lots to create two (2) 2812.5 square foot parcels for one single family residence each. Staff has evaluated the overall project against the Land Management Code, Section 7.1, Historic Residential, HR-1 and determined the proposed lot combination complies as presented with all requisite City codes. Any additions to the existing structures will be limited by the setback, and height requirements of the Land Management Code for the HR-1 District.

The applicants wish to combine the three (3) lots to accommodate two existing single family homes, which would reduce the potential density of the area. The proposed lot sizes are compatible with the current ownership pattern along Park Avenue. Structures in the neighborhood are typically single family historic and new homes.

D. Notice
The item was advertised in the **Park Record** on August 8, 1998, as a regular agenda item and no comments were received at the time of the report.

E. Department Review
The Community Development Department has reviewed this request. The City Attorney's Office will review the plat prior to recordation. The request was discussed at a Staff Review Meeting on March 17, 1998, where representatives from the local utilities and City Staff were in attendance and found it to be in conformance with all current requisite City development codes of which we are currently aware.

ALTERNATIVES:
A. Approve the Plat Amendment, thereby, allowing the relocation of the existing lot lines.

B. Deny the Plat Amendment, thereby, retaining the current parcel configuration.

C. Continue the item for further discussion and input.

SIGNIFICANT IMPACTS:
This proposed amendment will reduce the density in this neighborhood by one.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
If the plat amendment is not approved as proposed, the owner may be able to sell the middle 25'-0" x 75'-0" lot for potential development.

RECOMMENDATION:
Staff recommends the City Council conduct a public hearing, consider public input, and approve the proposed plat amendment of Lots 7, 8, and 9, Block 5 of the Park City Survey, based on the following:

Findings of Fact:

1. The property is located in the HR-1 District.
2. Lot 7 and Lot 9 each currently contain structures.
3. The proposed Plat Amendment will combine three (3) lots to allow for the construction of an addition to the existing residences.

4. The proposed plat amendment reduces the potential density on Park Avenue by creating two lots for single family homes instead of allowing the development of single family home on each of the existing lots.

5. The project is located on Park Avenue with high intensity residential uses and with minimal construction staging area.

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

7. The existing structures on Lot 7 and Lot 9 have non-conforming side yard setbacks.

Conclusions of Law:

1. There is good cause for the amendment as increased setbacks are provided and overall density is reduced.

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

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

Conditions of Approval:

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

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

3. Design of any additions require review and approval by the Historic District Commission in compliance with the Historic District Design Guidelines.

4. A Construction Mitigation Plan will be required from the applicant prior to any construction on the newly created lots.

5. A sewer easement across Lot B shall be dedicated to the Snyderville Basion Sewer District on the amended plat.

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

7. All Standard Project Conditions shall apply.

H. EXHIBITS:

Exhibit A- Proposed Plat
Exhibit B- Location map

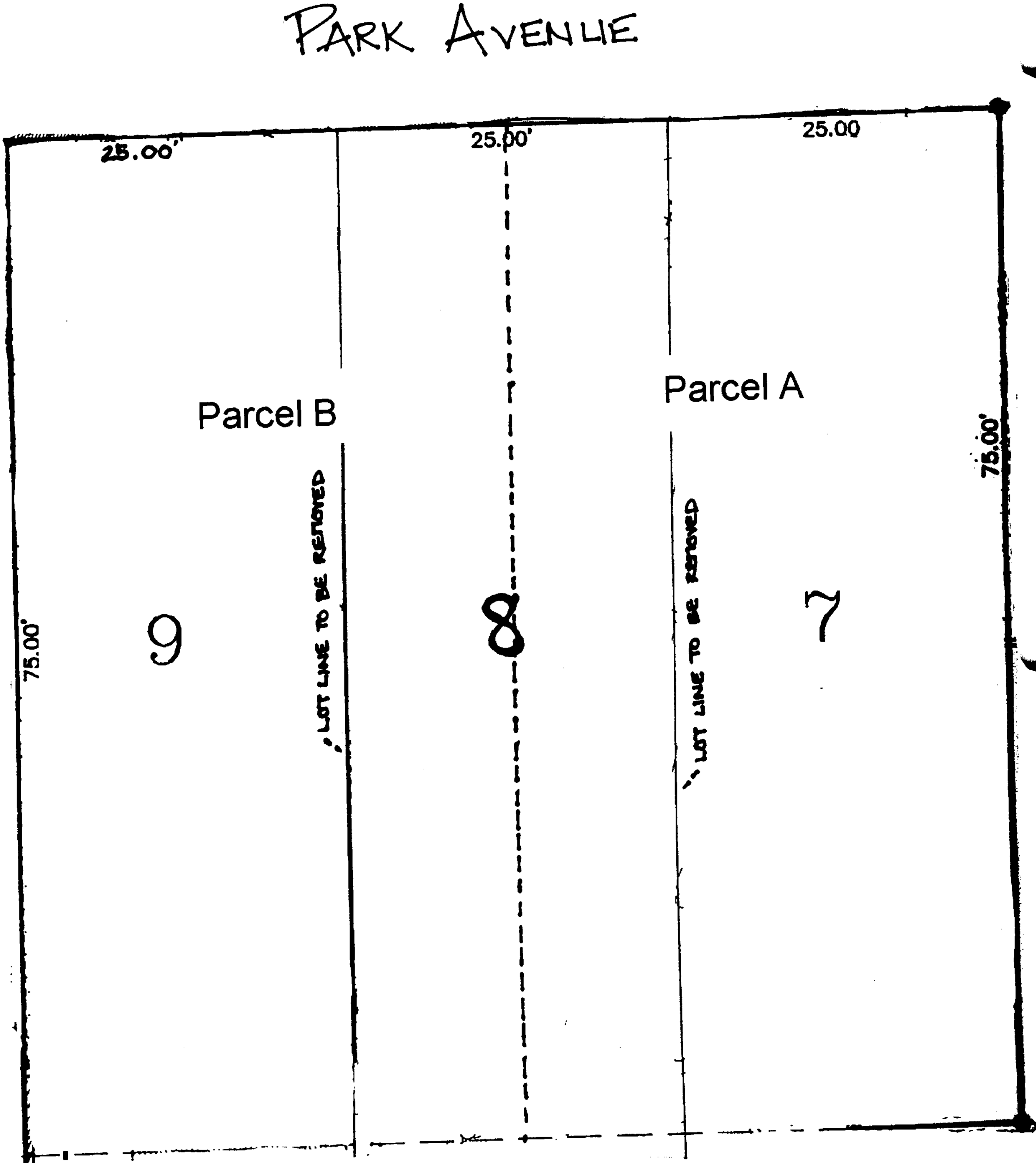
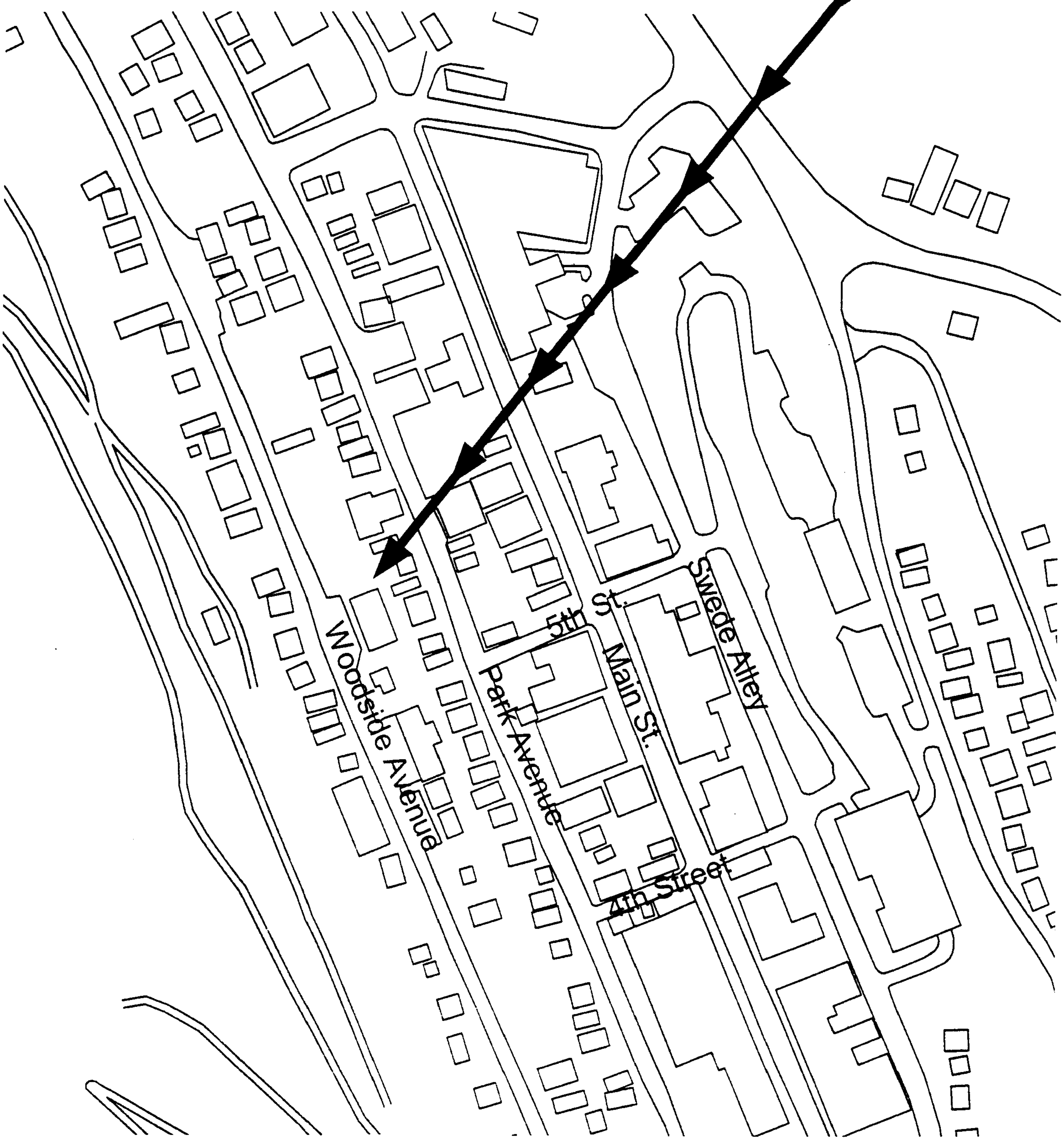

PARK AVENUE
25.00'
25.00'
25.00
Parcel B
Parcel A
75.00'
75.00'
"LOT LINE TO BE REMOVED"
"LOT LINE TO BE REMOVED"
9
8
7
NORTH

EXHIBIT "A"

527 Park Ave.



PARK CITY 1884

EXHIBIT "B"

Location Map

Ordinance No. 98-

AN ORDINANCE APPROVING THE QUEENS PLAT AT 527 PARK AVENUE, CONSOLIDATING LOTS 7, 8, AND 9, BLOCK 5 OF THE PARK CITY, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, UTAH

WHEREAS, the owner, Deffebach Limited Partnership, of the property at 527 Park Avenue, located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Park City, Utah, has petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on June 24, 1998 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on August 13, 1998, the City Council reviewed the proposed plat amendment and held a public hearing; and

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

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

SECTION 1. FINDINGS OF FACT.

Findings of Fact:

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

2. Lot 7 and Lot 9 each currently contain structures.

3. The proposed Plat Amendment will combine three (3) lots to allow for the construction of an addition to the existing residences.

4. The proposed plat amendment reduces the potential density on Park Avenue by creating two lots for single family homes instead of allowing the development of single family home on each of the existing lots.

5. The project is located on Park Avenue with high intensity residential uses and with minimal construction staging area.

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

7. The existing structures on Lot 7 and Lot 9 have non-conforming side yard setbacks.

SECTION 2. CONCLUSIONS OF LAW.

The City Council hereby concludes that there is good cause for the above-mentioned plat amendment and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law.

SECTION 3. PLAT APPROVAL.

The plat amendment located at 527 Park Avenue, is hereby approved as shown on Exhibit A, 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 conditions of approval is a condition precedent to plat recordation.

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

3. Design of any additions require review and approval by the Historic District Commission in compliance with the Historic District Design Guidelines.

4. A Construction Mitigation Plan will be required from the applicant prior to any construction on the newly created lots.

5. A sewer easement across Lot B shall be dedicated to the Snyderville Basion Sewer District on the amended plat.

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

7. All Standard Project Conditions shall apply.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 13 th day of August, 1998.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, Deputy City Recorder

Approved as to form:

____
Mark D. Harrington, Deputy City Attorney

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PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE:	**August 13, 1998**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Kurt von Puttkammer, AIA**
TITLE:	**201 Norfolk Avenue**
TYPE OF ITEM:	**Plat Amendment**

SUMMARY RECOMMENDATIONS: Staff requests the City Council conduct a public hearing, consider public input, and review the project within the context of the Land Management Code. Staff recommends the City Council adopt an ordinance amending the plat at 201 Norfolk Avenue, to combine Lots 17, 18, 19, 40, 41, 42, 43, and portions of Lots 34, 35, 36, 37, 38, and 39 Block 78 of the Park City Survey as the applicant has requested.

DESCRIPTION:

A. Project Statistics:

Applicant:	White/Hurtubise Partnership
Location:	201 Norfolk Avenue
Proposal:	Plat amendment
Zoning:	HR-1
Adjacent Land Uses:	Historic Residential
Date of Application:	December 9, 1997

B. Background:

The project consists of two-30' wide lots, five-25' wide lots, and five partial lots totaling 20,509 square feet. The parcel is located on the west side of Upper Norfolk Avenue near the intersection of Sampson and Norfolk Avenues. The proposal includes the construction of 4 single family residences which would share a common parking facility with 9 spaces and two exterior spaces. Two of the buildings would be located above a parking garage and the remaining structures would be located further uphill on the parcel.

The purpose of the proposed plat amendment is to combine the individual lots into a single lot so that building permits for the residences and parking garage may be issued. The applicant intends to condominiumize the project prior to certificate of occupancy.

On July 31, 1996, the Planning Commissioners reviewed and approved the Small-Scale Master Planned Development permit.

On May 4, 1998, the Historic District Commissioners reviewed and approved the design of the project.

On July 8, 1998, the Planning Commissioners reviewed and forwarded a positive recommendation on the Plat amendment.

C. Process:

If the request to combine the five 25' x 75' lots and seven fragment lots into one 20,509 square foot lot is approved, the Building Department will then be able to issue building permits for the project pending review and approval. However, no building permits shall be issued prior to City Council approval of the Plat Amendment and plat recordation.

D. Analysis:

This is a request to combine the five-25' x 75' lots and seven fragment lots into one 20,509 square foot lot. Staff has evaluated the new drawings against the Land Management Code, Section 7.1, Historic Residential, HR-1 and Chapter 10, Master Planned Developments, and determined the proposed project complies with all requisite City codes.

In addition, Staff has evaluated the project against the approved MPD and determined the proposed project complies with the Conditions of Approval approved by the Planning Commission on July 31, 1996 and the modifications reviewed on March 11, 1998.

E. Public input

The item was advertised in the **Park Record** on August 8, 1998, as a regular agenda item. No comments were received at the time of this report.

RECOMMENDATION:

Staff recommends the City Council review the proposed plat amendment and hold a public hearing. Staff recommends the City Council approve the proposed plat amendment based on the following:

Findings of Fact

1. The property is located in the Historic Residential District, HR-1.

2. The plat amendment combines approximately five typical 25'-0" x 75'-0" lots and seven fragment lots into one 20,509 SF lot.

3. The proposed density one unit per 5,000 square feet lot. The HR-1 district allows a density of one unit per 1,875 square feet.

4. The project is located on Upper Norfolk Avenue. On this street, there is constricted access and minimal areas for construction staging. A Construction Mitigation Plan is necessary to mitigate any adverse impacts on the neighboring properties and pedestrians.

5. A financial guarantee is necessary to ensure completion of public improvements.

6. The project is located on a steep corner lot that abuts a public right-of-way, Norfolk Avenue, which provides limited access to existing residences as a dead-end road.

7. The conclusions described in this report are based on the preliminary drawings prepared by AJC Architects and received by the Planning Department on May 4, 1998.

Conclusions of Law:

1. There is good cause for the amendment in that the parcel combination will result in a lot size consistent with ownership patterns in this area and a building that will be compatible in design and scale to the surrounding area.

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

Conditions of Approval:

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

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

3. A financial guarantee, for the value of all public improvements (including any road and/or retaining wall) to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

4. 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 the one year time frame, this approval and the plat shall be considered null and void.

5. A Construction Mitigation Plan, approved by the Community Development Department, will be required from the applicant prior to any construction on the newly created parcels.

6. A Soils Report and Shoring Plan, prepared by a licensed engineer and reviewed and approved by the Community Development Department, will be required from the applicant prior to any construction on the newly created lot.

7. Approval and recordation of a Condominium Record of Survey is a condition precedent to issuance of a certificate of occupancy for any building in this project.

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

9. The building project related to this plat amendment shall be constructed in substantial compliance with the drawings presented to the Historic District Commission on May 4, 1998.

EXHIBITS:

Exhibit A- Proposed plat configuration.
Exhibit B- Vicinity map.

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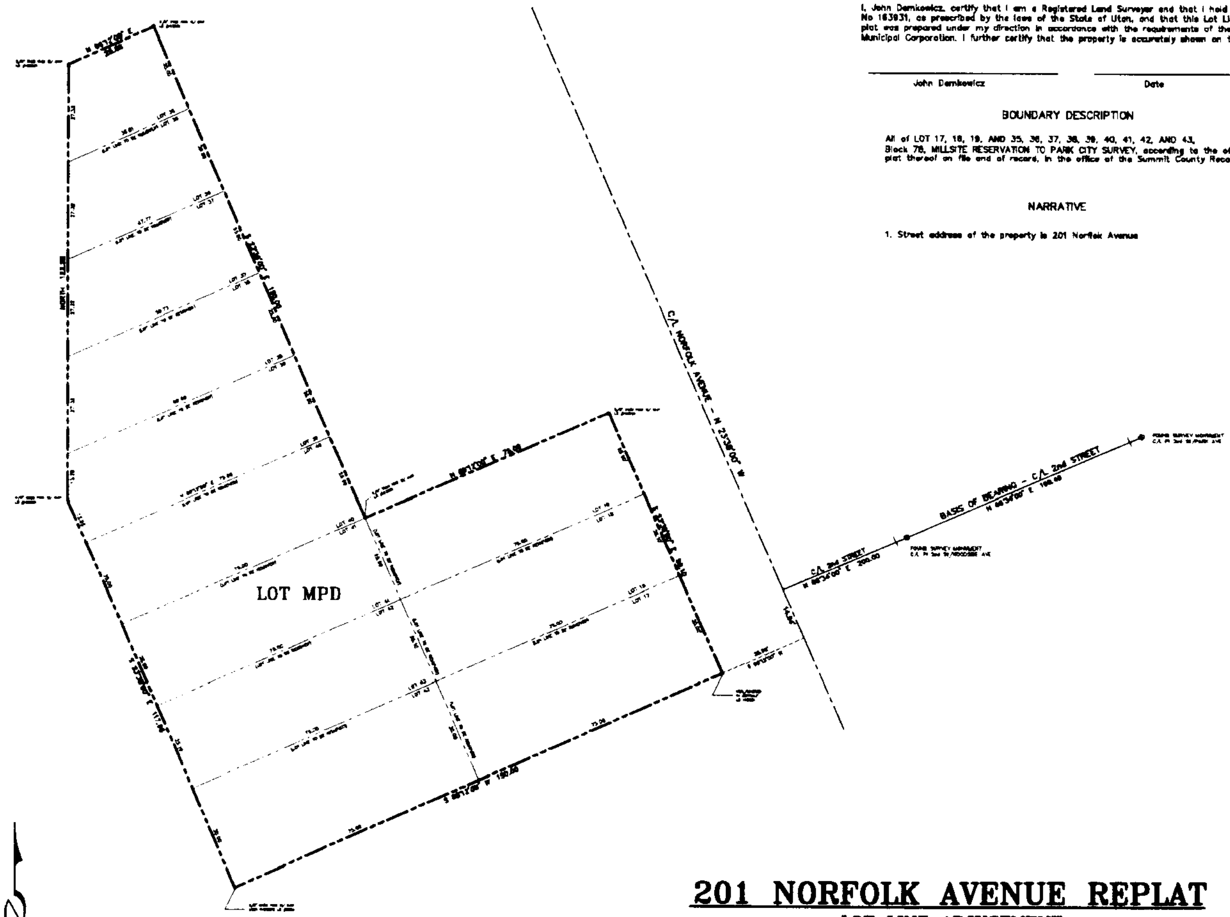
~~PARK CITY~~
PLANNING DEPT.

EXHIBIT "A"



SURVEYORS CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No 163931, as prescribed by the laws of the State of Utah, and that this Lot Line Adjustment plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation. I further certify that the property is accurately shown on this plat.

