

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 26, 2012**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, July 26, 2012.

Closed Session

2:00 p.m. Personnel, property and litigation

Work Session

2:45 p.m. Council questions/comments

3:30 p.m. Lower Park Avenue Redevelopment Agency Facilities and Master Plan update
P. 5 - 41

4:00 p.m. Planning Commission interviews

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT (*Any matter of City business not scheduled on the agenda*)

IV RESIGNATIONS AND APPOINTMENTS

Consideration of four appointments to the Public Art Advisory Board for terms beginning July 2012 and expiring June 2014

V CONSENT AGENDA (*Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items"*)

1. Consideration of a resolution adopting the SR224 Corridor Study for Park City, Utah

P. 42 - 46

2. Consideration of award of construction contract with Lyndon Jones Construction in the amount of \$63,895.00 for Wyatt Earp storm drain improvements, in a form approved by the City Attorney

P. 47 - 50

VI NEW BUSINESS

1. Consideration of approving a Real estate Purchase Contract for property located at 1450 – 1460 Park Avenue with GreenPark Cohousing, in in a form approved by the City Attorney

(a) Public hearing

(b) Motion to continue to a date uncertain

2. Consideration of an Ordinance approving the 573 Main Street Three Lot Subdivision Plat Amendment, located at 573 Main Street, Park City, Utah P. 51 - 128
- (a) Public hearing
 - (b) Action

Study Session

Dark Sky Ordinance

P. 129 - 137

VII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

Posted: 07/23/12

See: www.parkcity.org

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 2, 2012**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, August 2, 2012.

Note: This future meeting schedule is TENTATIVE and subject to change.

August 2012

- 2 **No meeting**
- 9 Ice Arena update - work
2030 Strategic Plan - work
LOI PCMR – BH
Wildlife corridor – DF
MFL- Park City Family Field Day 8/11/12- 1200 Little Kate Rd.
Ordinance – 80 Daly Avenue plat amendment
Ordinance – 1103/1105 Lowell Avenue plat amendment
Ordinance approving the PCMC/Richards Annexation
Ordinance approving a plat amendment at 429 Woodside Avenue, Park City, Utah
Housing assessment plan
Benches in Round Valley
BOA interviews (5 – 6 p.m.)
RDA meeting – Resolution – taxing entities
Car Sharing Contract Award - TP
- 16 **No meeting**
- 23 Old Town commercial height discussion – work – TE
GreenPark co-housing - work
Parking Code amendments
National Preparedness Month – HD
Mid-year Environmental Update – work (25 min) TP
- 30 Business recruitment
Quarterly goals update
OTIS update - MC
MFL – Quinns Junction Family Funktion
MFL - RAGNAR 2013 – Wasatch Back Relay'
Sundance – study session JW

September 2012

- 6 **No meeting – City Tour**
- 13 **Liza gone**
- 20 Rocky Mountain Power – study session
- 27 Latino Community outreach and engagement – study
Bonanza Park update

Pending Items:

Rescind PC Heights assessment ordinance
RDA and other economic districts strategic plan
Resolution establishing a strategic plan for City-owned property with development potential in Park City, Utah and repealing and replacing Resolution No. 22-05 in its entirety



Redevelopment Agency Staff Report

Subject: Lower Park Avenue Redevelopment Authority Master Plan Implementation Strategy – Discussion on Use of Library and other City Owned Facilities and Property
Author: Jonathan Weidenhamer, Economic Development Manager
Department: Sustainability
Date: July 26, 2012
Type of Item: Informational

Summary Recommendations:

Staff recommends Council consider directing staff to:

1. Conduct discussions with affected stakeholders and gather input from the general public; and
2. Return with formal recommendations including next steps and a timeline for implementation.

Topic

Implementation of the Lower Park Avenue Redevelopment Authority (LPA RDA) master plan for City-Owned property through use of City Facilities, property and limited adjacent privately owned property within the LPA RDA.

Description

PlanWorks Design (Michael Barille) completed an implementation strategy for City-owned property in the LPA RDA. The Strategy was accepted by City Council on January 27, 2011. The Plan includes a list of project options and two alternate development scenarios, one with smaller scaled concepts, and a second with more aggressive development alternatives (Exhibit H).

The Plan also includes high level financial models and a supporting narrative describing not only the planning effort, but some of the policy balance and levers Council will have to consider moving forward in their role of the Redevelopment Authority. For example, a portion of the narrative focuses on cost benefit versus return on investment related to using the LPA RDA as a means to financially subsidize specific community center or housing (senior and/or workforce) goals.

A phasing plan was proposed with the strategy document, with the initial phases focusing on land mainly owned by Park City (fire station, senior center). Outcomes are to include civic uses (a possible non for profit community center) and an east-west connection of neighborhoods; and middle and later phases contemplating partnership with and acquisition of private property to effectuate a blend of senior, market rate, affordable and perhaps seasonal housing goals.

The City Council provided direction to pursue the smaller scaled alternative found in the PlanWorks Plan:



Exhibit H includes a summary of master planning for the LPA RDA, including: the broader plan for the entire district done by Design Workshop and the Jack Johnson Company; the PlanWorks Plan for City property; and summary of joint redevelopment discussions between the City Council and Planning Commission on this topic, and finally an excerpt from the Market Analysis done for the area.

Background:

The Carl Winters Building is in the LPA RDA. It was originally purchased and restored with RDA funding. The 2003 expansion of the Library was also funded through the RDA. Discussion of future library expansion and other changes or improvements to this facility have always been contemplated within the context of the available RDA budget.

On January 12, 2012, Library Staff brought a proposed expansion and renovation plan for the library to City Council for discussion. Council directed staff to consult with Sustainability Staff, who oversee other uses of the building, and return with a proposal that considers future plans for the entire Carl Winters Building rather than just the 1st and 2nd floor areas proposed for library expansion (minutes, Exhibit C).

On April 19, 2012, during a work session City Council held a comprehensive policy discussion on the future direction of the library, including a discussion on Council's preference for future level of service. Based upon the April 19th meeting, the majority of Council seems supportive of reinvesting to keep the highest level of service, but are concerned about efficiency and not duplicating services or building or expanding new buildings until existing facilities are being programmed and used to their capacity. Furthermore, Council expressed a desire to put consideration of a library expansion in context with other goals and facility uses in the neighborhood. Ultimately Council agreed to have staff conduct a high level feasibility analysis that would include details on programming and concept floor plans (minutes, Exhibit D).

