

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JULY 27, 2006

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

Tom Bakaly, City Manager; Stacey Noonan, Ice Arena Manager; Myles Rademan, Public Affairs Director; Alison Butz, Project Manager; and Kirsten Whetstone, Planner

1. **Council questions/comments.** Marianne Cone remarked on the installation of new play equipment at the Prospector Park which looks great. She attended the women's ski jumping event at the Olympic Park and a meeting on the proposed school drop off area. Roger Harlan reported that MCHT closed on five units at 555 Deer Valley Drive and three tenants will be moving in tomorrow. He attended the Transportation Summit which was very well done and he commented on the quality of performances at Deer Valley Resort this summer. Jim Hier thanked staff for organizing the Transportation Summit. He attended the following meetings and reported on business relating to the International Building Code Committee, the school drop off group, Chamber Board, HMBA, Planning Commission, and Inter-Agency. Joe Kernan discussed the School District meeting where a tax increase is being pursued and detailed financial challenges faced by the District. He was pleased that the new members seated on the Planning Commission were participative at their first meeting last night. Candace Erickson stated that she is now the Chairman of the Health Board and reported on related business and programs, including regulating *body art*. She encouraged the public to attend the Friends of the Farm's annual pig roast to be held on Friday, August 11. Jim Hier interjected that the Chamber estimated that the Triple Crown event brought in about \$6,150,000 worth of business over the three week period. Mayor Williams reported on water consumption this summer and congratulated Chief Evans on the ground-breaking this afternoon for the new police facility. The HMBA meeting focused on revisions to ordinances regulating outdoor uses and he commented on the annual Lobstah Fest hosted by the Prospector neighborhood.

2. **Ice Arena – fee increase and naming rights.** Stacey Noonan announced that the ice facility will reopen on August 8 on an abbreviated schedule for a couple of months. The facility won't have morning hours and will operate five days a week, in late August to early October, it will be open seven days a week from noon to 9 p.m., a full schedule October to mid-March, and another mini-session March through April.

She pointed out that the inter-local agreement with the SBSRD provides that the manager develop a long-range plan to minimize the operating deficit and target a break-even or net operating profit at the ice facility. It also specifies that the Basin contribute \$50,000 annually for the first two years toward the operating deficit, plus 50% of any RAP Tax grant monies in excess of the \$50,000. The allocations will be reviewed the third year of operation and the long-term goal is to use the Basin's contributions toward

replacement and expansion. The Agreement further acknowledges a mutual understanding that revenues from the rink will not achieve 100% recovery of operating costs and the City will look toward reducing the operating deficit by promoting and hosting events. Local programming should not be negatively interrupted for events that do not see a net profit through direct or indirect costs.

Ms. Noonan expressed that these statements in the inter-local agreement raises areas that need clarification. For instance, a break-even number and time line need to be defined. Does it include capital costs? Should a quarter of the staff be charged to fields? Does the time line start when the project is completed or did it start in February when the ice facility opened? How long should it take to get there and were the three first months considered the first year of operation? Once those questions are answered, she felt a strategic plan can be formulated.

If the City realizes additional revenue forecasted with the fee increase, removes \$13,000 from the operating fund, allocates 25% of full-time staff to fields, and receives \$50,000 from the Basin, the subsidy totals \$106,000. The subsidy was initially contemplated at \$270,000 but resulted in around \$150,000. Ms. Noonan stated that the proposed fee increase is intended to keep up with inflation and to move toward a zero subsidy. She recommended that fee increases be made at the beginning of the season. It is not felt that a \$.50 fee increase will negatively affect usage as it is around the \$5 mark, and there are reasonably priced punch cards and passes available to users. She commented that 85% of revenues were collected in the first three months and the number of patrons drastically dropped with the nice spring weather. The fee increase will generate about \$11,000 and decrease the subsidy from \$165,000 to \$154,000. This includes \$50,000 from the Basin.

The major costs are staff and utilities and the price of gas significantly increased over the past year. Ms. Noonan pointed out the need to hire more employees to operate the facility and the fee increase will offset some of those costs. The City received a \$100,000 restaurant tax grant which will be used to purchase flooring for special events. She also recommended that ice rental costs be increased by \$15 or 10%. Joe Kernan stated that he is comfortable with the increase.

Jim Hier recommended that he and Candy Erickson meet with staff to formulate a financial policy to bring back to the Council for acceptance. There was discussion about capital replacement and Ms. Erickson emphasized that in her opinion, the first three months should not constitute the first year. Ms. Noonan stated that the user groups support the proposed fees and Roger Harlan agreed that the increase is appropriate. With regard to ice rental, Ms. Noonan indicated that she organized a rink manager meeting to discuss rental rates. Everyone decided on charging the same price of \$160 per hour. Marianne Cone added her support.

Mayor Williams asked for an update on the whole project; the Council should be able to review the plan after value engineering efforts. There was discussion about the high temperatures on the artificial field. Ms. Noonan agreed that it is important to carefully program this field and Ms. Erickson relayed that all name brand artificial turf products retain heat. The City Manager stated that staff is looking into fans and Mayor Williams encouraged landscaping to provide shade. Marianne Cone was excused at this point in the meeting. Ms. Noonan suggested including representation from SBSRD on the strategic plan committee and she detailed marketing plans.

She felt there may still be an opportunity to sell naming rights and asked for Council direction on proceeding with an RFP. Council members agreed to pursue naming rights.

2. One-year review of uses associated with the Aerie land purchase. Myles Rademan explained that the City purchased 4.1 acres from Royal Street Associates with the intent to protect the Lost Prospector Trail. Through a *bargain sale* the City was able to purchase the property appraised at \$350,000 for \$150,000. At the time of the sale, Council decided to use funds from the CIP with the intent of revisiting the source to evaluate whether affordable housing on the site is an option and whether open space monies should be committed. Staff does not recommend constructing affordable housing on the site for a number of reasons outlined in the staff report, including steepness and no utilities. The Mayor pointed out that there is a developable parcel across the street for sale. Joe Kernan asked if there are other funding sources that could be used to delay a decision. Tom Bakaly responded that Council could keep things status quo; staff is recommending that the CIP be reimbursed with open space bond proceeds and keeping the property as open space to preserve the trailhead. If Council is not ready to make a decision on open space or affordable housing, there is no harm in waiting another year. Jim Hier agreed with the staff report. He felt that the significant construction costs associated with building on steep slopes would eliminate an opportunity for affordable housing. It is a visible site and just because someone is building across the street, doesn't make it appropriate for the City to develop.

Candace Erickson disagreed. She asked that the matter be continued for 30 days so she could visit the site once again so she is absolutely sure. Once something is purchased with open space money, uses are forever limited. Since the City owns the land, affordable housing is still feasible in her mind. Roger Harlan stated that he is inclined to wait several months. Joe Kernan expressed that it would be helpful to have more information on conclusions expressed in the staff report, specifically steepness and utilities. However, if another street cut is required on Deer Valley Drive to access the lot, he wouldn't support considering development. He relayed that Mountain Trails endorses trails to serve affordable housing and discussed an option of moving the trail

to accommodate three to six units. Myles Rademan understood that Council is looking for more information on construction costs on steep lots before making a final decision on the funding source for the purchase.

4. Update on downtown improvements. Alison Butz described the shell space contemplated at the north end of the China Bridge extension and added that staff is considering relocating Marsac Building employees there during the seismic upgrade of the building. There is also a recommendation to move \$250,000 from the Marsac remodel budget to the plaza budget in order to fund this project. It is the goal to house all staff within City-owned properties during the remodel construction and to begin relocating offices in October 2007. She requested direction on proceeding with schematic design with FFKR Architects for the shell space which is estimated to cost \$800,000. The total for the Town Plaza budget is \$3.3 million, not including the \$250,000 transfer. The design contract will include the bottom floor space for a liquor store since the Museum will be starting its expansion project and the DABC will have to vacate. It is the intent to keep the second floor open for another tenant, which will be discussed further at another time. Alison Butz recommended that the construction of the shell and realignment of Swede Alley take place next summer. The alignment has priority over the plaza because the City is just beginning negotiations with the post office, which are likely to last over the fall and winter. Additionally, a good public input process should be provided to ensure the plaza's success which should be conducted before the design stage. If the realignment occurs next summer, closures of Swede Alley will be minimized during the construction of the plaza which is key for circulation and deliveries.

Candace Erickson felt this is a good idea; it's time to move on. In response to a question from Jim Hier about the amount funded for the remodel, Ms. Butz explained that \$250,000 is estimated for temporary trailers or space. If the shell is used, the \$250,000 can then be allocated to the downtown improvement project. Jim Hier supported the proposal. Mayor Williams pointed out the significant construction costs per square foot and asked if it is appropriate to locate the DABC there at a significantly reduced rental rate. Tom Bakaly responded that this issue doesn't need to be addressed tonight. Candace Erickson interjected that a liquor store in the downtown core is important to her and Roger Harlan agreed. Ms. Butz stated that staff will move forward and keep Council informed.

5. Review of regular meeting – LMC amendments. Kirsten Whetstone explained that amendments to Chapter 2 relate to the Historic District zones, HR-L, HR-1 and HR-2. There are amendments to change wording, by omitting *Community Development Department* and changing *Uniform Building Code* to *International Building Code*, and *Historic District Commission* to the *Historic Preservation Board*.

She read proposed language affecting all three zones from her staff report:

Chapter Two:

- Sections 15-2.1-6 (B) (10), 15-2.2- 6 (B) (10), and 15-2.3-7(B) (10). Under Steep Slope CUP review for Height exception (in the HR-L, HR-1 and HR-2 districts), the criterion that lot width be greater than 25' to apply for a height exception was deleted. This change provides design opportunities for all historic district lots, not just lots greater than 25' wide. This change allows the Commission to consider heights greater than 27' on lots of all widths, for the purposes of compliance with the Historic District Design Guidelines, architectural interest and character, allows steeper pitched roofs, etc, but does not result in additional floor area. This height exception only applies to Steep Slope Conditional Use Permit applications. Public notice is a requirement of the CUP process. Final decisions are made by the Planning Commission.

She explained that in order to receive a height exception under the current Code, the Planning Commission must apply certain criteria, including that the lot width is greater than 25 feet and a substantive change is to delete that provision. She explained that some steep slope designs result in undesirable flat roofs and/or incompatible architecture. This would allow anyone to apply for a height exception, but the project would still have to go through a Historic Design Review and no additional floor area is obtainable.

Ms. Whetstone explained that another issue related to the formula used for calculating the footprint. There is an expediential function in the formula which results in a smaller footprint than that calculated for a 25 x 75 foot lot. It was decided to use the formula up to 18,750 square feet or ten Old town lots. Once the parcel exceeds that size, the footprint will be 4,500 square feet with an exemption allowance of 400 square feet per dwelling unit for a garage. Conditional use permits would be required for footprints greater than 3,500 square feet and all applications must go through a Historic Design Review process.

Roger Harlan suggested that the Code better clarify where vinyl and aluminum siding materials are allowed. She explained that siding materials and regulations are now detailed in Chapter 5. Joe Kernan discussed allowing affordable housing projects to install aluminum siding because it reduces maintenance costs. Ms. Whetstone explained that most affordable housing projects would likely be part of a MPD. She spoke about maintaining consistency in the affordable housing section in the General Plan. Synthetic rock products made from fiberglass, vinyl or similar materials continue to be prohibited, but the Planning Commission expressed interest in obtaining information on manmade products, applications, and green building incentives.

Ms. Whetstone explained an amendment in lighting provisions which will be applied to the Quinns Recreation Complex. This will result in about .2 more foot candles compared to current standards, but fewer fixtures on poles, and better quality and efficient lighting.

See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 27, 2006**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, July 27, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; David Maloney, Planner; Kirsten Whetstone, Planner; and Ben Davis, Planning Intern.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Resolution naming and honoring Sally Elliott as the Mayor's Choice for the 2006 Award in the Humanities – The Mayor read the resolution into the record and thanked Ms. Elliott for her many contributions to the community both as a former City Council member and current Summit County Commissioner.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JULY 6, 2006 AND JULY 13, 2006

Roger Harlan, "I move approval of the work session notes and minutes of the meetings of July 6 and July 13, 2006". Candace Erickson seconded. Motion unanimously carried.

V RESIGNATIONS AND APPOINTMENTS

Appointments to the Police Review and Complaint Committee – Mayor Williams recommended the reappointment of Jerry Bush, and appointments of Charles Neal and Coady Schueler for terms expiring July 2008.

VI CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance amending the Prospect Street Subdivision Plat, Park City, Utah (motion to continue to September 14, 2006) – The Mayor requested a motion to continue. Candace Erickson, "I so move". Roger Harlan seconded. Motion unanimously carried.

2. Continuation of a public hearing of an Ordinance approving a subdivision plat for 259-263 Norfolk Avenue, Park City, Utah – To better understand the action, Mayor

Williams noted that he and staff walked the property today. Dave Maloney explained that the condominium plat is being vacated. The owner intends to demolish the existing structure and establish three lots of record to construct three single family homes. The lots are on steep slopes and subject to a conditional use permit prior to the issuance of a building permit. Staff finds that the conceptual site plan proposed provides reasonable access from Norfolk Avenue. He added that the existing structure doesn't meet current HR-1 height and setback requirements and encroaches 18 feet into the Norfolk Avenue right-of-way. Because of the steep slope feature, the applicant has the ability to request a height increase but no increase in the floor area. At its meeting last night, the Planning Commission recommended approval with additional findings. Mr. Maloney distributed a revised ordinance and pointed out modifications and additions, including prohibition of accessory apartments. Mayor Williams relayed that this action relates to platting property, not designing structures.

Applicant Jerry Fiat stated that the existing structure encroaches on City right-of-way and he is proposing a 19 foot driveway where disturbance already exists. One driveway will serve three homes and is wide enough to accommodate trucks. He felt it is a benefit eliminating three units of density, removing a non-conforming structure, adding on-site parking which did not exist, and providing construction access from King Road at considerable expense. Additionally, he has agreed to prohibit accessory units. The disturbed area of the existing structure is greater than the net affect of new three structures and the driveway. There will be more green space.

Mr. Maloney added that it appears that the design of the driveway will retain the landscape berm and the conditional use process will finalize the design. Roger Harlan noted that a year ago, many Upper Norfolk Avenue residents were against this project. The applicant has done a good job of addressing neighborhood objections, but he is still concerned about construction impacts. Jerry Fiat discussed proposed construction phasing and staging on King Road.

Dave Maloney stated that he received a correspondence from an adjacent neighbor, Kevin King, who wrote that his letter is a formal notice of appeal if the plat is approved tonight and referenced LMC Section 15-7.34 which deals with road design requirements. Mr. Maloney pointed out that this section of the Code deals with new subdivisions and does not apply to this application.

The Mayor opened the public hearing, and hearing no input, closed the hearing.

3. Ordinance approving the Lot 5 April Mountain Subdivision Plat Amendment, located at 1315 Mellow Mountain Road, Park City, Utah – Ben Davis, Intern Planner, explained that the application is to adjust building pads by moving the lot further north, which will preserve natural landscaping. The Planning Commission forwarded a

positive recommendation. He explained limitations on the access road for construction of the driveway. The Mayor opened the public hearing, and closed it as there were no comments from the audience.

4. Ordinance approving the Kampai Plat Amendment, located at 586 Main Street, Park City, Utah – Ben Davis explained that the request is to combine Lot 22, Lot 24 and a metes and bounds parcel into one lot of record. There is an existing historic building where the Kampai Restaurant operates. There is no impact on the pedestrian walkway easement in the area, and there are no objections by neighboring owners. The Planning Commission forwarded a positive recommendation. The Mayor opened the public hearing. There was no public input and the hearing was closed.

5. Ordinance approving a plat amendment for Lots 63 and 64, The Oaks at Deer Valley, located at 3615 and 3605 Oakwood Drive, Park City, Utah – Planner Dave Maloney explained that Lots 62, 63 and 64 were owned by two separate parties and in 2004, a plat amendment was approved to combine Lot 64 and half of Lot 63, although the property owners of the other half of Lot 63 and Lot 62 felt that they didn't receive proper notice. The plat amendment proceeded and a lot and a half was created and there was a verbal agreement between the parties that Lot 63 would remain open space. The owners of Lot 64 and half of Lot 63 could have increased the size of the residence by 150% with the lot combination. Since that time, the owners of Lot 62 and half of Lot 63 have purchased the other half of Lot 63 and Lot 64, and are requesting to revert to the way the lots were originally platted in 1989. All three lots are still vacant, the ownership is under one party, and approval eliminates remnant parcels.

The Mayor opened the public hearing and with no comments, closed the public hearing.

VII CONSENT AGENDA

Jim Hier, "I move we approve Consent Agenda Items 1 through 5". Roger Harlan seconded. Motion unanimously carried.

1. Ordinance approving a subdivision plat for 259-263 Norfolk Avenue, Park City, Utah – See staff report and public hearing.

2. Ordinance approving the Lot 5 April Mountain Subdivision Plat Amendment, located at 1315 Mellow Mountain Road, Park City, Utah - See staff report and public hearing.

3. Ordinance approving the Kampai Plat Amendment, located at 586 Main Street, Park City, Utah - See staff report and public hearing.

4. Ordinance approving a plat amendment for Lots 63 and 64, The Oaks at Deer Valley, located at 3615 and 3605 Oakwood Drive, Park City, Utah - See staff report and public hearing.

5. Resolution naming and honoring Sally Elliott as the Mayor's Choice for the 2006 Award in the Humanities – Staff recommends approval.

VIII NEW BUSINESS

Ordinance approving amendments to the Land Management Code of Park City, Utah to reflect the reorganization of the Community Development Department, to include references to the Historic Preservation Board (HPB), to replace Uniform Building Code wording with International Building Code, and to address substantive amendments for the following Chapters: Chapter 2.1, HR-L Zoning District; 2.2 HR-1 Zoning District, 2.3 HR-2 Zoning District, and Chapter 5, Architectural Review – See staff report and work session discussion. Planner Kirsten Whetstone explained that amendments relate to Chapter 2 and Chapter 5 and zoning districts HR-1, HR-2 and HR-L. On July 12, the Planning Commission held a public hearing and forwarded a positive recommendation with some modifications to staff's proposal. She stated that the Community Development Department wording will be stricken, the Historic District Commission is now the Historic Preservation Board, and the Uniform Building Code is now the International Building Code.

Substantive amendments to Chapter 2 include the ability to request a height exception on all lots in these districts. This allows for steeper pitched roofs, but not additional floor area, and is intended to result in better designs consistent with the Historic District Guidelines. The provisions relating to the footprint for large platted lots have been modified so that for lots up to 18,750 square feet, the formula is used, but beyond that, owners could be allowed a maximum of 4,500 square footprint with an exemption of 400 square feet per dwelling unit for garage area. A conditional use permit is required for any footprint over 3,500 square feet.

Ms. Whetstone stated that Chapter 5 deals with material types and lighting. There is clarification of where aluminum and vinyl siding are allowed to be used. Because of the discussion in work session, she recommended leaving this section as written so that the Planning Commission can again review manmade materials. The lighting amendment increases allowable wattage from 1,000 to 1,500 for commercial applications and changes the preferred exterior lighting for residential to fluorescent rather than high sodium because it is more energy efficient.

The Mayor opened the public hearing and with no comments, closed the hearing.