________________ John Demkowicz   ________________ Date

BOUNDARY DESCRIPTION

All of LOT 17, 18, 19, AND 35, 36, 37, 38, 39, 40, 41, 42, AND 43, Block 78, MILLSITE RESERVATION TO PARK CITY SURVEY, according to the official plat thereof on file and of record, in the office of the Summit County Recorder.

NARRATIVE

1. Street address of the property is 201 Norfolk Avenue

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, that Peter E. Hurtubise and Anne E. Hurtubise, husband and wife, as joint tenants, the undersigned 1/2 owner of the herein described tract of land to be known hereafter as 201 NORFOLK AVENUE REPLAT, do hereby certify that we have caused this Lot Line Adjustment Plat to be prepared, and that we Peter Hurtubise and Anne E. Hurtubise, husband and wife, as joint tenants, hereby consent to the recordation of this Lot Line Adjustment Plat.

ALSO, the owners, herby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with and irrevocable of dedication.

In witness whereof, the undersigned set his/her hands this ______ day of ______________ 1998.

________________ Peter E. Hurtubise

________________ Anne E. Hurtubise

ACKNOWLEDGEMENT

State of Utah:
County of Summit:

On this ______ day of ______________, 1997, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, the signer of the above Owner's Dedication, Peter E. Hurtubise and Anne E. Hurtubise, husband and wife, as Joint Tenants, who acknowledged that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Residing in: ________________

My commission expires: ________________

________________ Notary Signature

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, that Christopher White and Suzanne E. White, husband and wife, as joint tenants, the undersigned 1/2 owner of the herein described tract of land to be known hereafter as 201 NORFOLK AVENUE REPLAT, do hereby certify that we have caused this Lot Line Adjustment Plat to be prepared, and that we Christopher White and Suzanne E. White, husband and wife, as joint tenants, hereby consent to the recordation of this Lot Line Adjustment Plat.

ALSO, the owners, herby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with and irrevocable of dedication.

In witness whereof, the undersigned set his/her hands this ______ day of ______________ 1998.

________________ Christopher White

________________ Suzanne E. White

ACKNOWLEDGEMENT

State of Utah:
County of Summit:

On this ______ day of ______________, 1997, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, the signer of the above Owner's Dedication, Gary Accord and Joanne Accord, husband and wife, as Joint Tenants, who acknowledged that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Residing in: ________________

My commission expires: ________________

________________ Notary Signature

201 NORFOLK AVENUE REPLAT

LOT LINE ADJUSTMENT

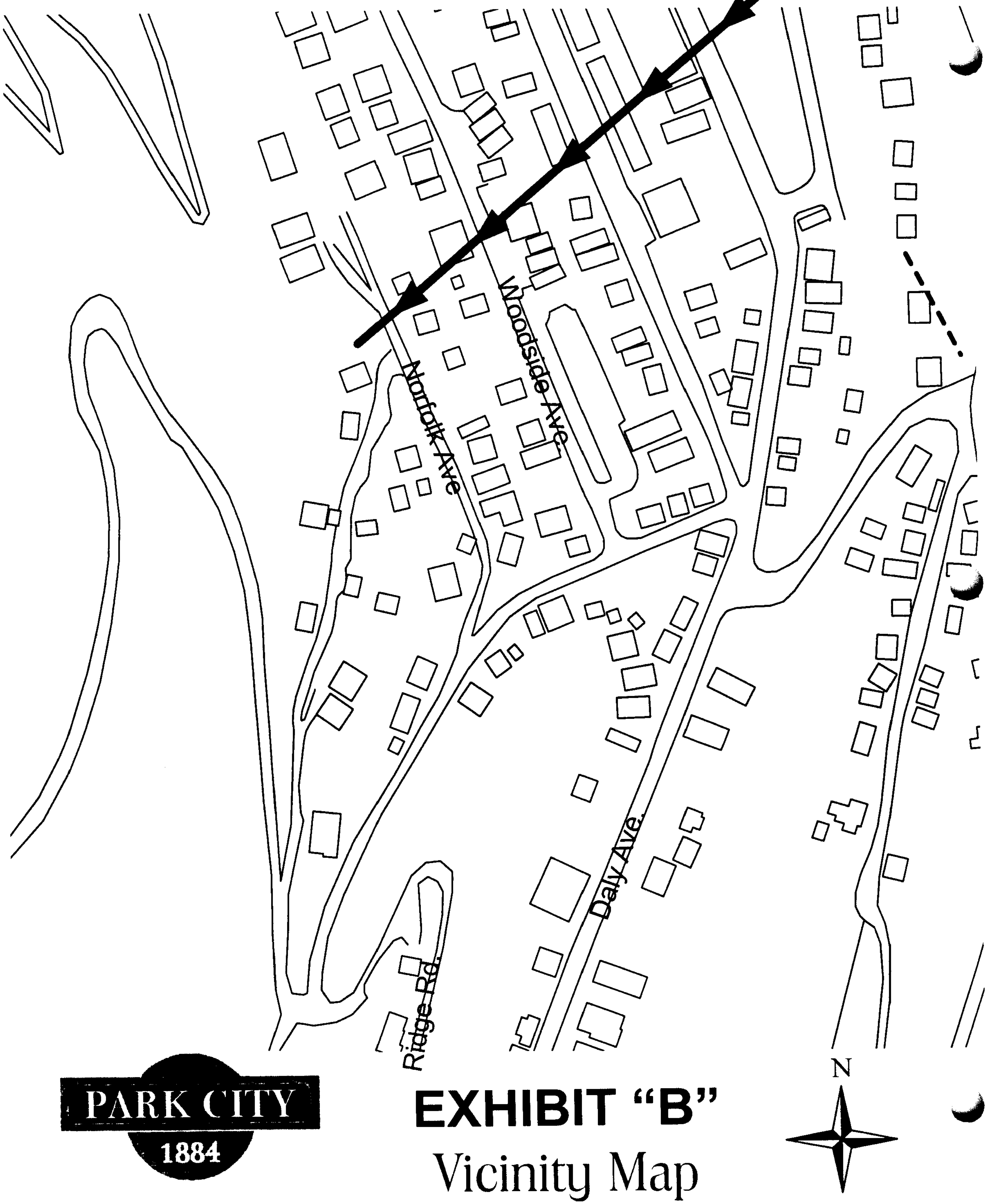
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

23-25-98 Y:\SRV98\PCS\23259BP

PAGE 1 OF 1

ALLIANCE ENGINEERING INC.	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (435) 649-9467 JOB NO.	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS ______ DAY OF __________, 1998 A.D. BY ________ S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 1998 A.D. BY ________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF __________, 1998 A.D. BY ________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF __________, 1998 A.D. BY ________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF __________, 1998 A.D. BY ________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF __________, 1998 A.D. BY ________ MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ________ DATE ______ TIME ______ BOOK ______ PAGE ______ ________ FEE ________ RECORDER

201 Norfolk Avenue



PARK CITY
1884

EXHIBIT "B"

Vicinity Map

Ordinance No. 98-

AN ORDINANCE APPROVING AMENDMENT TO THE PARK CITY SURVEY, KNOWN AS THE 201 NORFOLK AVENUE PLAT AMENDMENT, LOCATED AT 201 NORFOLK AVENUE, CONSOLIDATING LOTS 17, 18, 19, 40, 41, 42, 43, AND PORTIONS OF LOTS 34, 35, 36, 37, 38, AND 39 BLOCK 78 OF THE PARK CITY SURVEY, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, UTAH

WHEREAS, the owner,White/Hurtubise Partnership, of the property at 201 Norfolk Avenue, located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Park City, Utah, has petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on July 8, 1998 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on August 13, 1998, the City Council reviewed the proposed plat amendment and held a public hearing; and

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

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

SECTION 1. FINDINGS OF FACT.

1. The property is located in the Historic Residential (HR-1) District.

2. The plat amendment combines two-30' wide lots, five-25' wide lots, and five partial lots into one lot totaling 20,509 square feet.

3. The proposed density one unit per 5,000 square feet lot. The HR-1 district allows a density of one unit per 1,875 square feet.

4. The project is located on Upper Norfolk Avenue. On this street, there is constricted access and minimal areas for construction staging. A Construction Mitigation Plan is necessary to mitigate any adverse impacts on the neighboring properties and pedestrians.

5. A financial guarantee is necessary to ensure completion of public improvements.

SECTION 2. CONCLUSIONS OF LAW.

The City Council hereby concludes that there is good cause for the above-mentioned plat amendment and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law.

SECTION 3. PLAT APPROVAL.

The plat amendment located at 201 Norfolk Avenue, is hereby approved as shown on Exhibit A, with the following conditions:

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

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

3. A financial guarantee, for the value of all public improvements (including any road and/or retaining wall) to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

4. 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 the one year time frame, this approval and the plat shall be considered null and void.

5. A Construction Mitigation Plan, approved by the Community Development Department, will be required from the applicant prior to any construction on the newly created parcels.

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

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 13 th day of August, 1998.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, Deputy City Recorder

Approved as to form:

____

Mark D. Harrington, Deputy City Attorney

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PARK CITY
1884

CITY COUNCIL
STAFF REPORT

DATE:	**August 10, 1998**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Megan B. Ryan**
TITLE:	**1800 Snowcreek Drive, Subdivision Lot 9**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS: Conduct a public hearing and discuss the subdivision plat for Lot 9 and Lot 9a at 1800 Snowcreek Drive as conditioned. Direct staff to prepare an ordinance for final action at a later meeting.

DESCRIPTION:

A. Topic.

Applicant: Park City Municipal Corporation for Snow Creek Crossing L.C.
Location: 1800 Snowcreek Drive
Zoning: Residential Medium Development - RDM, Frontage Protection Zone - FPZ and Sensitive Lands - SLO
Adjacent Land Uses: Office, Gas station
Date of Application: June 29, 1998

B. Background.

Planning Commission Action:

The Planning Commission discussed this item at their work session of July 8, 1998 and regular meeting of June 22, 1988. At the June 22nd meeting the Commission voted to forward a negative recommendation on the request to the City Council. In summary the Commission felt that the proposed uses were not compatible with the congested traffic patterns in the area and that the uses were incompatible for the Residential zone. The minutes form that meeting are attached as Exhibit C.

The Project:

In 1992 the Snow Creek Crossing project area was subject to a Large Scale Master Plan approval process. The project was broken into two small scale MPD components. The commercial component underwent approvals in 1993 and is substantially complete. One parcel remains to be developed. The other 10 acre area to the north was envisioned to be processed as a small scale MPD with residential uses. No application was ever filed for that parcel.

In 1996 the Planning Commission and City Council held a joint meeting to discuss the most appropriate use for the site. At that time the general consensus was that residential uses were not necessarily the most appropriate uses for the site and that commercial or hotel uses may be more appropriate.

In 1995 the Snowcreek Commercial Development was subdivided into nine lots. The subject of this application is Lot 9. See Exhibit A.

C. Analysis

The City has entered into an option to purchase Lot 9 from the owner, Fred Fairclough. The option originally included an agreement with the U.S. Postal Service to acquire a portion of the site. That agreement has expired and the U.S. Postal Service is requesting a purchase agreement with Park City. The City has not closed on the property but has received the authorization to process the subdivision plat from the owner. The proposal consists of subdividing Lot 9 into two pieces. Lot 9 would be an approximately 8 acre site and Lot 9a would be a 2 acre parcel.

The Postal Service would like to purchase an approximately 2 acre site on the northern portion of the site that fronts Highway 224 (Proposed Lot 9a). The Postal Service needs to close on the parcel by the end of August but does not anticipate construction until the spring of 1999.

The City has agreed to process the subdivision plat while a sales agreement with the United States Postal Office is being negotiated. The Post Office, as provided by federal law, is not subject to the building permit review or Conditional Use Permit (CUP) process but has agreed to work with the City on the site design building design and trail connection. The Post Office has expressed a desire to make this building a "flagship" piece and has displayed a willingness to work with the staff to meet the City's design review criteria. The plans shown at the Planning Commission are being revised and the staff will continue to work with the Postal Service architect.

The City intends to condition the sales agreement so the final design is acceptable to the City or the property will revert to the City for resale to a regulated entity. The Staff will return to the Planning Commission with the final design for review and comment. The design on the remainder of the parcel, Lot 9, will be reviewed by the Planning Commission as a Conditional Use Permit.

Project Details - Lot 9a

The parcel is just outside the wetlands, trail corridor and stream that run through the site. The facility would act as the main postal distribution center for Summit County. The Emporium facility will be closed and the Main Street facility will remain but will not act as the main Post Office.

Surface parking to the north and west of the building is proposed. Underground parking is provided on the north side. Details on height, material, colors, and signs have not been detailed at this time but will be delineated in the sales agreement.
No new access points are proposed for the site. Access will be gained from Snow Creek Drive and from the existing southern entry to the Saddleview office park. Access easements will be provided to and for the Post Office. The Post Office has also agreed to setback the structure at least 70' from the highway which will be consistent with the setback of the Saddleview Office Park to the north. The project will also not encroach into the wetlands.

Project Details - Lot 9
The City, at the direction of the Council, is currently pursuing development plans for a transportation center on Lot 9. An environmental assessment is being conducted on the site in anticipation of a submittal to the Federal government for financial assistance in relation to the Olympics. The 8 acre City parcel will be subject to a Conditional Use Permit, and will need Planning Commission review and approval. Site plans for the transit center concept are anticipated in the coming months and will be coordinated with the Post Office plans.

D. Department Review
The Community Development Department, City Manager's and City Attorney's Office have reviewed this report.

RECOMMENDATION:
Conduct a public hearing and consider staff's draft Findings of Facts, Conclusions of Law, and Conditions. If the Council wishes to proceed with the subdivision then it should direct staff to prepare the required ordinance.

Findings:
1. The project is located in the Residential Development, Medium Density zone, RDM, with three overlay zones. The Entry Corridor Protection Zone, ECPZ, Regional Commercial Overlay zone, RCO, and Sensitive Lands overlay, SLO, districts exists on portions of the site.
2. The subdivision will create two lots, 9 and 9a.
3. The site is located adjacent to Highway 224, the City's busiest roadway. Access to the site is provided off of Snow Creek Drive. Lot 9a is also accessed by a private drive to the north .
4. No design plans are proposed for Lot 9 at this time.
5. Lot 9a is proposed to house a new main Post Office distribution facility for Summit County.

6. A public trail exists on the site but is not aligned with the City's Master Trail Plan connections. Trail re-alignment improvements and construction of a bridge crossing on the site will bring the trail in compliance with the plan.
7. The proposed owner of Lot 9a has agreed to work with the City on a design that is acceptable to the City.
8. No new curb cuts are required for access along Highway 224 to Lot 9 or 9a.
9. Lot 9 has wetland and flood plain boundaries located on the parcel.
10. Reciprocal access for trucks, traffic, parking and utilities is anticipated on Lot 9 and Lot 9a.
11. Lot 9 is not currently served with water lines.
12. The Planning Commission conducted a public hearing on the proposal and forwarded a negative recommendation to the City Council.

Conclusions of Law:

1. The proposal will create two parcels, Lot 9 and Lot 9a, and is consistent with both the Park City Land Management Code and the Comprehensive Plan as the project has been conditioned to follow the necessary review and approval process for the RDM, RCO.ECPZ and SLO Districts.
2. There is good cause for the subdivision as among other benefits the project will create pedestrian pathways with related improvements to the City.
3. Neither the public nor any person will be materially injured by the proposed subdivision plat.

Final Conditions:

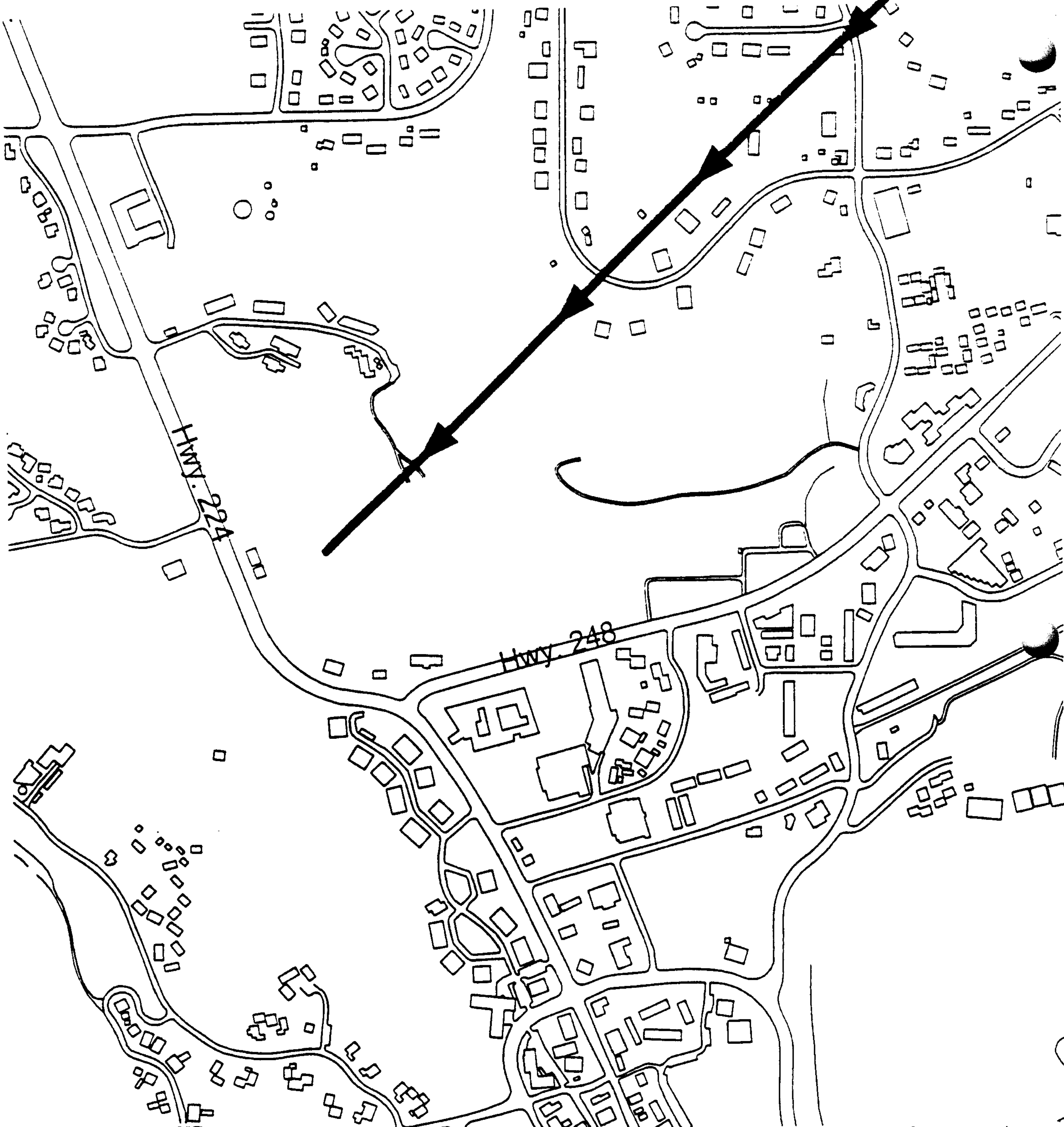
1. Review and approval of this plat for compliance with these conditions of approval by the City Engineer and City Attorney is a condition precedent to plat recordation.
2. Reciprocal cross easements for circulation, parking and utilities is a condition precedent to plat recordation.
3. Design standards for Lot 9a that reflect the City's Design Guidelines and Frontage Protection Zone specifications such as setbacks, articulated facades and screened parking will be delineated in the sales agreement and will need to be acceptable to the City prior to any final agreements.
4. The owners of Lot 9a shall provide the funds to the City to realign the trail on the northern end of the site in order to connect it to the trail connection on the adjacent parcel. A bridge crossing that is acceptable to the Army Corps of Engineers will also be constructed by the City and funded by the proposed property owner of Lot 9a. The trail re-alignment and bridge crossing shall be completed by the January 1, 2000.
5. No new curb cuts shall be made onto Highway 224 on either parcel.
6. The owner of Lot 9a will need to provide evidence of access on the private drive to the north. Semi truck traffic shall not enter Lot 9a by the private drive.
7. Development of a Transit Center or Park and Ride Facility on Lot 9 is subject to a Conditional Use Permit.
8. A note shall be added to the plat that indicates that wetlands and a flood plain boundary exist on Lot 9. Any development on Lot 9 will need to be buffered from the

wetlands as determined under the City's Sensitive Lands Ordinance prior to any construction.

9. Prior to any development each lot owner shall pay its proportionate share of the cost of a traffic signal to be located at a future time at the intersection of SR224 and Snow Creek Drive.
10. Prior to recordation of the plat, the Post Office shall enter into a purchase and sale agreement which shall contractually bind the United States Post Office to certain design and development criteria.