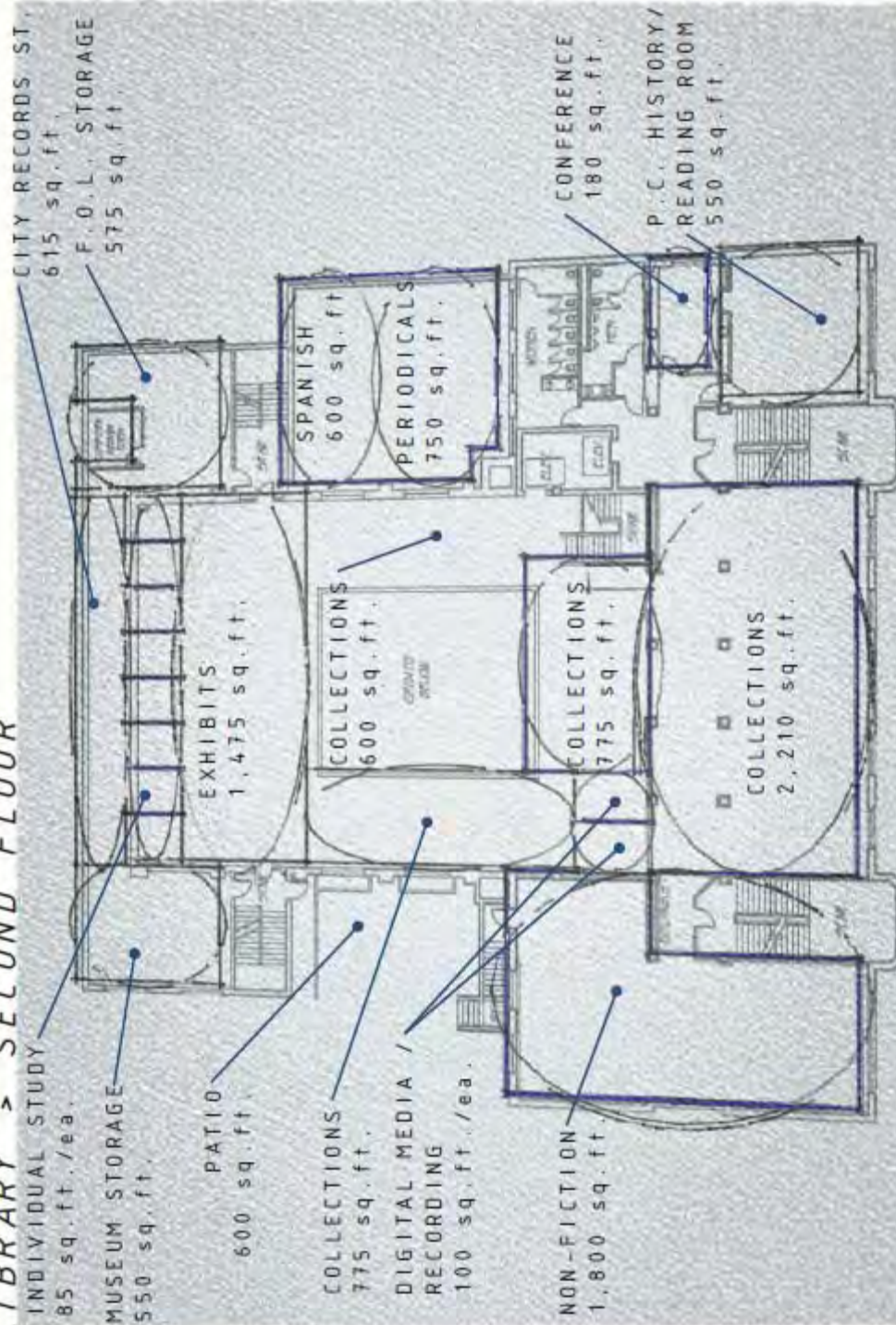
As the City moves into implementation stages of its Master Plan, Staff engaged Wally Cooper with CRSA Architects to create bubble diagrams as part of a needs assessment exercise for a possible Library expansion. The recent announcement from Soaring Wings Montessori that they will not be renewing their lease has opened up more space in the building than was previously anticipated. During our first meeting with CRSA, through discussions on potential uses of the 3rd Floor at Carl Winters, it became immediately apparent that a broader discussion of all the existing facilities in the LPA RDA would be necessary in order to make any recommendations for next steps related to any library expansion. The facilities and current tenants CRSA considered broadly and had to make some general assumptions in order to proceed. The following programming and floor plans were generated specific to a potential library expansion:

Current Library Programming			
First Floor		Second Floor	
Program	Sq. ft.	Program	Sq.ft.
A/V	418	Conference/study	1,451
Children	1,226	Exhibits	1,200
Friends sorting area	429	Friends storage	651
General library area	5,591	General library area	945
Lunch room	134	Museum storage	543
Park City room	313	PCMC storage	541
Public meeting room	531	Periodicals	710
Spanish	418		
Staff #1 (director)	178		
Staff #2 (circ)	535		
Staff #3 (librarians)	539		
Staff #4 (processing)	494		
Storage	264		
Storytime room	268		
Teens	418		
Subtotal	11,756	Subtotal	6,041
		total	17,797
Proposed Library Programming			
First Floor		Second Floor	
Program	Sq. ft.	Program	Sq.ft.
A/V	1,150	Collections #1	2,210
Childrens	2,750	Collections #2	775
New Arrivals	575	Collections #3	775
Public Meetings	550	Conference	180
Self Check	325	Digital/Media/Recording	300
Shared	1,025	Exhibit	1,475
Staff #1	550	Friends Storage	510
Staff #2	1,110	Museum Storage	550
Storage #1	425	Non-Fiction	1,800
Storage #2	510	PC History Reading Rm	550
Story Time	550	PCMC Storage	425
Tech Hub	1,325	Periodicals	750
Teens	750	Spanish Collection	600
Subtotal	11,595	Subtotal	10,900
		total	22,495
		4698 additionl sf	

CRSA



LIBRARY > SECOND FLOOR



Site visit to Salt Lake County Facilities

During Council's discussion on the library expansion, they expressed interest in efficiently programming facilities and noted interest in other communities multiple programming of single facilities to ensure none are underutilized. A site tour was done to the following Salt Lake County facilities (pictures attached Exhibit F):

1. West Jordan – this 71,000 facility is brand new and houses: a 20,000 sf library; 20,000 sf of County library admin.; 1,000 sf of multi-purpose event space + 350 person amphitheater
2. Millcreek. – This is a 64,000 building that was adaptively reused into a 20,000 library, and delivers Senior and Parks and Recreation services in a neighborhood setting.

Some take homes included:

- Multiple users and interests can co-exist in the same facility, with careful planning to make that balance work;
- SL County has a property tax mill identified for library funding & they are superbly funded; but their programming or cross uses can be challenging or limiting based on the origination of the funding source;
- We should plan carefully and in detail the user spaces based on anticipated programming; or
- If specific user groups are not identified or desired, then plan for max flexibility with infrastructure and finishes (ie wireless, electricity, commercial kitchens, wall partitions, etc.).

Analysis:

1. Review CRSA's preliminary findings (Exhibit C)

The library is the highest rated community service provided by the City and is an essential element to Park City's small town character and sense of community. The library has a long history of being valued and invested in by the community and local leaders. In 2004 a 3,300 square foot expansion added space on the first floor to accommodate the explosive growth of Internet computer use, children's programs and the expanding materials collection. Libraries have become much more than just places to check out a book.

In order to preserve Park City's long tradition of offering top notch library service the facility and services must keep up with current trends and the changing needs of the community by:

- Adding space to optimize technology access
- Offering the latest innovations in library services
- Continuing to grow the materials collection
- Facilitating community gathering

At a recent site visit to discuss the possible layout of a library expansion including potential uses of the 3rd floor of the Carl Winters facility, Wally Cooper with CRSA began asking about the status of the other buildings in City Park including Miner's Hospital and the Recreation Building. Mr. Cooper suggested we should consider these buildings as part of the overall analysis as next steps are considered. While each building has a specific constituency that uses the building on a regular basis, overall the spaces appear to be under-programmed on a continual basis.

Some input from CRSA's preliminary work (Exhibit B) include:

- Assumptions that the fire station will be torn down so the property might be developed. And that the services provided in the Park City Senior Center will be relocated;
- Two potential scenarios for the Carl Winters Building:
 - o One: Park City Library, Park City Co-op, PC Film Series, Senior Center, Sundance.
 - o Two: Park City Library, Park City Co-op, PC Film Series, Public space, Sundance.
- Miner's Hospital is significantly underutilized. It would be a great place to relocate senior center programming, but would likely need addition of an elevator and other building upgrades, the cost of which are undetermined at this time;
- The Recreation building is significantly underutilized. It would be a great fit to relocate the PC Coop child care.

2. Elliott & City Housing as an immediate phase

Consistent with the preliminary Master Plan done by PlanWorks Design staff has been working with Craig Elliott to create a development approach addressing land owned by Craig Elliott at 1321 & 1323 Woodside Avenue. Mr. Elliott's preliminary proposals have contemplated use of adjacent property owned by Park City RDA, currently used for a senior center. Use of City-owned land would further the City's housing goals and staff is strongly supportive of further consideration of this proposal. One primary target of a housing project should be senior or multi-generational opportunities.

Creating aging in place housing opportunities is a priority for the community as stated in the 2009 visioning exercise, community surveys, and Council's housing policy. Preliminary thoughts would be to begin this project in spring of 2013. This would necessitate relocation of the services provided in the senior center. While the current master phasing plan identifies housing as part of the second phase, it is in the interest of the RDA to consider moving this project into an earlier phase in order to effectuate housing goals.

3. Comprehensive Needs Assessment & Further Community Engagement

CRSA's scope was conceptual in scope. Multiple community members have inquired about leasing the space to be vacated by Soaring wings, including non-profits, existing tenants, child care and artists. Staff's initial thoughts are to conduct a community engagement exercise to identify any gaps or fallacies in our thinking and to better understand specific programming of each of the user groups.