Candace Erickson, "I move to approve an Ordinance approving amendments to the Land Management Code of Park City, Utah to reflect the reorganization of the Community Development Department, to include references to the Historic Preservation Board (HPB), to replace Uniform Building Code wording with International Building Code, and to address substantive amendments for the following Chapters: Chapter 2.1, HR-L Zoning District; 2.2 HR-1 Zoning District, 2.3 HR-2 Zoning District, and Chapter 5, Architectural Review". Jim Hier seconded. Motion carried unanimously.

IX ADJOURNMENT

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

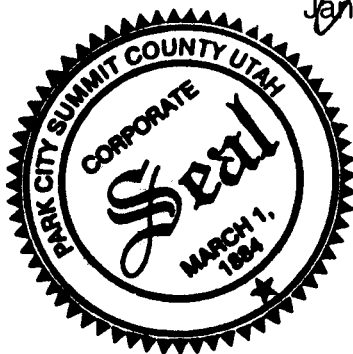
MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Polly Samuels Mclean, Assistant City Attorney, Myles Rademan, Public Affairs Director; Jerry Gibbs, Public Works Director; and Kathy Dunks, Water Manager. Roger Harlan, "I move to close the meeting to discuss property, personnel and litigation". Marianne Cone seconded. Motion carried unanimously. The meeting opened at approximately 4:20 p.m. Marianne Cone, "I move to open the meeting". Jim Hier seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott


Janet M. Scott, City Recorder





City Council Staff Report



Author: Stacey Noonan
Subject: Park City Ice Arena & Sports Complex
Ice Arena Fees and Naming Rights
Date: July 27, 2006
Type of Item: Discussion and Direction - Informational

Summary Recommendation - Staff would like Council direction on the following items:

- 1) Ice Arena Fee increases (changes to fees are scheduled for August 3rd)
- 2) Naming Rights for the Ice Arena

Description: Staff is proposing a slight fee increase for the upcoming season to cover basic inflation and to move towards a lower subsidy. Staff is in the process of developing a five year strategic plan for the facility which should help determine rates in the future. In addition, staff is looking for Council input on naming rights for the Ice Arena.

Topic: Park City Ice Arena Fee Schedule and Ice Arena Naming Rights

Background: The Interlocal Cooperative Ice Facility Agreement between PCMC and the Basin states that the goal of the Ice Arena General Manager is to "minimize the operating deficits and target a break-even or possibly a net operating profit" as a long range plan. In an effort to stay on top of inflation and work towards a lower subsidy level for the City and Basin, staff is recommending a slight increase to our existing admission and hourly ice fee structure for the coming season.

Analysis: This recommended increase is forecasted to generate an additional \$10,750 (see attachment 1). Fees have been increased to reflect what staff believes will help move the City towards a stable financial position for it's first full year of operations while remaining affordable for the general public. Attachment 1 is a summary of anticipated Ice Arena revenues and expenditures. Not that with the fee increase and the County subsidy payment of \$50,000, the current City subsidy will be reduced to around \$154,000.

The proposed fees take into consideration what staff feels is reasonable based on what the market will bear. The fees are consistent with what other arenas in ski resorts are charging (see attachment 2). The Racquet Club and Field House charge \$5 to \$5.50 for entrance fees; admission fees at the rink are still comparable. Season passes and punch cards will continue to be available at reduced rates making skating affordable for frequent users. The proposed changes are listed below:

	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>	<u>PUNCH PASS (10 VISITS)</u>
ADMISSION			
Public Skate – Youth	\$4.50	\$5.00	\$40
Public Skate – Adult	\$5.00	\$5.50	\$45
Skate Rental	\$3.00	same	\$25
Drop-in Hockey – Adult	\$8.00	\$8.50	\$75
Drop-in Hockey – Youth	\$7.00	\$7.50	\$65

Non resident fees are \$2 higher per category and would be raised respectively.

	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
HOURLY ICE		
Non-profit / User Groups	\$145	\$160
Locals/ Businesses	\$160	\$175
For Profit	\$200	\$215
SEASON PASSES (Note: the season triples – from 3 months to 9 months)		
Family (4)*	\$ 99	\$295
Adult	\$ 65	\$195
Youth/Senior	\$ 50	\$150

*\$40 for each family member over 4.

Naming Rights: PCMC entered into a contract with the Park City Foundation to pursue the sale of the naming rights for the Sports Complex. Council felt the initial effort should focus on giving locals the opportunity to put a family name on the facility but there were no takers and the contract has ended. Staff would like to continue to pursue the sale of the Complex's naming rights keeping Council informed on the selection of an individual or company to do so and looking to Council for approval if and when a naming sponsor is identified. Staff believes it is time to focus on a marketing opportunity vs the initial fundraising approach since we are near completion of the project.

Department Input & Review: This report has input and comments from the following departments: Economic Development, Special Events, Budget, Recreation, Golf, Library, Public Works, the City Manager and Friends of Ice.

Alternatives:

- A. Staff would like direction from City Council on the recommended Ice Arena fees and the naming rights policy. Based on Council direction, staff will return next week (August 3rd) with a fee resolution.
- B. Suggest modifications to the proposed fees and naming rights policy
- C. Ask for more research

Significant Impacts / Consequences of not taking the recommended actions:

It's time to start advertising rate information to promote the upcoming season which begins August 8, 2006. If the resolution is not passed, marketing will be delayed.

Staff Recommendation: Discuss and provide direction on Ice Arena fees and naming rights.

Park City Ice Arena

\\surveys\2005 Fee Comparison.xls

PARK CITY ICE ARENA										
ANALYSIS OF RATE INCREASE										
2006 Full Year Actuals										
	BUDGET	GRANTS/ADJ	ADJ BUDGET	ACTUALS	B(W) BUDGET		2,007			
							Budget	Forecast	B (W)	W/ NEW RATES
PERSONNEL	198,780	0	198,780	192,829	5,951	0	280,966	285,267	(4,301)	\$285,267
OPERATING	143,100	6,900	150,000	110,798	39,202	0	286,620	293,569	(6,949)	\$293,569
REVENUE*	123,200	0	123,200	169,030	45,830	0	272,500	363,750	91,250	\$374,502
NET	218,680	6,900	225,580	134,597	90,983	0	295,086	215,086	80,000	\$154,334
BASIN SUBSIDY	75,000	5,985	80,985	80,985	5,985	0	50,000	50,000	0	
NET W/BASIN	143,680	915	144,595	53,612	96,968	0	245,086	165,086	80,000	\$154,334
*REVENUE BREAKDOWN										
Facility Rentals	22,000	0	22,000	11,957	(10,043)	0	65,500	25,000	(40,500)	\$2,586
Leagues/Programs	17,000	0	17,000	34,621	17,621	0	29,000	75,000	46,000	\$1,324
Admissions	31,200	0	31,200	24,034	(7,166)	0	81,000	65,000	(16,000)	\$6,842
Skate Rentals	12,250	0	12,250	17,254	5,004	0	33,500	35,000	1,500	\$0
Concessions/Advertising	10,750	0	10,750	55,849	45,099	0	0	80,000	80,000	\$0
Lockers Rentals	0	0	0	253	253	0	3,500	750	(2,750)	\$0
Learn To Skate	15,000	0	15,000	19,766	4,766	0	50,000	65,000	15,000	\$0
Learn To Play Hockey	15,000	0	15,000	5,296	(9,704)	0	10,000	18,000	8,000	\$0
	0	0	0	0	0	0	0	0	0	
SUBTOTAL REVENUES	123,200	0	123,200	169,030	45,830	0	272,500	363,750	91,250	\$10,752
1: Budget\2006 ACTUALS, 2007 C, WITH NEW RATES.XLS										0.0296
										22680
										9360

City Council Staff Report



Author: Myles C. Rademan
Subject: Aerie Drive Property
Date: July 27, 2006
Type of Item: Informational - Direction

Public Affairs &
Communications

Summary Recommendations: This report is for informational purposes and staff requests direction that the entire 4.51 acre Aerie Drive property purchased from Royal Street Associates be maintained as open space and that the open space fund reimburse the 5-Year CIP \$150,000.

Description:

The City purchased 4.51 acres from Royal Street Associates for \$150,000 on Aerie Drive on September 30, 2005 for the purposes of protecting the Lost Prospector Trail easement. At that time Council directed staff to look into future affordable housing opportunities on the site as well as preserving the trail connection.

Topic:

Open space and trail protection and possible affordable housing site.

Background:

Royal Street Associates after inventorying their land holding decided to dispose of the 4.51 acre site they owned bounded by Deer Valley Drive and Aerie Drive. The city had a revocable trail easement for the Lost Prospector Trail on the property and also the first right of refusal to purchase the property.

Following negotiations with Royal Street the city was able to purchase the entire property in a bargain & sale contract for \$150,000 and Royal Street was able to write off \$150,000 of the \$300,000 assessed value of the land as a donation. The City paid for the purchase using funds from the 5-Year CIP with the intent to transfer the expenditure to either the Open Space CIP or Affordable Housing CIP (or both) once it was determined how the parcel could be used.

With the trail easement/alignment protected, Council directed staff to look at the feasibility of building affordable housing on a portion of the site.

Analysis:

Staff has concluded that the site is not suitable or cost-effective for affordable housing for the following reasons:

1. Relative steepness of site will make development exceedingly costly;
2. High cost of providing utilities to site (none presently exist);

3. Due to the steepness of Aerie Drive it is most probable that access to this site for affordable housing will have to come from Deer Valley Drive which will create safety and visibility problems;
4. High visibility of site and it's present use as an open space buffer to the Aerie development will be compromised;
5. The most advantageous building pads on the site are bisected by the Lost Prospector Trail which was the major impetus for acquiring the site;
6. Relocating the Lost Prospector Trail would not be feasible if we wish to retain its 'beginner to intermediate' quality;
7. Higher priorities sites which are more suitable for future affordable housing projects exist. To date this site has not been included in the Housing CIP, and a much more intensive site planning effort will be necessary to determine whether there is any value of this site for affordable housing.

Department Review:

City Manager, City Attorney, Public Affairs, Affordable Housing, City Engineer, Planning.

Alternatives:

1. Transfer \$150,000 in open space bond funds to the 5-Year CIP (which were used to purchase the site from Royal Street Associates);
2. Use \$50,000 of open space bond funds to preserve the Lost Prospector Trail alignment; and charge the Affordable Housing CIP \$100,000 to preserve future affordable housing options on the site. Funds are not currently budgeted for this expense.

Approve the Request:

Direct staff to transfer \$150,000 in open space funds to preserve the entire property as open space.

Deny the Request:

Direct staff to either leave the purchase as is; or to transfer monies from a variety of CIP sources including the 5-Year CIP, the Affordable Housing CIP and Open Space funds.

Continue the Item:

Because the transaction took place in FY 2006, the accounting deadline for transferring the expenditure is July 31, 2006. After July 31st, the accounting becomes very difficult due to the use of open space bond proceeds and RDA (affordable housing) funds.

Do Nothing:

This would be the same as denying the request, and the expenditure would remain in the 5-Year CIP.

Significant Impacts:

The property has already been purchased by the City. The only questions remaining are whether affordable housing is an appropriate and cost effective option on the site and if

so how much should the affordable housing fund contribute to the \$150,000 purchase price.

Consequences of not taking the recommended action:

The site was purchased using funds from the 5-Year CIP which would not be reimbursed by either open space or affordable housing funds.

Recommendation:

Staff recommends that the entire 4.51 acre Aerie Drive property purchased from Royal Street Associates be maintained as open space and that the open space fund reimburse the 5-Year CIP \$150,000.

City Council Staff Report

Author: Alison Butz
Subject: Downtown Improvements – Next Phase Plans
Shell Space
Date: July 27, 2006
Type of Item: Informational



Special Events and
Facilities Department

Summary Recommendations:

Discuss the timeline for Downtown Improvements and authorize Staff to proceed with schematic design for the Shell Space.

Description:

Topic:

Downtown Improvements

Background:

Discussion on the next phase of the City's downtown improvement plans were on hold until the completion of the parking structure. With that project complete, Staff is beginning to outline the timeline and next steps.

The City Council originally discussed the construction of the shell space in the context that it would be used as temporary offices for City Hall during the remodel of the Marsac Building. The cost allocated for temporary trailers would be used to construct the building. While looking at the timeline, Staff was able to designate additional City property to accommodate City Hall offices such as Miners Hospital, the new Police Facility and the Park Avenue Fire Station. Since the costs for temporary trailers would not be used, Staff still recommends the use of that money to construct the shell space.

Analysis:

The construction of the shell space would cost approximately \$800,000 and Staff would like to begin working with FFKR on schematic plans for the structure. Funds are budgeted for this improvement. Staff suggests moving ahead with a design that could accommodate the DABC's Main Street Liquor Store on the first floor of the building. The DABC will need to relocate to a new permanent location once the museum's construction begins. With regards to the second floor of the shell space, Staff suggests that it is designed with no specific tenant in mind. It is the desire of Staff that the use of the second floor generate income for the structure since the lease to the DABC will likely be below market rate for the area.

Timeline

There are quite a few projects that fall under the title of Downtown Improvements. An estimated timeline is attached. With regards to the shell space, Staff would like to start construction during the spring of 2007 with an estimated completion date of August 2007.

Significant Impacts:

Funding for the Downtown Improvement projects is allocated within the current CIP budget. By beginning on the schematic design for the shell space in Spring 2007, the Swede Alley staging area for realignment of Swede Alley and for the Plaza will be available to begin construction on those projects in 2008.

Department Review:

All applicable departments have reviewed the proposed timeline and report and their comments have been incorporated within the report.

Recommendation:

Discuss the timeline for Downtown Improvements and authorize Staff to proceed with schematic design for the Shell Space.

Attachments:

Exhibit A – Downtown Improvement Timeline

Project	2006						2007						2008						
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Police Station																			
Shell Space																			
China Bridge Improvements																			
Swede Alley Realignment and Utilities																			
Post Office																			
Plaza																			
Museum Expansion																			
Marsac Remodel																			
Park Avenue Fire Station																			

City Council Report



Author: David Maloney
Subject: Upper Norfolk Subdivision
Address: 259-263 Norfolk Avenue
Date: July 26, 2006
Type of Item: Plat Amendment

RECOMMENDATION

Staff recommends that the City Council approve the proposed 'Upper Norfolk Subdivision' according to the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

DESCRIPTION

Project Name: Upper Norfolk Subdivision
Applicant: Jerry Fiat
Location: 259 / 263 (Upper) Norfolk Avenue
Zone: Historic Residential (HR-1)

BACKGROUND

The City received a completed plat amendment application on August 16, 2005. The proposed project plan is to demolish the existing three (3) unit condominium structure, vacate the existing condominium plat, and establish three (3) lots of record with the intention of building three single-family homes on these lots.

The original proposal called for two access points to the proposed lots, both from (Upper) Norfolk Avenue. There were significant neighborhood concerns with regard to the identified access to the proposed lots, impacts on existing vegetation, reduction of snow storage area, elimination of existing parking spaces on Upper Norfolk Avenue, construction mitigation of any future site development resulting from the proposed plat amendment, and the massing of future structures on the proposed lots.

After the December 14th Planning Commission meeting, Staff has worked extensively with the applicant with the intention of mitigating the specific neighborhood concerns, including issues such as shoring, driveway access, and construction mitigation. Other concerns, including impacts on existing vegetation, reduction of snow storage area, and the elimination of existing parking spaces on Upper Norfolk were also addressed through an amended proposal submitted on February 16, 2006. The most significant changes from the original proposal are the reduction from two access points to one resulting in reconfigured driveways, and the purchase by the applicant of the adjacent land to the west, which is proposed to be used as the construction access and staging area.

Staff brought the original plat amendment proposal to the Planning Commission as a Work Session item on December 14th, 2005. Staff informed the Planning Commission of the proposed project and also discussed in detail the expressed concerns of neighboring residents. There was no public hearing. Staff brought back this item to the May 10th, 2006 Planning Commission meeting. The Work Session involved discussion of the proposed changes to the site plan resulting from the original Planning Commission meeting and concerns raised by the public. The Planning Commission requested that Staff arrange a site visit in order to better understand the site, the immediate neighborhood and the potential impact of the proposed plat amendment.

On June 14th, 2006 the Planning Commission met on site to better understand the property and the surrounding neighborhood. Later that night, Staff presented the application to the Planning Commission who opened up public input.

The Planning Commission was generally supportive of the project and suggested that specific concerns regarding landscaping and access would be addressed through the Conditional Use permitting process for construction on steep slopes. The Planning Commission directed Staff to return with Findings for approval.

Planning Commission forwarded a positive recommendation to City Council at the July 26th, 2006 Planning Commission meeting.

ANALYSIS

The proposed plat amendment is to create three lots of record, which would be platted for single-family houses. There is an existing three unit condominium structure on site which is proposed to be demolished. There is an existing condominium plat entitled, 'Upper Norfolk Condominiums', along with an adjacent parking easement for the residents of the triplex building, which are proposed to be vacated. Access to the three proposed lots is from (Upper) Norfolk Avenue.

The property is located within the Historic Residential zoning district (HR-1). Single-family houses are an allowed use within this zone. The existing multi-dwelling housing structure would not be permitted under the current Land Management Code regulations and is considered to be a legal non-conforming structure. The existing structure extends into the City's right-of-way (Norfolk Avenue) by about 18 feet. Approximately 1,245 square feet of the structure is within this portion of the Norfolk Avenue right-of-way. The footprint of the existing building, including extensive exterior decks and patios, is approximately 4,095 square feet.

The proposed plat amendment would result in three legal lots of record with dimensions of approximately 40 feet by 70 feet. These proposed lot sizes are in accordance with the Land Management Code (15-2.2-1), which states that the minimum lot size is 1,875 square feet with a requirement that lots have a minimum frontage of 25 feet. The required setbacks for the proposed lots would be five feet on the sides, and ten feet at the rear and front. The proposed lots will require Conditional Use Permits for Construction on a Steep Slope as each lot has a slope of greater than thirty percent (LMC 15-2.2-6).

The existing condominium known as the Upper Norfolk Condominiums will be legally vacated in order to demolish the three (3) unit housing structure, and plat the three (3) proposed lots. Approval of this plat amendment is subject to the vacation of the existing 'Upper Norfolk Condominiums'. A formal application to vacate the condominium will be processed by the Planning Department concurrently with Staff recommendation to the Planning Commission on the proposed plat amendment. The application to vacate the condominium must be heard by the Planning Commission and approved by City Council concurrently with an adoption of an ordinance relating to this subdivision.

The 'Upper Norfolk Condominium' consists of a total property area of 0.201 acres. The northerly (0.072 acres) portion (roughly proposed Lot 3) of the subject property is identified on the 'Upper Norfolk Condominium' plat as 'additional land' includes a parking easement for the existing condominium units. The parking easement located on this land is recorded with Summit County within Book 299, Page 537 to 543. This parking easement is also proposed to be vacated concurrently with the vacation of the 'Upper Norfolk Condominium' plat. At the time of plat recordation the three (3) proposed lots will be vacant and there will be no platted condominium or parking easement.

Access to the proposed three (3) single-family lots will be from Upper Norfolk Avenue. The applicant is proposing a single shared drive which will be accessed from the northern section of the property.

Staff finds that there is public good for this proposed plat amendment as the project would result in the elimination of a large structure that is not in compliance with the current Land Management Code regulations. The structure is over the HR-1 zoning district's permitted height of 27 feet and does not comply with the minimum 10 foot setbacks required at the front and sides for a lot of this size. The establishment of three lots of record will permit Staff to review in detail the architecture, access, construction mitigation, and landscaping of all proposed construction on these lots. The review will take place through the Conditional Use Permit process for construction on a steep slope.