EXHIBITS
Location Map
Exhibit A - Proposed subdivision of Lot 9

1500 Snow Creek Drive



PARK CITY

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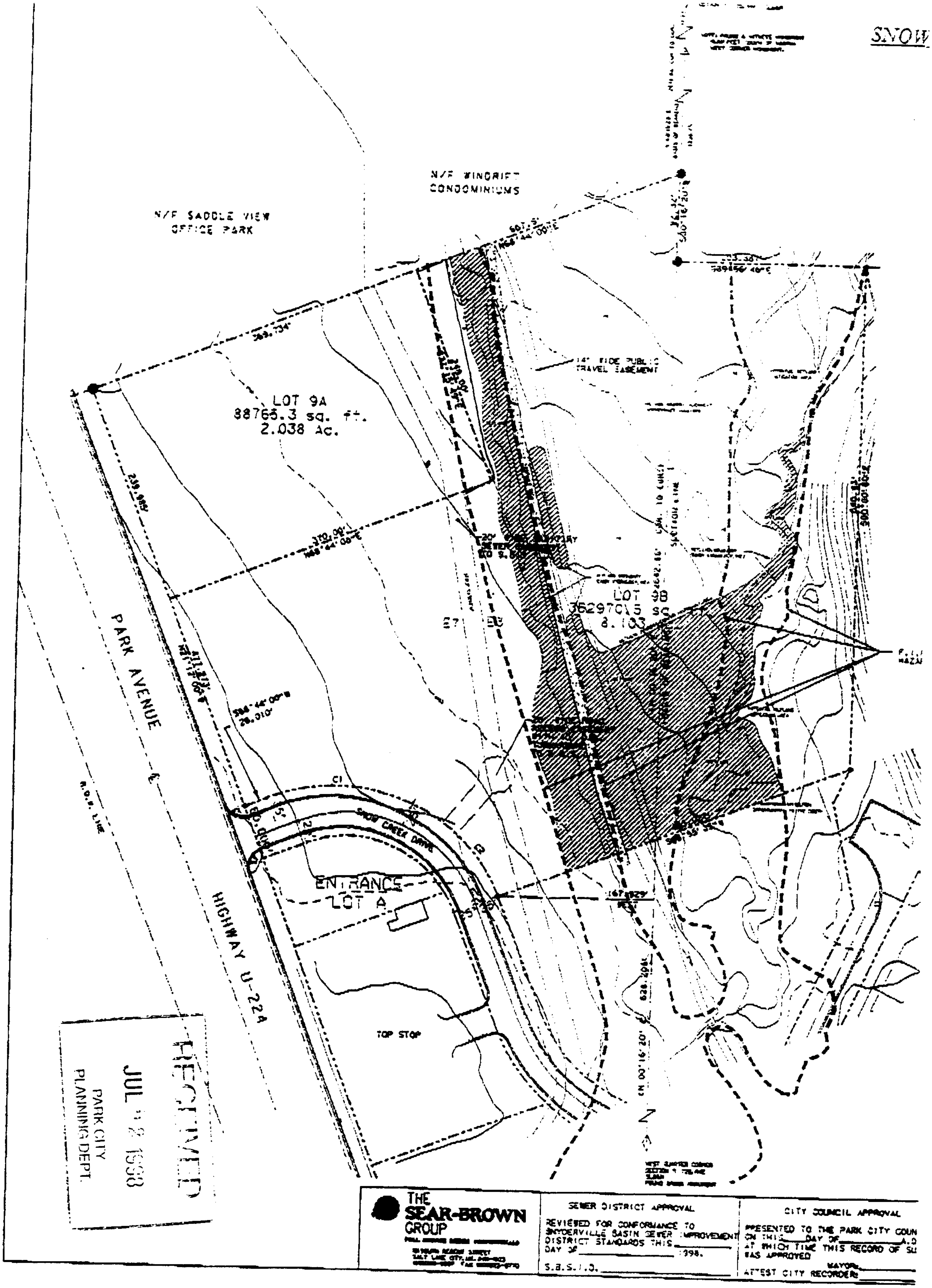
Exhibit A
Vicinity Map


SNOW
N/F WINDRIFT CONDOMINIUMS
N/F SADDLE VIEW OFFICE PARK
LOT 9A
88765.3 sq. ft.
2.038 Ac.
14' WIDE PUBLIC TRAVEL EASEMENT
LOT 9B
PARK AVENUE
HIGHWAY U-224
ENTRANCE LOT A
TOP STOP
RECEIVED
JUL 1998
PARK CITY PLANNING DEPT.
THE SEAR-BROWN GROUP
SEWER DISTRICT APPROVAL
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS ____ DAY OF ____ 1998.
S.B.S.I.D. ____
CITY COUNCIL APPROVAL
PRESENTED TO THE PARK CITY COUN ON THIS ____ DAY OF ____ A.D AT WHICH TIME THIS RECORD OF SU WAS APPROVED
MAYOR ____
ATTEST CITY RECORDER ____

PARK CITY 1884

DATE: August 7, 1998
DEPARTMENT: Technical Services
AUTHOR: Rod Daughetee, Systems Engineer
TITLE: Enter into contract with Cache Valley Electric to install and terminate install fiber optic cable and inner duct into the new conduit system. This completes phase IV of the fiber optic network projects.

TYPE OF ITEM: Award of Contract

SUMMARY RECOMMENDATIONS:
Approve phase IV of the PCMC fiber optic project. This project places 9800 feet of fiber optic cable and inner duct into the City's electrical conduit system. This completes the main fiber optic backbone system that connects seven city buildings/facilities (not including the Racquet Club). The contract amount of contract will be $61,671.55. The projects was approved during the budget process for $65,000 as part of the Lower Park Avenue RDA funding.

DESCRIPTION:

A. Topic:

The scope of services for this phase of the fiber optic network System includes pulling fiber optic cable from Public Works to the Water/Parks Maintenance Building, Miners Hospital and the Education Center. This allows for the fiber optic connection between City Hall, Public Works, Water Treatment Plant, Parks Building, Miners Hospital, Recreation Building and the Education Center (Carl Winters School).

B. Background:

Currently, we have installed approximately 7 kilometers of electrical/fiber optic conduit. We have installed the main backbone of fiber optic cable between Marsac and the new Public Works Building. The new Tele-Data center will connect all City offices (except the Racquet Club) via fiber optic cable. This contract finishes phase IV of the fiber optic network plan approved by City Council.

C. Analysis:

This allows for the full fiber optic connection between the City buildings (except for the Racquet Club). Currently the City uses the main fiber optic backbone to communicate with main Public Works tele-data center. This allows the City to expand to four more buildings to fully utilize the fiber optic network for the voice, data and future communication systems.

ALTERNATIVES:

A. Approve the Request:
The contract will be executed and the completion of the project will occur September 15, 1998.

B. Deny the Request:
PCMC will continue to pay monthly voice and data line charges and expenses. Project will be put on hold pending a future council decision.

C. Continue the Item:
Price protection of current bids will not be guaranteed. Project will have to be re-bid. PCMC will continue to pay monthly voice and data line charges and expenses. Project will be put on hold pending a future council decision.

D. Do Nothing:
Price protection of current bids will not be guaranteed. Project will have to be re-bid. PCMC will continue to pay monthly voice and data line charges and expenses. Project will be put on hold pending a future council decision.

RECOMMENDATION:

Approve the request of the already budgeted item and complete phase IV of the fiber optic network master plan.

PARK CITY
1884

CITY COUNCIL
STAFF REPORT

DATE: **August 13, 1998**
DEPARTMENT: **Planning Department**
AUTHOR: **Megan Ryan and Alison Kuhlow** MCK
TITLE: **Amendment to the Anchor Development Plat**
TYPE OF ITEM: **Legislative**

SUMMARY RECOMMENDATIONS: Continue discussion on the proposed Plat Amendment and Vacation Request to amend the Anchor Development Plat, continue the public hearing, and consider Staff's recommendation to adopt the attached ordinance for approval of the Plat Amendment and Vacation request.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS:

Applicant:	Mike Watts and Rudolf Riet
Location:	81 King Road
Zoning:	Historic Residential District Low Density - HR-L
Adjacent Land Uses:	Vacant HR-L parcels, Historic homes and duplexes.
Date of Applications:	February 12, 1998 and March 4, 1998

B. Background.

Staff introduced the project to the City Council at the July 23, 1998, meeting. At that time they held a public hearing and they discussed the project. Staff was directed to address the issue of compensation, with the applicant, for the vacation of portions of the Ridge Avenue right-of-way. Staff has produced a methodology to review the compensation issue and has provided our summary in the analysis section.

In September of 1996 the City Council adopted an Ordinance approving the Anchor Development Plat amending the Millsite Reservation Subdivision No. 1, Block 75 Lots 43-47 and Lots 60-65 into two (2) parcels for development (Lot 1 and Lot 2). The vacant property is directly south of the King Road /Upper Norfolk Avenue/Sampson Avenue intersection (please refer to Exhibit A - Vicinity Map). Within the 1996 approval, the conditions of approval specified the maximum above ground square footage for each lot and designated an access easement that would provide vehicular access to the proposed lots.

The applicants of the proposal before you, Mike Watts and Rudolf Riet, have submitted applications that request the following:

1. Amendment of the Anchor Development Plat. This is a request to amend the two-lot plat that the City Council approved in 1996. The amendment consists of the addition of two new lots, Lot 3 and Lot 4, to the original plat.

Lot 3 would combine existing portions of platted lots to make one development parcel. Lot 4 has an existing historic structure on the site and would simply create one new parcel from fragment lots (please refer to Attachment B, Plat Amendment). The staff would also like to define the setbacks on Lot 1 to create a building pad that preserves the significant existing vegetation on the site. Lot 2 remains as platted under the 1996 approval.

Through the Plat Amendment process, the owner of the historic structure at 81 King Road, Rudi Riet, agreed to a facade easement that will preserve all facades on the historic structure. If the owner of the structure wished to construct an addition to the existing historic structure, the HDC would need to find that the addition did not overpower the existing structure and did not detract from the overall historic characteristics of the building. These criteria will keep the addition in proportion to the existing structure.

2. The vacation of portions of Ridge Avenue The second request relates to the plat in that the applicant is requesting the City to vacate portions of the Ridge Avenue right-of-way that runs next to the applicants lots. The applicant requests the area of the vacated right-of-way be incorporated into Lot 1, approved within the original plat amendment, and the newly created Lots 3 and 4. Again, this request has not affected Lot 2.

They discussed the Plat Amendment and Vacation at many Planning Commission meetings, and on June 24, 1998 the Planning Commission forwarded a positive recommendation to the City Council with the understanding that the issue of compensation for the right-of-way will be discussed at the City Council.

At the City Council's July 23, 1998 Meeting, they discussed compensation and gave Staff direction to return to a future meeting after talking with the applicant on a price for the right-of-way.

C. Analysis

The property is within the Historic Residential Low Density (HRL) District. Single family structures are permitted and are commonly found in this district, provided each lot is a minimum of 3,750 square feet in area and all developable standards of the Land Management Code, including: height, setbacks, parking, architectural design, floor area ratio, and neighborhood compatibility are met. The floor area ratio restrictions in the HRL District limit the building size of a single family residence to 2,249 + 400 (garage) square feet for the required 3,750 square foot lot.

If the plat amendment is approved as proposed the Anchor Development Plat would have a total of four (4) lots. The Land Management Code (LMC) and conditions of approval as stated in the 1996 ordinance adopting the Anchor Development Plat will apply. All four (4) lots are subject to any subsequent ordinances that may change the regulations as stated below.

		Existing Lots		Proposed Amendment	
		Lot #1	**Lot #2 (no changes)**	**Lot #3**	**Lot #4**
Existing	**Current Use**	Vacant	Vacant	Vacant	Historic Structure
Proposed	**Lot Size including R.O.W.**	7,305 square feet	11,963 square feet	6,251 square feet	4,643 square feet
	1998 Requested area of vacation	1,322 square feet	none	1,505 square feet	264 square feet
Code Requirement	**F.A.R.** (Based on lot without R.O.W.)	2998 square feet	3824 square feet	2548 square feet	NA
	Above ground S.F. maximum	2400 square feet	3400 square feet	2165 square feet	NA
	Setbacks				
	• Front	15 feet	15 feet	25 feet	15 feet
	• Side	10 feet	10 feet	5 feet min*/ 15 feet total	10 feet
	• Rear	10' min	15 feet	15 feet min	15 feet
	Height	27'	27'	27'	27'
	Parking	2/unit	2/unit	2/unit	2/new units
	Design	HDC Review	HDC Review	HDC Review	HDC Review

* The front of Lot 3 shall have five foot (5') sideyard setbacks with no minimum total requirement.

Lot 1

The density for Lot 1, a single family residence, remains the same as the original approval of the Anchor Development Plat. Setbacks for Lot 1 have been designated and defined and are shown on Exhibit D. The setbacks shall be stated on the plat.

Right-of-way area

The applicant has requested 1,322 square feet of Ridge Avenue right-of-way be vacated and deeded to Lot 1. The vacated area will be entirely within the side yard setback and will not be used when calculating the floor area ratio for the future structure.

Lot 2

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There are no proposed changes to Lot 2.

Lot 3

Density

The Planning Commission stated a concern regarding the potential increase in density achieved through the inclusion of the vacated portions of the Ridge Avenue right-of-way into proposed Lot 3. The Legal Department has confirmed that the rear two and a half lots, Lots 41, 42 and half 43, which compose part of the proposed lot three could be combined through a plat amendment for a single family structure. Access can be given to the lot either by granting an encroachment permit over the existing right-of-way or by constructing Ridge Avenue following the right-of-way south toward the Nyman residence. If the applicant were to propose the plat amendment combining the rear lots today, the Planning Department could not draft reasonable findings to deny the plat amendment. So essentially the applicant has one density unit as the lots stand today. Therefore, vacating part of the Ridge Avenue right -of-way does not cause an increase in the possible density for Lot 3.

Construction of Ridge Avenue

The Planning Department staff discussed the reality of constructing Ridge Avenue to the south of the proposed plat, toward the Nyman residence, within the right-of-way with the City Engineer. The City Engineer has determined that if the road was constructed at grade, it would result in a slope greater than 10%. Therefore, the road would need to be elevated off of grade by retaining walls to accommodate a slope of 10%. Staff does not recommend the construction of Ridge Avenue within the right-of-way due to the impact of a retaining wall elevating the road would have on the environment. It is a more visually sensitive and better site planning process to allow Lots 41, 42 and half of 43 to be developed by giving access to King Road by vacating portions of Ridge Avenue right-of-way.

Volumetrics

During the process of the Planning Commission's review of the proposal, Staff drafted volumetrics for Lot 3, which specifically regulate height, setback, and building articulation. The Commission forwarded the positive recommendation to the City Council based on the proposed volumetrics listed below.

(a) Height Restrictions:

- The first eighty (80) feet, as measured from the west property line, are restricted to a building height no greater than eighteen feet (18') as measured from existing or final grade, whichever yields the shorter building. The remaining lot area is restricted to the twenty-seven feet (27') height limit as stated in the current Land Management Code regulations for the HRL District.
- No ridge shall be greater than thirty feet (30') in length without a three foot (3') step in elevation within the first eighty feet (80') of the lot, as measured from the west property line.

(b) Building Articulation:

- No building wall within the twenty-seven foot (27') height range shall be greater than thirty feet (30') in horizontal length without a four foot (4') step in the wall plane.

© Setbacks:

- The front yard setback on Lot 3 shall be twenty-five feet (25') and remaining setbacks follow the Land Management Code Requirements. Setbacks for Lot 1 are discussed below.

Right-of-way area

Vacation of 1,505 square feet of the Ridge Avenue right-of-way, to be deeded to Lot 3 has been requested by the applicant. The building footprint will be placed over the vacated area to reduce the mass and height of the future structure. Staff has added the mass and height criteria to the Conditions of Approval. The area will not be used in the calculation of floor area for the future structure.

Lot 4

There is no increase in density resulting in the vacation of 264 square feet of the Ridge Avenue right-of-way. In return for the vacated area, the applicant has agreed to execute a facade easement for the historic structure that is at 81 King Road. Staff has determined that the facade agreement is fair compensation for the vacated 264 square feet of right-of-way.

Vacation of Ridge Avenue

The application includes a request to vacate portions of the Ridge Avenue right-of-way, which is currently undeveloped. The applicant proposes to add these vacated areas into an existing lot and two proposed lots. The City Council pursuant to a petition may consider any proposed vacation and shall hold a public hearing before their decision. The Planning Commission included a positive recommendation to the City Council regarding the vacation of Ridge Avenue based on the criteria stated in the policy resolution on street vacations (Exhibit E). The applicant has submitted two letters addressing the criteria and these letters are included as part of the staff report as Exhibit F.

At the July 23, 1998 City Council Meeting, Council, Staff and the applicant discussed formulas to developed a fair price for the vacated right-of-way. The calculations are based on a percentage of the fair market value for developable land. Percentages were developed to find a comparable price for land that does not hold any density, "open space" land. The percentages as figured range from 10% to 16% of the fair market value of a developable lot. Please refer to Exhibit H.

Vacation for the right-of-way does not increase density or floor area and by vacating the right-of-way, Ridge Avenue would not need to be constructed to give access to the Lots 41, 42 and half of 43. The City is receiving design enhancements for the future structure on Lot 3, along with a facade easement for the historic structure on Lot 4.

Staff then broke down each area to be vacated to set its value to the lot to which it would be deeded. The calculations are briefly listed below. A more in depth analysis in included in Exhibit H.

- Lot 1 - The right-of-way area will be contained within the sideyard setback for the structure and therefore remain open for the use of the land owner. The percentage used in determining the price is 13% of fair market value of developable land in Old Town.
- Lot 3 - The building footprint of the future home will be on the right-of-way area. Staff has determined that the footprint location will reduce the building mass and height as viewed from King Road that will make the future structure more compatible with the adjoining residences. Staff used 16% of fair market value when calculating the cost of the right of way.
- Lot 4 - Staff has determined that since the owner of the historic home on Lot 4 has agreed to execute an easement for all facades on the structure that no monetary compensation is necessary for the vacation of 264 square feet of right-of-way.

Lot 1	$6.980
Lot 3	$9.782
Lot 4	$0

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$16.762 total amount for the right-of-way for Lots 1 and 3.

One of the criteria for vacating right-of-way is the net benefit to the City for the right-of-way. At Council's direction. the funds provided by the applicant for the land can be allocated, during the budget amendment. to a specific fund for public amenity improvements in the City.

D. Department Review.

The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat before recordation. The request was discussed at a Staff Review Meeting on February 17. 1998, where representatives from local utilities and City Staff were present.

ALTERNATIVES

A. Adopt the attached ordinance approving the plat amendment and vacation request thereby allowing for delineated setbacks on Lot 1. a single family structure on Lot 3. the design of which is mitigated through Volumetrics and the historic district design guidelines, and a facade easement on the historic structure at 81 King Road. which will become Lot 4.

B. Deny the request for the plat amendment and vacation of portions of Ridge Avenue and retain the original Record of Survey and Anchor Development Plat.

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

SIGNIFICANT IMPACTS:

The proposed amendment will result in two (2) additional lots in the Anchor Development Plat which meet the minimum lot requirement for the HRL District. The plat amendment does not increase nor decrease the potential density of the developed units on the lots. The Plat Amendment results in increased setbacks and set design standards for a future house on Lot 3, and preserves the front facade of the historic structure at 81 King Road. 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.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, Lots 41, 42 and half of 43 could be combined through a Plat Amendment process and a structure could eventually be constructed on Lot 3 by either allowing an encroachment into the right-of-way or by constructing Ridge Avenue. There would be no guarantee of the volumetric restrictions on the lot, as there is currently proposed with the current Plat Amendment. The structure at 81 King Road would not have a facade preservation easement.

E. RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing, consider public input and consider Staff's recommendation to adopt the attached ordinance for approval of the Plat Amendment and Vacation request based on the following Findings of Fact. Conclusions of Law and Conditions of approval:

Findings of Fact:

1. The property is in the Historic Residential Low Density (HRL) District.

2. The site is currently undeveloped.

3. The proposed amendments to the Anchor Development plat will result in two (2) additional lots that accommodate an existing historic structure at 81 King Road and a future single family structure on Lot 3.

4. The proposed plat amendment neither increase nor decreases the potential density along King Road.

5. The right-of-way vacation criteria are as follows:
   (a) There is no increase in density as a result of the vacation of the Ridge Avenue right-of-way;
   (b) The volumetric constraints added to Lot 3 ensures compatibility with any future structures on Lot 3 with the surrounding neighborhood;
   c Compensation for the loss of the right-of-way shall be addressed at City Council; and
   (d) The area of the vacated right-of-way is not currently used for public utilities nor planned for such use in the future.

6. Dedication of a ten (10) foot non-exclusive snow storage easement along King Road is necessary to provide adequate snow removal services.