Staff believes we can begin to implement projects such as the library expansion and Elliott joint venture housing project concurrently with additional planning and identification of community priorities for facility use in the LPA RDA.

Department Review: This report has been reviewed by the Recreation-Library Team, Sustainability Department, Legal Department and the City Manager.

Significant Impacts:

The LPA RDA is now generating approximately \$1.2M annually. There is currently \$7.8 M available in the LPA RDA. The RDA expires Dec. 31, 2015. We anticipate collecting an additional \$7 million in tax increment funding through the life span of the RDA which expires at the end of December 2015. This funding would allow us to implement all phases of the master plan for City property. This does not contemplate any extension of the RDA, which we estimate could generate another \$15-20 M through a 15 year extension.

Some current user groups/tenants would be significantly affected including relocation or termination.

Recommendation:

Council should direct staff to return with formal recommendations on timing and next steps, based on additional information gathering and discussions with stakeholders. This may include a formal community engagement process.

Exhibits

- A LPA RDA Boundary Map
- B Vicinity Map
- C CRSA (Wally Cooper) Preliminary Findings & Potential Floor Plans
- D Library Level of Service Matrix
- E January 12, 2012 meeting minutes
- F April 19, 2012 meeting minutes
- G Salt Lake County Library & Community Facilities Site Tour Pictures
- H LPA RDA Master Planning & background (available at:
<http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=9653>;) includes:
 - Design Workshop & Jack Johnson Master Plan for RDA
 - PlanWorks Master plan for City property
 - Summary of the 8.25.12 Joint RDA meeting
 - 1.27.11 RDA meeting minutes
 - Executive Summary of Market Analysis (LPA excerpt)



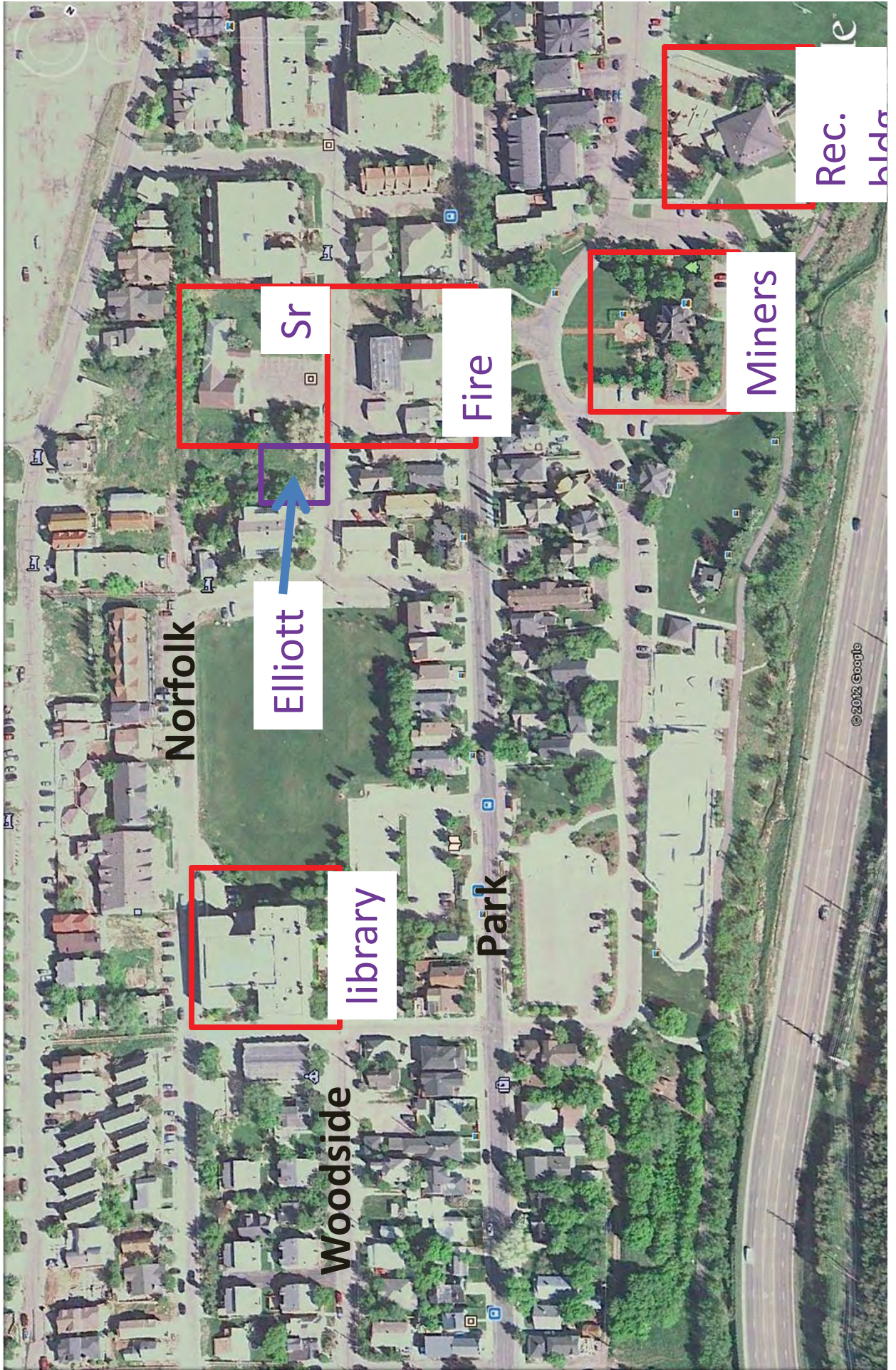


EXHIBIT C

PARK CITY BUILDING AND SPACE UTILIZATION MASTER PLAN EXECUTIVE SUMMARY – SUBMITTED BY CRSA ARCHITECTS

It is the intent of this summary to outline possible changes to the uses of the Carl Winter School, the Miner's Hospital, the Recreation Building, the Senior Center and the Fire Station. The need to expand the Park City Library and the relocation of the Montessori School from the third floor of Carl Winters along with the desire to develop the land around the existing fire station led to an overall evaluation of the buildings in question. Not all of the buildings will be discussed in detail. It is assumed that the fire station will be torn down so the property might be developed. It is also assumed that the services provided in the Park City Senior Center will be relocated.

There are issues and opportunities associated with all of the buildings. Some are under utilized and some are in the way of potential development. The issues and possible solutions are the content of this study.

Carl Winters School

Current Use:

Carl Winters School was renovated in 1993. The building was designed for multiple uses. The primary use was and continues to be library. The Park City Library occupies the first and second floor of the old gymnasium. In 2006 the Library was remodeled to include the main hallway and the space across the main hallway to the east on the first floor. The added space became the Children's Area and the existing Children's area was repurposed.

The Co-op currently occupy the south end on the second floor off the main hallway. The rooms along the east side of the second floor are currently vacant and are schedule for public use.

The Montessori School occupies most of the third floor. The PC Film Series is located in Room 301. This entire level with the exception of Room 301 will be available when the Montessori School relocates.

Proposed Use:

There are two scenarios for consideration on this building.

Scenario One: Park City Library, Park City Co-op, PC Film Series, Senior Center, and Sundance.

Park City Library

The Park City Library will remain in its current location but would expand into space vacated by other organizations. The number of Library patrons visiting the library continues to grow. General Services, Spanish Collection, Children's Collection/Services, Adult Fiction and the AV Collection are expanding. Other collections such as Non-fiction and Reference are not growing as rapidly or shrinking. Access to electronic data affected reference material the hardest. Over time other collections may also be affected by electronic access to printed material. The digital media is causing a great deal of uncertainty. No clear direction has emerged. However, no one is predicting the complete demise of libraries or printed material in the near future. Instead the consensus seems to be that libraries will continue to evolve and adapt to the changes in patron usage. Therefore Park City Library needs to expand if it is to remain the highest rated community service for Park City citizens and continue to provide the same excellent levels of service.