NOTICING

Notice of this hearing was sent to property owners within 300 feet of the subject property on June 29th, 2006.

The original plan and Planning Commission hearing generated several responses from neighbors.

Numerous e-mails and letters have been received by the Planning Department and they are attached to this report (Exhibit F).

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The Plat Amendment request was discussed at a Staff Review Meeting on September 13th and again on October 11th, where representatives from local utilities and City Staff were in attendance. An extensive

meeting was held on February 16, 2006 between the project Planner, the City Engineer, the applicant, the architect, and the contractor hired by the applicant.

ALTERNATIVES

- The City Council may forward positive recommendation to the City Council for the 'Upper Norfolk Subdivision' plat amendment as conditioned or amended, or
- The City Council may forward a negative recommendation to the City Council for 'Upper Norfolk Subdivision' plat amendment and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on 'Upper Norfolk Subdivision' plat amendment.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts from this application.

CONSEQUENCES OF NOT TAKING THE SUGGESTED RECOMMENDATION

The existing non-complying structure will remain and construction of three single family houses would not be possible.

RECOMMENDATION

Staff recommends that the City Council review the proposed plat amendment, take public input and approve the proposed 'Upper Norfolk Subdivision' according to the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

I:\Cdd\Dave\Plat Amendments\259-263 Norfolk Ave\259-263 Norfolk - July 26.doc

Ordinance No. 06-

AN ORDINANCE APPROVING THE UPPER NORFOLK SUBDIVISION LOCATED AT 259-263 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 259-263 Norfolk Avenue have petitioned the City Council for approval of the Upper Norfolk Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 12, 2006, to receive input on the Upper Norfolk Subdivision;

WHEREAS, the Planning Commission, on July 26, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 27, 2006, the City Council approved the Upper Norfolk Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Upper Norfolk Subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Upper Norfolk Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 259-263 Norfolk Avenue.
2. Currently the property is platted as the 'Upper Norfolk Condominiums'
3. There is an existing triplex structure located on the property.
4. The existing structure does not conform to the height and setback requirements of the HR-1 zoning district.
5. The applicant is proposing demolishing the existing structure.
6. The applicant is proposing vacating the existing 'Upper Norfolk Condominiums' plat.
7. The applicant is proposing establishing three lots of record – identified on the proposed plat as Lot 1, Lot 2, and Lot 3.
8. Lot 1 and Lot 2 measure 40.67 feet by 69.15 feet and contain 2812.33 square feet.
9. Lot 3 measures 39.98 feet at the front, 51.07 feet at the rear, 69.15 feet on the south side and 70.03 feet on the north side.

10. The proposed access to the lots is from Norfolk Avenue on the north side of the property.
11. The three proposed lots would share one driveway.
12. The proposed lots are for the purposes of building single family houses.
13. The proposed lots have slopes of greater than 30% and are subject to Conditional Use Permit, Construction on a steep slope review.
14. There is not sufficient area on the property to conduct construction staging.

Conclusions of Law:

1. There is good cause for this plat amendment
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment is subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The lots are to be used for the construction of single family houses.
4. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
5. The construction easement agreements must be finalized and submitted to the City prior to receiving building permits.
6. A Utility / Grading Plan is required to be reviewed and approved by the City Engineer prior to plat recordation.

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

PASSED AND ADOPTED this 27th day of July, 2006.

EXHIBITS

- Exhibit A – Existing Conditions
- Exhibit B – Proposed Plat
- Exhibit C – Existing Site Plan
- Exhibit D – Proposed Site Plan
- Exhibit E – Existing Building – Section Drawings
- Exhibit F – Public Correspondence

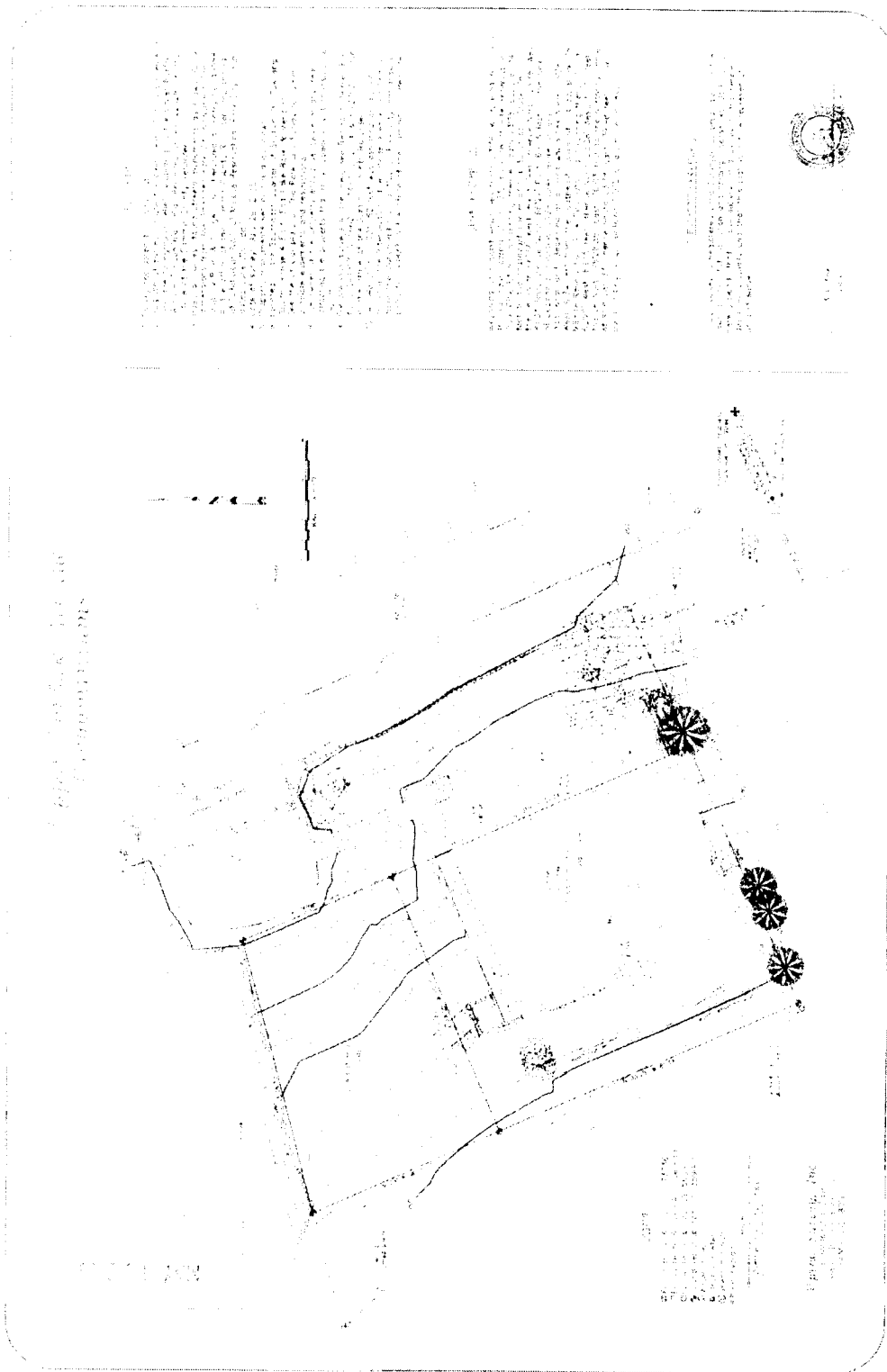


Exhibit C: Existing Site Plan

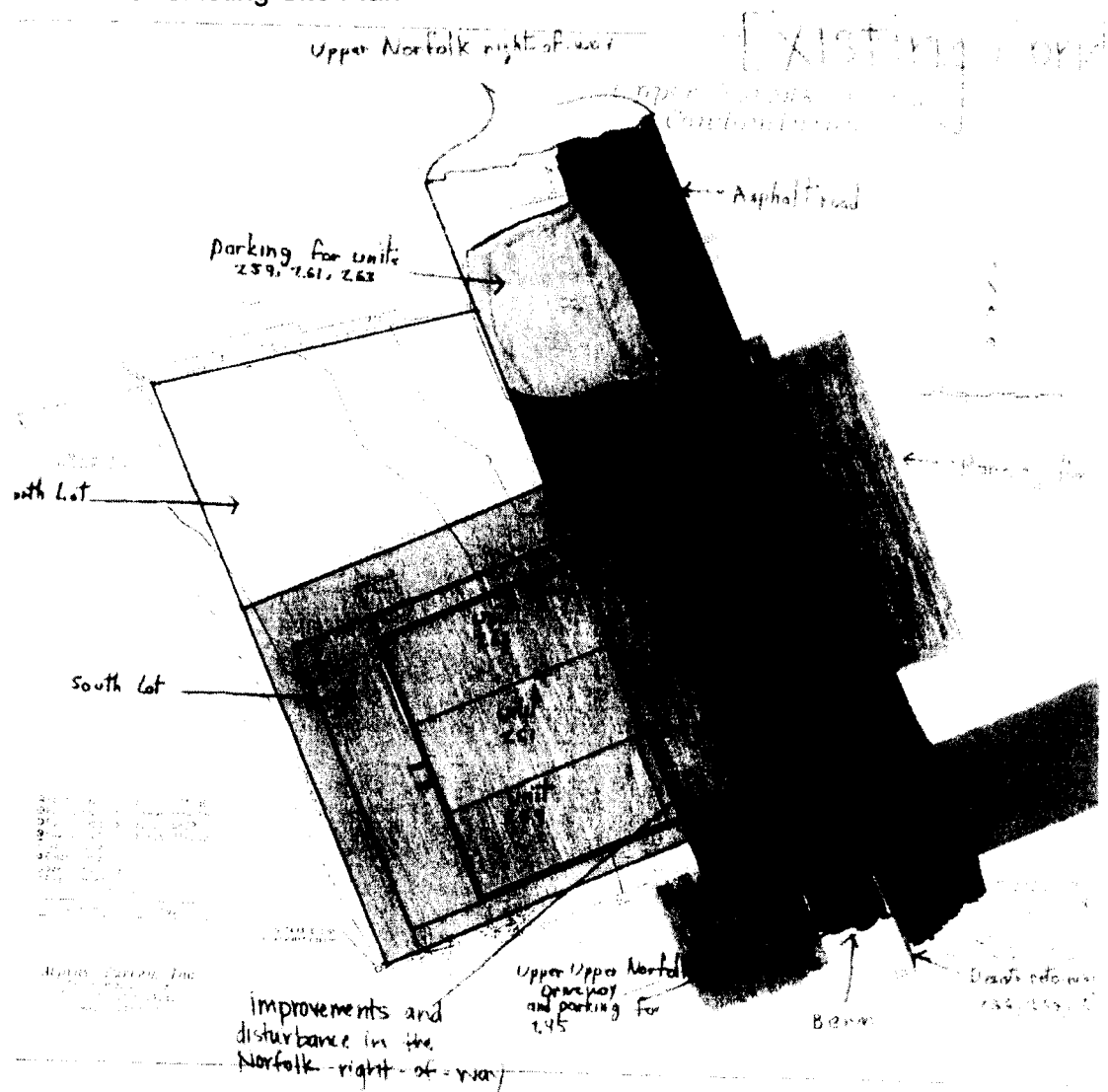


Exhibit D: Proposed Site Plan



Exhibit E: Existing Building – Section Drawings

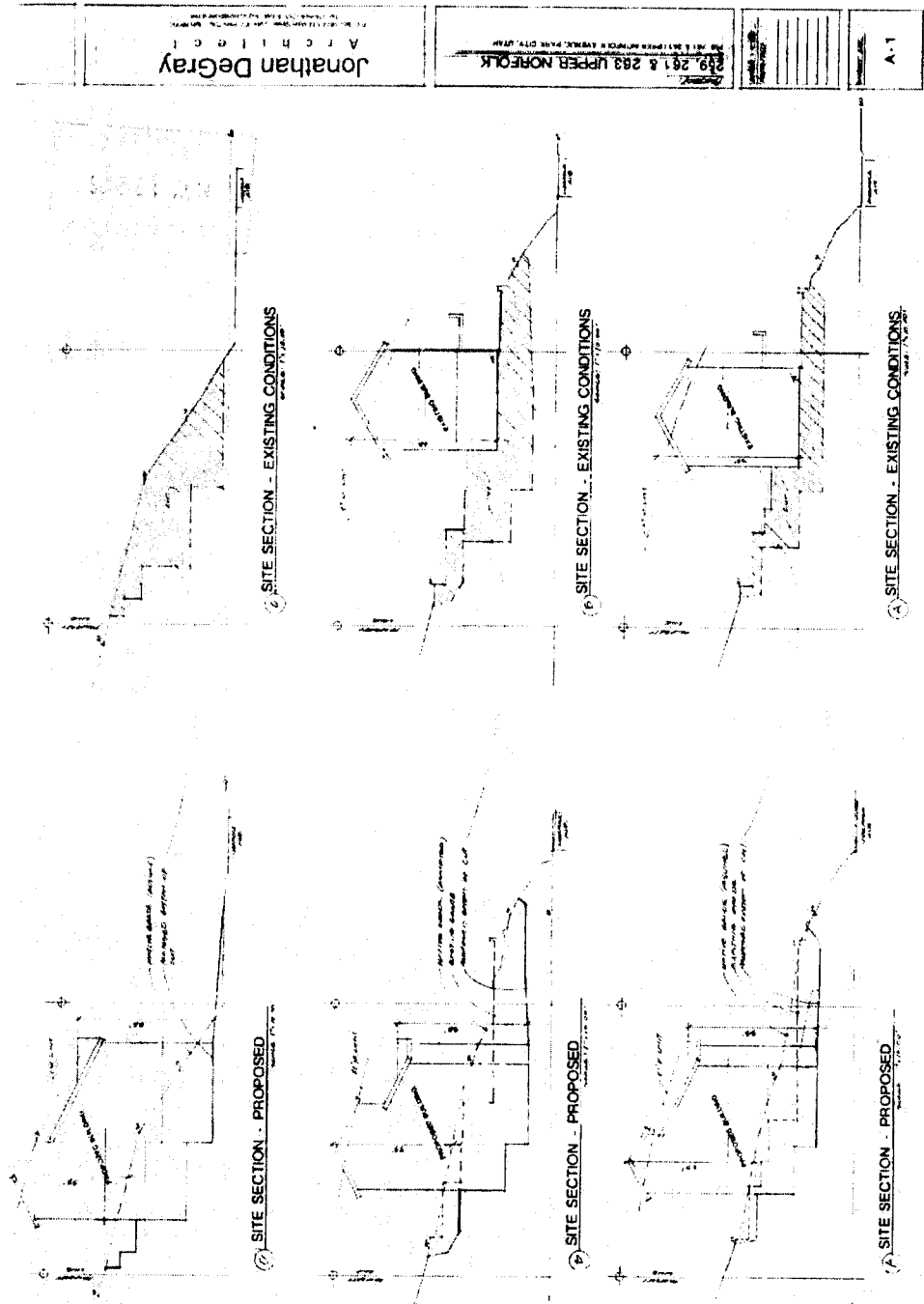


Exhibit F: Letter from Ed DiSisto (October,

October 24, 2005

Edward J. DeSisto
P O Box 1301
244 Norfolk Street
Park City, UT 84060

To: David Maloney

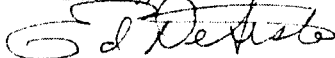
Dear David:

Twenty-seven years ago when Don and Betty Holbrook built their house at 238 Norfolk Street, which is now owned by Michael E. Kaplan, the same contractors renovated 244 Norfolk Street (which incidentally was built in 1892). Part of the construction involved erecting a retaining wall, which was approved and later inspected by the city (a copy of the agreement is enclosed, labeled #1). This wall was built with the intent of providing parking spaces for Don and Betty's duplex of 238 Norfolk Street and Ed DeSisto residence of 244 Norfolk Street. The city has allowed both owners to post signs which read "The parking along the wall is reserved for 238 and 244 Norfolk Street."

Eleven years ago, I and Don Holbrook thought about improving the wall by facing it with red sandstone. We drew up a plan and the city approved it. Enclosed are some pictures and a copy of the permit (labeled #2). The pictures show the improvements made to the wall and the landscaping behind the wall. The materials for the project were paid for by Don Holbrook and me and the construction was done entirely by me. The project took the whole summer. The fair market value today of the wall has been quoted to me by experts to be some where between \$50,000 and \$70,000. In addition, this wall has created four additional parking spaces along Norfolk Street. Over the years we have maintained the landscaping behind the wall. We planted trees, bushes and flowers as well as installed an irrigation system to water the landscaping.

Nine years ago a landowner behind the wall had plans to cut through the wall to create a driveway to a house that they were planning on building. There is a picture enclosed of the landscaping as it existed before the construction of this house began. Don Holbrook and I contested this request and asked that the wall and the landscaping be preserved. At a public hearing the counsel agreed. Without this effort, the landscaping and the parking spaces would no longer be an issue, they would not exist.

Sincerely,



Ed DeSisto
435-649-0453

2005)

POINTS OF CONCERN FOR PROPOSED PROJECT
ON UPPER NORFOLK STREET

Today, Jerry Fiat and Jeff Lowe are requesting a plot amendment on a portion of Block 78 (see enclosed legal description, labeled #3) which would allow them to tear down the existing triplex condominium to construct three houses on the three lots where the condominium is located.

This raises a number of concerns as outlined in the "Park City Municipal Code, Title 15 Line, Chapter 2.2-HT-1 District.

1. 15-2.2-3 Lot and Site Requirements

(B) Building Envelope (HR-1 District)

The building pad, building footprint and height restrictions define the maximum building envelope within which all development must adhere. There is no indication in the plan what size the houses will be. Three houses on the three lots where one condominium complex exists would create increased congestion. Incidentally, the condominiums were a source of housing that was affordable for some of the locals (see photos, labeled #4).

2. 15-2.2-6 Development on Steep Slopes

Development on steep slopes must be environmentally sensitive to hillside areas, carefully planned to mitigate adverse effects on neighboring land and improvements and consistent with the historic District Design Guide Lines.

(A) Allowed Use

An allowed residential structure and/or access to said structure located upon an existing slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) Conditional Use

A conditional use permit is required for any structure in excess of one thousand square feet (1,000 sq. ft.). Given the size of Jerry Fiat's most recent development on Upper Norfolk, it is clear that the scale he has in mind is greater than 1,000 sq. ft. It would be reasonable to request a plan for the houses before a plot amendment is granted.

(1) Location of Development

Development is located and designed to reduce visual and environmental impacts of the structure.

(2) Visual Analysis

The applicant must provide the Planning Department with a visual analysis of the project from key vantage points:

- (a) To determine potential impacts of the proposed access and building mass and design; and
- (b) To identify the potential for screening, slope stabilization, erosion mitigation, vegetation protection and other design opportunities.

All along Upper Norfolk there is a city right-of-way that has acted as a buffer between Upper Norfolk and the lots where the condominiums exist. This has provided a sense of privacy to the homeowners. There is also a number of old growth trees and a growth of rose bushes that extends along the whole corridor. They are all worth preserving. This area is also important for drainage and it provides an area for snow storage by the residents who live across from this piece of land (see photos, labeled #5).

(3) Access

Access points and driveways must be designed to minimize grading of the natural topography and to reduce overall building scale. Common driveways and parking areas and side access to garages are strongly encouraged.