7. Regulations regarding height, setbacks and building articulation are necessary to ensure neighborhood compatibility for future development on Lot 3.

8. The applicant agrees with the conditions of approval.

<u>Conclusions of Law</u>:

1. There is good cause for the amendment as increased setbacks are provided and overall density is reduced.

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 Chapters 7 and 15, State subdivision requirements, and the Right-of-way Vacation Resolution.

<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 conditions of approval is a condition precedent to plat recordation.

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

3. The construction of the single family residence on Lot 3 shall comply with the following regulations and note to that effect added to the plat:

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(a) Height Restrictions:

- The first eighty (80) feet, as measured from the west property line, are restricted to a building height no greater than eighteen feet (18') as measured from existing or final grade, whichever yields the shorter building. The remaining lot area is restricted to the twenty-seven feet (27') as stated in the current Land Management Code regulations for the HRL District.
- No ridge shall be greater than thirty feet (30') in length without a three foot (3') step in elevation within the first eighty feet (80') of the lot, as measured from the west property line.

(b) Building Articulation:

- No building wall within the twenty-seven foot (27') height range shall be greater than thirty feet (30') in horizontal length without a four foot (4') step in the wall plane.

c. Setbacks:

- The front yard setback on Lot 3 shall be twenty-five feet (25') and remaining setbacks follow the Land Management Code Requirements.

4. Construction staging for Lot 3 shall not occur on the private driveway easement for Lot 1 and Lot 3.

5. Payment of the compensation value determined by the City Council, by the applicant, to the City prior to the recordation of the plat amendment.

6. Only one (1) single-family home is permitted on Lot 3.

7. The structure on Lot 1 shall comply with the setbacks as designated on Exhibit D and added to the plat.

8. The facade preservation easement for the historic structure located at 81 King Road shall be signed and granted to the City prior to the recordation of the plat.

9. Design of the proposed homes on all lots require review and approval by the Historic District Commission in compliance with the Historic District Design Guidelines.

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

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

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

F. <u>Exhibits</u>

A. Location Map
B. Plat Amendment
C. Standard Project Conditions
D. Setback Determination for Lot 1
E. Right-of-way Policy Resolution
F. Letters from Mike Watts 5/5/98 and 6/16/98
G. Minutes from March 25, 1998 and May 13, 1998 Planning Commission Meetings.
H. Analysis of Compensation

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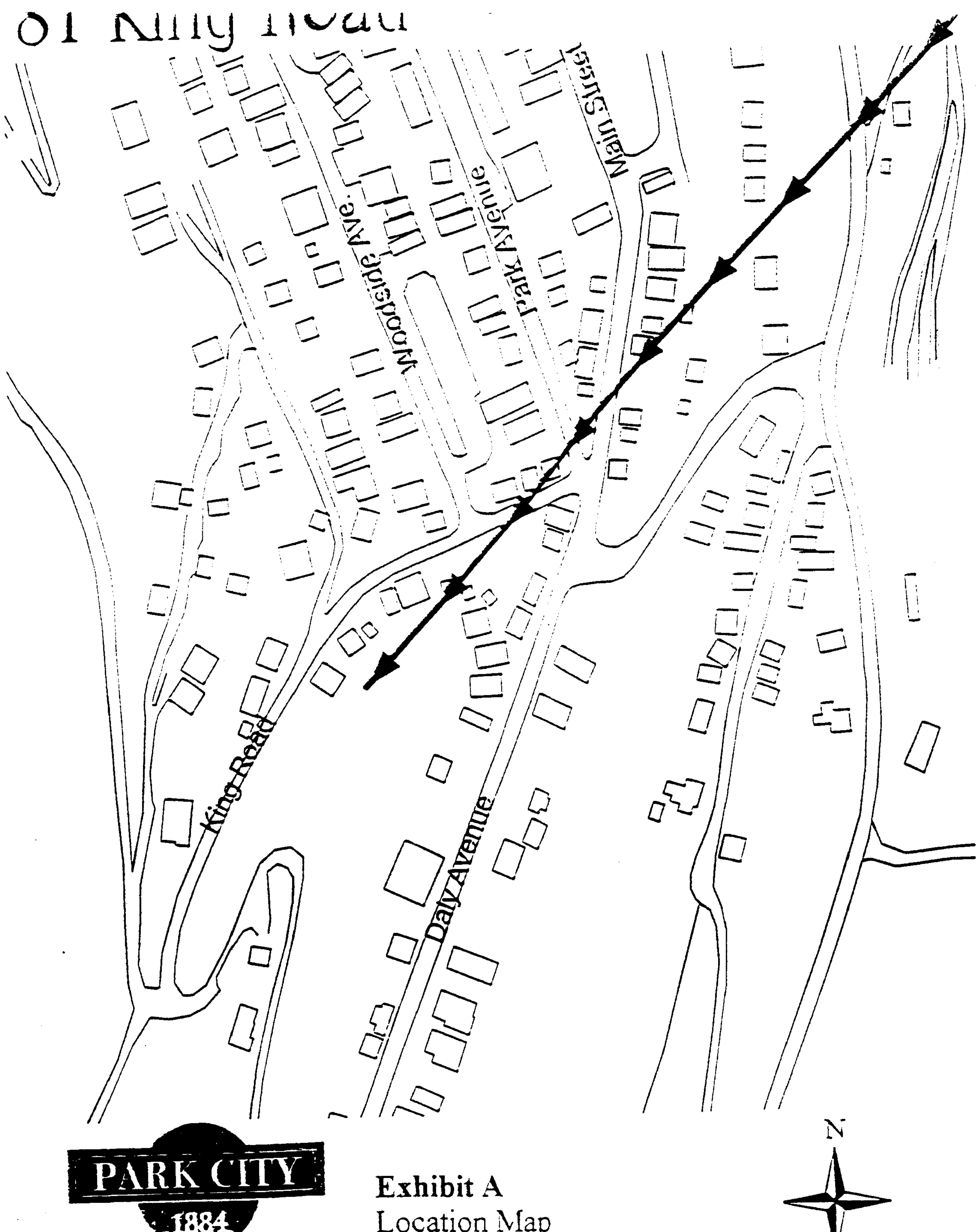

Exhibit A
Location Map

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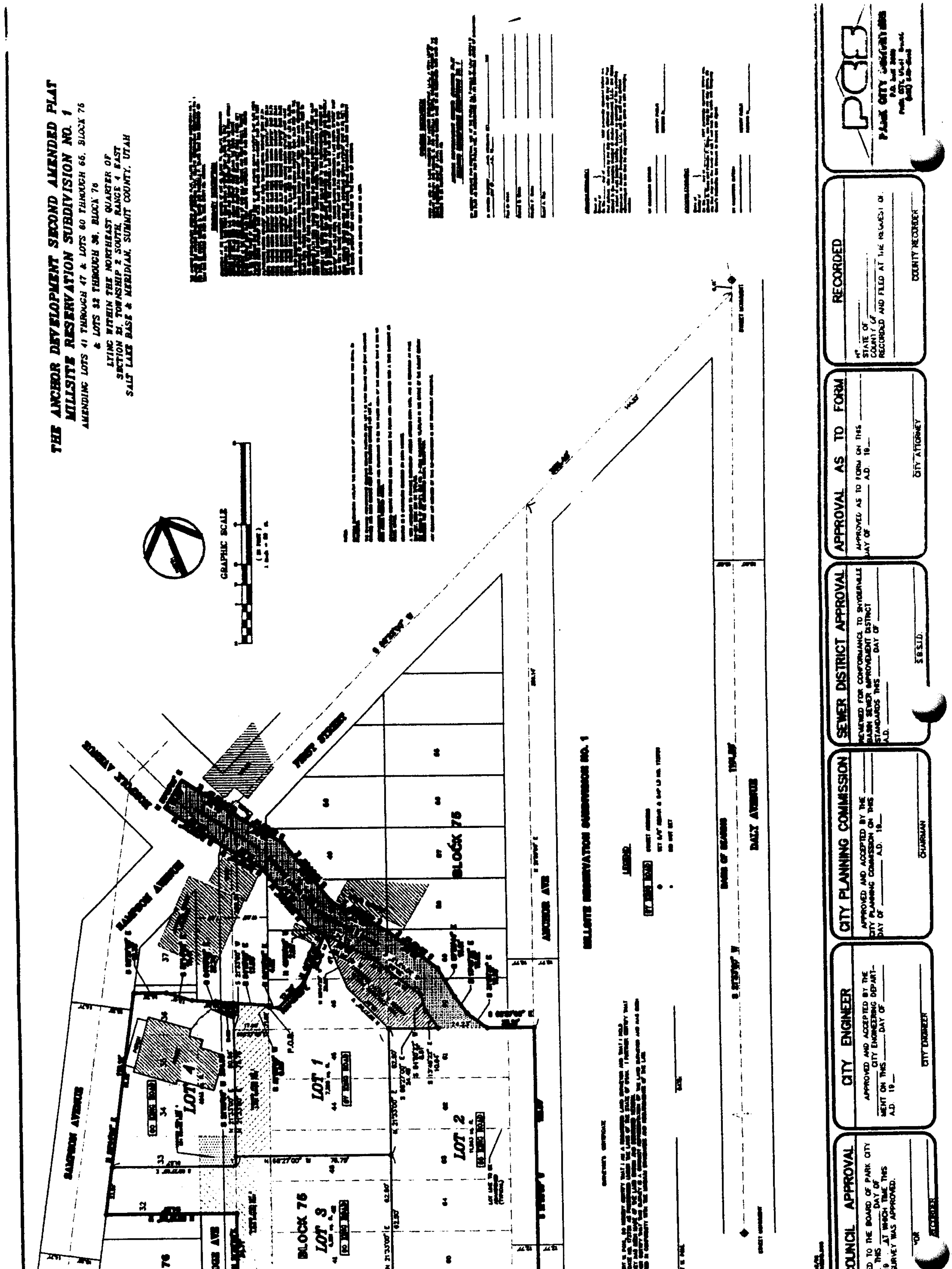


Exhibit B
Plat Amendment

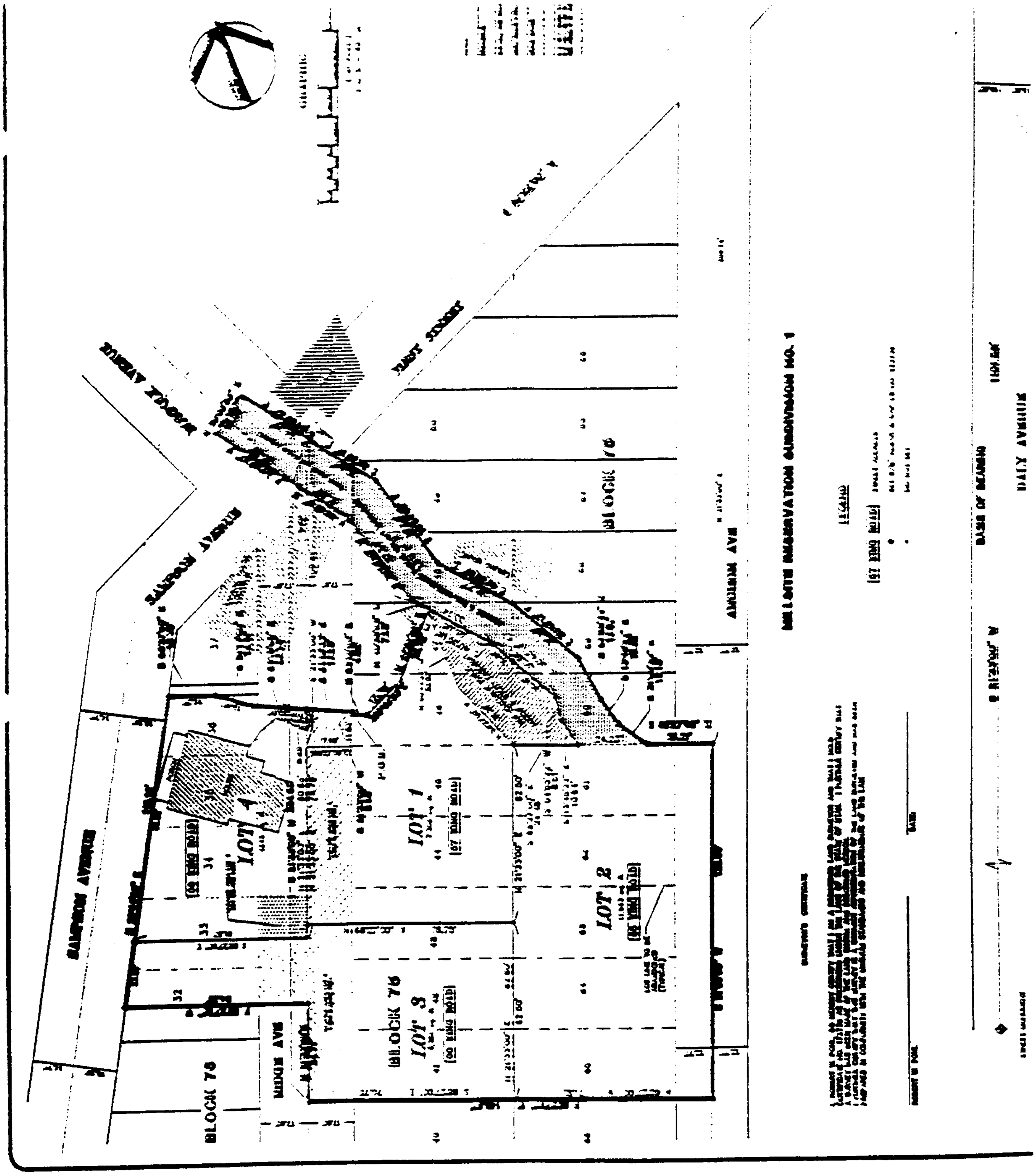


Exhibit C
Plat Amendment

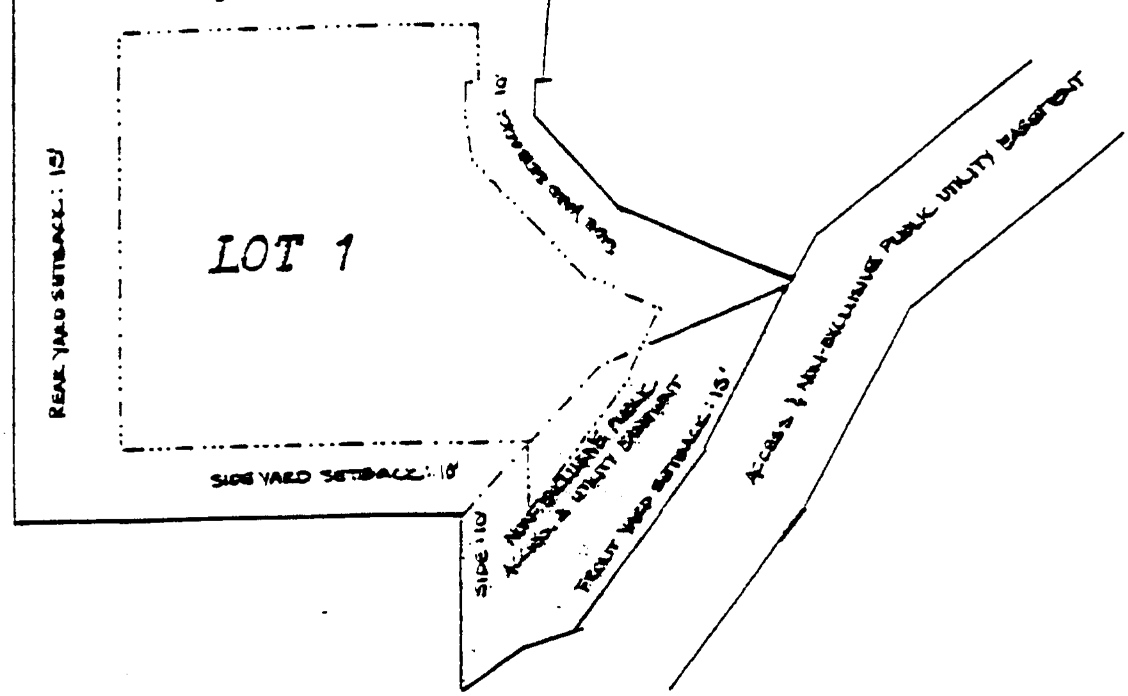
PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

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

LOT 4

Lot 1 Setbacks



Lot 3 Topography and Setbacks

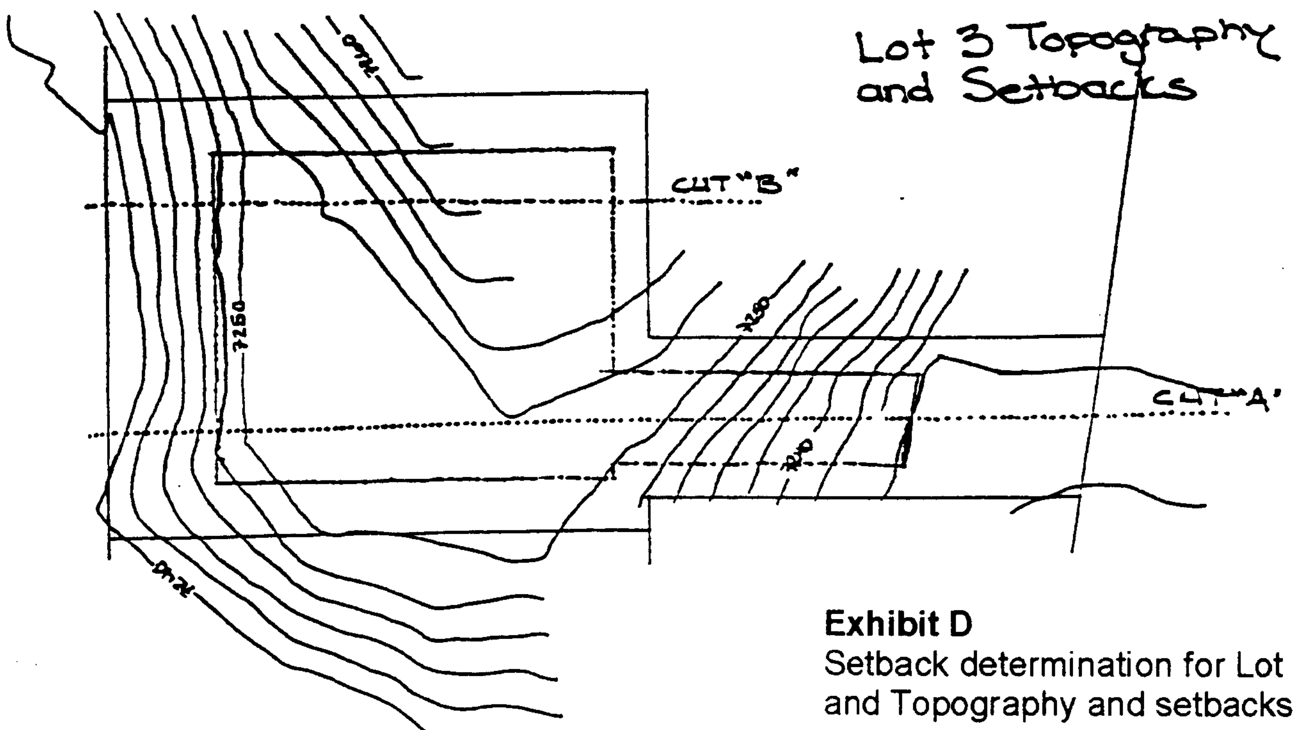


Exhibit D
Setback determination for Lot 1
and Topography and setbacks for Lot 3

Resolution __-98

A RESOLUTION ADOPTING A POLICY STATEMENT REGARDING THE VACATION OF PUBLIC RIGHT OF WAYS WITHIN PARK CITY

WHEREAS, the Municipal Land Use Development and Management Act of the Utah Code ("Act") provides that the City Council **may** vacate public right of ways upon findings of: 1) good cause for the proposed vacation; and 2) that neither the public nor any person will be materially injured by the proposed vacation; and

WHEREAS, the Act and relevant common law fail to further define "good cause" and allow the local jurisdiction legislative discretion in disposing of public right of ways; and

WHEREAS, to help assure the consistent and reasonable application of the Act, the Planning Commission and City Council wish to provide their constituents with some general guidance as to the circumstances in which the City may favorably consider vacating public right of ways; and

WHEREAS, this policy statement is not an evaluation of any particular request for vacation, but a general position regarding the terms and conditions in which the City may typically grant a citizen's request to vacate a public right of way within the City; and

WHEREAS, nothing herein shall be construed as an abandonment of public right of way within Park City; and

WHEREAS, this policy shall not be construed as creating a vested right nor entitlement of any nature with regard to vacation of a right of way, but shall only be advisory for the Planning Commission and City Council to utilize when exercising their legislative discretion in evaluating the merits of a vacation petition; and

WHEREAS, the Planning Commission and City Council shall continue to evaluate vacation petitions on a case-by-case basis; and

WHEREAS, although the City Council will give significant weight to the Planning Commission recommendation, the ultimate decision to vacate or not rests squarely with the City Council.