With growing demand on the general collection, the increase in services provided along with increased visitation the Park City Library needs additional space. There is no room on the first floor to expand. The Children's Area is too small for the collection and the demand for seating being experienced. There is no room to spread out and be on the floor or in child size seating. Storytime is held in a small room at the southwest corner of the first floor that is part of a divided classroom.

The only potential for expansion is on the second floor. Expansion to the east is possible by removing the walls of the main hallway as was done on the first floor. This would make the entire second floor available. The library can also use additional rooms on the north end and south end of the second floor. Additional space for expansion might also exist to the north on the roof of the old boiler plant. A structural investigation would be required to confirm the possibility. The space could easily be enclosed since three walls and the floor structure already exist. Another possibility exists on the south side. Should the Co-op leave the Co-op playground would be available as an out door reading area. This would be a type of space that currently does not exist for patrons. In conjunction with the library personnel, a concept diagram has been completed showing the possibilities for expansion.

Senior Center

Using the third floor for the Park City Senior Center has been suggested. The space is large and essentially equal to the space currently occupied by the Senior Center without all of the amenities.

Several questions must be answered for the space to be successfully used. Can space be dedicated to the seniors? Can we create the same down home charm, comfort and ownership in Carl Winters? Will the current seniors be willing to use the third floor of the Carl Winters School whereas they are currently on the ground floor? Will accessibility both actual and perceived be an issue?

If those questions can be answered the Carl Winters School would accommodate the senior center with little difficulty. The entire third floor minus the space occupied by the relocated Co-op and the PC Film Series would be available. The exact configuration of the third floor would depend on needs of the seniors and their program.

Parking is already available although there are times when the parking lot is full.

Park City Co-op

The Park City Co-op would relocate from the second Level to the third level directly above their current location. The Co-op would have access to the playground via the stair from the southwest classroom.

PC Film Series

The PC Film Series would remain in their current location. At times they would share the facility with the senior center. For the most part their evening events should be compatible with senior activities.

Sundance:

Sundance Film Festival currently uses the third floor during January for the Sundance Film Festival. How much space they need and how that would impact use by the Senior Center and the PC Film Series has not been determined.

Scheduling would be critical since multiple entities would be using a limited amount of space. The seniors would be required to share their space for the PC Film Series and Sundance when those entities held their events. Obviously some inconvenience would be experienced for all entities.

Scenario Two: Park City Library, Park City Co-op, Public space, PC Film Series, Sundance.

This scenario does not have the same scheduling conflicts of the first scenario. The Library would take the entire second floor as noted in Scenario One. The third floor however would be devoted to general public use, PC Film Series and Sundance. The space could be designed with movable partitions to accommodate various size groups. A kitchen would be provided to support the variety of events anticipated. During most of the year the public could reserve all or part of the third floor for events large or small. In January Sundance Film Festival would occupy the third floor. On some weekends the PC Film Festival would use the space for pre and post activities associated with major events. The Co-op would occupy the third floor southwest classroom and part of the hallway in the same way that they currently occupy the second floor. The suggested uses do not compete with each other. However, some inconvenience will be experienced.

Miners Hospital

Current Use:

The Miners Hospital is underutilized. There are four floors in the building. The basement and the first floor are the only accessible floors. The biggest drawback in the utilization of the building is access to the upper floors through the floors below. Finding a way to make all floors available without going through adjacent floors is essential to the operation of the building for all but a single user scenario.

Access to all floors could be facilitated with the addition of an elevator at the northeast corner of the building. The elevator could be freestanding and enclosed with a stairway for egress. While the building functioned as a library, Park City building officials were willing to accommodate the use and manage public safety with only one means of egress from the upper floors.

Proposed Use:

Senior Center

Relocating the Park City Senior Center to the Miner's Hospital would give the seniors a new facility with a kitchen, a gathering area on the lower level and additional program space on adjacent levels. The first level could be the "living room" for the facility with over stuffed chairs, ottomans, sofas and coffee tables. The second level might be the gaming level for a variety of group activities. The attic would make a great poolroom. The look and feel of the building and the interior would be similar to that experienced at the current location. The setting is beautiful and the building is a landmark. The seniors would be moving from one landmark building to another. The one difference is the Miner's Hospital is part of Park City's history. The current building is not considered as "contributing" on the Park City Historic Sites Inventory.

Some remodeling might be appropriate. The addition of an exterior elevator and stair may be required depending on a review of the intended use.

Parking already exists and is reasonably close to the building. If more parking is required addition stalls can be added along the existing roadways. A new parking lot is not necessary.

Recreation Building:

Current Use:

The Recreation Building next to the Miners Hospital is currently occupied during the summer by the summer recreation program. During summer months this facility is vital to the structure and operation of the recreation program. The building is used at other times during the year by various organizations on a short-term basis. Sundance Film

Festival uses the building during the film festival and also uses the building for storage year around. In spite of those uses the building sits vacant for almost 3/4th of the year.

Proposed Use:

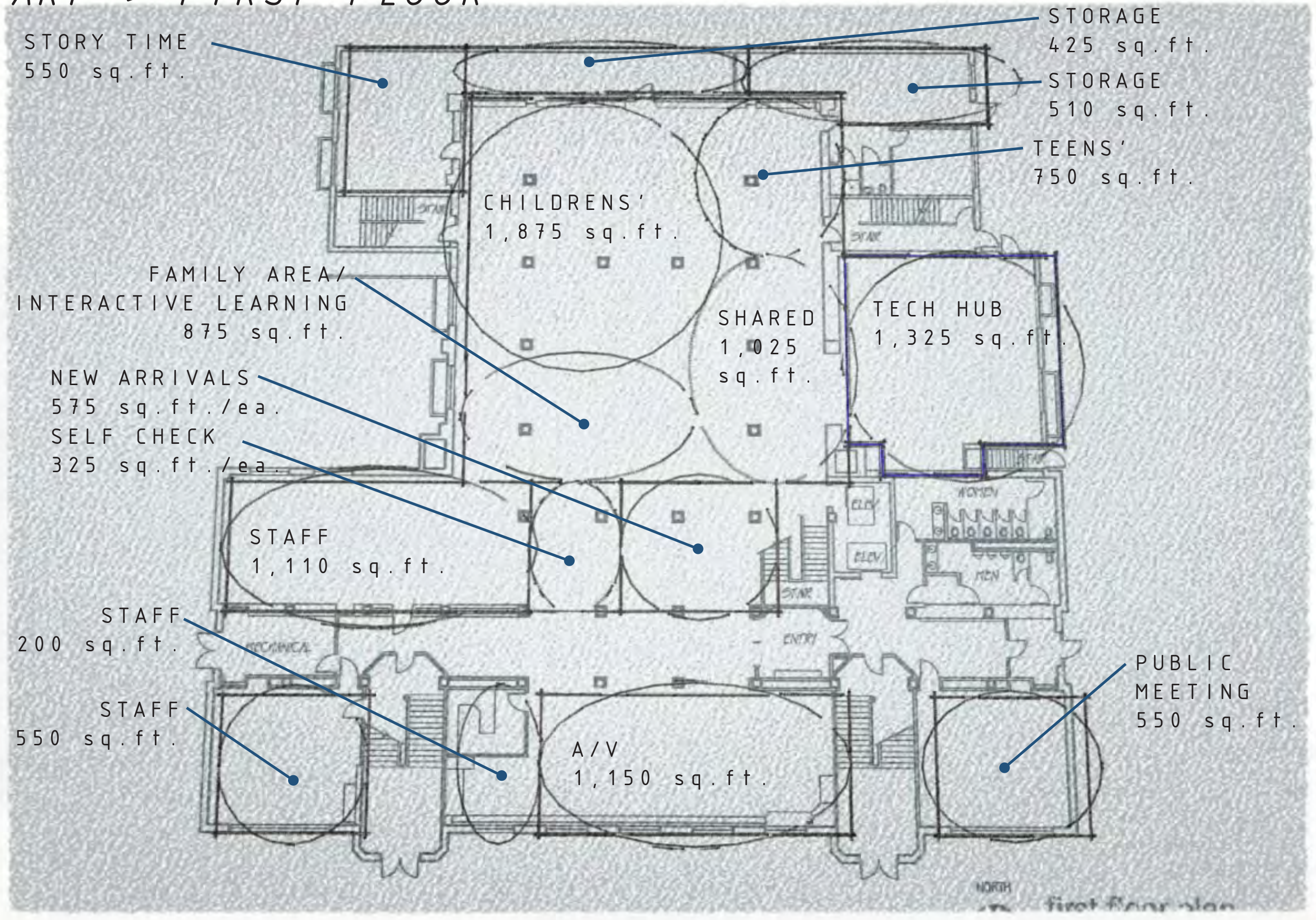
Park City Co-op

If the Park City Co-op were relocated from the Carl Winters School to the Recreation Building, the building and the associated playground would be used on a year around basis in conjunction with the existing PCMC Recreation summer camps. The PC Co-op runs limited summer programming for about 2 weeks of camps for approximately 15 children each week. The recreation building likely can house both the Co-op and the existing recreation program on the current site with limited conflicts.