There are two proposed access points. One would result in extensive impacts to the topography and the improvements made by Don Holbrook and Ed DeSisto who built and maintained the retaining wall and the vegetation behind it. Some of the plans show a considerable portion of the wall removed, destruction of a number of old growth trees and extensive excavation on a 30% slope. These plans also show the elimination of at least two (2) parking spaces and a sizeable reduction of the area where snow has been stored during the winter (see photos, labeled #6).

The other access point begins from an existing parking area on the other side of the three lots which can be easily extended to service all three of the lots. The advantages to this access are: a) the construction would be off of the main corridors of Upper Norfolk, which is a very narrow street; b) the access would require a less steep approach resulting in less excavation to the topography; c) this access would continue to allow a buffer between Upper Norfolk and the proposed project. This will clearly help to minimize the visual impacts (see photos, labeled #7).

There are two other possible access points. One would be a continuation of the road that accesses Upper, Upper Norfolk to continue straight across. This would require a greater width in the existing road. Doing this will require the destruction of a number of old growth trees and an elimination of the vegetation that lies behind the retaining wall and adjacent to Upper, Upper Norfolk. This area has always served as a snow storage area for residents who live above the wall and on Upper Norfolk next to the wall (see photo, labeled #8).

Secondly would be a continuation of the dirt road (a city right-of-way called Utah Street) that begins on the corner of King Road and Sampson Avenue. This road would come in above the whole project, virtually eliminating all of the problems being discussed. Ironically, this road goes right across Jerry Fiat's property, something he would probably not like to see.

(5) Building Location

Buildings, access and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the site. The site design and building footprint must coordinate with adjacent properties to maximize opportunities for open areas and preservation of natural vegetation, to minimize driveway and parking areas and to provide variation of the front yard.

(6) Building Form and Scale

The structures must be stepped with the grade and broken into a series of individual smaller components that are compatible with the district. Low profile buildings that orient with existing contours are strongly encouraged.

(9) Building Height (Steep Slope)

The maximum building height in HR-1 district is twenty-seven feet (27'). The community Development Department and/or Planning Commission may require a reduction in building height for all, or portions, of a proposed structure to minimize its visual mass and/or to mitigate differences in scale between a proposed structure and existing residential structures.

(10) Height Exceptions (Steep Slope)

(e) Snow release issues are resolved to the satisfaction of the Chief Building Official.

This is a major concern for everyone that resides on Upper Norfolk Street.

Other concerns:

1. Additional problems with added sewage disposal and water runoff. How will this be expanded to accommodate the increased demand?
2. Construction mitigation is an enormous concern. A project of this size will last a minimum of two (2) years. There needs to be a construction plan that will prevent a continuous blockage on the narrow street of Upper Norfolk.

The residents of Upper Norfolk wish to maintain the historic, mountainous nature of the neighborhood and we trust your leadership will follow the spirit of the Park City Municipal Code. Thank you.

Exhibit G: Letter from Kevin King (December,

KEVIN S. KING

P.O. Box 1957
Park City, UT 84060
Phone (435) 645-7474
December 2, 2005

Planning Department
Planning Commission
445 Marsac Ave.
Park City, UT, 84060-1480

ORIGINAL

To all whom this concerns,

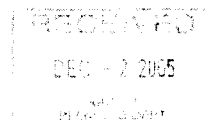
Please accept the following input in consideration for denial of the proposed plat amendment at The Upper Norfolk Avenue Condominiums. I feel uniquely qualified to provide you with inside information and input regarding this proposal, and why it does not make good planning sense nor is it in the City's best interest to even to consider this poorly conceived plan at this time. Additionally, there is no legitimate or valid reason put forth to vacate this Condominium plat, which is disingenuously put forth for the sole purpose of creating wealth for one individual at the expense of the City and this neighborhood based on speculation and promises made to an Phoenix Developer who the project will be flipped to once the groundwork has been laid.

First and foremost, I have no axe to grind with the applicant as he may try to represent. We simply do not share the same appreciation or level of sensitivity with regard to good common sense Land Use and Planning principles, as well as the level of appropriate impact upon the neighborhood. While the Applicant may claim that he lives "in the neighborhood," he is woefully out of touch with the common people who actually live here day to day.

The applicant originally approached me to put forth the same plan designs that you see before you. He knew from talking with others that the best approach with the least impact upon the neighborhood was to allow the Southern-most home site or Condo Unit to be accessed from (what we call) Upper Upper Norfolk, and have the other potential 2 units accessed from the North. He initially approached me with the full knowledge that this was the only option that I would support, other than approaching all three units from the North. I made it clear to him that the 18-20 feet of grade elevation change from the road up to the 10 foot setback requirement was prohibitive to placement of a driveway access perpendicular to Upper Norfolk. I explained that the logical precedence has already been set by the homes built on Upper Upper Norfolk and that to suddenly decide to "mass excavate" a Fifteen foot or greater change in elevation, (especially in the City Right of Way) for the selfish motive of creating a private driveway for an out of town developer on City property, was far too aggressive an approach. I could not in good conscience recommend or draw this, and that I could not work for him if he insisted on this. The ironic thing was that he initially tried to lull me in by asking me to first draw this appropriate proposed version. Every time we would meet after that, he would then ask me to draw the next more aggressive version, until he got to the point where he wanted me to draw him the version that you see before you now. This I would not do.

When discussing the logistics of building and the impact of any new building on the City or the neighborhood, the only comment from the applicant was that he did not care about these things, and that maximizing his profit and turning this property over to a Developer from Phoenix, Arizona was his only concern. He only wanted a quickie sketch that he could use to get some kind of approval, so he could close on his sale. Beyond that, he has no vested interest in actually developing the project, nor any commitment to quality. When I tried to reason with him that he could still do a quality oriented project without over-digging the entire site, he stated that the extra impact and the cost of more excavation would not affect his "Bottom Line" because he didn't care what the Developer had to do, his only concern was being able to represent to the buyer just enough so that he could close the deal.

The primary issue that everyone on our street agrees on, and will not accept is the further destruction of the native Yellow Rose hedge / hillside berm. We have already lost a great deal of it over the years to parking and other over-landscaping and removal. The applicant is well aware of this concern and was told by staff to go back to the drawing board, but instead of putting forth a reasonable proposal based upon those discussions, he has chosen to thumb his nose at all concerns of the community and staff input, by again presenting a second proposal that is worse than the first one. The applicant will minimize this concern, hoping that the Commissions lack of familiarity with the specific vegetation, will aid him, and it will falsely represent that his proposal has little or no impact on them. The statement that the vegetation will be "improved", or will be made "better" is also not true.



2005)

The code states:

15-2.2-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all such trees within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance of any Development Activity and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in Chapter 9.

The existing Yellow Rose hedge is certainly falls into the category of the following:

1. Significant Vegetation. It has been historically unique to this geographic part of town in such size.
2. Easily measured to be "four and one half feet (4.5') above ground".
3. Covering an area greater than fifty square feet (50 sq.ft.)

The actual area is +/-20 ft. X 70 ft. = 1400 Sq.Ft. This is significantly greater.

Regarding the impact on the aesthetic character of our neighborhood, we simply request that far greater consideration be given to protecting and keeping this feature intact in its entirety, rather than giving any possible consideration to proposing the most destructive, aggressive and worst possible scenario for everyone involved. The interesting thing is that the overall driveway grades all seem to promote the greatest amount of excavation possible.

1. The driveway cut in question is ill conceived and is falsely represented to you in a number of ways.

The computer Cad Drawings E-mailed directly from the Surveyor, JD Gailey, shows that the actual contour at that portion of the road, was an elevation of 6259'-0". This increases the rise to run ratio of the proposed slope by an additional 1'-0". The 13% represented quickly turns into 20%, when this is taken into account. (3'-0" of rise / 15'-0" of run = 20%)

2. The 7162' contour line is drawn directly over the 7272' existing contour line. This yields a 10 foot deep swath of earth cut that occurs all within the City R.O.W. and will require an over-dig of over 5ft. on each side which increases the road cut to nearly 20 feet, as well as a minimum retaining and/or sloping at the top of the ten foot deep cut, in order to landscape and blend it in. The location proposed, will take out approximately a 20' X 20' (400 square feet) chunk of some of the best, most lush Rose bushes, all for the purpose of increasing someone's bottom line profit. This is not logical or good community planning and gives no consideration to the impact upon it.

3. Consider that this private driveway cut includes another thirty two linear feet which widens to nearly 25 feet in width to the face of the garage, (800 Sq.Ft. X avg. 15 ft. deep) and includes a personal turnaround spot. The final construction cut including frost depth of footings, will yield a nearly sixteen foot high retaining wall system. All of this is within 5 feet of the existing adjacent home and driveway in the City Right of Way. This will also require that some form of safety railings and vehicular barriers to be placed in the City Right of Way in order to prevent someone or someone's car from accidentally falling into this massive pit.

4. The proposed driveway cut also occurs at the narrowest part of the street possible and is questionable as to whether a vehicle will be able to navigate a 90 degree turn onto 12 1/2 feet of street. We already have a similarly bad driveway design located directly North at the Quit 'n' Time guest house. Experience shows that this driveway causes constant problems, all winter long because it is too steep for cars to navigate. It also intersects the road perpendicularly at one of the narrowest parts of the road, and ultimately results in un-usability which makes people park or leave the tail end of the car in the road. Please do not even consider allowing another of these poorly considered scenarios to further complicate our lives on this street and ultimately create further problems for the City.

5. Please also take into consideration the soil shoring and construction logistics required to build a house in this manner and that it will be taking place a mere five feet away from the adjacent property owner to the South. This aggressive approach will potentially undermine their foundation and causing future damage or problems. All of this can be easily avoided if a sensible approach is taken to the planning and design of this potential project.

6. Regarding the construction excavation impact, I feel that it is important to point out that throughout detailed discussions with the applicant, and despite all input to encourage a less invasive or sensitive approach to the site work and access, the tangent objective was explained to be to try and remove as much earth as possible and work

out a deal where-by the soil could be utilized for the applicants other speculative Real Estate attempt located at the old Alice mine claim. Initially the applicant made promises to use his personal access agreement with the neighbor behind the property, so as to alleviate / avoid the impact of the countless trucks required for the excavation alone. This was later reneged on because the applicant stated that, "he had just gotten his own personal landscaping just right" and he would rather have the whole neighborhood inconvenienced rather than to have to replace his landscaping. This lack of concern is yet another example as to the reason why the applicant has no vested interest in making this project work for all involved, and it is all about getting a quick approval regardless of how poorly it is thought out. He will have simply handed the unrealistic ball over for someone else to sort out the pieces and leave the rest of use to deal with cleaning up the details of the mess created.

The applicant will claim that I and others are just "Nimby's or Nay-Sayers. Please understand that No-one I have talked to or represent, is trying to prevent or stop any development or improvement to the existing property. Everyone involved understands the right to develop and improve the property, but we all reserve the right to request that a proposal makes sense and that anything done does not have an overall negative impact upon everyone else in the neighborhood.

The proposal before you only benefits the Real Estate speculator whose sole concern at this point is to get a quick approval and sell the project at a profit, with little or no commitment or obligation to the execution or quality of the final product. It does not benefit anyone else in this neighborhood a positive manner, and especially the City as a whole. The object here is to find a balanced win /win scenario that does not make a bad situation worse or create a huge, three year long construction impact on the neighborhood community. We live here, Developers don't.

The decisions made regarding this site location, combined with the magnitude of proposed project, are far too important to be left up to a single pencil sketch drawing showing an ill conceived driveway access plan.

It would be my request to the Commission to have Staff instruct the applicant to prepare a detailed set of certifiable Engineered drawings with realistic potential home designs, showing actual Grade section cut through the topography profile of the earth work proposed. This should be included with a plans which explore the following options;

- A. An option which gives serious consideration to leaving the Condominium Plat intact, utilizing the exiting structure with improved parking and possibly a new structure on the adjacent lot with parking underneath.
- B. An option which shows the Southern-most home-site or Condo unit gaining access from Upper Upper Norfolk, and the other two home-sites or Condo units.
As discussed with staff, there is possible opportunity to consider a height variance increase on the Southern-most home site only, which could help to alleviate the developers complaints over any loss of square foot marketability.
- C. An option which shows all three homes being accessed from the North.
- D. Ideally, all plan designs should demonstrate an effort to work with the existing topography and minimize the impact of overall project upon the neighborhood.
- E. All considerations should be given to minimize the impact of additional snow removal.
(No. claiming that hydronic heated driveways in the City Right of Way is NOT an acceptable solution)
- F. All vehicular circulation should take into account actual turning radius capabilities of SUV's as well as realistic grade transitions, to preventing the creation of blind spots or conflicts with existing parking and traffic flow.

In general, No approval or "green light" should be given to any kind of proposal that is not thoroughly detailed and planned out, that will help to facilitate the quick sale of this property for quick profit. The city is under no obligation to grant such a broad based approval on one pencil sketch and so little other information as to what is actually going to be proposed or built, especially in light of the fact that it is already known that it is going to be another developer from out of town, who has no concern or obligation to the neighborhood and knows nothing of the unique conditions and difficulties with construction on steep grades and tight constraints in Old town.

I thank you for your assistance and attention to these issues.

Sincerely,

Kevin S. King

KS King 12/2/05

Exhibit H: Letter from Kevin King (May 5, 2006)

KEVIN S. KING

P.O. Box 1957
Park City, UT 84060
Phone (435) 645-7474

Planning Department
Planning Commission
445 Marsac Ave.
Park City, UT, 84060-1480

Dear Commissioners and Staff,

This project will be huge impact upon this neighborhood and dead end street.
The proposed plan is again far too prematurely being put forth before you in an effort to gain a hasty approval without the proper level of information or research into all of the issues surround the neighborhood context.
Please insure that the following issues are given stringent review before consideration of any approval.

1. There is NO valid reason as to why the City should vacate the Condominium plat that is perfectly valid as intact.
Options should be explored by applicant to utilize existing structure.
2. The applicant has made no effort nor has shown good cause or reason as to why he cannot work with the land as he has bought it, platted as a Condominium and with the existing building modified.
3. There is good cause to require that the Southern proposed residence be accessed from Upper, Upper Norfolk
 - A. Precedence set by original topography and existing building elevations as built.
 - B. Balances the transition between the Old and New buildings / street character.
 - C. Distributes vehicular traffic load between the two streets.
 - D. Decrease mass excavation impact.
 - E. Decreases unnecessary further disruption of Natural existing vegetation.
 - F. Avoids sudden 8 foot drop-off rock retaining wall in City R.O.W. created by current proposal.
4. Mass excavation approach is to be discouraged, and grading design should not be so aggressive.
5. Hypothetical excavation access / trespass agreement from the rear of property must be verified as legitimate.
6. Transfer of rights for Hypothetical excavation access / trespass agreement must be attached to Plat.
7. Re-plat should include that Developer replaces source of Low Income Housing being lost to the Community.
8. Plat restriction of new homes containing Lock outs / extra units that would exacerbate parking.
9. Private Driveway too wide / does not consider excavation over-dig. Upper Norfolk is only 11ft. - 13ft.
10. Proposed grades all promote the greatest amount of excavation possible.
11. The planter peninsulas proposed are inappropriate 5 feet into the City Right of Way.
pushes driveway further into disruption of native vegetation / unnecessary excavation / over-dig.
12. The requested Height increase variance is inappropriate for Plat. Proper venue is board of adjustments.
13. Driveway Slopes and Drainage must be pre worked out by an actual Civil Engineering Firm
14. The contours show discrepancies and proposed cuts / retainage are inaccurately portrayed.
15. Re-Plat should consider Ski access between Lots B & C that has long been an existing use of this neighborhood.
16. There has been no effort put forth to explore several other options suggested.
17. Insure that all Vegetation Guidelines are adhered to with Certified Arborist.
18. Rose Bushes are historical legacy left behind by Mr. Buddy Lange
19. Rose Bushes are not to be "improved" or otherwise tampered with by applicants landscapers.

I thank you for your assistance insuring that these issues are addressed and integrated into the final project to safeguard the level of quality we know the applicant wishes to strive for to the benefit of the community.

Sincerely,
Kevin S. King

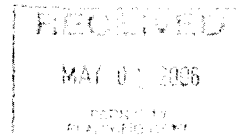
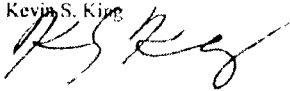


Exhibit I: Kevin King (May 9, 2006)

Page 1 of 1

David Maloney

From: KEVINKINGDESIGN@aol.com
Sent: Tuesday, May 09, 2006 2:13 PM
To: David Maloney; avolkman@frontierbankfsb.com; windward@xmission.com; jthomas@jtapc.com; Wintzermc@aol.com; msletten@xmission.com; diane@coalitiontitle.com; jimbarth@comcast.net
Subject: Please Disregard Recent Letters

Dear Commissioners,

Please disregard the letters sent to you have been provided late as a reactionary attempt to try and cloud the issue before you.
That sole issue is one of Sensitive and Practical Planning Principals.

I have no desire to try and stop this project, and this is nothing personal as the applicant has lobbied his friends to try and make it.

I simply want the staff and the Commission to address all of the issues and the impacts on the entire neighborhood, not just what gets this project shoved through the process in the least effort put forth. The project is located in a very delicate neighborhood and cannot be considered without looking at the entire context, and weighing the benefit / detriment to the whole.

Too many concerns have not been addressed, and there are aggressive contour discrepancies that do not accurately portray what is actually going to be the level of destruction that the mass excavation will eventually result in. That is all.

- * It simply needs to be accurately represented and Engineered in detail, with all planning issues thoroughly addressed by the community and staff before it is even brought to you.

It doesn't need to be clouded by Non-residents of our street.

- ① Please disregard the provided letters in support of this project for the following reasons:

1. None of these individuals live on Upper Norfolk and would have to travel past the proposed project.
2. None of these individuals has any Planning or Architectural Design background.
3. NONE of these letters really address any real Planning issues.

Individually please note the following facts;

A. Bob Sfere, is the guy who petitioned the City into allowing a "guest house" be built on his property that was part of the Sweeny Master Plan, and then tried to sell it as a separate residence, and/or a 99 year lease. He also is the beneficiary of Mr. Fiat's finances as he who profits or has already profited from Money in exchange for a trespass easement that would allow the Mass Excavation of this project to proceed from the back. Of Course he is going to support it.

B. Mr. Herman is the recent purchaser of Fiat's former residence, and knows nothing about the neighborhood.

C. 3 of these individuals don't even live on Upper Norfolk and have NO idea what the Planning Issues concerning out street are.

Thank you for your time and I look forward to keeping things focussed on a Planning Issue basis, rather than engaging in this type of Politicizing the neighbors.

Sincerely,
Kevin S. King

06/06/2006

Exhibit J: Letter from Bob Sfire (January

ROBERT R. SFIRE
220 King Road
Park City, Utah 84060

January 9, 2006

Park City Planning Commission
and Eric DeHaan, Engineer
P.O. Box 1480
Park City, Utah 84060

Re: Upper Norfolk Tri-Plex, 259-63 Norfolk

Dear Planning Commission and Eric DeHaan:

My homes at 220 King Rd. are adjacent to the Upper Norfolk Tri-Plex that was built in the 1970's with faulty planning and design. Please consider the new owner's request to raze that structure and build three new homes there. Jerry Fiat became a neighbor a few years ago. He is friendly, conscientious and a very considerate real estate developer and neighbor.