NOW THEREFORE, the City hereby adopts the following guidelines:

SECTION 1. GOOD CAUSE. The City may generally find "good cause" when a proposal evaluated as a whole demonstrates a "net tangible benefit" to the immediate

Exhibit E
Right-of-way policy resolution

neighborhood and to the City as a whole. The City will evaluate a particular proposal against the following criteria to determine whether a "net tangible benefit" has been demonstrated by the petitioner:

a. <u>NO INCREASE IN DENSITY</u>. Existing density shall be determined by counting the lots/units that the petitioner could reasonably obtain a building permit for at the time the petition is filed. The existing density must have existing access and must not require a plat amendment in order to obtain a building permit. Street rights of way will generally not be vacated to facilitate greater density, floor area or area of disturbance. New applications which proposed the subdivision of rights of way shall be reviewed under Land Management Code Chapter 15, Subdivisions, and must result in a lower density than that permitted by the underlying zoning (Chapter 7) without the vacated right of way.

b. <u>NEIGHBORHOOD COMPATIBILITY</u>. The proposal shall be analyzed according to the following criteria: the application complies with all requirements of the Land Management Code ("LMC"); the use will be compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the Park City General Plan, as amended; and the effects of any differences in use or scale have been mitigated through careful planning. The City shall review each of the following items when considering compatibility: (1) size and location of the site; (2) traffic impacts including capacity of the existing streets in the area; (3) utility capacity; (4) emergency vehicle access; (5) location and amount of off-street parking; (6) internal circulation; (7) fencing, screening, and landscaping to separate the use from adjoining uses; (8) building mass, bulk, and site plan; (9) usable open space; (10) signs and lighting; (11) physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing; (12) provision of snow storage, and mitigation of noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site; (13) control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas; (14) expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies; (15) proposed uses in an historic district must comply with the Historic District architectural guidelines provided in a supplement to the LMC; (16) all proposed uses in the zones outside an historic district must comply with the General Architectural Guidelines in LMC Chapter 9; and (17) the Sensitive Area Overlay Zone Regulations (which normally apply only to property within the Sensitive Area Overlay Zone) shall apply to all development proposals including a petition to vacate right of way, regardless of the underlying zoning/platting of the development.

c. <u>CONSIDERATION</u>. Proposals must compensate the City for the loss of the right of way. Consideration favored by the City will generally be financial (market value based upon square footage); open space dedication above and beyond normal subdivision or development approval requirements: trail or public access dedication above and beyond normal subdivision or development approval requirements: replacement right of way dedication; and/or any other public amenity deemed in the best interests of Park City's citizens.

d. UTILITY OF EXISTING RIGHT OF WAY. The City shall typically dispose of public right of way only when the right of way is no longer of significant utility to the City. The City shall consider the right of way's status as listed in the Streets Master Plan, the recommendation of the City Engineer, existing improvements and utilities within the right of way, and the Capital Improvement Plan. Replacement of the prior right of way alignment or dedication of a new right of way must meet the construction and width standards in the Street Master Plan, unless otherwise reduced by the City Engineer.

SECTION 2. MATERIAL INJURY. The City must find that no person nor the public is "materially injured" by the proposal. "Materially injured" generally means direct or indirect injury to property or a property right as a result of the proposal. The injury must be significant enough to rise to the level of interfering with the injured party's use of his/her property or property right. The injury must be demonstrated by evidence on the record, or the City's reasonable inference therefrom, and shall not merely be conjecture nor public clamor.

SECTION 3. JOINT MEETINGS. Joint meetings between the Planning Commission and City Council, and Historic District Commission as necessary, are encouraged early in the process for large (greater than 5 lot) projects and master planned developments, which propose vacation and reconfiguration of public rights of way.

PASSED AND ADOPTED this ____ day of __________, 1998.

Park City Municipal Corporation

____

Bradley A. Olch, Mayor

Attestation by:

____

Jan Scott, City Recorder

Approved as to Form:

____

Mark D. Harrington, Deputy City Attorney

5/5/98

To: City Council and Park City Planning Commission.
Re: 81 King Road Plat Amendment and Vacation.
Zoning: HR-L.
Planners: Megan Ryan and Alison Kuhlow.
Applicant: Michael Watts

According to the draft of. A Policy Statement Regarding The Vacation of Public Right of Ways Within Park City. The Municipal Land Use Development and Management Act of the Utah Code ("Act") provides that the City Council may vacate public right of ways should a variety of these findings be met.

Section 1. Good Cause. The following list of items have been negotiated through the plat amendment process. I feel that these items demonstrates a "net tangible benefit" to the neighborhood and the City.

1. NO INCREASE IN DENSITY. The density at this point has been DECREASED. The proposed above ground square footage (Based on lot size without R.O.W.) is 2165 sq. ft. Which is 35% of the allowable F.A.R.
2. Increased set backs. 25 ft. front, 15 ft. rear. See staff report. The increased front setback would allow for extra off street parking spaces and an area for staging, to mitigate the construction impacts. This is in front of a two car garage.
3. Restrictions in roof line heights and stepping requirements. See staff report.
4. Restrictions in offsets of building walls and roof. See staff report.
5. Neighborhood compatibility: The above listed items would force the design of a single family residence to be more than compatible with the area.
   a. smaller than average house size in the neighborhood.
   b. more offstreet parking than most old town lots.
   c. an area to stage construction
   d. all utilities exist today in King Road and were stubbed for this lot.
   e. height and stepping restrictions.
6. Neither the public nor any person will be materially injured by the proposed vacation or plat amendment.
7. This proposal makes more sense that the alternate possible chooses.
   a. Upgrading existing plated Ridge Ave. to use as access to lots.
   b. Request lower road standard variance to allow for driveway use on Ridge Ave.
   c. To combine lot 3 with lot 1 through a plat amendment and still vacate Ridge Ave.

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Exhibit F
Letter from Mike Watts 5/5/98 and 6/16/98

8. This plat amendment and vacation cleans up many lot line problems that exist between land owners and also the City.
9. A lot of Ridge Ave. has previously been vacated (rear area of lot 4 and Scipone parcel). The intent of the City Council at the time of vacating these parcels was to provide access to all land owners in the area and clean up lot lines problems. The vacation occurred, but the follow-through from the Council did not, leaving some lots more land locked. See minutes of City Council meetings dated Oct. 27,1983 and Nov.3,1983. This plat amendment and vacation would finish what was the intent of the Council in 1983.
10. Would put the R.O.W on the tax rolls.

Thanks for your consideration of the plat amendment and vacation. I believe that the items listed above demonstrate "net tangible benefit".

Thanks

Michael Watts

Michael Watts

6/15/98

To: City Council and Park City Planning Commission.
Re: 81 King Road Plat Amendment and Vacation.
Zoning: HR-L.
Planners: Megan Ryan and Allison Kuhlow.
Applicant: Michael Watts

At the last Planning Commission meeting at which 81 King Road was discussed (May 13,1998). The members ask to address the issues of consideration as they pertain to the POLICY STATEMENT REGARDING THE VACATION OF PUBLIC RIGHT OF WAYS WITHIN PARK CITY.

The following list of items. I feel. are compensation to the City and surrounding public. These items have been negotiation between the staff and applicant and are deemed. ABOVE NORMAL DEVELOPMENT REQUIREMENT for this zone. in the current master plan

1. Increased open space. None of the RIGHT OF WAY footage has been used in any calculation. If we were allowed to purchase the Right of Way, then use that footage in the calculations all numbers would be quite different.
2. Decrease in density. The maxim allowable house, was determined by calculating the allowable F.A.R., then multiplying that by 85%. None of the Right Of Way footage was used in this calculation.
3. Increased setback requirement. The 25 ft. front yard setback would allow for parking and an area to stage construction. This would greatly mitigate impacts to the neighborhood. Once construction is complete there is increased off street parking. Something you do not find in old town. Rear yard setback was increased to 15 ft. to give a greater separation between neighbors.
4. Restrictions in roof line heights and stepping requirements. These restrictions will greatly reduce the mass and scale of the home. See staff report.
5. Restrictions in wall offsets of building. This will force home to have some architectural brakeup. See staff report.
6. The footage of the R.O.W. would move onto the tax rolls.

These items listed above are all requirement that are above the normal requirement stated in the Code for this zone. Because of this I feel that the City and the public are receiving consideration for Right of Way.

As to the loss of a current Right of Way. I feel that there is no loss of a current Right of Way. Previous City Councils have vacated different sections of this, Right of Ways, making it impractical to think that it will be ever used. The grade of this Right of Way is steeper than current standards would allow. By vacating this Right of Way as per this request, it will limit and control the impacts of a single family home on this site.

Thanks for your consideration on this

Michael Watts

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Commissioner Jones asked if a setback is proposed on the south property line. Planner Von Puttkammer explained that there is a 0 lot line. Mr. Stanislaw noted that the structure would be within a foot of the property line. However, the stair is set back from the property line, and a landscape buffer is proposed between the edge of the stair and the new building wall.

81 King Road, Plat amendment

Planner Kuhlow reported that this property is located at the intersection of Sampson, King, and Upper Norfolk Avenues. In 1996, a plat amendment known as the Anchor Development Plat combined several platted lots into two lots which are accessed by an encroachment easement coming through a driveway located between two historic homes owned by Judy Scipione. In 1963, a portion of the Ridge Avenue right-of-way was vacated to Rudy Riet, who owns the house on Lot 4. Planner Kuhlow reviewed the current request for a plat amendment and vacation of the Ridge Avenue right-of-way which would amend the 1996 Anchor Development plat amendment to add two lots, Lots 3 and 4. The vacation request will be added to a portion of Lot 1, providing additional lot area on that lot. The Staff would like to see additional setbacks and preservation of two significant trees on Lot 1. Planner Kuhlow presented slides of the site and points relative to the proposal. One slide showed the access easement between the house and shed and the historic house which provides the only vehicular access to Lots 1 and 2. Other slides showed the significant trees. Lot 4 contains an existing historic house, and the Staff is working with the applicant on a facade easement. The Staff would like to consider increased side yard setbacks along the south edge of the property. Another issue is a historic shed which encroaches across the property line and into the right-of-way which the applicants wish to vacate. A flag lot would be created on Lot 3 which would be smaller on the front end with access off of King Road and open up to a wider, flatter portion. House size is regulated by the Floor Area Ratio of Lot 3, and the Staff would like to work on an above-ground maximum square footage and determine setbacks and possibly a building envelope for Lot 3. Not including the right-of-way, maximum house size is approximately 2,500 square feet. There is an option to not include the front portion of the lot when calculating the floor area ratio, which would make the maximum floor area 2,200 square feet. Planner Kuhlow requested input from the Planning Commission on that issue. She explained that the applicants are considering going to the Board of Adjustment to request a reduction in the front yard setback for better house placement on the front of the lot. She asked for Planning Commission input on the construction mitigation plan for Lot 3 and possibly requiring

Exhibit G
Minutes from March 25, 1998 and
May 13, 1998 Planning Commission Meetings

construction to occur off of King Road rather than using the access easement through Lot 1.

Commissioner Larson clarified that the flag lot is to allow access off of King Road and asked why the applicant is not pursuing access through the access road coming into Lots 1 and 2. Planner Ryan replied that such access is not being pursued due to the topography and additional nuisance to Judy Scipione.

Commissioner Larson noted that Lots 1 and 2 were previously replatted, and now a street vacation is being requested to augment the size of Lots 1 and 2. He asked if the Staff knew of any intent other than to make the lots larger. Planner Kuhlow replied that the vacation would provide increased setbacks from the lot line and greater separation. The right-of-way area is not included in the Floor Area Ratios, so the home would not be larger.

Commissioner Jones clarified that Lot 1 was originally platted without the right-of-way and that Lot 2 would remain the same. He asked what benefit there would be to the City to vacate the area. Planner Kuhlow suggested that the applicant address that question.

Commissioner O'Hara asked if Lot 3 would be buildable without the vacation. Planner Kuhlow replied that it would not. The rear portion of Lot 3 would require a plat amendment to combine lots to meet minimum lot size requirements for the HRL District, but there is currently no access.

The applicant, Mike Watts, commented that the purpose of the request is to clean up the neighborhood. The original vacation in October 1983 was behind Judy Scipione's parcel for the old building. Originally, an agreement between all the owners allowed access into a number of lots. At that time, they were trying to clean up the property lines, and clear title was needed. The lower part of Ridge Avenue was vacated, which started the vacations in the area. The bottom access from Ridge Avenue was eliminated because the house sits on 90% of Ridge Avenue. Property owners were asked whether it was viable to vacate that access, and they that it was because there was a plan to gain access to the other lots. The vacation was completed, but there was no follow-up plan, and the easement did not deal with access to the other lots. As a result, the vacation occurred, but other properties were stuck without gaining access. Since then, they have been trying to find suitable ways to regain access. Lot 4 was vacated in 1963, and the applicant is trying to apportion half to each owner. Mr. Watts noted that they are trying to clean up the lot lines in the whole area and provide an access to the existing lots. Lot 1 would gain half the road, Lot 4 has the adjacent half, and Lot 3 would gain access from King Road. In response to the question about Lot 3 not having access off the easement, he explained that the plat states that there can be only two lots there.

Commissioner Hays asked if Lots 1 and 3 sit on the ridge. Mr. Watts replied that Lots 1 and 3 are on top of the ridge, and they hope to preserve the two trees on Lot 1.

Chair Erickson asked for discussion of the Ridge Avenue right-of-way vacation.

Commissioner Jones stated that he wanted to know a good reason for the City to vacate the right-of-way before entertaining the matter. The Commissioners concurred.

Commissioner Larson recalled formulating a policy in accordance with the City Council on this issue and suggested that they make sure this conforms with the General Plan.

Commissioner Larson suggested looking at volumetrics for Lot 3 in addition to maximum above-ground square footage. He requested a section profile running from King Road toward town along the center line of Lot 3.

Due to the steepness of the road, Commissioner Hays asked how King Road could be used as a construction access. Planner Kuhlow explained that using King Road would minimize the amount of traffic on the parking access easement. Since the applicant would be building up the hillside, the best place to store materials would be on King Road.

The Commissioners were interested in visiting the site when the snow melts. The Planning Commission requested that topography be included as part of the next packet.

General Plan Annual Review

Chair Erickson stated that the staff report contains items which have changed during the year and current building valuations and statistics relative to Park City. He suggested reviewing the Plan to determine whether anything needs adjustment and whether changes need to be made moving forward into Phase II. He recommended excluding the mapping discussion until it can be addressed at the Staff level.

11. The applicant agrees to provide an enhanced sidewalk connection along the west side of the Bellemarc Building to a total width of 6 feet.

12. The applicant agrees to provide Staff with a landscape plan for review and approval prior to the issuance of a building permit.

7. <u>143 Norfolk Avenue, Plat Amendment</u>

The Staff requested that this item be postponed to a date uncertain.

MOTION: Commissioner Hays moved to POSTPONE the plat amendment at 143 Norfolk to a date uncertain. Commissioner Hier seconded the motion.

VOTE: The motion passed unanimously.

8. <u>81 King Road, Plat amendment</u>

Planner Kuhlow stated that the Staff requests the Planning Commission discuss the proposed plat amendment and vacation of the Ridge Avenue right-of-way, conduct a public hearing, and provide direction to the Staff regarding future development on this project. The last time this matter was presented, the Planning Commission directed the Staff to return with the following items:

-Volumetrics for the proposed structure on Lot 3 with a section of topography;
-The policy statement on vacation request; and
-The net benefit regarding the plat amendment.

Regarding volumetrics for the proposed structure on Lot 3, the Staff has included an exhibit in the staff report showing some of the cut sections through the slope along with height restrictions, setback restrictions, and the square footage allowed by the Land Management Code. Regarding the policy statement on vacation requests, the Staff has prepared a draft resolution and request that the Planning Commission forward a positive recommendation to the City Council for adoption as policy for future vacation requests. The net benefit of the plat amendment is addressed in the applicant's letter to the Planning Commission contained in the staff report.

Planner Kuhlow reviewed the 18-foot height limitation and cut sections shown as Exhibit D in the staff report. The Staff restricted the height within the first 65 feet of the property to 18 feet. This was determined by using the guidelines for downhill lots for the appropriate height of a one-story or garage element from the streetscape. This was done in an attempt to minimize effects as the structure goes up the slope. Once the right-of-way section is passed, the height may increase to 27 feet as allowed by the Land Management Code in the HRL zone.

Chair Larson clarified that the setback is increased to 30 feet within the 65-foot right-of-way. Planner Kuhlow noted that the setback was incorrect in the staff report and should read 25 feet.
Commissioner Hays noted that the resolution states no increase in density and asked if they would be allowing increased density by vacating the right-of-way. Planner Kuhlow replied that, without vacating the right-of-way, the applicant would still be able to develop on the lots if they could gain rear access. If they could get to the lots, they could build, but combining them would only allow one single-family home.

Commissioner O'Hara asked how many units could be built on these parcels as they exist today. Planner Kuhlow replied that nothing could be built without the improvement of Ridge Avenue.

Commissioner Hays was concerned about setting a precedent for increased density if the vacation is allowed.

The Commissioners and applicant discussed the matter and the access to Lot 3. Chair Larson summarized that they are building on the vacated right-of-way, but it is not being used to increase density.

Commissioner Zimney suggested adding a finding to that effect. The Commissioners concurred.

Commissioner Jones asked if anything would prevent the applicants from crossing the Ridge Avenue right-of-way if the vacation does not occur. Administrator Putt replied that they could have a driveway off of King Road and put a parking pad or one-car garage and access across the right-of-way.

A representative for the applicant, Mike Watts, explained that the right-of-way can be crossed, but it requires an encroachment agreement, and a house or garage cannot be built on it.

Commissioner Jones referred to item (c) of the resolution criteria addressing consideration and asked if there has been a discussion of consideration for the vacation. Planner Kuhlow replied that there has not yet been a financial discussion. Administrator Putt explained that in order to meet this criteria, the applicant must satisfy the Planning Commission and City Council that this can be met.

Commissioner Jones remarked that the criteria is specific about financial consideration, open space, trails, etc., and those items must be addressed.

Chair Larson opened the public hearing.

There was no input.

Chair Larson closed the public hearing.

Chair Larson noted that this matter needs to be continued, and the Planning Commission should forward a positive recommendation to the City Council on the resolution.

MOTION: Commissioner Jones moved to CONTINUE the plat amendment for 81 King Road. Commissioner Hays seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Jones moved to forward a POSITIVE recommendation to the City Council to adopt as policy the resolution regarding the vacation of public rights-of-way within Park City. Commissioner Hays seconded the motion.

VOTE: The motion passed unanimously.

9. **<u>1040 Norfolk Avenue, Plat amendment to combine 3 single family lots into 2 single family lots</u>**

Planner Kuhlow reported that the Staff recommended forwarding a positive recommendation to the City Council to combine three lots in Block 9 of the Snyder's Addition into two lots.

Chair Larson opened the public hearing.

There was no input.

Chair Larson closed the public hearing.

MOTION: Commissioner Hier moved to forward a POSITIVE recommendation to the City Council to combine the three lots in Block 9, Snyder's Addition,

81 King Road Compensation Analysis

As of 7/27/98 there were 22 real estate listings for vacant lots within the HR-1 District. When evaluating the cost of the City right-of-ways Staff calculated the average price per square foot of lots similar in size to the total lot proposed. The area of the lot proposed included the right-of-way requested for vacation.

Listed below are the lots which fall within the square footage range of proposed Lot 1 and Lot 3.

King Road	6,098 s.f.	$234,000
King Road	8,712 s.f.	$298,000
Ontario Avenue	5,227 s.f.	$159,000
Ridge Avenue	6,534 s.f.	$219,000
Woodside Avenue	5,662 s.f.	$399,000

Average price per square foot is approximately **$40.61**
Land that has no density value and is essentially "open space" ranges from **10%** to **16%** of the cost per square foot of developable land. The calculations below use the percentage given by the City Council members as a guideline when discussing right-of-way compensation.

<u>Lot 1</u> (Watts)

Lot size without the R.O.W.	5,983 square feet
Requested area of vacation	1,322 square feet
Total Lot area with R.O.W. included	= 7,305 square feet

Guideline = 13% of the average price per square foot*
13% of $40.61 = **$5.28**
Price for the 1,322 square feet of R.O.W. = **$6,980**

* The use of 13% of the average price per square foot of developable land was determined by the proposed use of the vacated right-of-way. The right-of-way in Lot 1 will be entirely contained within the side yard setback, which essentially leaves the vacated area as open space for the benefit of the owner of Lot 1.