The design of the building would suit the Co-op operation very well. The office area can serve as office/workroom for the Co-op staff. A small kitchen/wet area would be required. The current workroom was once a kitchen and could be easily remodeled to provide that need. There are two unisex restrooms that could cover the needs of the children and staff with minor modification. The two adjoining main rooms are nicely sized for classrooms. The location and the amenities already in place would give the Park City Co-op the perfect venue for this cherished program.

Sundance stores material for their film festival in the building. The storage would need to be relocated.

LIBRARY > FIRST FLOOR



LIBRARY > SECOND FLOOR

INDIVIDUAL STUDY
85 sq.ft./ea.

MUSEUM STORAGE
550 sq.ft.

PATIO
600 sq.ft.

COLLECTIONS
775 sq.ft.

DIGITAL MEDIA /
RECORDING
100 sq.ft./ea.

NON-FICTION
1,800 sq.ft.

EXHIBITS
1,475 sq.ft.

COLLECTIONS
600 sq.ft.

COLLECTIONS
775 sq.ft.

COLLECTIONS
2,210 sq.ft.

CITY RECORDS ST.
615 sq.ft.

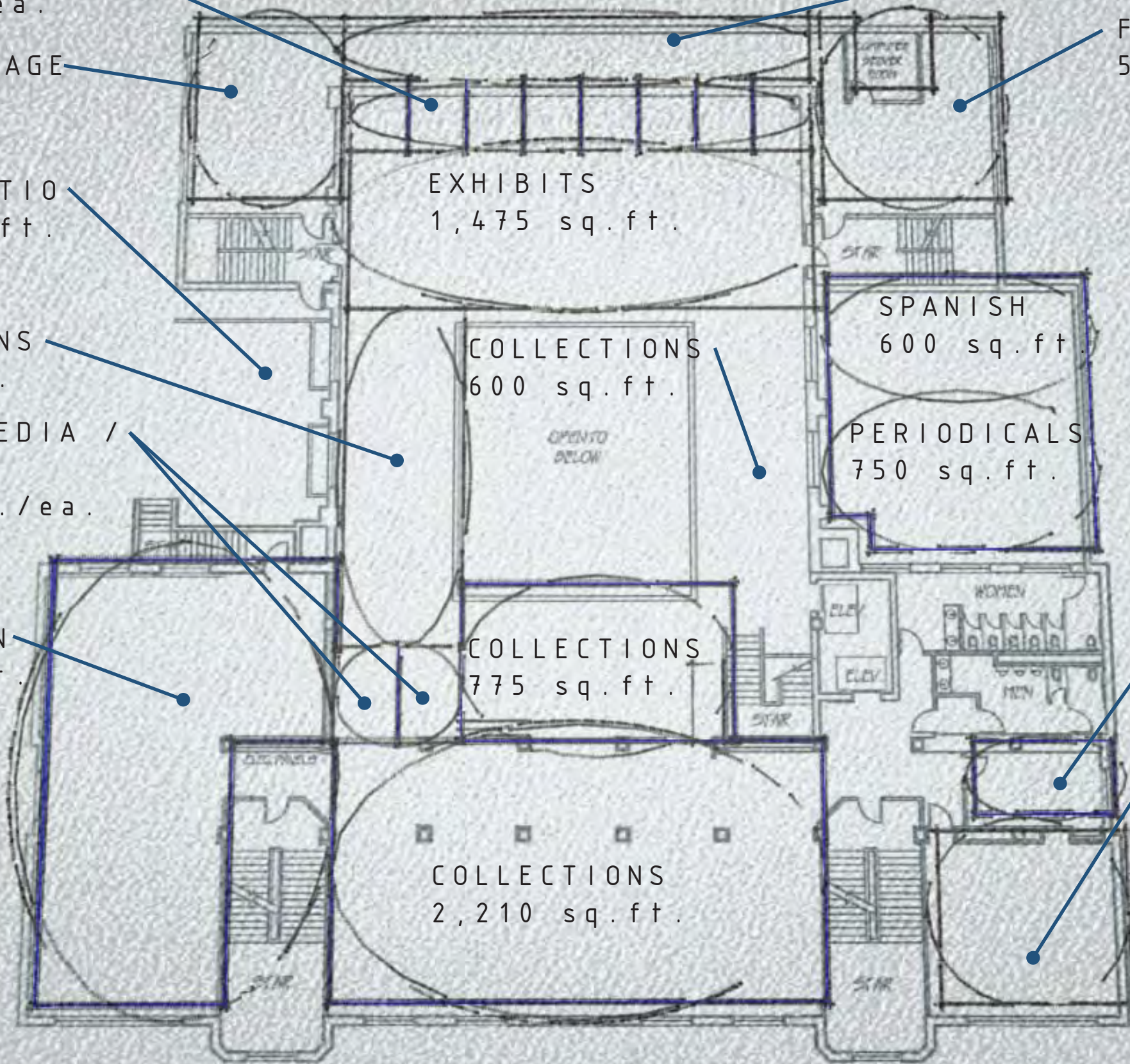
F.O.L. STORAGE
575 sq.ft.

SPANISH
600 sq.ft.

PERIODICALS
750 sq.ft.

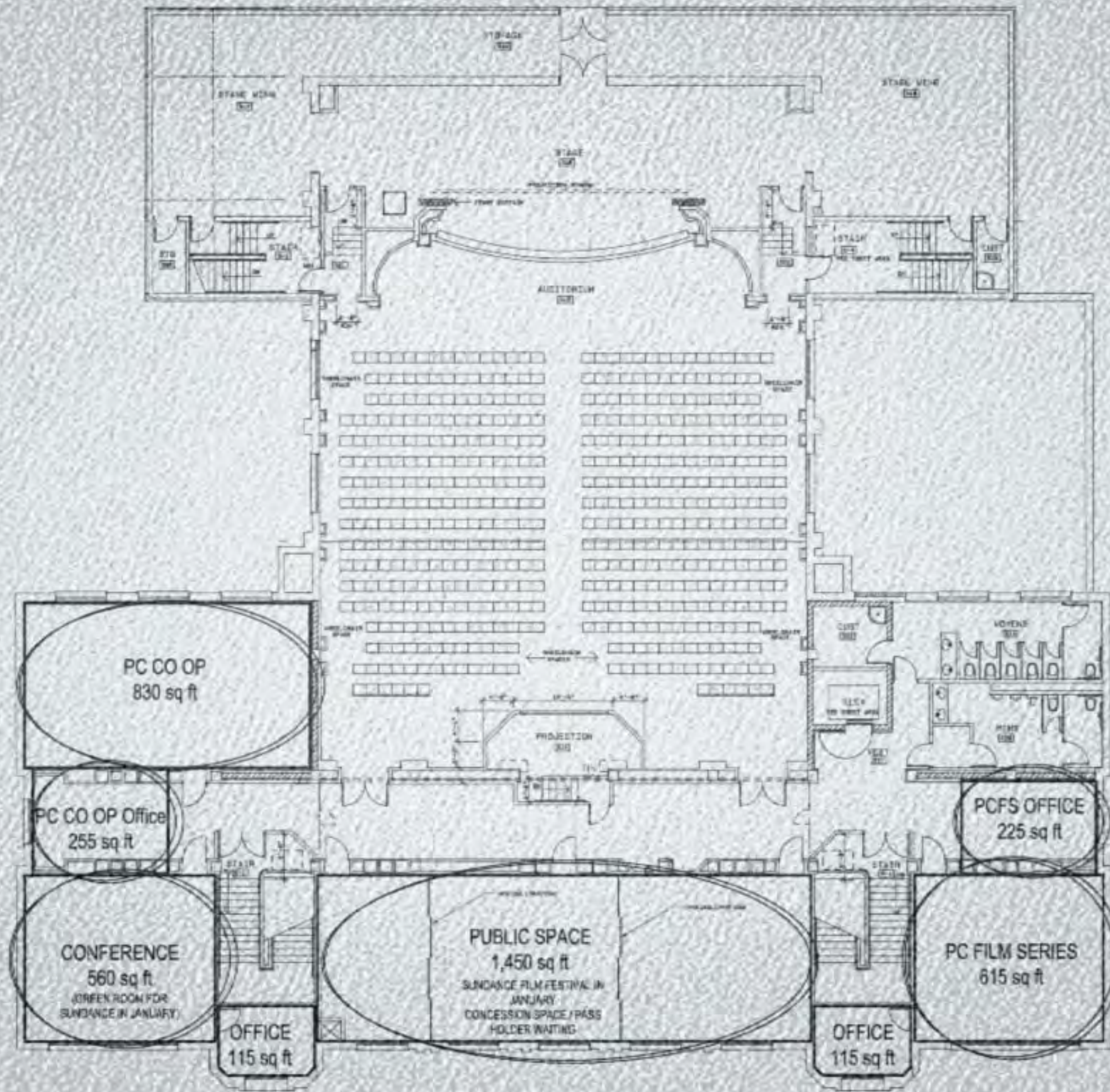
CONFERENCE
180 sq.ft.