My concern about the tri-plex has been developing over the past eight years. There have been numerous young tenants there with numerous dogs and absentee landlords that have been undesirable neighbors. Your police records will show phone calls from me regarding those tenants ranging from use of our hot tub to their dogs charging me when I walked across my lot.

This tri-plex is really an illegal six-plex that has never been dealt with at the city. I have talked to other adjacent neighbors, Lynn and Terry Loriaux and past neighbors, the Papineaus, all of which share my feelings on this neighborhood situation. The Loriauxs, Papineaus and I have talked in the past about buying these three units and razing them as a benefit to our neighborhood. Now we have a forward thinking developer who wants to do so. Please give this your utmost attention and consider the benefit to the entire neighborhood. Also, if there is one misguided neighbor that objects to this, as happened in 1997 when Bill Mammen and I were planning my home, please consider the benefit to the quiet majority and be realistic. Let Jerry Fiat do us all a big favor at his expense and risk.

Sincerely,

Robert Sfire

Robert Sfire

2006)

Exhibit K: Letter from Bob Sfire (May, 2006)

David Maloney

From: sfire@comcast.net
Sent: May 8, 2006 3:57 PM
To: David Maloney
Cc: Jfiat727@aol.com
Subject: Letter from Kevin King-Norfolk project

Dear Planning Dept and Commission,

I previously sent a letter in strong support of Jerry Fiat's proposal to construct 3 new homes in place of the ugly, poorly designed 1970s tri-plex on Norfolk adjacent to my property on King Road. In that letter I referenced a neighbor that caused me to totally redesign my plans twice.

I would like to address most of the topics in King's assertive letter. First, there is NO valid reason to keep the condo plat when neighbors prefer single family residences. I have spoken about this with the Loriauxs and Murphys.

The existing building is an example of lower quality construction and poor design. And it's an illegal use as a 6 unit condo.

The Loriauxs have expressed illegal parking in front of their home numerous times. It doesn't make sense to give a neighboring property access through anyone else's property, and it is unlikely that this is legal.

As an adjacent neighbor I would be willing to consider access and excavation details to make this project move forward and to get rid of the tri-plex. It is not hypothetical.

If you want to consider this low-income housing, then consider the problems with out of state ownership of rental properties, which was the case before Fiat bought it. The tenants' dogs used to attack me when I walked my own property. see police records of my complaints.

I don't know of height variance request but the existing building is quite high and it's a tremendous eyesore.

Ski access? I am more aware than anyone of skiers crossing from Sweeneys Switchback Trail to Norfolk. Most of these skiers continue on the trail through my trail and on through the vacant lot south of the Pike property.

Please consider what is best for the neighborhood, not Kevin King's "professional" opinion. I am not sure where his ideas come from but they certainly don't represent the desires of the adjacent neighbors.

Thank you for considering this most important situation,

Bob Sfire, and Connie
220 King Road

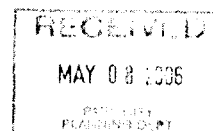


Exhibit L: Letter from Nancy Bronstein (May, 2006)

Park City Planning Commission
c/o Park City Planning Department
443 Marsac Avenue
Park City, UT 84060

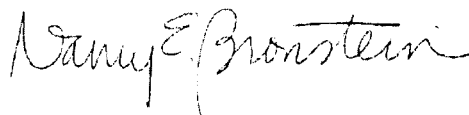
Dear Members of the Park City Planning Department,

As residents of 131 Sampson Avenue and owners of 125 Upper Norfolk and 133 Sampson Avenue, my husband, Joseph G. Sponholz, and I care deeply about our very special neighborhood in Old Town. We have reviewed the plan proposed by our neighbor, Jerry Fiat, and are in full support of the plat amendment proposal. We believe that the proposed new development will be a tremendous improvement over the current structure.

The proposal also reflects a sensitivity to the existing residents in removing the construction traffic from Upper Norfolk. The involvement of the architect Jonathan DeGray is another positive for us. Jonathan has shown great sensitivity to the natural beauty of the area, its historical heritage, and environmental concerns in other projects. Jerry Fiat's home at 205 Upper Norfolk and our home at 131 Sampson Avenue are excellent examples of his work.

We welcome the prospect of this new development in the neighborhood. Thank you for your time and consideration. Please do not hesitate to call us at 212.535.0049 if you have any questions.

Sincerely,



Nancy E. Bronstein

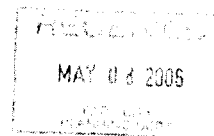


Exhibit M: Letter from Eric Hermann (May 2006)

Page 1 of 1

David Maloney

From: Eric R. Hermann [ehermann@fhinternational.com]
Sent: May 8, 2006 3:10 PM
To: David Maloney
Subject: Proposed development at 259, 261, and 263 Norfolk Avenue

Dear Mr. Maloney,

We have a home at 201 -- 205 Norfolk Avenue, which we purchased earlier this year from Mr. Jerry Fiat.

Mr. Fiat shared with us the text of a letter from Mr. Kevin King regarding another development he is working on in our neighborhood: 259, 261, and 263 Norfolk. The letter surprised us, and we would like to make two points.

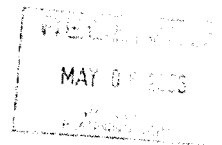
First, we would like to provide a positive reference for Mr. Fiat as a developer, notably regarding his concern for Old Town and his sensitivity to the impact of his projects on the neighborhood. He obviously has a financial incentive to improve the quality of Old Town, as we understand that he has a number of real estate investments in the area. A profit any single project that degraded the overall neighborhood would be financially foolish, for the negative impact on the value of his many other projects would overwhelm the profit on the single project. More importantly, Jerry cares about the quality of Old Town and is among the most responsible developers we have ever had the pleasure of meeting. The home we purchased from him is sited with great care to maximize our privacy and the privacy of our neighbors, and to ensure that the house blends in with its Old Town surroundings.

Second, we would like to state our position, as members of the neighborhood, regarding the proposed development. We have not gone over Jerry's proposal in detail, nor have we carefully evaluated the existing structures. However, on the face of it, converting three aging condominiums plus some additional property into three new single family homes with off the street parking will reduce density and street parking while significantly improving the overall quality of the neighborhood. We strongly support such initiatives and, given Mr. Fiat's past attention to architecture, careful landscaping, and love for plants, we are confident that the proposed properties will be far more attractive than those they replace.

Sincerely,

Eric R. Hermann

Eric R. Hermann, President
FHI International Asset Management, LLC
550 Mamaroneck Avenue, Suite 407
Harrison, NY 10528-1514 USA
tel 1 914 698-5756
fax 1 914 698-7429
email eherrmanu@fhinternational.com



08/05/2006

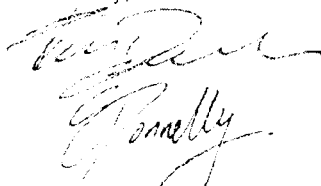
Exhibit N: Letter from Tim & Erin Donnelly (May 2006)

Dear Sir/Madam,

As residents of Sampson Avenue, we'd like to voice our support for Jerry Fiat's proposed development on Upper Norfolk, and the plat amendment proposal.

The tri-plex there right now is not aesthetically pleasing, and having seen Mr. Fiat's plans, we know it would be an improvement for the neighborhood. We're really happy with the house Mr. Fiat built at 205 Norfolk - high quality construction that blends in well with the hillside... we trust his judgement.

Sincerely,



Tim & Erin Donnelly
41 Sampson Avenue
Old Town, Park City
(435) 940 0311

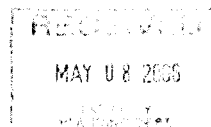


Exhibit O: Letter from Jim Murphy (May, 2006)

Page 1 of 1

David Maloney

From: Jim Murphy (timberjim@myhome.net)
Sent: May 8, 2006 5:18 PM
To: David Maloney
Subject: Jerry Fiat Upper Norfolk Tri-plex Proposal

David, Planning Commissioners, and other Planning Staff:

Thank you for taking the time today to explain some of Fiat's proposal for the Tri-plex Tract. I have not seen plans for the project as of this time and since I am in Washington state this month I will not be able to attend the May 10th Work Session.

I am somewhat concerned however about the role Upper Upper Norfolk will play in this project. I have owned a house on Upper Upper Norfolk since 1994 and during this time I have been informed by the city that U U Norfolk is a city street, but the city will not maintain it or remove snow, or post it, or treat it like a city street in any manner.

For this reason myself and the other four owners on U U Norfolk are doing all of these things ourselves. Allowing the Fiat project to utilize UU Norfolk for construction purposes or permanent access would indeed cause undue hardship on the three homeowners and the city as well, for we would have to demand that the city provide all the services provided on other city streets. Because of the nature of the topography and the tight quarters, the city would be hard pressed to do so.

In the past, I was told by Eric DeHahn (sp?) that the best solution for UU Norfolk would be for the owners on UU Norfolk to request a partial vacation of UU Norfolk and to purchase that portion from the city. I attempted to gain support for this idea from all the owners on UU Norfolk, but some of them did not have the inclination or time to consider this so it has not been done. In any case please keep this project off Upper Upper Norfolk.

From what I know of the proposal of Mr. Fiat's, I believe it would be a good fit for the neighborhood, it would clean up a longstanding eyesore, it would improve the traffic and parking situation, and in general add value to the city we all love. Three homes instead of one Tri-plex would improve the aesthetics by breaking up the mass of one large building into three smaller buildings, and if the height restrictions are followed, would not alter the view negatively as seen from the east side of Old Town. Treasure Hill is just that, a treasure. Lets make sure it stays that way.

Thank you for your help in planning for the future of Park City.

Jim Murphy

435-655-8271, 360-520-0090 (c)

08/05/2006

Exhibit P: Letter from William Newland (May, 2006)

05/08/2006 14:21 4356156958

FIAT

PAGE 02

Monday, May 08, 2006

William Newland
P.O. Box 396
16 Sampson
Park City, Ut 84060

To Park City Planning Commissioner's,

As a resident in the neighborhood, I support the Upper Norfolk Development Project proposed by Jerry Fiat.
In my view it will help with the parking problems that exist on Upper Norfolk.
The proposed landscaping will be a grave improvement over the now existing large hole in the ground.
Mr. Fiat's plan to use his own land behind the project will greatly reduce construction traffic on Upper Norfolk.
Tearing down the existing structures, and allowing the construction of three high end single family units will greatly improve the value of the neighborhood.

Sincerely,

William Newland

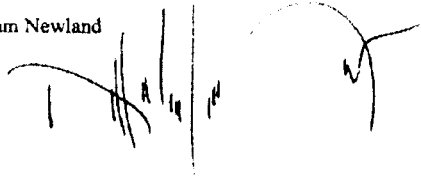
A handwritten signature in black ink, appearing to be 'William Newland', written over a horizontal line.

Exhibit Q: Letter from John Vrabel (December, 2005)

December 12, 2005

Park City Planning Commission Members:

Andrew Volkman
Michael O'Hara
Jack Thomas
Charlie Wintzer
Mark Sletten
Diane Zimney
Jim Barth

Dear Commissioners:

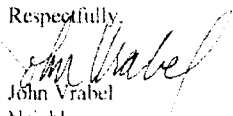
I have resided at 143 Upper Norfolk Avenue since November 1968. Jerry Fiat showed me plans for his project at 259, 261, and 263 Upper Norfolk. I am familiar with the current building on that site as I was working for the original developers, Blain Huntsman and Ladd Christensen (Huntsman-Christensen Corp.) at the time they built it. Parking was never a part of the original plan which is unfortunate, evidenced by the current parking problem at that site.

I liked Mr. Fiat's design and I liked it a lot. Having two entrances onto Norfolk is good and much more balanced than having all three new structures enter and exit through only one driveway onto Norfolk.

It is important to me in that the design solves the parking problem and I feel it is done with some aesthetic qualities, especially when you consider how Mr. Fiat finished off his current residence. I further believe he has the desire, commitment, and ability to complete the project in a quality manner.

In closing, I would like to note that I have had some experience with Kevin King, having hired him to do a preliminary re-design of my house, several years back. Unfortunately Mr. King's attitude has been consistently negative and confrontational since he moved into the neighborhood. I believe his opposition to Mr. Fiat's project is not from a professional point of view, and without merit.

Respectfully,


John Vrabel
Neighbor.

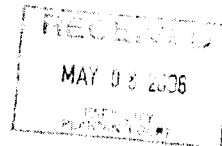


Exhibit R: Letter from John Vrabel (May, 2006)

David Maloney

From: Patrick Putt
Sent: Wednesday, May 31, 2006 3:24 PM
To: David Maloney; Eric DeHaan; Brooks Robinson
Subject: FW: Jerry Fiat- 259-263 Upper Norfolk Project

Attachments: Park City kcr_jf019.jpg; Park City kcr_jf046.jpg; Park City kcr_jf021.jpg



Park City
cr_jf019.jpg (165 K)



Park City



Park City

kcr_jf046.jpg (137 K); kcr_jf021.jpg (178 K)

-----Original Message-----

From: John Vrabel [mailto:jvrabel@chateauxresidences.com]
Sent: Wednesday, May 31, 2006 1:49 PM
To: Patrick Putt
Subject: Jerry Fiat- 259-263 Upper Norfolk Project

To: Park City Planning Commission and Staff
C/O Patrick Putt- Director Planning Staff
Park City Offices, Park City, Utah 84060

From: John Vrabel
Resident 143 Upper Norfolk Avenue for 38 years,
Park City, Utah 84060
Ph: 640-5588 & 649-9851

Dear Patrick, This is an e-mail to inform you of my support for Mr. Jerry Fiat's project on Upper Norfolk Avenue where he is removing a triplex in favor of 3 single family homes, located at 259-263 Upper Norfolk Avenue. I am very familiar with the current triplex on the property as at the time of its construction I worked for Ladd Christensen and Blaine Huntsman, the original developers of the property.

I am also aware of Mr. Kevin King's opposition to the project. First the current triplex structure is a problem and Mr. King's idea to keep the triplex in favor of 3 new single family homes is ridiculous. There are so many problems with the triplex, front set back (or lack of), south side set back (too small), no parking, the fact that there are really 6 units, instead of three, etc.

I have reviewed Mr. Fiat's project and I am strongly in favor of it, contrary to what Mr. King says when he states in his letter that the neighborhood is against it. Not true! I did favor the original plan with two driveway entrances, but I think the one driveway plan also works well as long as the width of the driveway is not reduced. I noticed that Mr. King, in his letter, also wants to reduce the driveway width to below 17'. I believe a 17' wide driveway is necessary and if anything it should be even wider (say 19' or 20'). I also very much like how the new 3-home design solves several of the current problems with the triplex, namely the set backs, solving the current parking problems, and reducing the number of units from 6 to 3, and I like how the 3 houses step down from south to north. The famous "burr" will be saved along with the yellow roses and after seeing how Mr. Fiat finished his earlier project at 205 Upper Norfolk Ave, I believe he has the where-with-all and intent to have the same attention to detail and quality in the finish of this new project. I believe Mr. Fiat's project, upon completion, will be a major enhancement to the neighborhood, which frankly needs help considering the current situation.

Pat, if you need to contact me you can reach me at the above numbers, or you can try my cell # 640-5588. My home e-mail address is: jvrabel@comcast.net Thank you very much.
Best Regards, John

Exhibit S – Letter from King (Jun 2006):

KEVIN S. KING

P.O. Box 1957
Park City, UT 84060
Phone (435) 645-7474

Planning Department
Planning Commission
445 Marsac Ave.
Park City, UT, 84060-1480

Dear Commissioners,

This project has again been prematurely scheduled for review in breach of the Land Management Code. At the previous work session, Commissioner Wintzer and others found that there was insufficient information provided to make any determination. Given the fact that little or no significant information has been added or changed from what was already seen, it is incomprehensible as to why this item has been scheduled again wasting the commission's time. There has yet to be a valid reason shown to warrant vacating the Condominium Plat. To grant anything more than a preliminary approval for this project based on the slight information provided would not be in compliance with the requirements set forth in the Land Management code which must be addressed. The code quite clearly outlines the criteria and procedure in Title 15 Chapter 7 and the proposal utterly fails to show that it is in compliance with the procedures and requirements set therein.

In addition to 15-7-2 wherein it states the primary purpose of the Subdivision laws as following,

(G) To provide the most beneficial relationship between the Uses of land and Buildings and the circulation of traffic.

(J) ...to minimize Site disturbance, removal of native vegetation.

(K) To preserve the natural beauty and topography of Park City and to insure appropriate Development with regard to these natural features.

(L) To provide for open spaces through the most efficient design and layout of the land...

this proposal is in direct opposition to these basic criteria, and to grant an approval would be arbitrary and capricious and only serve to open the City up to exposure in terms of legal ramifications in the future.

Specifically considering the Code requirements, the Plat Amendment cannot be considered or granted being tied to the loose drawings presented. When further complete information is presented the Commission should deliberate and determine the following criteria before considering approval;

1. Is there sufficient reason or cause to warrant granting the request to vacate the Condominium Plat.
2. If it is found that the best interest of the City and general neighborhood would be best served by this, then a preliminary approval should be granted, based upon only the survey lines that will create the new lots in question.
3. A Final Plat approval can only be issued when a full project is submitted with Engineering to address all issues outlined in the Land Management Code.

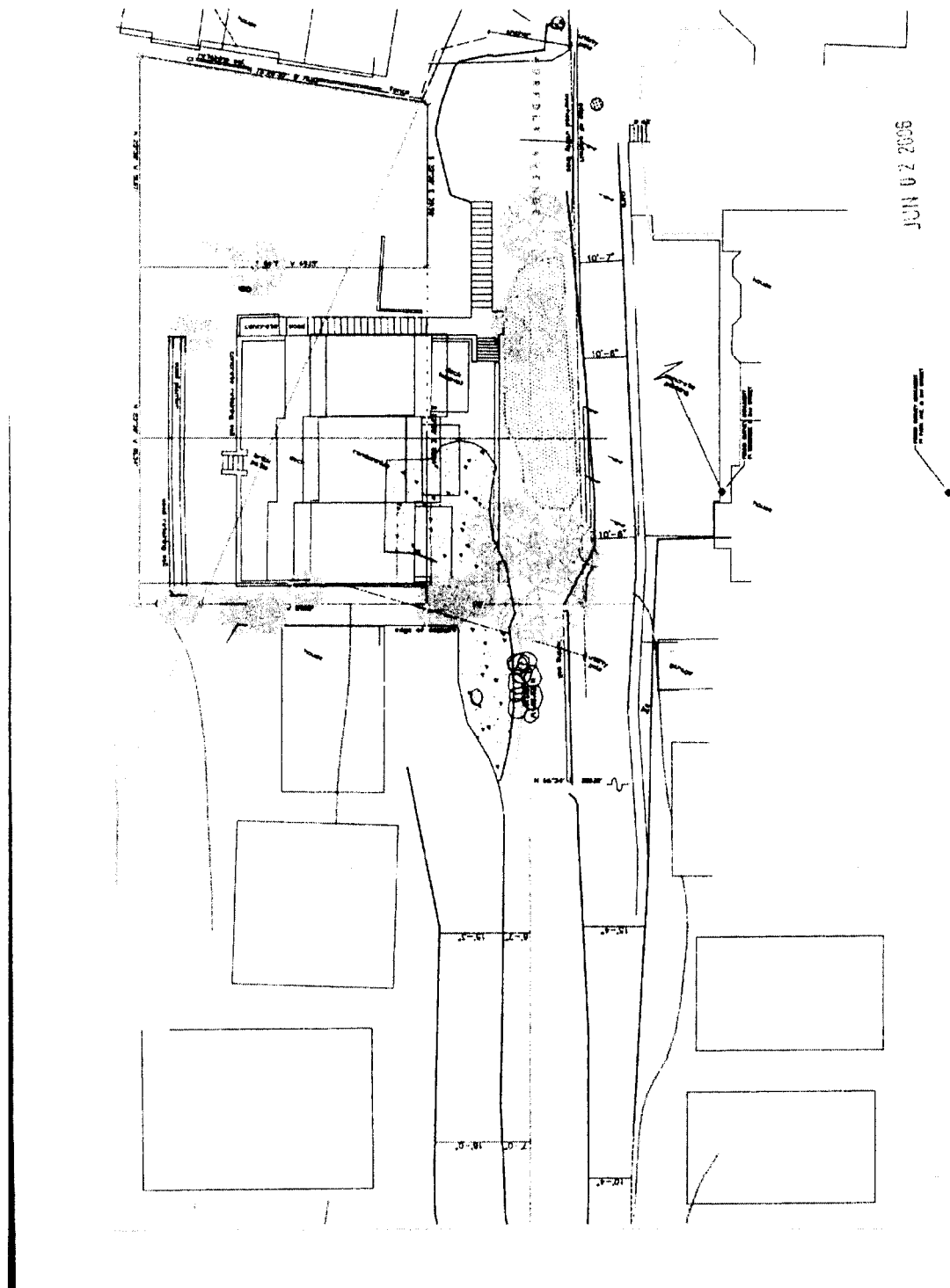
In its current state, the one or two sheet proposal drawings are far too aggressive in terms of the Code regulations outline in Title 15-7-2, G, J, K, and L, and should in no way be misconstrued to be adequate or allowed to be tied in any way to any approval at this time. As an example, regardless of what may be claimed, the contour information shows that the proposed driveway will result in a massive loss of existing natural vegetation as well as reducing the overall height of the existing topography by approximately 6-8 feet in height, thus greatly increasing the visual impact of any future structures that might be built. Additionally, the Plat can not be given a final approval until all of the issues relating to Planning Steep Slope review can be tied to the all the issues shown above as basic requirements of Title 15-7-2 for approval of a Subdivision or Re-Plat.