<u>Lot 3</u> (Watts)

Lot size without the R.O.W.	4746 square feet
Requested area of vacation	1,505 square feet
Total Lot area with R.O.W. included	= 6,251 square feet

Guideline = 16% of the average price per square foot*
16% of $40.61 = **$6.50**
Price for the 1,505 square feet of R.O.W. = **$9,782**

* The use of 16% of the average price per square foot of developable land was determined by the proposed use of the vacated right-of-way. The right-of-way in Lot 3 will contain portions of the proposed structure. Locating the future structure within the right-of-way mitigates the height of the building by stepping the mass up the slope. The vacated area on Lot 3 is use as building area.

Exhibit H
Analysis of Compensation

Lot 4 (Reit)

Lot size without the R.O.W.	4.375 square feet
Requested area of vacation	264 square feet
Total Lot area with R.O.W. included	= 4.643 square feet

Staff would like to include within the report our determination that Rudi not pay for the 264 square feet. If the Council determines that monetary compensation is needed the calculations are as follows.

Guideline = 10% of the average price per square foot*
10% of $40.61 = **$4.06**
Price for the 264 square feet of R.O.W. = **$1,072**

* The use of 10% of the average price per square foot of developable land was determined by the proposed use of the vacated right-of-way. The 264 square feet allows additional open space on Lot 4 which is visible from the King Road right-of-way. The applicant, as a condition of approval is executing a 360 degree facade easement for the historic home. Since the applicant does not solely benefit from the vacation, 10% of the developable land price was used as a guideline.

PARK CITY

DATE:
DEPARTMENT: Public Affairs
AUTHOR: Matt Twombly MAT
TITLE: Deer Valley Drive South Trail Phase II
TYPE OF ITEM: Award of Construction Contract

SUMMARY RECOMMENDATIONS: Staff requests direction to proceed with the construction of the Deer Valley Drive South Trail Phase II. Staff recommends that Council accept a reasonable construction bid, and direct staff to proceed with award of contract and the tentative construction schedule.

DESCRIPTION: Staff has proceeded with the design and production of construction documents to construct the Deer Valley Drive South Trail Phase II between the existing concrete trail at the stone bridge and existing concrete trail at 'In the Trees' leading to the Snow Park Lodge. The project completion date is September 4, 1998. The advertisement to bidders was legally noticed on July 2, July 3, and July 8, 1998 and the sealed bids were opened on July 22, 1998. The apparent low bid is for $70,930 for the Basic Bid and Alternate Item #6 Stacked Rock Retaining Wall by Concrete Concepts, Inc.

A. Analysis: The apparent low bid for $70,930 is $21,465 below Staff's estimate for the project. After the bid opening the question was raised whether or not the low bidder who maintains a S-260 (concrete contractors) license could perform the work of the project under his license. After meeting with Ron Ivie and a call to the Division of Occupational and Professional Licensing Investigative department it was determined that the contractor could perform the work as bid under his license.

B. Department Review:
Engineering
Public Works
Legal

ALTERNATIVES:

A. Approve the Request: Award the construction contract to Concrete Concepts for $70,930 and direct staff to proceed with the construction of the Deer Valley Drive South Trail Phase II consistent with prior instructions.

B. Deny the Request: This alternative appears to be an option if construction bids are unreasonably high as determined by the Council. Should Council decide not to award a contract to construct the Deer Valley Drive Trail Phase II, the present condition where there is no trail adjacent to Deer Valley Drive would remain, causing pedestrians to use the road creating possible conflicts with automobiles.

C. **Continue the Item**: The bids may require more extensive analysis than time allows in the August 13th meeting. If this is the case, the bids will not expire until August 21, 1998. The consequence of continuance may impact the present construction schedule.

SIGNIFICANT IMPACTS:

Fiscal

There is currently a total of approximately $289,000 available in the Trails Master Plan Implementation CIP account.

Other

There may be traffic impacts due to possible one lane closures of Deer Valley Drive South during construction.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: In the event that Council determines the bids to be unreasonably high then the design and bid process would need to begin anew and greatly impact the construction schedule.

If Council decides not to pursue the project, the existing conditions of having no trail would remain, causing pedestrians to use the road creating possible conflicts with automobiles.

RECOMMENDATION: Staff requests that Council review the reasonableness of the bids and consider awarding the contract, so that the tentative construction schedule can be met. Staff recommends that a reasonable bid be approved, with direction to proceed with award of a contract.

CITY COUNCIL STAFF REPORT

Date:	**August 13, 1998**
Department:	**Community Development Department**
Title:	**1310 Lowell Avenue - CUP for a Skate Park**
Type of Item:	**Appeal of Planning Commission decision on approving a CUP for a Skate Park.**

Summary Recommendation: Staff requests that the Council uphold the Commission's decision to allow a conditional use permit for a Skate Park facility at 1310 Lowell Avenue.

A. Topic

Applicant:	Park City Mountain Resort
Location:	1310 Lowell Avenue
Proposal:	CUP to construct a Skate Park facility located at the north end of the Resort's Lower/First Time parking lot.
Zoning:	Recreation Commercial
Adjacent Land uses:	Residential/Parking Lot/PCMR
Project Planner:	Kevin LoPiccolo
Date of Application:	May 5 1998

B. Background Information

The Planning Commission approved a CUP at their July 22, 1998 meeting for a skate park located at the north end of the resort's lower/first time parking lot. The Commission previously reviewed this request at a work session/public hearing on July 8, 1998 and requested staff to prepare Findings of Fact, Conclusions of Law, and Conditions of Approval that was voted on and approved on July 22, 1998.

Since the Planning Commission approval for the skate park, two appeals were filed with the City Recorder. Snowflower Homeowners Association filed an appeal on July 28, 1998, citing noise, loss of property values and the ability to rent their long term visitors as the primary impact associated with the Commission's decision to approve a skate park located approximately 110 feet to the Snowflower condominiums.

The second appeal was received by the City Recorder on July 31, 1998 from Three Kings homeowners Association, citing their appeal for failure to notice property owners within 300 feet; disregard to residents of Three Kings; inappropriate location of the proposed use; and an incomplete CUP due to unknown noise levels and unknown capacity. Three Kings Homeowners Association stated that the Planning Commission approved a CUP not knowing if the facility will or will not violate the City's Noise Ordinance. Three Kings is approximately 120 feet from the proposed skate park. (See attached appeal letters under Exhibit E). The City Recorder will have letters form adjacent property owners that were originally submitted to the Planning Commission at Thursday meeting.

The Commission discussed the location of the proposed skate park and made a determination that the use was appropriate for the zone, but that the location would need to be monitored and looked at more closely for impacts such as noise on adjacent properties.

The Commission stipulated that the proposal for a skate park would be able to operate for the remaining 1998 summer season on a test basis. After the initial season, the resort may find a more suitable location is appropriate on the site and reapply for a new CUP for next season.

The Commission limited the hours of operation be from 8:00 am to 9:00 pm daily, and prohibited amplified music from the skate park. Further, the Commission required that the skate park construct an 8-foot high wall to help mitigate any noise that may infiltrate across the resort's property line.

Staff denies that there was nay failure in the notice based on the CUP application, the applicant provided a mailing list that notified Snowflower Condo Owners Association, Three Kings Owners Association, Silver King Owners Association, Alpine Meadows of Tahoe Development, Park properties & Park City Municipal of the proposed skate park request. All published and posted notice use was properly done.

In order for the Commission to grant a CUP for the proposal, all Land Management Code requirements had to be met. The use must be compatible with surrounding structures in use, scale, mass, circulation, and the use must be consistent with the Park City general Plan.

Chapter 1.13 of the Land Management Code outlines the criteria for review.

Standards for Conditional Use Permit (Planning Commission findings):

(1) size and location of the site - *The Skate Park will cover approximately 24,000 square feet of area and equipment height does not exceed eleven feet. The Skate Park is located in the lower north parking lot, west of Lowell Avenue.*

(2) traffic considerations including capacity of the existing streets in the area - *Parking will be provided for the park on site. The existing streets can support this use. Any future realignment work on Lowell Avenue will require the closure of the park.*

(3) utility capacity - *N/A*

(4) emergency vehicle access - *Access provided from Lowell Avenue.*

(5) location and amount of off-street parking - *Existing resort parking lots.The lower lot will be able to accommodate over 80 vehicles.*

(6) internal circulation system - *The Skate Park is surrounded by parking lot. Pedestrians will also walk down from the area bus stops.*

(7) fencing, screening, and landscaping to separate the use from adjoining uses - *Fencing will be required. The proposed height of the fence will be no taller than eight feet and will be designed to minimize and / or buffer sounds from escaping the skate Park.*

(8) building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots - *The location of the skate Park is located at the north end of the parking lot at First Time run. The proximity to residential uses is approximately 110 feet to the snowflower condominiums and approximately 120 feet to Three Kings Condominiums property line.*

(9) usable open space - *The proposal includes a portion of property on the resort and open space is not applicable to this project.*

(10) signs and lighting - *A sign plan will be reviewed and approved by staff, prior to building permit issuance. Lights are not being proposed.*

(11) physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing - *Concerns have been raised by the Commissioners and neighboring residents on the compatibility of this recreation use next to the*

abutting zone that is residential. The majority of the concerns were related to music and undue noise that would be attributed with the skate Park. The parcel is zoned Recreation Commercial which would allow this type of use under a CUP. The music has been eliminated from the program and fencing is proposed to mitigate any sound. The Commission also has curtailed the length of operations in order to see the effects of the use in proximity to residential areas. Accordingly, the noise of the proposed use will not be materially greater than noise generated by the adjacent lift operation and parking lots.

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site - *The equipment is made from Masonite materials not plywood. This material is supposed to be quieter than plywood, **however any noise generated will have to comply with the City's Noise Ordinance.** No music is being proposed.*

(13) control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas -*The trash services will be handled through existing services provided to the resort.*

The City's General Plan makes little reference to Park City Mountain Resort, however under the **Land Use Element** the following is taken from the Recreation and Amenity Element for zoned, but undeveloped land (p.58):

- Provide neighborhood recreation to serve residents of each distinct neighborhood. When appropriate, develop regional recreational facilities with adequate vehicular and trail access.

As stated earlier, noise is the greatest concern that both Associations are concerned about. The proposal will have an 8-foot high fence surrounding the property, and the ramps will be made from masonite not plywood, that generates greater sound and echo.

Chapter 3 of the Park City Municipal Code is the Noise Ordinance (see Exhibit F) which regulates specific noise levels. Section 6-3-9(B) states that the noise shall be measured at a distance of at distance of at least 25 feet from the source of the device upon public property or within the public right - of - way, or 25 feet from the property line if upon property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of 65 decibels shall be considered to be excessive and unusually loud.

The City Council must determine if the Planning Commission errored for the reasons stated by SnowFlower Homeowners Association and Three Kings Homeowners Association appeals for the proposed skate park at 1310 Lowell Avenue as described by the Findings of Fact, Conclusions of Law and Conditions of Approval.

Staff recommends that the Council uphold the Commission's action in approving a CUP from a skate park subject to the following Findings of Fact, Conclusions of Law and Conditions of Approval.

If the Council grants the appeal, staff will prepare Findings of Fact, Conclusions of Law for denial, as directed by the Council.

Finding of Facts:

1. The project is located in the Recreation Commercial zone. The RC zone allows for outdoor recreational uses.

2. The Planning Commission reviewed and approved the request for a skate park on July 22, 1998.

3. The skate park will cover approximately 24,000 square feet of area and will only be operated for the 1998 summer season.

4. Final fencing and sign plan will be designed in accordance with the Land Management Code. The fencing will be designed in order to mitigate noise of the proposed use.

5. No music or exterior lighting is being proposed for this use.

6. The findings from the analysis section are incorporated herein.

7. The General Plan provides direction to facilitate the development of recreational facilities.

8. The applicant stipulates to all conditions of approval.

Conclusions of Law:

1. The application complies with all requirements of the Land Management Code, specifically Section 1.13.

2. The use, as conditioned is compatible with surrounding structures in use, scale, mass and circulation.

3. Any negative effects of the project have been mitigated through planning and conditions of approval.

4. The proposal is consistent with Park City General Plan.

Conditions of Approval:

1. The Conditional Use Permit will expire after the 1998 summer season or upon the reconfiguration of Lowell Avenue, whichever occurs first.

2. The proposed fencing plan shall not exceed 8 feet in height and shall provide an acoustical study demonstrating noise levels and decibel readings in compliance with the Noise Ordinance to Resort's property line prior to issuance of building permit.

3. The Skate Park hours shall be limited to the hours of 8:00 a.m. to 9:00 p.m.

4. The playing of music is not permitted within the Skate Park.

5. On-site exterior lighting for the Skate Park is not permitted.

6. Trash receptacles / restrooms shall be provided on park premises.

Exhibits

A. Vicinity Map
B. Park City Resort Vicinity Map
C. Site Plan
D. July 8&22 Planning Commission minutes
E. Appeal letters from Snowflower & Three Kings H.O.A.'s
F. Noise Ordinance

M:\CDD\KL\CC98\CUP\LOWE1310.AP1

PCMR Skateboard Park

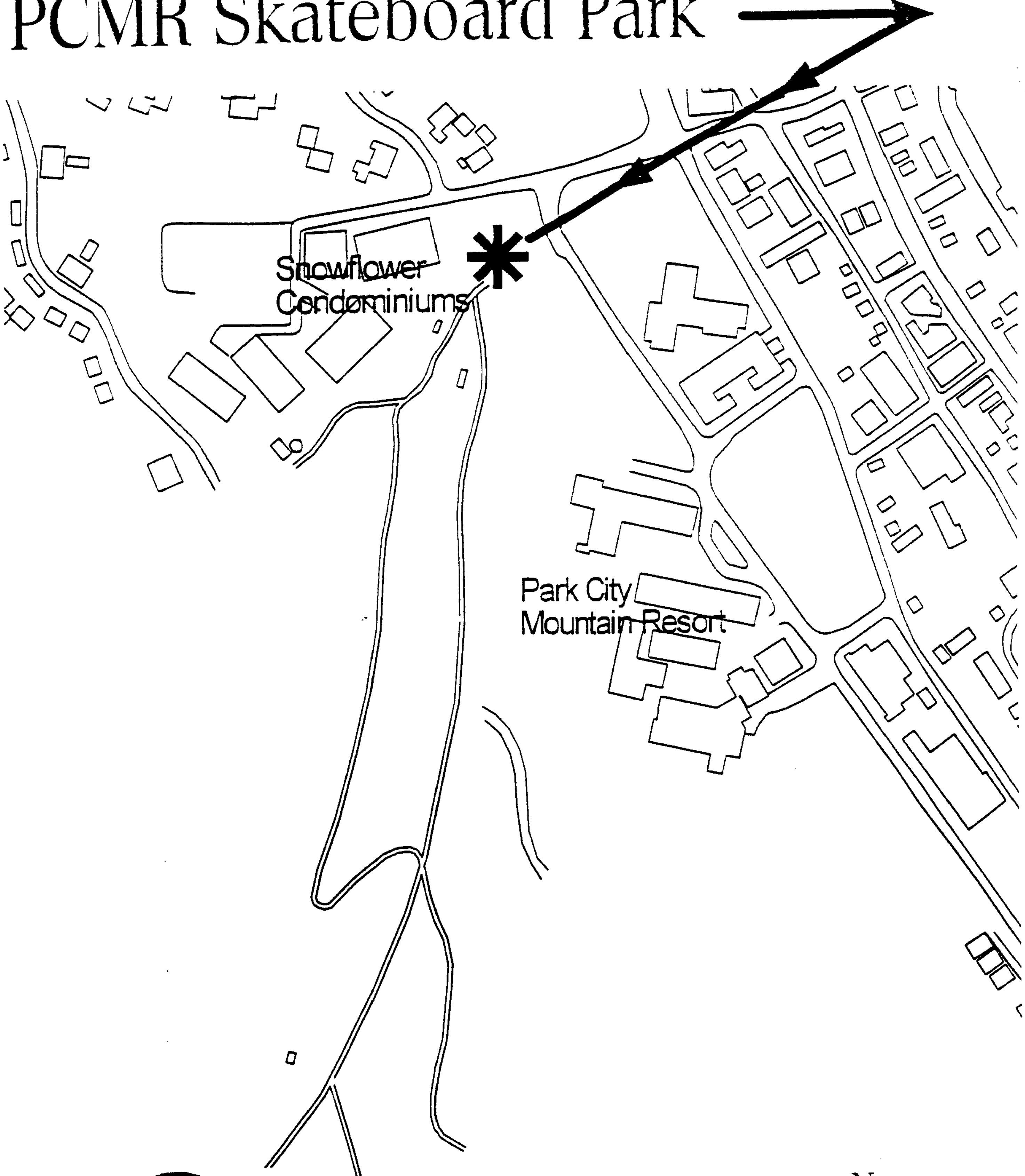
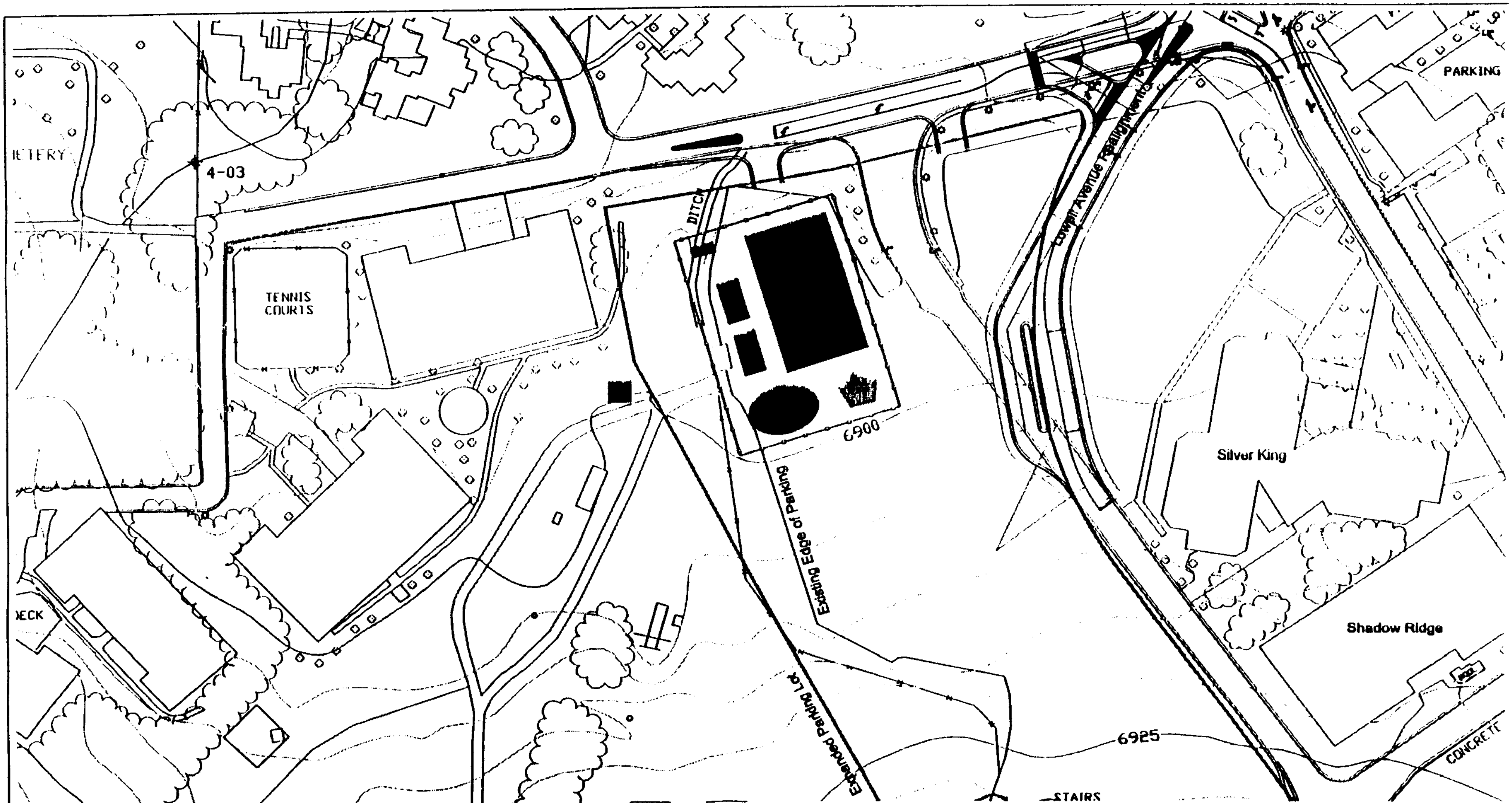