P.C. HISTORY/
READING ROOM
550 sq.ft.

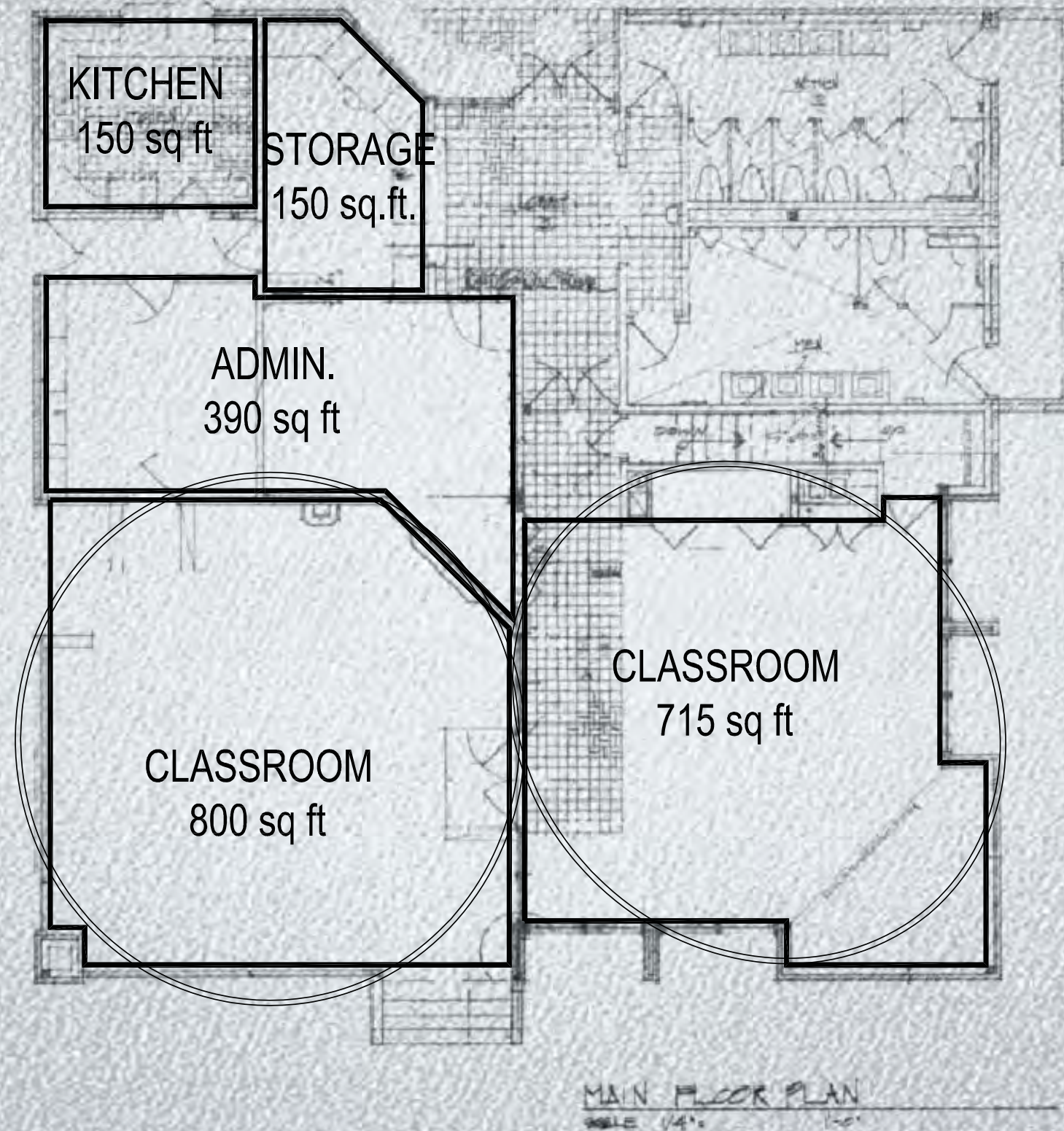


Architectural floor plan of the 1995 Sundance Film Festival layout. The plan shows a large central hall with tiered seating facing a stage area at the top. To the left of the hall are three large rooms: PC CO OP (830 sq ft), PC CO OP Office (255 sq ft), and CONFERENCE (560 sq ft, noted as a green room for Sundance in January). To the right of the hall are three large rooms: PCFS OFFICE (225 sq ft), PC FILM SERIES (615 sq ft), and an OFFICE (115 sq ft). At the bottom center is a large oval area labeled SENIOR CENTER (1,450 sq ft), which also serves as a Sundance Film Festival concession space and pass-holder waiting area. Other smaller rooms include a PROJECTION booth, restrooms, and various offices. A north arrow is located in the bottom right corner.