I look forward to speaking to these issues at such a time when sufficient information is provided so that the issues can be adequately addressed.

Sincerely,
Kevin S. King

JUL 17 4 2006

Exhibit T – Kevin King's Proposed Driveway Entrance for Lot 1 Plan & Photographs



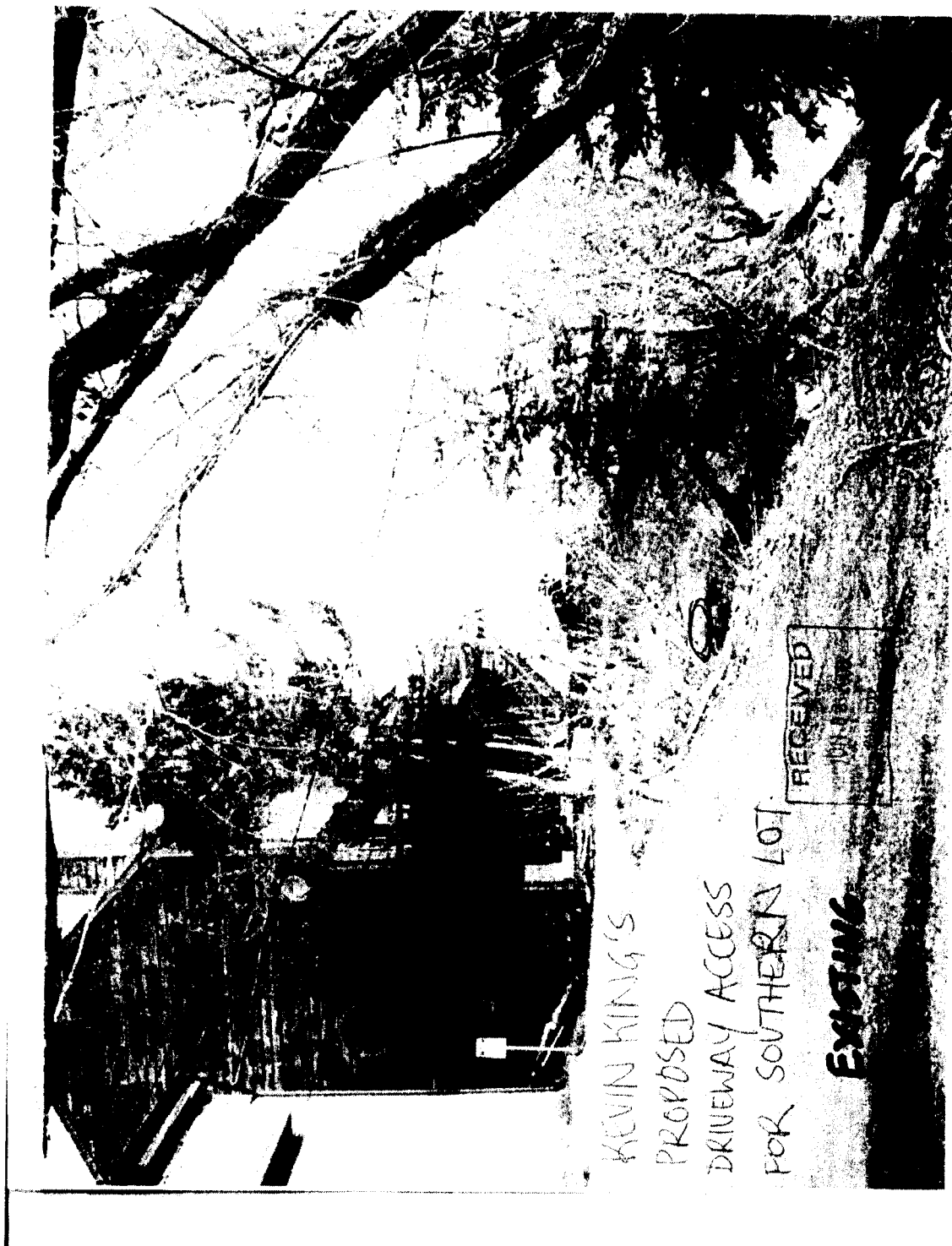




Exhibit U – Kevin King's Existing Landscaping Exhibit



Exhibit V: Kevin King's Interpretation of Proposed Loss of Vegetation



Exhibit W – Letter from Tolman (June 9, 2006)

Page 1 of 1

David Maloney

From: Ginger Tolman [gtolman@ecclescenter.org]
Sent: Thursday, June 08, 2006 7:36 PM
To: David Maloney
Subject: Upper Norfolk/Fiat Development

Dear Planning Staff,

I have had the opportunity to review the proposed project located across the street from my home of over 15 years; 300 Upper Norfolk. Please consider that while we have a very narrow road, we enjoy the neighborhood qualities and sense of community that exists.

It is especially important to maintain the privacy and visual separation that comes from having the hillside separation which includes the giant lilac bush and the wild yellow rose bushes that are part of the historical context of our street.

I would like to request that the City staff do its utmost to insure the preservation of this natural feature which is a singularly unique part of Old Town, and not allow what is shown on the drawings presented to be included in any potential approval.

Visitors and community members from all over walk our quiet street and enjoy its beauty and often photograph it. Our neighborhood gathers each year when the roses bloom in honor of the beauty.

To give a short sighted developer the right to place a driveway on top of it or reduce even the smallest amount would be wrong and contrary to the City Code which protects against this type of insensitive development.

I thank you for the opportunity to provide you this input and trust that you will guide this project towards the most beneficial end result for the entire neighborhood, not just for the developer who will never live here.

Sincerely,
Ginger Tolman

06/09/2006

JUN 09 2006

City Council Staff Report



Author: Ben Davis and Kirsten Whetstone
Subject: Lot 5 April Mountain Subdivision
Plat Amendment
Date: July 27, 2006
Type of Item: Plat Amendment

**PLANNING
DEPARTMENT**

Summary Recommendations

Staff recommends the City Council conduct a public hearing for the Lot 5 April Mountain Subdivision Plat Amendment, consider any input, and approve the Lot 5 April Mountain Subdivision Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Applicant: Steve C. McDonald
Location: 1315 Mellow Mountain Road
Zoning: RD-MPD- Residential Development (April Mountain MPD)
Adjacent Land Uses: ROS- Recreation Open Space
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

On May 19, 2006, the City received a completed application for the Lot 5 April Mountain Subdivision plat amendment. The property is located at 1315 Mellow Mountain Road in the Residential Development (RD-MPD) zoning district. The proposed plat moves the platted building area to the northern portion of Lot 5 and adjusts the platted ROS (recreation open space) boundary on Lot 5 to the south to coincide with a large area of existing, native vegetation (see Exhibit A). The existing platted building pad area remains as platted at 34,431 square feet. The existing platted disturbance area is 58,365 sf. And the existing ROS area is 127,279 sf. Lot 5 is 4.262 acres (185,644 sf) in area. An administrative conditional use permit for a wall over 4' in height in the front setback is currently under review.

On July 12, 2006, the Planning Commission conducted a public hearing, received no public input, and voted to forward to City Council a positive recommendation to approval the plat amendment.

Analysis

The applicant applied for a plat amendment to shift the platted building area to allow driveway and utility construction to occur at the north end of Lot 5. The construction disturbance for the driveway, including a retaining wall in the front setback area, is within the current platted ROS area of Lot 5, in an area previously disturbed by

construction of Mellow Mountain Road, utilities, and a storm drainage outfall. The applicant's contractor started the construction in error prior to approval of a plat amendment.

Staff finds good cause for this plat amendment as it shifts the allowed disturbance area to an area of the lot that was previously disturbed (prior to the current driveway construction) and preserves a large, contiguous area of native vegetation within a revised platted ROS boundary (see photos in Exhibit B). This amendment also corrects mistakes made during construction of the driveway and brings the future lot improvements into compliance with the code and locates all construction disturbances within a platted disturbance area.

The lot is located on a hillside with a mixture of oak, sagebrush, grasses and wildflowers. A majority (127,279 sf) of the lot is platted as ROS (open space area). During construction, it was discovered that some excavation occurred on the platted ROS portion at the north end of the Lot. The proposed amendment moves the ROS line of delineation outside of all existing and proposed disturbance on the site, and increases the ROS area to 131,257 sf.

The building pad area remains at 34,431 sf, as platted. Building pad areas are indicated on a Table on the April Mountain subdivision plat, with the actual location of the building pad identified as "approximate building zone area subject to modification by the Community Development (Planning) Department, whose decision shall be final." This plat amendment shifts the building pad location to the north and shifts the ROS delineated line to incorporate more of the undisturbed southern and western portions of the Lot. The amendment therefore shifts the development area out of the portion of the lot that is more environmentally sensitive and valuable from an open space perspective.

Maximum building height of 28' remains unchanged. Setbacks would be 15' in the front, 12' on the sides, and 15' in the rear, or as otherwise limited by the building zone area and ROS delineation.

Department Review

This project has gone through an interdepartmental review at a Staff Meeting on June 13, 2006. Use of the city's access road to the Aerie tank pump house for construction staging and access was discussed and determined to be appropriate. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also placed in the Park Record.

Public Input

A neighbor to the north expressed concerns regarding the use of the access road for construction. He expressed concerns that the access road should not be utilized for construction of the house, because the access drive was in close proximity to his house

and because he felt the extra construction use was going to further damage the road. He did not have concerns about the amended ROS boundary, provided that the house would not be located further to the north. No additional input has been received by the time of this report.

Alternatives

- The City Council may approve the Lot 5 April Mountain Subdivision plat amendment as conditioned or as amended, or
- The City Council may deny the Lot 5 April Mountain Subdivision plat amendment and direct staff to make findings for this decision, or
- The City Council may continue discussion of this item to a future date.

Significant Impacts

There are no significant fiscal impacts from this application. The positive environmental impact of this amendment is that the undisturbed native vegetation on the southern and western portions of the lot, and a natural drainage area/swale, will remain undisturbed.

Consequences of not taking the Suggested Recommendation

Driveway construction would be required to be shifted to the southern portion of the lot where the largest area of undisturbed native vegetation and a natural drainage swale exists. The proposed disturbance area within the current ROS boundary would need to be returned to a natural state.

Recommendation

Staff recommends the City Council conduct a public hearing for the Lot 5 April Mountain Subdivision Plat Amendment, consider any input, and approve the plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

Exhibits

- Exhibit A- Lot 5 April Mountain Subdivision plat amendment
- Exhibit B- April Mountain plat
- Exhibit C- Photos of Lot 5

ENGINEER'S CERTIFICATE

I, the undersigned, being a duly Licensed Professional Engineer in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as the same appears on the records of the County of Salt Lake, State of Utah.

Witness my hand and seal this _____ day of _____, 2006.

 [Signature]
 Professional Engineer
 License No. _____
 State of Utah

PLANNING COMMISSION

Approved by the Planning Commission on this _____ day of _____, 2006.

 [Signature]
 Chairman, Planning Commission

LOT 5 APRIL MOUNTAIN SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 10
 TOWNSHIP 2 NORTH, RANGE 4 EAST, SALT LAKE BASIN AND MOUNTAIN
 PARK CITY, SALT COUNTY, UTAH

FIRST AMENDMENT

MAY 19 2006

RECORDS

Book _____ Page _____

FILED IN THE OFFICE OF THE COUNTY CLERK OF SALT COUNTY, UTAH, ON MAY 19, 2006.

 [Signature]
 County Clerk

EXHIBIT A.

[illegible]

73

APRIL MOUNTAIN - LOT 5



North end of lot



North end of lot



Access Road



Access Road @ Mallow with Rd

EXHIBIT C



Eastern end of cut



Looking NW



Western portion of cut



Southern part of cut

Ordinance No. 06- **DRAFT**

**AN ORDINANCE APPROVING THE LOT 5 APRIL MOUNTAIN SUBDIVISION PLAT
AMENDMENT LOCATED AT 1315 MELLOW MOUNTAIN DRIVE,
PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 1315 Mellow Mountain Drive have petitioned the City Council for approval of the Lot 5 April Mountain Subdivision plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 12, 2006, to receive input on the Lot 5 April Mountain Subdivision plat amendment;

WHEREAS, the Planning Commission, on July 12, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 27, 2006, the City Council approved Lot 5 April Mountain Subdivision plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 5 April Mountain Subdivision plat amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Lot 5 April Mountain Subdivision plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1315 Mellow Mountain Drive.
2. The zoning is Residential Development (RD-MPD), subject to the April Mountain Master Planned Development.
3. The property in question is Lot 5 of the April Mountain Subdivision, recorded on October 29, 2002. Lot 5 is 185,644 sf in area.
4. The April Mountain Subdivision plat includes a table that identifies a building zone area (building pad) for Lot 5 as limited to 34,431 sf in area. The subdivision plat also identifies a maximum site disturbance of 58,365 sf of lot area and identifies an approximate location of the building zone area as indicated by a dashed line with a note

stating the following: "approximate building zone area subject to modification by the community development department, whose decision shall be final."

5. The area outside of the disturbance area is platted ROS (undisturbed open space) area. Per the April Mountain MPD this area is undisturbed, with exceptions for trails; the City Water tank and access road; and the construction, maintenance, and use of underground utilities and screened above-ground transformers, junction boxes, or other similar uses generally limited to 3' in height. The area of ROS is currently 127,279 sf.

6. On May 19, 2006, the applicant applied for a plat amendment to shift the platted building area to allow driveway and utility construction to occur at the north end of Lot 5.

7. Construction disturbance for the driveway is within the current platted ROS area of Lot 5, in an area previously disturbed by construction of Mellow Mountain Road, utilities, and a storm drainage outfall.

8. The applicant's contractor started the construction in error prior to approval of a plat amendment.

9. The lot is located on a hillside with a mixture of oak, sagebrush, grasses and wildflowers. The southern and western portions of the lot contain large expanses of non-disturbed native vegetation. The northern and eastern portion of the lot contains areas previously disturbed with construction of Mellow Mountain Road, a utility access road, and a storm drainage outfall area.

10. The plat amendment shifts the disturbance area to the northern and eastern portions of the lot to allow construction of the driveway in an area of the lot that was previously disturbed. The plat amendment preserves a large, contiguous area of native vegetation within the revised platted ROS boundary.

11. The plat amendment corrects mistakes made during construction of the driveway and brings the future lot improvements into compliance with the code by locating all construction disturbances outside of the revised ROS area. The allowed building zone area of 34,431 sf remains unchanged by this amendment.

12. The amendment increases the size of the ROS area from 127,279 sf to 131,257 sf.

13. Maximum building height is 28' (LMC exceptions (5') for a pitched roof are

allowed on this lot) and setbacks are as follows: 15' in the front, 12' on the sides, and

14. in the rear, or as otherwise limited by the building zone area and ROS boundary delineation.

15. Construction access and staging for the driveway construction is appropriate on the City's Aerie tank pump house access road, as this area is already disturbed and it would remove some construction activity from Mellow Mountain Road.

16. There is an existing storm water outfall located near the north property line. It is desirable to direct drainage water from Mellow Mountain Road to the natural area of Lot 5, along the north property line.

Conclusions of Law:

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

amendment.

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

3. All conditions of approval of the April Mountain Master Planned Development and April Mountain Subdivision plat shall continue to apply and a note shall be added to the Lot 5 April Mountain Subdivision plat amendment stating this.

4. A note shall be included on the plat indicating that the maximum building height is 28' (with LMC exceptions allowed for a pitched roof) and that the front setbacks are 15', side setbacks are 12', and rear setbacks are 15', or as otherwise limited by the building zone area and ROS boundary delineation.

5. Construction access and staging shall be permitted on the City's pump house access road for the driveway construction. Any additional construction use of the access road shall require specific written approval by the City.

6. The scope of the limits of disturbance guarantee shall include the City's pump house access road and shall be available to make any necessary repairs to said access road caused by disturbance due to construction on Lot 5.

7. A 10' wide, non-exclusive drainage easement is required along the entire north property line, to handle drainage from Mellow Mountain Road and adjacent property.

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

PASSED AND ADOPTED this 27th day of July, 2006.

City Council Staff Report



Author: Ben Davis
Subject: 586 Main Street Plat Amendment
Date: July 26, 2006
Type of Item: Legislative – Plat Amendment

**PLANNING
DEPARTMENT**

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 586 Main Street Plat Amendment and approve the 586 Main Street Plat Amendment, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant: Gene Kwon
Location: 586 Main Street
Zoning: Historic Commercial Business (HCB)
Adjacent Land Uses: Historic Commercial Business (HCB)
Reason for Review: Plat Amendments require Planning Commission review and City Council approval.

Background

On May 22, 2006, the City received a completed application for the 586 Main Street plat amendment. The property is located at 586 Main Street in the Historic Commercial Business (HCB) zoning district. The proposed plat combines Lot 22 of Block 24 of the Park City Survey and a metes and bounds parcel behind (to the east), into one lot of record. The property has an existing historic commercial building located on it.

The applicant wishes to combine the property into one lot of record. The building was built across lot lines and the applicant wishes to bring the building into compliance and expand the building in the future. The existing historic building encroaches 0.55' to 0.8 feet into the property to the north and 9' into the metes and bounds parcel.

In 2000, the plat amendment was proposed and approved by the Planning Commission and City Council, but was never recorded. The amendment expired one year from when it was issued and now the applicant wishes to reapply for the plat amendment.