Exhibit A
Vicinity Map



Proposed Skate Park Map
Conditional Use Permit

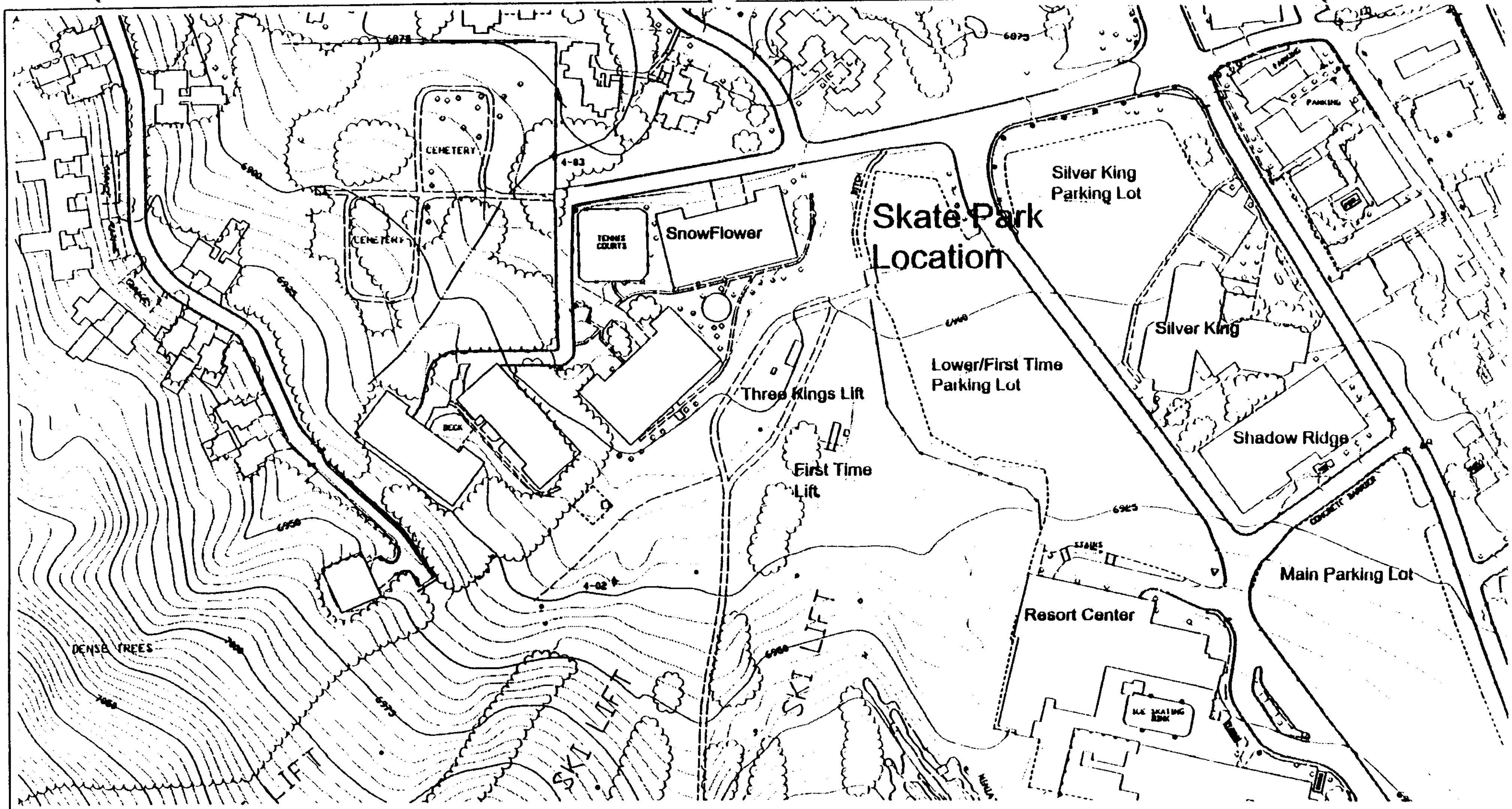
LEGEND

- Yurt
- Food Trailer
- Street Course
- Vert Ramp
- Mini Ramp
- Bowl
- Relocated Tickets, Restrooms & Retail
- Fence
- Tree Line
- 10 Foot Contour
- 50 Foot Contour
- Existing Building

PARK CITY MOUNTAIN RESORT

RECEIVED JUN 25 1998

EXHIBIT B - PCMR VICINITY MAP



Skate Park Vicinity Map Conditional Use Permit

LEGEND

- Tree Line
- 10 Foot Contour
- 50 Foot Contour
- Existing Building

PARK CITY MOUNTAIN RESORT

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JUN 25 1998
PARK C
PLANNING

EXHIBIT C - SITE PLAN

DATE: MAY 1998

requested that it be larger.

Commissioner O'Hara stated that he personally does not favor a roundabout but he can support one if it works.

LMC Schedule

Administrator Putt reported that the next public hearing for the Land Management Code Amendments is tentatively scheduled for September 16. A public input session will be held in August for members of the public. The Planning Department will be sending mailers and doing public service announcements to draw people in for a question and answer session on the proposed changes. The Planning Commission will be notified when a date has been set.

V. CONSENT AGENDA

1. 333 Main Street, Colby School - Parking Plan

2. 1310 Lowell Avenue, Park City Mountain Resort Skatepark - CUP

Commissioner Jones felt the condition of approval should be modified to allow an 8' fence. He understood that restroom facilities are provided in the ticket office adjacent to the skatepark and he requested that they be spelled out as a condition of approval.

Planner Robinson offered to add Condition #7 stating that restroom facilities will be located nearby.

MOTION: Commissioner Jones moved to APPROVE the Consent Agenda as modified. Commissioner O'Hara seconded the motion.

VOTE: The motion passed 3-1. Commissioner Zimney voted against the motion and Commissioner Erickson abstained.

Findings of Fact - Colby School

1. The proposed use is located in the Historic Commercial Business District.

2. The CUP allows the Colby School to conduct a private school with maximum enrollment of 105 students in the basement of the Main Street Mall.

3. The school is located in the basement of the Main Street Mall.

4. Parking will take place in the Main Street area, including the Main Street Mall, Swede Alley, China Bridge and Sandridge parking lots.

Post-it® Fax Note 7671	Date 7-15-98 # of pages ▸ 15
To ReNae Rezac	From Karen McLaws
Co./Dept. Draft - Work Session	Co. Notes 7-8-98
Phone #	Phone # 485-7472
Fax # 615-4966	Fax # 485-7548

PARK CITY PLAN

WORK SESS

JULY 8

Present: Chair Chris Larson, Bruce Erickson, Karri Hays, Jim Hier, Fred Jones, Michael O'Hara, Diane Zimney, Megan Ryan, Kurt Von Puttkammer, Kirsten Whetstone, Kevin LoPiccolo

WORK SESSION

1310 Lowell Avenue, Park City Mountain Resort Skatepark - CUP

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

Planner LoPiccolo reviewed the Conditional Use Permit application submitted by the Park City Mountain Resort in May in conjunction with another application submitted by Dana Williams who was also exploring a skateboard park. The City ~~is~~ has funded Mr. Williams' exploration of developing a skateboard park. Both parties have met, and Mr. Williams was encouraged that the Resort was interested in pursuing the skateboard park. The Resort has submitted a CUP application for skateboards and inline skating. Planner LoPiccolo referred to the analysis contained in the staff report and noted that the Code requires setbacks ranging from 10 to 20 feet in the RC zone. The applicants have proposed a range of 60 to 450 feet. The concern with this setback is the proximity to the Snowflower condominiums which are approximately 100 feet away. The applicants have adjusted the site plan so the park will be 110 feet from the Snowflower property line. Planner LoPiccolo explained that a CUP request must meet certain criteria, and 13 criteria standards are contained in the staff report. Each item should be reviewed by the Planning Commission to determine whether the use is appropriate and compatible with the area and adjacent land uses. The General Plan does not specifically refer to skateboard parks, but it does encourage development of recreational uses.

Planner LoPiccolo explained that the focus this evening is to outline the concerns related to the proposal. He requested that the Planning Commission specifically review the site plan, the proposed layout, hours of operation, and music. He stated that parking and circulation did not appear to be a problem as proposed. The applicants do not propose any type of lighting. The Building Department requires a fence to be erected, and the fencing plan will be reviewed by the Staff. The equipment ranges from 3 feet to 11-1/2 feet in height. At this time, no signs are proposed. The main concerns are hours of operation, currently proposed to be 8:00 a.m. to dusk, and amplified music. Planner LoPiccolo reported that he had received more than 50 letters from people opposing the skateboard park, and the major concerns in those letters were amplified music and the noise that would be generated by this type of park. He noted that the boards used for the ramps are seamless masonite, and the Staff was unsure what type of noise would be generated by the polyurethane wheels of skateboards and inline skates. Based on direction from the Planning Commission this evening, the Staff would like to bring this matter back as a Consent Agenda item on July 22 and monitor the impacts of the skatepark this summer while Snowflower is vacant due to renovation.

Planner Ryan reviewed the site plan showing the current configuration and parking and traffic circulation proposed in the area. The applicants have reduced the size of the park from 36,000 square feet to 24,000 square feet. She also indicated the location where the applicants plan to move the park after the first year. She explained that when the realignment of Lowell Avenue occurs, the skatepark can no longer operate in the currently proposed location, so this would be a temporary site.

Commissioner O'Hara noted that the staff report refers to an 8-foot fence and an 11-foot ~~fence~~ RAMP. Planner LoPiccolo replied that the correct number is 11 feet.

Doug Clyde, representing the applicant, stated that after reading the noise ordinance, they had withdrawn their request for amplified music. They have not officially amended the application, but music is no longer contemplated.

Chair Larson asked the Planning Commission if the use was appropriate for the RC zone.

Commissioner Zimney believed the location was inappropriate, and [illegible] the use was appropriate for the zone. She commented that this type of use was not contemplated in Park City when the zoning was put in place. A skatepark 100 feet from a residential development was an invasion she was not willing to support. She commented that the Planning Commission had not seen enough of the plan to really know what is proposed.

Commissioner Hays asked to clarify a misquote in the newspaper regarding the skateboard park. She was quoted as saying that she felt the resort site was the best place for the skateboard park and that no other place would be appropriate. She explained that was not what she said, and the paper is aware of the misquote. She wanted the public to know that she did not walk into this meeting with her mind set, and she clarified that she would base her decision on public input and the available criteria. She expected the newspaper to print a retraction and correct her statement.

IV. PUBLIC HEARINGS/DISCUSSION/ACTION ITEMS

1. 1420 Park Avenue - Final plat

Planner Whetstone reviewed the application for a final subdivision plat. She explained that the land was not platted, but in December the Planning Commission approved a sketch preliminary plat for a parcel of approximately ~~70,000~~ 16,969 square feet to be divided into three lots, one lot for an existing structure and two parcels for future development. She reported that the final plat conforms with the approved preliminary plat, and the Staff recommended forwarding a positive recommendation to the City Council with the findings of fact, conclusions of law, and conditions of approval included in the Staff report with one change to Condition 5. The conditions approved at the time of the preliminary plat stated that any future additions to the historic structure shall be reviewed and approved by the Community Development Department under the guidance of the

Commissioner O'Hara felt the use was appropriate for the zone. The location may be appropriate, but he believed there might be other more appropriate locations. He questioned why the skatepark was not located closer to the Resort Center where other activities occur.

Commissioner Jones believed the use belongs in the zone. He commented that when zoning ordinances are written, all uses cannot be contemplated, which is the reason for general categories. He did not believe this was an appropriate location in the long term due to the close proximity to residential housing. He understood the limitation of locating it elsewhere this summer due to construction at the ski area, and he believed the proposed location might be the best site on a temporary basis because Snowflower is vacant. He suggested a one-year conditional use with the understanding that alternate sites will be explored for the future with the intention of moving the skatepark away from residential units. He noted that most of the letters received were from Snowflower owners, but three letters were from residents at Three Kings Condominiums who would also be impacted, particularly by music.

Commissioner Hays agreed that the use was appropriate in the zone and that the location is inappropriate for long-term use. With a one-year review process, she felt the site could work for a short period of time. Amplified music was a concern, and she asked that the applicants state in writing that there will be no music.

Commissioner Hier felt that the skatepark was an appropriate conditional use for the RC zone, and Mr. Clyde's comment about no amplified music was a very positive step. He believed amplified music would not meet Code requirements and would not be allowed. He was unsure if the proposed location would be the best site. He agreed that a skatepark should go somewhere, and he suggested looking at other available sites within the area. He agreed that this might be the best short-term site to try out a skatepark.

Chair Larson felt the use was appropriate for the zone and, given that Snowflower is unoccupied for most of the summer, he believed this was an appropriate site for this year only. He agreed that a more appropriate long-term site would be closer to the Resort Center and other recreation amenities that are part of the Park City Mountain Resort. He supported a one-year CUP for this site.

Chair Larson asked the Commissioners to discuss the proposed hours of operation. The applicants propose closing at dusk, and he preferred to set a time. Mr. Clyde stated that the Resort was comfortable with a 9:00 p.m. closing time.

Chair Larson noted that part of the one-year CUP is to explore the noise and impacts generated by the skatepark. He suggested that 9:00 a.m. to 9:00 p.m. might be more appropriate. Planner LoPiccolo explained that the 8:00 a.m. opening is consistent with the children's activities at the resort which start at 8:00 a.m.

The Commissioners concurred with 8:00 a.m. to 9:00 p.m. hours of operation.

Chair Larson stated that parking and circulation appeared to be well addressed.

Commissioner Jones asked how parking would be affected when Lowell is relocated. Mr. Clyde explained that parking will be shifted further to the west from Snowflower by 110 feet when Lowell is realigned.

Commissioner O'Hara addressed pedestrian safety, and he wanted to be sure there would be a good buffer between parking and pedestrian activity at the skatepark.

Commissioner O'Hara asked about the fencing material. Mr. Clyde replied that the material proposed is a board and batt construction stained an aspen color. He explained that a 6-foot fence is proposed to comply with Code, but they would prefer an 8-foot fence to help buffer noise. Commissioner Hier supported the 8-foot fence to prevent people loitering around the fence to talk with friends or climbing over the fence.

Chair Larson asked if Mr. Clyde had worked with any organizations to make the skatepark available to all income levels. Mr. Clyde replied that they had met with groups to discuss the issue. The Resort would like to offer discounts to holders of recreation passes and season passes to the Resort. The more complex issue is what to do about kids who do not have any money. Chair Larson stated that he would like to provide the same recreation pass accessibility. Mr. Clyde stated that they will provide a discount from the standard rate, but the Resort has not yet approached pricing.

Commissioner Hays commented that a person can swim all day at the Racquet Club for $2.00 and ski all winter for $100, and she would like to see the skatepark pricing stay within a reasonable range. Mr. Clyde replied that the fee will be more than $2.00 because the facility is quite expensive to maintain.

Chair Larson noted that this item is scheduled for public hearing at the regular meeting this evening.

Lot 9, Snowcreek Subdivision

Planner Ryan reported that this item is scheduled for work session only. She reviewed the site plan and explained that Lot 9 is one of the remaining parcels of the Snowcreek Crossing development. In 1993, a large-scale MPD was approved which separated the parcel into two portions, a commercial MPD and a residential MPD. The commercial MPD is nearly completed. The Planning Commission and City Council held a joint meeting to discuss Lot 9 and whether the residential MPD should still be the firm and absolute directive for this parcel. They also discussed commercial and hotel uses. The

The Staff will look at fencing detail. He reviewed the site plan of the proposed area.

Chair Larson opened the public hearing.

Ruth Goodin read a letter from Terry Whitney, General Manager at Snowflower. Ms. Whitney apologized for not being able to attend the meeting and asked the Planning Commission to consider the points made in her letter. She asked that the Snowflower residents be considered and expressed concern about the skatepark location. She felt the proposed location was inappropriate given its proximity to residential housing. During the summer months, the complex is filled with senior guests and long-term tenants who pay top dollar to experience a quaint and peaceful atmosphere. She noted that the owners do not oppose a skatepark facility, but it is the proposed location that causes concern. She stated that the Snowflower homeowners have been supportive of the Park City Mountain Resort, attending meetings and writing letters in support of the Resort's proposed projects. They are neighbors and want to continue a friendly relationship. The Snowflower owners felt that the proposed skatepark location was not appropriate based on noise levels, loitering problems, and other inherent problems that come with such a facility. The Snowflower Homeowners encouraged the Planning Commission to deny the proposal based on the proposed location.

Glen Close, a Snowflower homeowner and member of the Board of Directors, stated that he recognizes the importance of the skatepark, but he believed the location was inappropriate. The noise from the area will impact their property, and amplified music will violate the noise ordinance. Due to the temporary nature of the facility, he suspected that bathrooms would not be available, and he was concerned about where the skaters would go to use the bathroom. He believed the late night proposal of a 10:00 p.m. closing was unacceptable due to the close proximity to residents.

Elsie Greenwood, a Snowflower owner, stated that sound is no problem for young people, but it is very bothersome to old people, and the type of noise generated from a skatepark would be very annoying. She noted that there is currently construction at Snowflower to upgrade the condominiums and attract a better clientele to provide a better return on their investment. Whenever a main event occurs at the Resort, their parking spaces are taken up and their bathroom facilities are used. She believed the noise and lack of utilities would impinge on the Snowflower property owners and urged the Planning Commission to consider another site for the skatepark.

Ryan Williams, a young skateboarder, supported the skateboard park and expressed the support of his friends who could not come to the meeting.

Sundyn Woolf, a local inline skater, stated that her comments apply to any skatepark built anywhere. She explained that not all skaters are teenagers. She is 21 years old and loves to skate. She referred to the hours of operation and asked the Commission to consider those who work and go to school when thinking about limiting the hours. She believed the skatepark was in an appropriate location because it is in the recreational zone, and the purpose of that zone is to draw a crowd and create activity. She stated that she would love to have amplified music, but she understood that it would be too much and too disruptive to the neighbors. She was willing to give up the music in order to have the skatepark. People who choose to live in or near a recreation zone should be willing to put up with the recreational activities associated with the zone, and if they cannot, they should move. She stated that no matter where the skatepark is located or who builds it, it is a necessary step for the community.

Robert Greenwood, a Snowflower owner, stated that while he did not wish to deny anyone the opportunity to skateboard, he was concerned about the music that would be played loudly enough for everyone to hear and requested that the music be limited to Brahms or Mendelssohn.

Chair Larson clarified that the applicants have revoked the request for music.

Richard Weber, a Three Kings owner and representative for the Homeowners Association, opposed the skatepark in its present location. The majority of concern was directed toward Snowflower, but the Three Kings residents will also be impacted. The Three Kings Homeowners request that the skatepark be moved to the upper parking lot where there are restrooms on site and the location would be more appropriate for summer recreation. He believed that those who thought the skatepark would keep the kids of the streets and out of the parking lots were only fooling themselves. He asked the Planning Commission to deny the skatepark at the proposed location based on neighborhood concerns and the impacts the neighbors must bear.

Dana Williams, a supporter of the skatepark, stated that he has tried to spearhead a skatepark for a long time. He was concerned that the Resort is zoned for recreation activities, and now the Commission is being swayed by homeowners in the area. He supported a one-year Conditional Use Permit and did not believe it would negate the effort to get a skatepark built. He noted that he had conducted a survey throughout the schools which showed that the majority of kids support the skatepark, including the kids who do not skate.

Debbie Richter, representing a client on the east side of Snowflower, stated that her clients would not have bought their unit if they had known a skatepark would be built at that location. She suggested that the Planning Commission consider the golf course across the street when making their decision and the effect noise would have on golfers. She suggested enclosing the facility to keep the noise contained.

Clayton Deckert noted that cars going down the street make more noise than skateboards, and he felt the skatepark would be a positive addition to the community.

Glen Close stated that, if the skatepark permit would be for only one year, there should be no problem because Snowflower is undergoing renovation this summer.

Representing the Resort, Doug Clyde stated that, if the Conditional Use Permit does not lap into next summer, the appeals process would keep the skatepark from happening. Chair Larson replied that the same would be true with a two-year CUP.

Chair Larson closed the public hearing.

Chair Larson summarized the discussion from work session which included the possibility of a one-year Conditional Use Permit on this location and that the Commissioners preferred to address another location after that time. The Planning Commission also discussed a price structure. Chair Larson asked for information regarding bathrooms. Planner LoPiccolo stated that the skatepark would be located near the ticket building, and that building will have bathrooms.

Planner LoPiccolo explained that the Code requires a six-foot fence, and the Planning Commission can incorporate an eight-foot fence into the CUP process. He was unsure that the proposed fencing material was the best and suggested the possibility of researching whether another material might better minimize noise. He asked if the one-year time limit would be from the date of approval or one year from next summer. Chair Larson replied that the intent would be for this summer only, and the CUP would be reviewed next summer. He preferred to address a different location once they have a better understanding of the noise ramifications and impacts to the neighborhood.

Mr. Clyde requested that they be given a period of time to operate the skatepark rather than have a period of time that the skatepark can operate. Any approval could be undone and derailed by one letter of appeal because the appeals process is so broad. He stated that they would like to have 60 days of operation, which would give them time into next summer. This would encourage those with the right of appeal to allow them to experiment this summer. Chair Larson noted that review criteria for next year would be built into the CUP, and the Resort would have to come back next year one way or another.