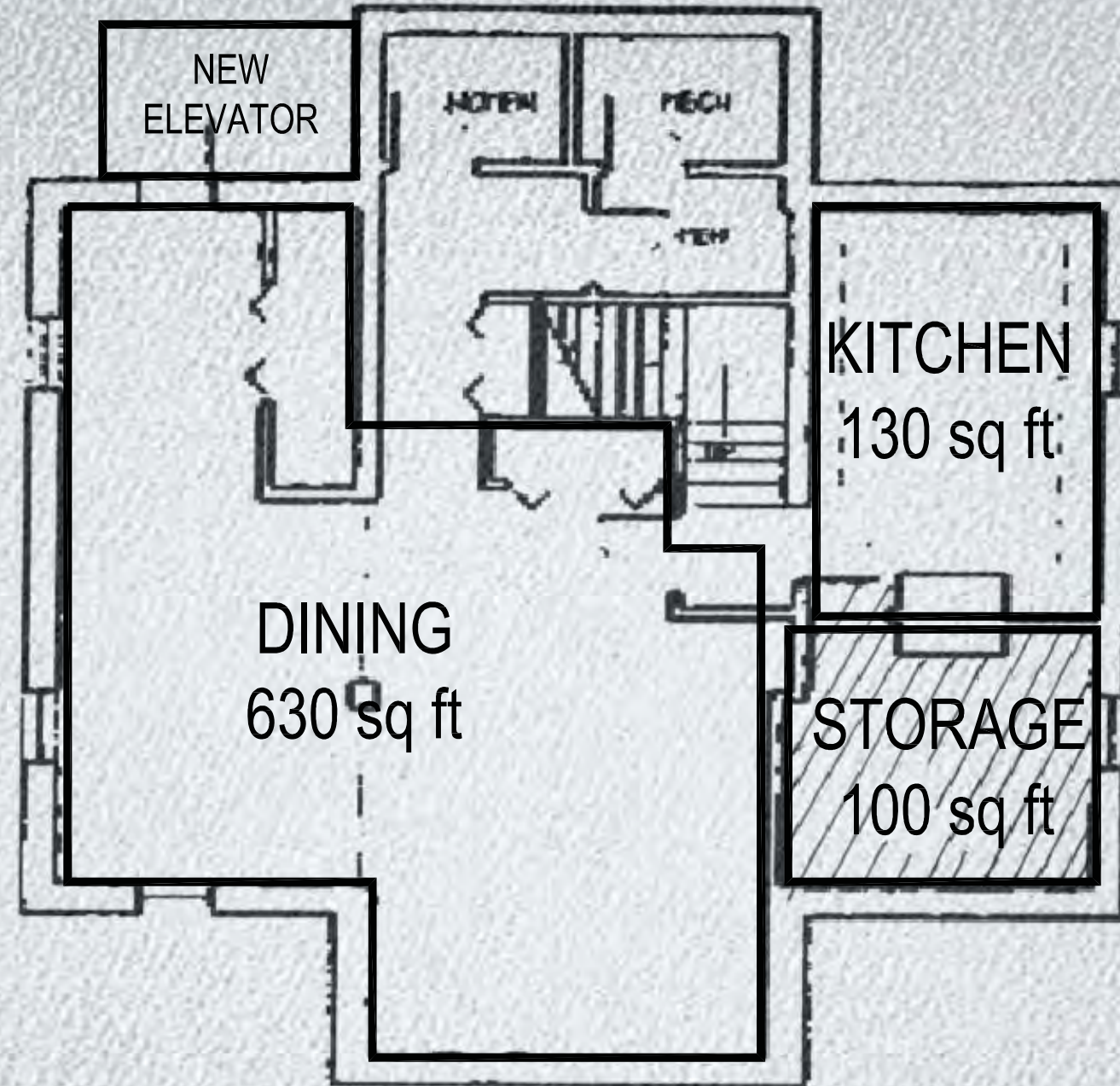
LIBRARY > THIRD FLOOR scenario 2



RECREATION BUILDING > MAIN FLOOR



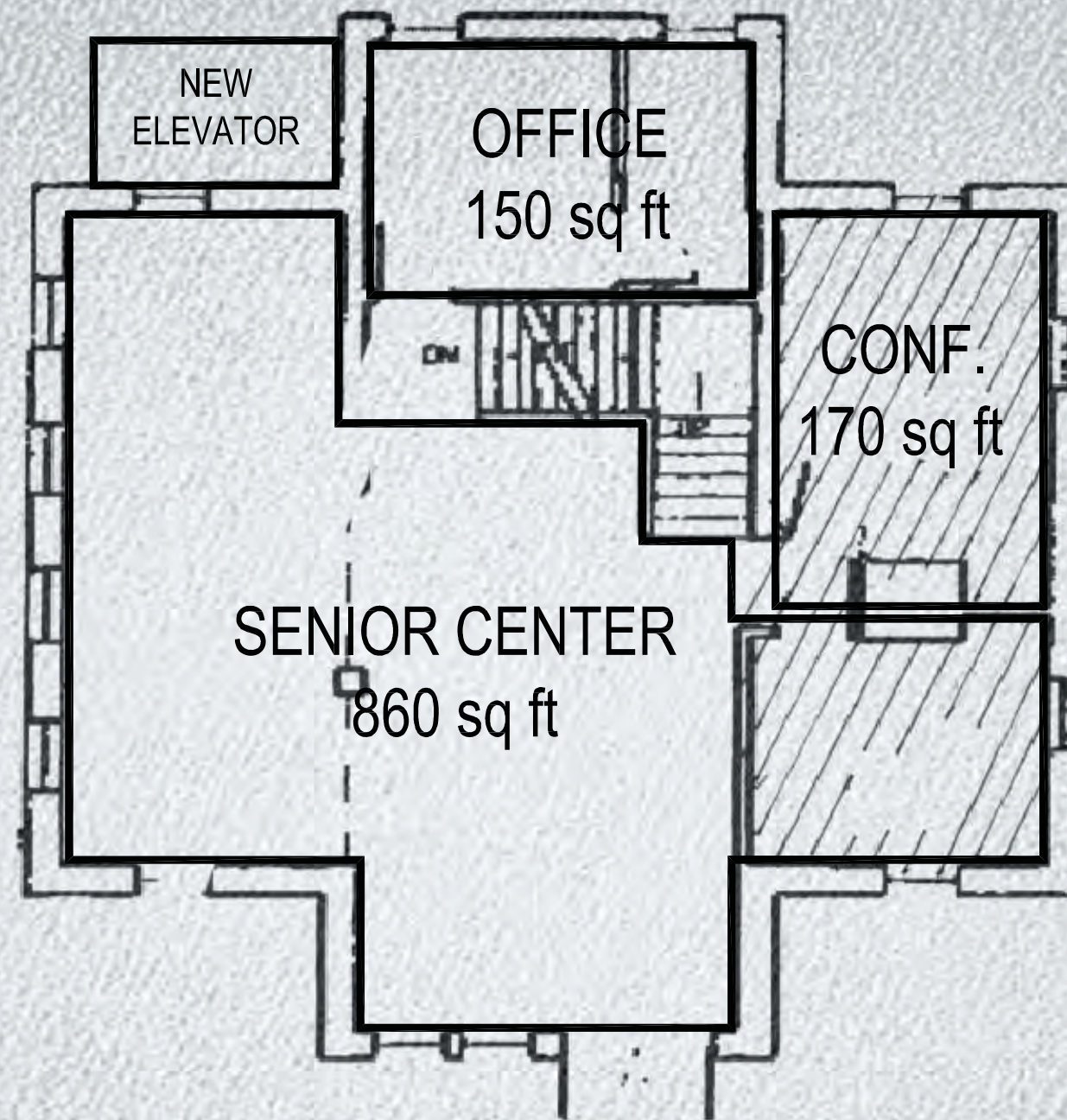
MINER'S HOSPITAL > BASEMENT



BASEMENT FLOOR

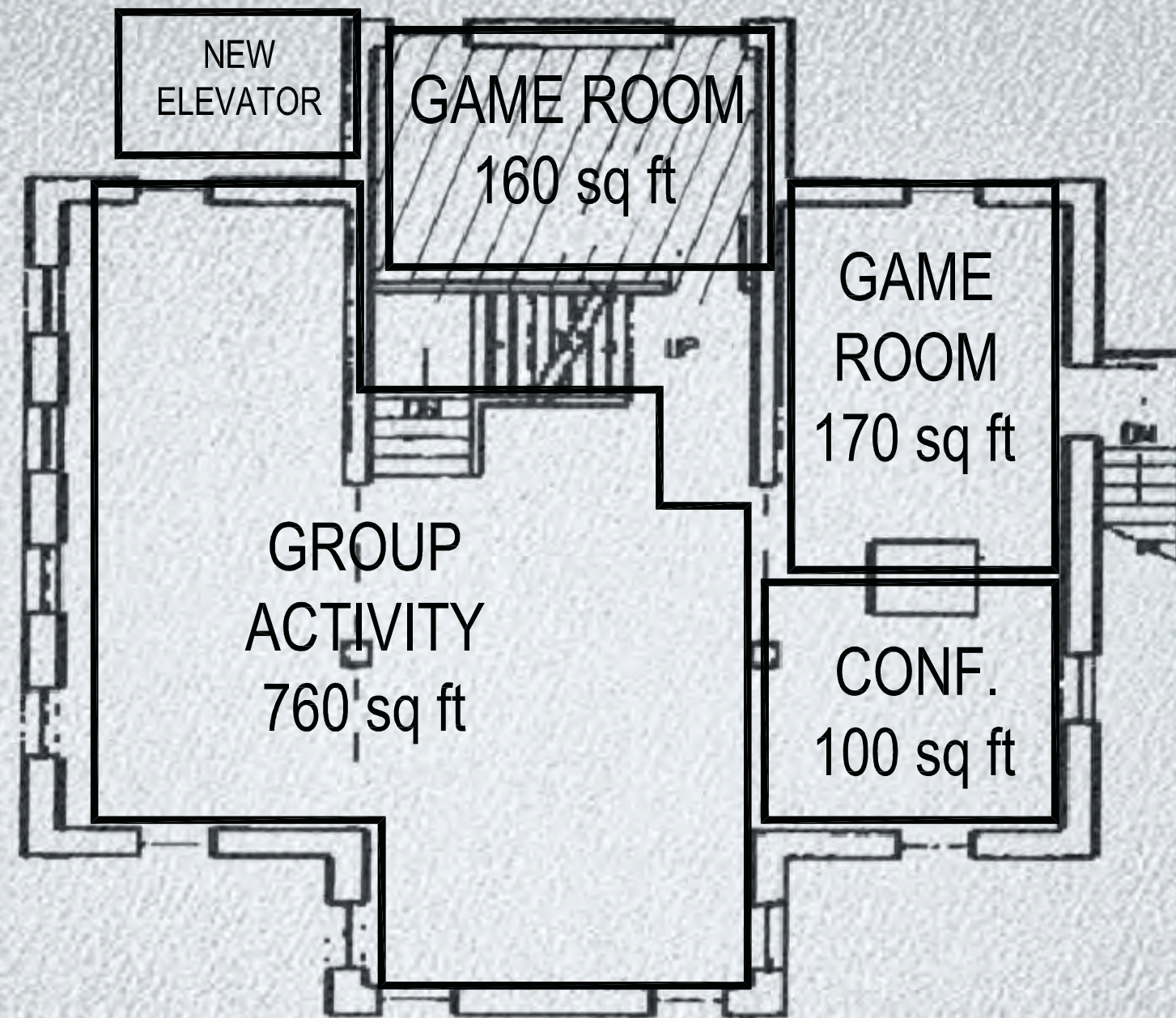
10' 11" 10'