On July 12, 2006 the Planning Commission forwarded a positive recommendation for the 586 Main Street Plat Amendment to the City Council.

Analysis

Within the HCB zone, sites must have at least 25' street frontage. There are no minimum setbacks within the district. The maximum floor area ratio is 4.0 and the building must meet building volume requirements. Any future additions to this building

will be subject to all applicable codes and a historic district design review process. Future additions onto the portion of the building that is currently within the metes and bounds parcel will also be subject to parking requirements or a fee in lieu of having on-site parking.

There is a pedestrian easement running through the Gateway Center property, parallel with the northern property line of the subject property. Future site development cannot compromise this easement. The site has no frontage on Swede Alley. It can be accessed via Swede Alley by a pedestrian walkway through the plaza south of the gateway building.

Staff finds good cause for this plat amendment as several lots will be combined into one lot of record so that the existing historic structure will be not cross existing property lines. The lot size is consistent with the pattern of Main Street development.

	Permitted	Proposed
Height	45'	N/A
Front setback	0'	0'
Rear setback	0'	N/A
Side setbacks	0'	0'
Lot size	1,250 square feet, minimum	2,866.2 square feet
Footprint	Same as lot size	N/A
Parking	None required for Historic Building	None required for Historic Building.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

No public input has been received by the time of this report.

Alternatives

- The City Council may approve the 586 Main Street plat amendment as conditioned or amended, or
- The City Council may deny the 586 Main Street plat amendment and direct staff to make Findings for this decision, or
- The City Council may return the 586 Main Street plat amendment to the Planning Commission for further discussion.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The building would remain as is, no construction could take place across the existing lot lines, and the building would continue to encroach over lot lines.

Recommendation

Staff recommends the City Council hold a public hearing for the 586 Main Street Plat Amendment and approve the Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Ordinance No. 06-

**AN ORDINANCE APPROVING THE 586 MAIN STREET PLAT AMENDMENT
LOCATED AT 586 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 586 Main Street have petitioned the City Council for approval of the 586 Main Street plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 12, 2006, to receive input on the 586 Main Street plat amendment;

WHEREAS, the Planning Commission, on July 12, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 586 Main Street plat amendment.

WHEREAS, on July 26, 2006, the City Council approved 586 Main Street plat amendment; and

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 586 Main Street plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 586 Main Street.
2. The zoning is Historic Commercial Business (HCB).
3. The proposed lot is 2866.2 square feet in size.
4. Height for this lot is 45 feet and there is no setback requirements.
5. There is an existing historic commercial building on the site.
6. There is a pedestrian easement adjacent to the property (running through the Gateway site on the northern property line).

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. There is a pedestrian easement running through the Gateway Center property, parallel with the northern property line of the subject property. Future site development cannot compromise this easement. The site has no frontage on Swede Alley. It can be accessed via Swede Alley by a pedestrian walkway through the plaza south of the gateway building.

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

PASSED AND ADOPTED this ____ day of July, 2006.

Exhibits

Exhibit A – Record of Survey plat

NOTES:

1. ALL DIMENSIONS ARE TO BE MAINTAINED.

2. THE PLAT IS TO BE USED FOR THE PURPOSES OF THE CITY OF CHICAGO.

3. THE PLAT IS TO BE USED FOR THE PURPOSES OF THE CITY OF CHICAGO.

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9. THE PLAT IS TO BE USED FOR THE PURPOSES OF THE CITY OF CHICAGO.

10. THE PLAT IS TO BE USED FOR THE PURPOSES OF THE CITY OF CHICAGO.

586 MAIN STREET PLAT

A LOT SUBDIVISION PLAT

MAY 22 2006

CHICAGO, ILL.

NOTES:

1. ALL DIMENSIONS ARE TO BE MAINTAINED.

2. THE PLAT IS TO BE USED FOR THE PURPOSES OF THE CITY OF CHICAGO.

3. THE PLAT IS TO BE USED FOR THE PURPOSES OF THE CITY OF CHICAGO.

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9. THE PLAT IS TO BE USED FOR THE PURPOSES OF THE CITY OF CHICAGO.

10. THE PLAT IS TO BE USED FOR THE PURPOSES OF THE CITY OF CHICAGO.

586 MAIN STREET PLAT

A LOT SUBDIVISION PLAT

MAY 22 2006

CHICAGO, ILL.

City Council Staff Report

Author: David Maloney
Subject: Lots 63 and 64, the Oaks at Deer Valley
Date: July 27, 2006
Type of Item: Legislative – Plat Amendment



**PLANNING
DEPARTMENT**

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Lots 63 and 64, the Oaks at Deer Valley approve the plat entitled 'The Lots 63 and 64, the Oaks at Deer Valley' to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic: Plat Amendment
Applicant: William and Karen Lewis
Location: 3615 & 3605 Oakwood Drive
Zoning: Residential Development (RD) Master Planned Development (MPD)
Adjacent Land Uses: Residential to the east, south and west, and north
Reason for Review: Plat amendments required to void previous plat amendment and return Lots 63 & 64 to their original configurations.

Background

A plat amendment was heard by the Planning Commission on June 23, 2004 and subsequently approved by City Council on July 1, 2004. This plat amendment combined Lot 64 and half of Lot 63, leaving the remaining half of Lot 63 a remnant parcel.

On April 17, 2006 the City received a completed application for the 'Lot 63 and Lot 64 , the Oaks at Deer Valley plat amendment. The property is located at 3615 & 3605 Oakwood Drive in the Residential Development (RD) zoning district and Master Planned Development. The proposed plat voids the July 1, 2004 plat amendment and reverts Lot 63 and Lot 64 back to their originally platted proportions. The lots are part of 'The Oaks at Deer Valley' subdivision which was recorded August 7, 1989.

The proposed plat amendment will result in two lots; Lot 63 and Lots 64. Lot 63 has approximately 106 feet of frontage along Oakwood Drive and about 160 feet of depth. Lot 64 has 109 feet of frontage along Oakwood Drive and between 141 feet of depth (on the southwest side) and 158 feet on the north side. Lot 63 contains 14,600 square feet and Lot 64 contains 14,312 square feet. The lots are currently vacant.

Currently Lot 64 and the remaining half of Lot 63 are under the same ownership. The application was heard at the July 12th, 2006 Planning Commission meeting and was continued to the July 26th, 2006 meeting. The Planning Commission directed staff to

bring forth the minutes from the June 23rd, 2004 Planning Commission meeting, when a plat was approved to combine Lot 64 and half of Lot 63 of 'The Oaks at Deer Valley' subdivision. The minutes, along with the approved council report, ordinance and correspondence between the City and the property owners and neighbors, have been included as exhibits to this report. At the time of the 2004 plat amendment request, William and Karen Lewis, who disputed the original plat amendment, were the owners of adjacent Lot 62 and the other half of Lot 63. Today, the Lewis' also own Lot 64 and the all of what was Lot 63.

The Planning Commission forwarded a positive recommendation to the City Council at the July 26th, 2006 Planning Commission meeting.

Analysis

The property is located within The Oaks at Deer Valley subdivision, which is within the Residential Development – Master Planned Community (RD-MPD) zoning district. The plat amendment would result in the reinstatement of Lot 63 and Lot 64 of The Oaks subdivision as originally platted.

There are no buildings on either proposed lots. New residential construction is subject to the Lot and Site Requirements of LMC 15-2.13-3 which require front yard setbacks of at least 20 feet (25 feet for front facing garages), rear yard setbacks of at least 15 feet for main building and 10 feet for accessory buildings, and side yard setbacks of at minimum 12 feet. Maximum building height of any future house is 28 feet with certain exceptions, as per LMC 15-2.13-4.

Staff finds good cause for this plat amendment as a remnant parcel, half of Lot 63 will be combined with the other half of Lot 63 and become a developable lot.

	Permitted	Proposed
Height	28' (+5' for pitched roof)	N/A
Front setback	20' / 25' (front facing garage)	N/A
Rear setback	15' and 10' (accessory building)	N/A
Side setbacks	12'	N/A
Lot size	N/A	Lot 63: 14,600 sq. ft. Lot 64: 14,312 sq. ft.
Footprint	N/A	N/A
Parking	2	N/A

Landscaping

The proposed lots are predominately sage brush. There is a limits of disturbance line that runs across the proposed lots that will concentrate future site development at the front half of the lots.

Traffic

There are no traffic concerns relating to this plat amendment proposal.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

No public input has been received by the time of this report.

Alternatives

- The City Council may forward positive recommendation to the City Council for the Lots 63 and 64, the Oaks at Deer Valley plat amendment as conditioned or amended, or
- The City Council may forward a negative recommendation to the City Council for Lots 63 and 64, the Oaks at Deer Valley plat amendment and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on Lots 63 and 64, the Oaks at Deer Valley plat amendment.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

Half of Lot 63 would continue to be a remnant parcel. No building permits could be issued for that portion of the lot.

Recommendation

Staff recommends the City Council hold a public hearing for the Lots 63 and 64, the Oaks at Deer Valley, and approve the proposed plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Ordinance No. 06-

**AN ORDINANCE APPROVING THE LOTS 63 AND 64,
THE OAKS AT DEER VALLEY PLAT AMENDMENT
LOCATED AT 3615 & 3605 OAKWOOD DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 3615 & 3605 Oakwood Drive have petitioned the City Council for approval of the Lots 63 and 64, the Oaks at Deer Valley plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 12th, 2006, to receive input on the Lots 63 and 64, the Oaks at Deer Valley plat amendment;

WHEREAS, the Planning Commission, on July 26th, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 27th, 2006, the City Council approved Lots 63 and 64, the Oaks at Deer Valley plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lots 63 and 64, the Oaks at Deer Valley plat amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Lots 63 and 64, the Oaks at Deer Valley plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

- 1) The property is located at 3615 & 3605 Oakwood Drive.
- 2) The property is known as Lot 64 and half of Lot 63, The Oaks at Deer Valley subdivision.
- 3) The zoning is Residential Development (RD) with a Master Planned Development (MPD).
- 4) The proposal is to reinstate the original lot lines defining Lot 63 and Lot 64 of The Oaks at Deer Valley, as recorded in August of 1989.
- 5) This plat amendment will eliminate the lot line that was added July 1, 2004 which joined half of Lot 63 to the existing lot 64.
- 6) Lot 63 contains 14,600 square feet and Lot 64 contains 14,312 square feet.

- 7) The property is currently vacant with sage brush.
- 8) There is a limit of disturbance line running roughly parallel with the rear lot line that will concentrate site development away from the rear of the lots.
- 9) All lot and site requirements of the RD zoning district apply to these lots.
- 10) An ordinance approving the combination of Lot 64 and half of Lot 63, The Oaks at Deer Valley was approved July 1st, 2004.
- 11) Planning Commission forwarded a positive recommendation to City Council on July 26th, 2006 for the proposed plat entitled 'The Lots 63 and 64, the Oaks at Deer Valley'.

Conclusions of Law:

- 1) There is good cause for this plat amendment
- 2) The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions
- 3) Neither the public nor any person will be materially injured by the proposed plat amendment.
- 4) Approval of the plat amendment is subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

- 1) The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2) The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
- 3) All conditions of approval of The Oaks at Deer Valley Subdivision shall continue to apply.

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

PASSED AND ADOPTED this ---- day of ----, 2006.

Exhibits

- Exhibit A – Record of Survey plat
- Exhibit B – Planning Commission Minutes 2004
- Exhibit C – Council Report 2004
- Exhibit D – Approved Ordinance 2004
- Exhibit E – Letter from Current Owner 2004
- Exhibit F – Letter from Tesch Law 2004
- Exhibit G – Department Summary 2004

MOTION: Commissioner Erickson moved to CONTINUE these items to the specific dates reflected on the agenda. Commission Powers seconded the motion.

VOTE: The motion passed unanimously.

6. 3605 Oak Wood Drive - Plat amendment

Planner Kevin LoPiccolo reviewed the application submitted February 26, 2004, for a plat amendment to combined 1-1/2 lots into one lot of record. The proposed lot combination is located at 3605 Oak Wood Drive in The Oaks subdivision at Deer Valley. The subject property is located in the RD zone and is part of an MPD. The property is currently vacant, and the owners would like to construct a single family dwelling at a future date. The Deckers, who are the applicants, own Lot 64 and half of Lot 63. The Lewises own the other half of Lot 63 and oppose the lot combination because they believed when they purchased half of Lot 63 that the entire lot would remain as open space. However, the title report indicates that there is no agreement to that effect. The City does not object to the proposed lot combination provided the applicant complies with the lot combination requirements in the Land Management Code. The Staff sent a letter to the Lewises explaining the Staff's recommendation to the Planning Commission, and the Staff has not received a reply. Planner LoPiccolo noted that the Land Management Code requires that any lot combination in the RD zone not exceed 150% of the house size allowed within a subdivision. The maximum house size in The Oaks is 7,500 square feet. Since the applicant only owns half of Lot 63, the percentage was decreased to 125% of the house size, resulting in a new house size of 9,375 square feet on the lot and a half. The Staff calculated the front, side, and rear yard setbacks and the amount of irrigation the plat allows per lot as part of the conditions of approval. The Staff recommended that the Planning Commission forward a positive recommendation to the City Council for this lot combination.

Chair Volkman asked if the lot combination will leave a remnant lot. Planner LoPiccolo replied that it will create a remnant, but it will not be developable unless the same type of lot combination is pursued in the future by the owners of Lot 62. Director Putt explained that, by condition and by ordinance, development would be prohibited without a lot combination.

Chair Volkman opened the public hearing.

There was no comment.

Chair Volkman closed the public hearing.

MOTION: Commissioner Erickson moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 3605 Oak Wood Drive in accordance with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 3605 Oak Wood Drive

1. The property is located in the Residential Development Master Planned Development (RD-MPD) Zone.
2. The RD-MPD District is a residential zone characterized by large contemporary single-family homes.
3. This plat amendment will combine Lot 64 and half of Lot 63 of the Oaks Subdivision into one lot of record.
4. There are no existing structures on the property.
5. The construction of a single-family home in the RD-MPD zone is an approved use.
6. The maximum square footage for a single-family dwelling within the Oaks Subdivision is 7,500 square feet.
7. Section 15-2.13-6(A) of the Land Management Code allows an owner within a Master Planned Development to combine lots with a designated maximum house size and receive 150% of the maximum size allotted to the lots.
8. The maximum building size for 1-1/2 Lot combination is 9,375 square feet.
9. The property owner has requested an increase in the allowable square footage on the lot up to 9,375 square feet.
10. The LMC Section 15-2.13-6(B) requires that the minimum setbacks for homes on combined lots increase in proportion to the increase in house size.
11. There is a limit of disturbance line traversing both lots.
12. No changes to the limit of disturbance line are proposed as part of this application.
13. The Oaks at Deer Valley plat requires that not more than 10,000 square feet of each lot be irrigated.
14. The amount allowed on the lot may be increased proportionally to the increase in square footage up to a maximum of 125% of the portion of Lot 63.
15. The remaining half of Lot 63 is a remnant lot and is not separately developable, unless a plat amendment to combine 1½ with lot 62 is reviewed and approved by City Council.

Conclusions of Law - 3605 Oak Wood Drive

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

Conditions of Approval - 3605 Oak Wood Drive

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
 2. A note shall be added to the plat stating that a single-family home may be constructed on the combined 1-1/2 lots with a maximum square footage of 9,375 square feet.
 3. A note shall be added to the plat stating that setbacks for the home will be calculated in proportion to the increase in the square footage of the home at 125% of the required minimum setbacks, namely front 25', sides 15', and rear 18'9".
 4. The existing platted Limits of Disturbance lines on the property shall remain unchanged.
 5. All existing easements on the property shall remain unchanged.
 6. The remaining remnant portion of Lot 63 is not separately developable, unless a plat amendment to combine 1½ lots with lot 62 is reviewed and approved by the City Council.
 7. A note shall be added to the plat stating that the maximum irrigable area on the property shall not exceed 12,500 square feet.
 8. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
 9. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
-
7. 255 Park Avenue - Conditional Use Permit for construction on a slope greater than 30%
 8. 255 Park Avenue - Conditional Use Permit for lockout unit

Planner Ray Milliner noted that two CUP applications have been submitted for 255 Park Avenue. The Staff recommends approval of both applications as two separate actions. The applicant has worked extensively with the Staff on the massing and relationship between the proposed building and a historic home located directly north of the proposed building. The Planning Commission reviewed three or four iterations of the building, and the Staff recommends the iteration shown in the staff report. The Staff recommended that the Planning Commission approve the steep slope CUP and lock out CUP based on the findings of fact, conclusions of law, and conditions of approval outlined in the staff reports.

Chair Volkman asked if the staff report contains a streetscape. Planner Milliner replied that all he has is a 3-D drawing submitted by the applicant. Director Putt referred to Page 21 of the staff report which lists the changes and modifications to the massing made to date.

Approved Council
7/1/2004

CITY COUNCIL STAFF REPORT

Date: July 1, 2004
Department: Planning Department
Title: 3605 Oak Wood Drive
Type of Item: Administrative Lot Combination Plat

Recommendation: Staff recommends that the Planning Commission review the proposed lot combination, conduct a public hearing and consider forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval as outlined in this staff report.

Project

Applicant: Thomas and Candace Decker
Location: 3605 Oak Wood Drive
Zoning: Residential Development (RD-MPD)
Adjacent Land Uses: Residential
Date of Application: February 26, 2004
Project Planner: Kevin LoPiccolo

Background

The applicants own Lot 64 and half of Lot 63 of the Oaks Subdivision at Deer Valley. The 1½ Lots are currently vacant with a proposal of building a single-family dwelling at a future date. The applicant is requesting a lot combination to combine all of Lot 64 and ½ of Lot 63 into one lot of record. The applicant purchased ½ of Lot 63 without pursuing a subdivision through Park City Municipal Corporation. The property is located in the RD-MPD, Residential Development District-Master Planned Development.

The Planning Commission reviewed this application request and forwarded a positive recommendation to the City Council at their June 23, 2004 meeting.

Analysis

Section 15-2.13-6(A) of the Land Management Code requires that floor areas for combined lots within the RD zone not exceed 150% of the house size allowed. The Oaks Subdivision allows a maximum house square footage of 7,500 square feet on a single lot. Since the applicant is combining one-half lot to a full lot of record, staff is calculating the increase of the proposed house size at 125%, half of what would be allowed if it were a full two-lot combination. The maximum square footage allowed based on 15-2.13-6(A) of the LMC is 11,250. The allowable square footage with 1½ lot combination will be 9,375 square feet. Staff is requesting that the dwelling size, plus an allowance up to 600 square feet for garage be placed as a plat note.

Likewise, Section 15-2.13-6(B) of the LMC requires that setbacks be adjusted proportionally to the increase in the allotted square footage up to a maximum of 150%. Therefore, when the applicant submits plans for a single-family home on the lot, the setbacks will be calculated according to the amount of square footage proposed based

on the lot and a half at 125%. Staff is requesting that the minimum setbacks based on the 125% be placed as a plat note. The proposed setbacks are as follows:

LMC Setback Requirement

Front - 20'
Sides - 12'
Rear - 15'

Lot Combination Setback Requirement

Front - 25'
Sides - 15'
Rear - 18'9"

The plat shows a limit of disturbance line on the upper portion of the Lots. This line will remain in place as previously approved. The Oaks Subdivision limits the amount of irrigation on each lot to 10,000 square feet. Staff is proposing that the amount allowed on the lot be increased proportionally to the increase in square footage up to a maximum of 125% of 10,000, or 12,500 square feet.