Planner Ryan suggested that the Planning Commission proceed with the conditional use request without considering an appeal that might or might not happen.

Commissioner Zimney stated that, even if she could agree that the use is appropriate in the RC zone, she was unsure that this intense use was ever intended as part of the RC zone. She did not feel that possible effects on the surrounding neighbors had been mitigated. She felt that noise pollution was an invasion of privacy, and she could not compare winter noise when windows are closed to summer noise when doors are open and people are outside. Noise pollution would be a major factor for her, even without music. She commented that this is a CUP application, and normally they would see detailed plans. They have not been provided with enough detail to know anything about the skatepark. She did not agree with the concept that, because Snowflower is being renovated, the effects do not need to be considered. Planner LoPiccolo replied that the intention is to monitor the effects at a time when people will not be affected.

Commissioner O'Hara stated that a major factor for him was for the skatepark to be in operation only this year for a short period of time when Snowflower is under construction to assess the use, noise, and impacts. He hesitated to approve carte blanche for next season without having that information. He agreed that the use belongs in the zone, but he did not agree that it belonged where it was proposed. He understood that the location was only temporary, but information was needed to address the temporary facility. If the Planning Commission could not couch the terms of the conditional use, he would not vote to approve the CUP.

Commissioner Jones concurred that the use was appropriate for the zone, but the location was not appropriate long term. He felt it would be much better located adjacent to support facilities which are uphill from the Resort. Understanding that the skatepark could not be located near the support facilities this year because of construction, He was willing to grant a CUP in this location for this summer only, with the understanding that the skatepark will be relocated in the future. He could only support a CUP with the criteria discussed such as no music, specific hours of operation, no lighting, convenient and adequate restrooms, and proper fencing.

Commissioner Hays agreed that this was not the best location, but she believed the use belonged in the zone. She had a hard time believing that the skatepark would be greatly offensive in terms of noise. She stated that she was at the skateboard park in Sun Valley, and when cars drove by, the skateboarders could not be heard. She supported a CUP for this year with a review next year and the possibility of a different location. She stated that accessibility is always a concern, and she wanted to see the prices lowered to allow everyone the opportunity to use the skatepark.

Commissioner Hier concurred with everyone except Commissioner Zimney. He did not feel the location was the best, but he could support it on a trial basis. He believed that structuring a CUP which states that the permit will be reviewed for continuation next year based on criteria of noise and abuse to the surrounding area was the best way to determine appropriateness before it is permanently located. Regarding fees, he believed that if they were too high and nobody comes, the Resort is not in business to provide community social activities. If the skatepark does not pay for itself, it will not continue. He did believe it was appropriate to legislate fee structures to a private business based on what the Commission believed was appropriate for the community.

Mr. Clyde stated that, if they could not get 30 days either this summer or next spring to operate the skatepark and show whether it meets the noise criteria in that location, they would be pulling the trigger on $30,000 of construction.

Chair Larson stated that he understood Mr. Clyde's concern and explained that the Planning Commission is taking the opportunity with Snowflower under construction to get the skatepark started and assess the impacts. They can then determine if it should be moved to another location. He did not believe that a two-year CUP was in the best interest of the community. He summarized that the matter could be a Consent Agenda item for the next meeting based on the criteria of 8:00 a.m. to 9:00 p.m. operating hours, fence detail, bathroom plans, signage, and no music.

5. <u>875 Main Street, McIntosh Mill - Parking Agreement</u>

Planner Whetstone reported that this matter involves final action on a parking plan resulting from a condition of approval when a CUP

Please see that this appeal is filed with the appropriate individual(s) today - Thank you

SNOW FLOWER

Home Owners Association
P.O. Box 448
Park City, Utah 84060
(801) 649-6180

July 28, 1998

~~Jodi Hoffman, City Attorney~~ Department of Community Development
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060-1480

RE: **Appeal Process**

I am writing to appeal the decision made by the Park City Planning Commission on July 22, 1998 to permit the Park City Mountain Resort to install a temporary skateboard park adjacent to our property.

My name is Ron Stinson and I am the president of the Snow Flower Homeowner's Association. Our Board passed a resolution protesting this action at a special meeting in Park City July 22, 1998. I received dozens of letters of concern from our members not to mention the phone calls regarding the installation of such a facility next to our residential complex. As stated in the letters that were copied to all the Council members the Planning Commission, and the Park City Mountain Resort staff, the concerns are with the negative impact this type of facility will have on our ability to rent to our long term visitors, our loss of property values and overall impact the use will have against our physical property. Our concerns are with noise, loitering, utilizing our bathrooms in the locker room, and potential vandalism. (I understand that port-a-potties have been approved.)

I contacted Doug Clyde of Park City Mountain Resort to express our concerns two weeks before the first Planning Commission Meeting. Doug acknowledged noise could be a problem with a wooden structure. He indicated there was a city ordinance which prohibited greater than 65 decibels at the boundary. I believe the noise will exceed this city ordinance.

I asked Doug why they did not put the skateboard facility up at the resort center near the slide. He indicated that would move the problem up to the new Marriott time shares and would create a similar problem to Snow Flower. I asked if it was a NIMBY situation....he stated "yeah".

Further, I understand that a site at the Park City Racquet Club - a town recreation facility - was not considered because of the impact on the residential

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EXHIBIT E - APPEAL LETTERS FROM SNOWFLOWER & THREE KINGS H.O.A.'S community nearby. Why then are the residents of our facility, who have been very vocal in their concerns, not been considered. Our members took time to write to you about their concerns, they made phone calls, and several attended the meeting on July 8, 1998. They indicated that there were very few in attendance that favored this site yet there were numerous letters received opposing it.

Please accept this letter of appeal and I would request that the Council review the letters our members wrote. If you should need additional copies, we can hand deliver them to you. Thank you in advance for your consideration to deny this proposal.

Sincerely,

Ronald C. Stinson
President, Snow Flower Homeowner's
Association

July 29, 1998

JL

To: City Recorder

The purpose of this letter is to appeal the Planning Commission decision which approved the Conditional Use Permit to construct a Skate Park facility located at the north end of the Resorts' Lower/First Time parking lot. The approval was granted July 22, 1998.

I am Richard Weber, 2476 Lucky John Drive, Park City, Utah 84060, (435) 649-9813. I am President of the 3 Kings Condominiums Homeowners Association and an owner of a unit in that complex. This appeal is made by the unanimous decision of the 3 Kings Homeowners Board of Directors.

Grounds for appeal are as follows:

1. Failure to Notice Property Owners Within 300 Feet of Project

At no time was legal and proper notification provided to the 3 Kings Homeowners Association or to any individual owners in the complex. This lack of notice is glaringly apparent in the Planning Commission Staff Report of July 8, 1998 provided at the Public Hearing of the same date. Numerous references were made to the Snowflower Condominium complex with no consideration or mention of 3 Kings.

2. Disregard of Residents of 3 Kings

The same July 8, 1998 Staff Report states: "Since Snowflower will be under renovation for the remainder of the summer, PCMR is requesting that the Commission allow the Skate Park to operate until the summer schedule ends." This ignorance of the very existence of the 3 Kings Condominium complex (which is as close or closer than Snowflower to the proposed Skate Park) is an oversight due to either gross stupidity or utter lack of respect and regard to the owners and residents of 3 Kings. We are not under renovation and are occupied.

3. Inappropriate Location

All existing PCMR facilities (restrooms, restaurants, etc.) are located at the south end of the Resorts' parking lot. The logical location for the Skate Park is therefore the non-residential south end of the parking lot. Why then is the Skate Park being located away from these facilities? This fact was noted and mentioned by all Planning Commission members. Approval of the north parking lot location is contrary to their own acknowledged statements.

4. Incomplete Conditional Use Permit (C.U.P.) due to Unknown Noise Levels and Unknown Capacity

Nowhere in the petitioners' application is capacity clearly defined or stated. Therefore, it is impossible to determine noise levels. The Planning Commission approved a C.U.P. not knowing if the facility will or will not violate the City Noise Ordinance. Factual data and information normally required by the Planning Commission and city staff were obviously not required of this applicant.

Sincerely,

Richard Weber

Richard Weber
President, 3 Kings Homeowners Association

cc: Council, Mayor
C Manager
C Attorney
Planning

conditions under which the Park City Police Department will make the initial response to the Alarm, penalties for repeated False Alarms (which will include loss of that location's Direct Access Alarm System privilege, or in the case of a company that has an unusually large number of False Alarms, the loss of that company's Direct Access Alarm System privilege), insurance of Alarm equipment and response personnel, and similar mechanical items that deal with the relationship between the City as the dispatch monitoring center and the Park City Police Department as the primary law enforcement agency in the City, and the Alarm company and its customers as the persons requesting emergency service through automatic devices.

(E) **ELIGIBILITY**. The City will permit only private security firms which are licensed by the state of Utah, and which have Park City business licenses, to connect to the Direct Access Alarm System devices. Each private security system must agree to maintain locally-based twenty-four (24) hour a day response personnel Private security companies not meeting these standards will not be permitted to connect to the City dispatch by Direct Access Alarm System devices. If a private company that was in compliance at the time of connection is later found not to comply, the Direct Access Alarm System privilege will be terminated by the City.

CHAPTER 3 - NOISE

6- 3- 1. DEFINITIONS.

For purposes of these regulations, unless otherwise defined in other sections of these regulations, the following terms, phrases, and words shall have the meaning herein given:

(A) **CONTINUOUS SOUND**. Any sound that exists, essentially without interruption, for a period of ten minutes or more.

(B) **CYCLICALLY VARYING NOISE**. Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform levels of time.

(C) **DEVICE**. Any mechanism that is intended to produce, or that actually produces noise when operated or handled.

(D) **DYNAMIC BRAKING DEVICE**. A device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as "Jacob's Brake" or "Jake Brake".

(E) **EMERGENCY**. A situation or occurrence, which in the opinion of the City Manager, Chief of Police, Chief Building Official, or City Engineer, presents an imminent threat to the health, safety or welfare of any person, place or property.

(F) **EMERGENCY WORK**. Work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger.

(G) EMERGENCY VEHICLE. A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

(H) IMPULSIVE NOISE. A noise containing excursions usually less than one second.

(I) MOTOR VEHICLE. Any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bikes, go-carts, snowmobiles, and racing vehicles.

(J) MUFFLER. An apparatus consisting of a series of chambers or baffle plates designated to transmit gases while reducing sound.

(K) NOISE DISTURBANCE. Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

(L) NOISE. Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.

(M) PLAINLY AUDIBLE NOISE. Any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

(N) PROPERTY BOUNDARY. An imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that owned by another person.

(O) SOUND. A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium, and that propagates at finite speed to distant points.

(P) STATIONARY NOISE SOURCE. Any device, fixed or movable, that is located or used on property other than a public right-of-way.

6- 3- 2. PURPOSE.

These regulations establish minimum standards to:

(A) Reduce the making and creation of excessive, unnecessary, or unusually loud noises within the limits of Park City, Utah;

(B) Prevent the making, creation, or maintenance of such excessive, unnecessary, or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of the City; and

(C) Secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the residents of the City.

6-3-3. JURISDICTION.

All noise control in this Chapter shall be subject to the direction and control of the Police Department, Building Department and City Manager.

6-3-4. POWERS AND DUTIES.

The Police Department and Building Department shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall make inspections of any premises and issue orders as necessary to effect the purposes of these regulations, and do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

6-3-5. SCOPE.

It shall be unlawful for any person not to comply with any rule or regulation promulgated by this Chapter, unless expressly waived by these rules and regulations.

6-3-6. EMERGENCY ORDERS.

Whenever the Chief of Police, Building Official, City Manager or their official designees finds that an emergency exists requiring immediate action to protect the public health, safety, or well-being of the public, one or all of the following actions may be taken:

(A) PUBLIC CALAMITY. In time of a public calamity or disaster, emergency suspension of these rules and regulations may be ordered for the duration of 72 hours, at which time the incident will be assessed and further suspension of these rules ended or extended.

(B) APPROVE APPLICATION FOR EXEMPTION FOR EMERGENCY REASONS. An individual may apply for emergency exemption to these rules and regulations based on good and reasonable cause due to emergency circumstances. See definitions.

6-3-7. GENERAL PROHIBITION OF NOISE.

It shall be unlawful for any person to produce, continue, or cause to be produced or continued, any noise disturbance within the limits of Park City as defined in this Chapter.

6-3-8. SPECIFIC NOISE PROHIBITIONS.

The following acts are declared to be in violation of these rules and regulations:

(A) HORNS AND SIGNALING DEVICES. The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle, or other within the City, except as a danger warning signal as provided in the Vehicle Code of the state of Utah.

(B) RADIOS, TELEVISION SETS, TAPE PLAYERS, COMPACT DISC

PLAYERS, MUSICAL INSTRUMENTS, AND SIMILAR DEVICES. Using, operating, or permitting, the use or operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound:

(1) between the hours of 10 p.m. and 7 a.m. in a way that is plainly audible beyond the property boundary of the source; or

(2) on public property, public rights-of-way, or private property at any time so as to be plainly audible 50 feet (15.25 meters) from the device. Permits to exceed the limits of Section 6-3-8(b)(2) may be issued for special events on public property by the Chief of Police, Building Official or City Manager upon approval from the agency operating the public property.

(C) PUBLIC LOUDSPEAKERS. The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of Section 6-3-9, or cause a noise disturbance, unless a permit is first obtained as provided by Section 6-3-11 or approval is granted in a master festival license.

(D) HAWKERS AND PEDDLERS. Selling anything by outcry within any area of the City in such a manner as to violate Section 6-3-9. It shall be unlawful for any person to solicit from any motor vehicle.

(E) ANIMALS. Owning, keeping, possessing, or harboring any animal or animals that, by frequent or habitual noise making, violates Section 6-3-9. The provision of this section shall apply to all private and public facilities, including any animal facilities that hold or treat animals.

(F) LOADING OPERATION. Loading, unloading, opening, or otherwise handling boxes, crates, containers, garbage containers, or other objects between the hours of 10 p.m. and 7 a.m.

(G) CONSTRUCTION WORK. In the Historic Residential (HR-1), Historic Transitional Overlay (HTO), Residential Development (RD), Residential Development-Medium Density (RDM), Residential (R-1), Residential-medium Density (RM), Recreation Open Space (ROS), Estate (E), Historic Residential Development Low-Density (HR-L), Single Family (SF), Single Family Nightly Rental (SF-N), Historic Residential Low Intensity Commercial Overlay Zone (HR-2), and Regional Commercial Overlay (RCO) Districts; it shall be unlawful for any person to perform or cause to be performed, any construction work on any construction site under his control or at which he is employed between the hours of 10 p.m. and 7 a.m. of the following day, or before 9 a.m. on Sundays. In all other zones, it shall be unlawful to perform or cause to be performed, construction work between the hours of 10 p.m. and 6 a.m. of the following day. The Building Official or City Engineer may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation, or modify or waive the hours of work for or on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants.

(H) **DOMESTIC POWER EQUIPMENT**. Operating or permitting the operation of any power equipment rated five horsepower or less in residential or commercial zones, including, but not limited to, power saw, sander, lawn mower, garden equipment, or snow removal equipment for home or building repair or ground maintenance outdoors between the hours of 10 p.m. and 7 a.m. of the following day or before 9 a.m. on Sunday.

(I) **FIREWORKS OR EXPLOSIVES**. The use of explosives, fireworks, discharge guns or other explosive devices that are audible across a property boundary, public space, or right-of-way without first obtaining a permit as provided by Section 6-3-11. The provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity.

(J) **LIQUOR LICENSED PREMISES**:

(1) Failure to control noise. Permitting or providing either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

(2) Outdoor speakers. Permitting or causing to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining. As defined in the Land Management Code conditional use approval review, music is limited to 11 a.m. to 10 p.m. and may not emanate beyond the boundaries of the outdoor dining area.

(K) **MAIN STREET BUSINESSES - OUTDOOR SPEAKERS**. Permitting or causing to exist any speaker or sound amplification equipment on the outside of any premise on Main Street with the exception of those businesses which are allowed to have outside speakers as a part of their conditional use permit for outdoor dining or performances or events approved by staff as a part of a master festival license. As defined in the Land Management Code conditional use approval review, music is limited to 11 a.m. to 10 p.m. and may not emanate beyond the boundaries of the outdoor dining area.

(L) **RACING EVENTS**. Permitting any motor vehicle racing event at any place in violation of Section 6-3-9, without first obtaining a permit as provided by Section 6-3-11.

(M) **POWERED MODEL MECHANICAL DEVICES**. Flying a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise producing devices, between the hours of 10 p.m. and 7 a.m. or in such a way as to violate Section 6-3-9.

(N) **DYNAMIC BRAKING DEVICES.** Operating any motor vehicle with a dynamic braking device engaged, except:

(1) To avoid imminent danger; or

(2) Where permitted as posted on the following streets:
-Ontario Canyon
-Royal Street
-Aerie Drive
during the following hours: 7 a.m. thru 10 p.m., Monday thru Saturday, and 9 a.m. thru 10 p.m. on Sundays.

(O) **DEFECT IN VEHICLE**. Operating or permitting the operation or use of any truck, automobile, motorcycle, or other motor vehicle because of disrepair or mode of operation violates Section 6-3-9.

(O) **GARBAGE COLLECTION**. Collecting garbage, waste, or refuse between the hours of 10 p.m. and 7 a.m. in any area zoned residential or within 300 feet of an area zoned residential.

(Q) **STANDING MOTOR VEHICLES**. Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached thereto either in violation of Section 6-3-9, or in such a way as to cause a disturbance in a residential zone for a consecutive period of 15 minutes or longer.

(R) **BELLS AND ALARMS**. Sounding, operating, or permitting the sounding or operation of an electronically amplified signal from any burglar alarm, bell, chime or clock, including but not limited to, bells, chimes, or clocks in schools, houses of religious worship or governmental buildings that fail to meet the standards in Section 6-3-9 for longer than five minutes in any hour.

(S) **FIXED SIREN, WHISTLES, AND HORNS**. Sounding or causing the sounding of any whistle, horn, or siren as a signal for commencing or suspending work or for any other purpose in violation of Section 6-3-9, except as a sound signal of imminent danger.

(T) **RECREATION VEHICLES AND SNOWMOBILES**. Operating a recreational vehicle or snowmobile in a way that violates Section 6-3-9.

6- 3- 9. NOISE LEVELS.

The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following

Subsection (A), or identified and measured in the manner prescribed in Subsection (B), or in violation of restricted hours as outlined in Subsection (C) is unlawful.

(A) On the public right-of-way or upon public property, from the source or device as to be plainly audible at a distance of 50 feet or on private property, as to be plainly audible at the property line.

(B) The noise shall be measured at a distance of at least 25 feet from the source of the device upon public property or within the public right-of-way or 25 feet from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of 65 decibels shall be considered to be excessive and unusually loud.

(C) Hours of restriction are as follows:

Residential-	10 p.m. to 7 a.m. Monday through Saturday Not before 9 a.m. Sunday
Commercial	10 p.m. to 6 a.m.- Monday through Saturday

6- 3-10. EXEMPTIONS.

The following uses and activities shall be exempt from noise level regulations:

(A) Noise of safety signals, warning devices, and emergency pressure relief valves;

(B) Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;

(C) Noise resulting from emergency work;

(D) Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday;

(E) Any noise resulting from activities of temporary nature during periods permitted by law for which a license or permit has been approved by the Director in accordance with Section 11;

(F) Any noise resulting from snowmaking activities at ski areas; and

(G) Any noise resulting from the maintenance of golf courses.

(H) Any noise resulting from snow plowing or removal services.

(I) Ten o'clock whistle.

6- 3-11. RELIEF FROM RESTRICTIONS.

Requests for relief from the noise restrictions in these rules and regulations may be made by the Building Official as it pertains to building issues and by the Chief of Police as it pertains to special events and community or private functions or events. Upon granting relief, any conditions outlined and agreed upon shall be complied by the applicant and failure to do so will cause the relief agreement to be suspended.

6-3-12. MOTOR VEHICLE NOISE.

No person shall operate or cause to be operated any motor vehicle unless the exhaust system is free from defects that affect sound reduction; equipped with a muffler or other noise dissipative device; and not equipped with any cut-out, by-pass or similar device.

6-3-13. ENFORCEMENT RESPONSIBILITY.

Enforcement responsibility will reside jointly with the Police Department and the Building Department.

6-3-14. ENFORCEMENT.

The Police Department and Building Department may, upon discovery or report of a violation or violations of this Chapter, issue a written citation for the violation requiring an appearance in court to answer the charges, or may file a report with the City Prosecutor's Office for review and issuance of an information and summons to court to answer the charges.

6-3-15. PENALTY.

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Section 26-24-22, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he is guilty of a class A misdemeanor, pursuant to Section 26-24-22, Utah Code Annotated, 1953, as amended. Each day such violation is committed or permitted to continue shall constitute a separate violation.

The City Attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance or other noise disturbance.