Staff has visited the site and reviewed the applicants proposed plans and finds that the lot combination, with conditions, will be compatible with the neighborhood.

Notice

Notice of this hearing was sent to property owners within 300' on June 9, 2004. Staff received a letter (Exhibit B) on April 17, 2004, requesting that the Planning Commission decline this request to combine the 1½ Lots. The adjacent property owner states that there is a mutual understanding that Lot 63 was purchased as an open space lot, and that Lot 63 would not be developed. The applicant contends that there is no agreement to this effect. Whether such an agreement exists between lot owners is a private matter to be resolved between the neighbors and lies outside of the city's jurisdiction to enforce.

Department Review

The Staff Review Committee reviewed this request at their March 26, 2004 meeting. Based on the current Title Report, the applicant does own ½ of Lot 63, but there is no description that outlines any type of agreement that would require Lot 63 to remain as an open space lot. The property owner's will need to address this issue as a separate private matter. As conditioned, the proposed plat amendment meets all necessary Land Management Code and Subdivision requirements. The remaining ½ of Lot 63 is not separately developable unless legally combined with the adjacent lot. The city does not object to the proposed lot combination provided that the applicant complies with the lot combination requirements.

Recommendation

Staff recommends that the City Council approve the proposed 1½ Lot combination, according to the findings of fact, conclusions of law and conditions of approval as outlined in attached ordinance.

EXHIBITS

Exhibit A - Proposed Plat Amendment

Exhibit B - Adjacent property owner's letter

Exhibit C - Draft Ordinance

3605 OAK WOOD DRIVE SUBDIVISION

A COMBINATION OF LOT 64 AND PART OF LOT 65, THE OAKS AT DEER VALLEY

3605 OAK WOOD DRIVE SUBDIVISION

FEB 26 2004

OWNER'S CERTIFICATE

I, the undersigned, do hereby certify that the above described property is the property of the undersigned and that the same is being offered for sale to the public.

APPROVAL AS TO AREA

I, the undersigned, do hereby approve the above described property for sale to the public.

CERTIFICATE OF ATTEST

I, the undersigned, do hereby certify that the above described property is the property of the undersigned and that the same is being offered for sale to the public.

COMMITTEE APPROVAL AND ACCEPTANCE

I, the undersigned, do hereby approve the above described property for sale to the public.

RECORDS

I, the undersigned, do hereby certify that the above described property is the property of the undersigned and that the same is being offered for sale to the public.

DEED

I, the undersigned, do hereby certify that the above described property is the property of the undersigned and that the same is being offered for sale to the public.

DEED

I, the undersigned, do hereby certify that the above described property is the property of the undersigned and that the same is being offered for sale to the public.

DEED

I, the undersigned, do hereby certify that the above described property is the property of the undersigned and that the same is being offered for sale to the public.

Ordinance No. 04-

**AN ORDINANCE APPROVING THE PLAT AMENDMENT TO
COMBINE ALL OF LOT 64 AND ½ OF LOT 63 OF THE OAKS AT
DEER VALLEY SUBDIVISION INTO ONE LOT OF RECORD
LOCATED AT 3605 OAK WOOD DRIVE, PARK CITY, UTAH**

WHEREAS, the owners, Thomas Decker and Candace Decker, of the property at 3605 Oak Wood Drive, Park City, Utah have petitioned the City Council for approval for an amendment to the Oaks at Deer Valley Subdivision; 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 23, 2004, the Planning Commission held a public hearing to receive public input on the proposed amendment to the Snyder=s Addition and forwarded a positive recommendation of approval to the City Council; and

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

WHEREAS, the proposed amendment to the Oaks at Deer Valley Subdivision allows the owners to combine all of Lot 64 and ½ of Lot 63 of the Oaks at Deer Valley Subdivision into one lot of record;

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact.

1. The property is located in the Residential Development Master Planned Development (RD-MPD) zone.
2. The Planning Commission forwarded a positive recommendation to the City Council at their June 23, 2004 meeting.
3. The RD-MPD District is a residential zone characterized by large contemporary single-family homes.
4. This plat amendment will combine lot 64 and ½ of lot 63 of the Oaks Subdivision into one lot of record.
5. There are no existing structures on the property.
6. The construction of a single-family home in the RD-MPD zone is an approved use.

7. The maximum square footage for a single-family dwelling within the Oaks Subdivision is 7,500 square feet.
8. Section 15-2.13-6(A) of the Land Management Code allows an owner within a Master Planned Development to combine lots with a designated maximum house size and receive 150% of the maximum size allotted to the lots. Since the applicant is combining 1½ Lots into one lot, staff will use 125% of the maximum size allotted to the lots.
9. The maximum building size for 1½ Lot combination is 9,375 square feet.
10. The property owner has requested an increase in the allowable square footage on the lot up to 9,375 square feet.
11. LMC Section 15-2.13-6(B) requires that the minimum setbacks for homes on combined lots increase in proportion to the increase in house size.
12. There is a limit of disturbance line traversing both lots.
13. No changes to the limit of disturbance line are proposed as part of this application.
14. The Oaks at Deer Valley plat requires that no more than 10,000 square feet of each lot be irrigated.
15. The amount allowed on the lot may be increased proportionally to the increase in square footage up to a maximum of 125% of the portion of lot 63.
The remaining half of Lot 63 is a remnant lot and is not separately developable.

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

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

SECTION 3. RECORD OF SURVEY. The subdivision plat, known as 3605 Oak Wood Drive, the Oaks at Deer Valley Subdivision, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. A note shall be added to the plat stating that a single-family home may be constructed on the combined 1½ lots with a maximum square footage of 9,375 square feet.
3. A note shall be added to the plat stating that setbacks for the home will be calculated in proportion to the increase in the square footage of the home at 125% of the required minimum setbacks, namely front 25', sides 15' and rear 18'9".
4. The existing platted Limits of Disturbance lines on the property shall remain

unchanged.

5. All existing easements on the property shall remain unchanged.
6. The remaining remnant portion of Lot 63 is not separately developable.
7. A note shall be added to the plat stating that the maximum irrigable area on the property shall not exceed 12,500 square feet.
8. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.

The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 1st day of July 2004.

8-24-02

From: W. H. & Karen Lewis
170 Banfill Rd.
Santa Rosa Beach, FL 32459

ph.: 850-231-7882
fax: 850-231-7883
wlew3@cs.com

FILE COPY

Re: Lot 63 Oakwood Drive 3625 Oakwood Drive Park City, UT 84060

Attn: Park City Department Of Community Development

This pertains to a letter received a letter from Kevin LoPiccola dated 6-11-04 regarding proposed combining of Lot 64 and 1/2 Lot 63 located on Oakwood Dr. in Deer Valley Resort. The letter was addressed to another address and we only received the letter this past weekend.

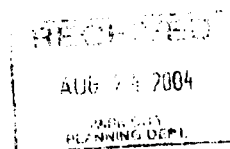
The information within the contents of the letter is contrary to everything we know and understand about this matter. Months ago in no uncertain terms we clearly stated that under no circumstances did we approve of any combining or division of Lot 63 which we are co-owners, unless both owner approve such change to the status of this property. In addition to our written response on this matter, I discussed the same with Kevin LoPiccoli by phone wherein he assured me that no further actions would be taken without our full knowledge and participation. We received no phone calls, no emails, nothing but a late to arrive generic appearing letter to our Alexandria, LA but to an incorrect address apparently causing the delay in receipt.

In addition to improper and late notice of these events, we protest and object to any rezoning or subdividing of our co-owned property Lot 63 on Oakwood Drive due to our legal rights and due to our understanding of agreements in effect between the co-owners Of Lot 63 which prohibit any development or change in legal status of Lot 63 without prior approval of both parties. The Department of Community Development or other entity has no right to divide or combine part or portions of our property without our authorization and without proper legal process..

We will seek the advice of our attorney at this time to act on our behalf in addressing the unauthorized and illegitimate tampering with our personal property without our knowledge and authorization. We request that you take no further actions which may harm our property or further trample upon our rights as citizens, property owners and tax payers. Thank you.

Sincerely,

William H. Lewis



TESCH
LAW OFFICES
A Professional Law Corporation

PARK CITY

314 Main Street, Suite 200
Park City, Utah 84302
Telephone: (435) 649-2577
Facsimile: (435) 649-2561

SALT LAKE CITY

Telephone: (801) 363-5111

HEBER CITY

2 South Main Street, Suite 200
Heber City, Utah 84032
Telephone: (435) 854-1552
Facsimile: (435) 854-1554

April 12, 2005

Park City Municipal Corporation
Planning Department
Attn: Renaé Rezac
PO Box 1480
Park City, Utah 84060

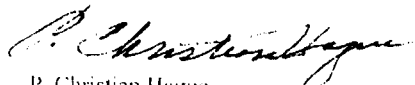
Re: *Buddy and Karen Lewis*

Dear Ms. Rezac,

This will confirm the several discussions my law clerk Stephanie Matsumura has had with you concerning our client Mr. and Mrs. W. H. Buddy Lewis of 3217 Park View Drive, Alexandria, Louisiana 71301. Mr. and Mrs. Lewis own at 3625 Oak Wood Drive, The Oaks at Deer Valley, Park City, Utah. You have sent to Stephanie a copy of a notice dated June 11, 2004 concerning hearings before the Park City Planning Commission and the Park City City Council relating to an application made by Thomas and Candace Decker for their adjoining property at 3605 Oak Wood Drive. You enclosed a copy of the names and addresses of the individuals who would have received mailed notice concerning the Deckers' application. I note that Mr. and Mrs. Lewis are not on that list. You told Stephanie that if they are not on the list, that they would not have been mailed a notice concerning the Deckers' application.

Consequently, Mr. and Mrs. Lewis did not receive proper notification as required by law. Therefore, any approval of the Deckers' application must be rescinded. I would appreciate hearing from your office with regard to rescheduling hearings before the Park City Planning Commission and the Park City City Council.

Very truly yours,
TESCH LAW OFFICES, P.C.


P. Christian Hague

PCH:bb

CPACOE@TJ

www.teschlaw.com

DATE: August 26, 2004
TO: Patrick Putt, Jim Twardowski
FROM: ReNae Rezac
SUBJECT: 3605 Oakwood Drive



FILE COPY

I talked to Mrs. Lewis on Monday, August 23. She stated that she and her husband had been out of town and when they returned, there was a letter from Kevin LoPiccolo. The letter was dated June 11, and is the standard courtesy letter the Planning Department sends to any property owner within 300 feet of a proposed project. She expressed her opposition to the lot line adjustment. I explained a public hearing had been held at the June 23rd Planning Commission meeting. Hearing no negative public comment, the Commission voted to forward the lot line adjustment on to City Council with a positive recommendation. The City Council held a public hearing on July 1. There was no negative comment at their meeting and the Council approved the lot line adjustment. I clarified with Mrs. Lewis that the City could not be held responsible for their missing the public hearings because they were out of town.

**RESOLUTION NAMING AND HONORING SALLY ELLIOTT
AS THE MAYOR'S CHOICE FOR THE
2006 MAYORS' AWARDS IN THE HUMANITIES**

WHEREAS, the Mayors' Awards in the Humanities were established to celebrate the Utah Humanities Council's 25th Anniversary, and to honor local champions for their promotion of history, heritage, literacy, literature, and public discussion in their communities; and

WHEREAS, the humanities preserve and promote a deeper understanding of the human condition in our local towns and cities; and

WHEREAS, Sally Elliott has consistently demonstrated her commitment to communicate the importance of diverse traditions, values and ideas through informed open forums; and

WHEREAS, she has always advanced the Utah Humanities Council's mission, philosophy and ethics during her many years of public service as a Park City Councilmember and Summit County Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the Mayor, City Council, and Utah Humanities Council that Sally Elliott is hereby named and honored as the Mayor's Choice for the 2006 Mayors' Award in the Humanities.

PASSED AND ADOPTED this 27th day of July, 2006.



City Council Staff Report

Author: Kirsten Whetstone **Planning Department**
Subject: Land Management Code Amendments –
Chapters 2 (HR-L, HR-1, HR-2) Zoning Districts
Chapter 5 (Architectural Review)
Date: July 27, 2006
Type of Item: LMC Amendments

Summary Recommendations

Discuss proposed revisions to the Land Management Code, conduct a public hearing, and approve revisions to Chapter 2.1 (HR-L District), 2.2 (HR-1 District), 2.3 (HR-2 District), and Chapter 5 (Architectural Review).

Topic

Project Name: LMC Amendments
Applicant: Planning Department
Proposal: Revisions to the Land Management Code- Chapters 2 and 5.

Background

The Planning Department is preparing amendments to the Land Management Code (LMC) to address planning and zoning issues that have come up in the past year. Reorganization of the Community Development Department required language in the Land Management Code to be revised to reflect the new organization. Additional revisions are proposed to address specific LMC issues and substantive revisions that have been identified since the 2000 LMC updates. Legal staff has recommended additional amendments to comport with the revisions to the Utah Code in 2005. Staff is currently redlining the entire LMC to resolve this situation.

Included in this packet are portions of Chapter Two- Zoning Districts and Chapter 5- Architectural Review (see Exhibits A-D). The remaining sections of Chapter 2 and Chapter 15- Definitions will be redlined and submitted for review in August.

On July 12, 2006, the Planning Commission held a public hearing and forwarded a positive recommendation to the City Council on the below described amendments to the Park City Land Management Code.

Analysis

Revisions due to CDD reorganization

Reorganization of the City Departments and the elimination of a Community Development Director (CDD) necessitates revisions to the Land Management Code to replace references to the Community Development Director or CDD and replace them

with either the Planning Department; Planning Director; Planning, Engineering and Building Departments; City Engineer; and/or Chief Building Official. In general, when a decision is strictly a planning matter, "Planning Director" will replace the "CDD Director". When the decision requires a coordinated effort of Building, Planning, and Engineering then "CDD" will be replaced with "Planning, Building and Engineering Departments".

Revisions due to creation of an Historic Preservation Board

Revisions are also made to replace the terms "Historic District Commission" or "HDC" with either, "Historic Preservation Board", "HPB", "Planning Director", "Planning Department", etc. based on the language approved by the 2003 amendments to Chapter 11- Historic Preservation.

Revisions due to adoption of the International Building Code in place of the UBC

Revisions have also been made to replace the language referring to the Uniform Building Code (UBC) with the International Building Code (IBC).

Summary of additional technical and substantive amendments and revisions made to comport with the revised State Code

Chapter Two:

- Sections 15-2.1-6 (B) (10), 15-2.2- 6 (B) (10), and 15-2.3-7(B) (10). Under Steep Slope CUP review for Height exception (in the HR-L, HR-1 and HR-2 districts), the criterion that lot width be greater than 25' to apply for a height exception was deleted. This change provides design opportunities for all historic district lots, not just lots greater than 25' wide. This change allows the Commission to consider heights greater than 27' on lots of all widths, for the purposes of compliance with the Historic District Design Guidelines, architectural interest and character, allows steeper pitched roofs, etc, but does not result in additional floor area. This height exception only applies to Steep Slope Conditional Use Permit applications. Public notice is a requirement of the CUP process. Final decisions are made by the Planning Commission.
- Added maximum building footprint language for large platted lots. (Exhibits E and F- Planning Commission report and minutes.) At the meeting on July 12th the Planning Commission amended the language to read as follows:

(D) BUILDING FOOTPRINT (HRL, HR-1 and HR-2 Districts). The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following Formula for Building Footprint, illustrated in Table 15-2.2. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per dwelling unit, for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 sf.

Chapter Five:

- Clarify the types of rock products and simulated rock products that are prohibited (no plastic, vinyl, fiber glass, etc.). The Planning Commission requested further discussion and information on the use of man made concrete products. Staff will return to the Planning Commission at a work session to discuss this issue further.
- Clarify when aluminum or vinyl siding may be used as siding material. Vinyl is only permitted to repair or re-side existing vinyl siding.
- Increase the maximum wattage per fixture for Recreational (metal halide) lighting from 1000 to 1500 watts. This change is per a recommendation from the architectural firm and lighting consultant for the Quinn's Fields complex. Allowing higher wattage will reduce the number of fixtures and provide a uniform, better quality, and more efficient lighting. The architect has provided a specific photometric analysis of both options comparing impacts at the City's field complex. The analysis supports the change and indicates only insignificant light spill or other site impacts. Metal halide lighting is required to be shielded and down directed.
- Change the recommended light source for residential exterior lighting from high pressure sodium to compact fluorescents. High pressure sodium lighting at 50 watts produces more lumens than comparable wattage compact fluorescent bulbs. Compact fluorescent bulbs are readily available and interchangeable with standard incandescent bulbs, and do not require the fixture or ballast be replaced.

Department Review

These amendments have been reviewed by the Planning, Engineering, and Building Departments, as well as by the Legal Department. A draft of these amendments is available at the Planning Department for review.

Notice

Legal notice of the public hearing was posted in the required public spaces and placed in the Park Record.

Public Input

A public hearing was conducted by the Planning Commission on July 12, 2006. There was public comment on the maximum footprint for large platted lots (see Exhibit F).

Alternatives

- Approve the Land Management Code revisions to Chapters 2 and 5 as presented, or as amended, at the meeting.
- Deny the Land Management Code revisions as presented.
- Continue this item to a date uncertain.

Recommendation

Staff recommends the City Council approve the Land Management Code amendments to Chapter 2- Sections 2.1, 2.2, and 2.3 and Chapter 5.

Exhibits: Exhibits under separate cover. For copies, contact the City Recorder's Office 435-615-5007.

Exhibit A- Chapter Two- Section 2.1 (HR-L District)

Exhibit B- Chapter Two- Section 2.2 (HR-1 District)

Exhibit C- Chapter Two- Section 2.3 (HR-2 District)

Exhibit D- Chapter Five- Architectural Review

Exhibit E- Planning Commission Staff report describing LMC amendments to the maximum building footprint allowed on large, platted lots in the Historic District.

Exhibit F- Minutes of the July 12, 2006, Planning Commission meeting.

**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY
DEVELOPMENT DEPARTMENT, TO INCLUDE REFERENCES TO THE HISTORIC
PRESERVATION BOARD (HPB), TO REPLACE UNIFORM BUILDING CODE WITH
INTERNATIONAL BUILDING CODE, AND TO ADDRESS SUBTANTIVE
AMENDMENTS,
FOR THE FOLLOWING CHAPTERS:
CHAPTER 2.1 HR-L ZONING DISTRICT, 2.2 HR-1 ZONING DISTRICT, 2.3 HR-2
ZONING DISTRICT, AND CHAPTER 5 ARCHITECTURAL REVIEW**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code related to architectural review, exterior lighting, exterior siding materials, height exception criteria for steep slope review in the historic districts, and maximum building footprint for lots greater than 18,750 sf in the HR-1, HR-2, and HR-L Districts.

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at its regularly scheduled meeting on July 12, 2006 and forwarded to City Council a positive recommendation on Chapter 2 (Sections 2.1, 2.2, and 2.3) and Chapter 5;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on July 27, 2006; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO CHAPTER 2 OF THE LAND MANAGEMENT CODE. Chapter 2 (Sections 2.1, 2.2, and 2.3) is hereby amended as attached hereto as Exhibits A - C. Any conflicts or cross-references from other provisions of the LMC to Chapter 2 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 5 OF THE LAND MANAGEMENT CODE. Chapter 5 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross-references from other provisions of the LMC to Chapter 5 shall be resolved by the Planning Director.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.