MINER'S HOSPITAL > FIRST FLOOR



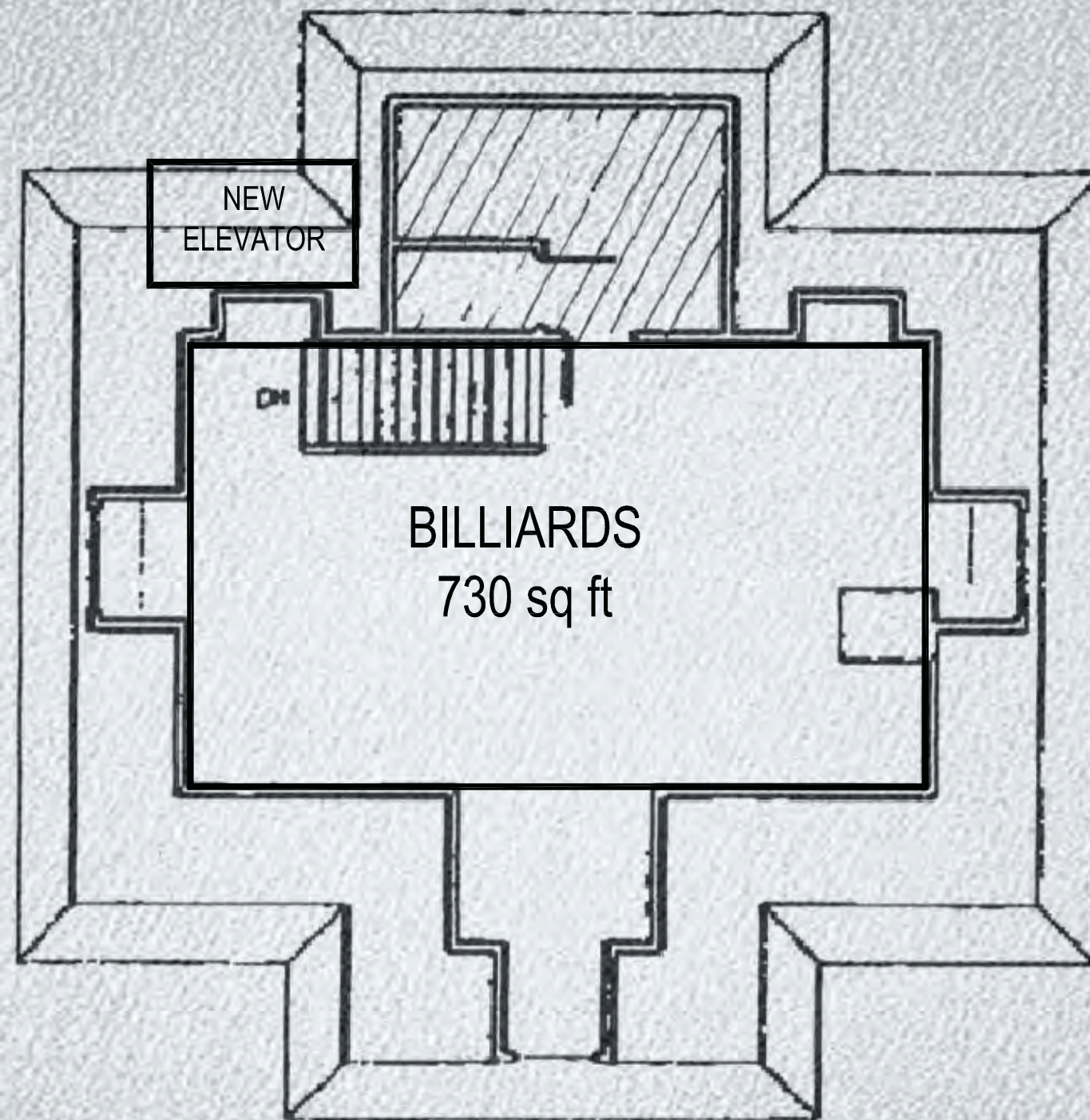
2A **FIRST FLOOR**
14' x 11' 6"

MINER'S HOSPITAL > SECOND FLOOR



3A **SECOND FLOOR**
1/8" = 1' - 0"

MINER'S HOSPITAL > THIRD FLOOR (ATTIC)



4A ATTIC FLOOR
11' - 1" - 0"

Library Service Level Matrix

	Deteriorating Library (Significantly Reduced Level)	Outdated Library (Projected Level with Business as Usual)	World Class Resort Town Library (Continued Enhanced Level)	World-Class Resort Library & Community Ctr. (Significantly Enhanced Level)
LEVEL OF SERVICE				
National Citizen Survey Rating	30%	75% by 2014	90%	98%
Desired Outcomes				
Connected, Knowledgeable & Engaged Citizens	Disinterested citizens	A portion of the population is engaged	Many connected, knowledgeable & engaged citizens	Many more connected, knowledgeable & engaged citizens
Vibrant Community Gathering Places & Spaces	Uninviting, dilapidated, infrequently used space	Moderately growing level of use, potential decrease if services are not updated	High level of utilization; more than a place to find a book; community spaces of differing sizes	Large percentage of the community utilizes the space; space is utilized for many community happenings; community center of Lower Park
Vibrant Arts & Culture Offerings	No arts & culture offerings	Limited arts and culture offerings	Rotating art displays; better spaces for various sizes of community group meetings & events	Artist talks; partnership with Kimball & Arts Kids;
Level of Service				
Adult Services	None	Book group and occasional programs through partnerships	Small business development area; window seating & a fireplace to create more comfortable spaces; Park City History room with oral histories & interactive history features ; rotating educational & artistic exhibits	Multiple meeting room sizes; reception space outside of Santy; small business development resource area; Coffee bar; Window seating & a fireplace to create more comfortable spaces
Youth & Spanish	No focus on children; no Spanish offerings	Childrens and Spanish areas with limited collection & program space	Early literacy interactive area for children; enhanced Spanish collection & area; family area in children's section	Children's Reading Room; interactive displays; bi-lingual staff; Spanish center
Circulation	no additions to circulation	limited additions to circulation	Maintain current pace of circulation expansion	Expanded circulation
Technical Services	very limited outdated technology; no classes	limited technology; basic services; infrequent classes	Technology hub w/ computer & wifi area; flexible use classrooms; digital media center; Technology expansion at current pace; more frequent classes	Technology hub; digital media center; maintain pace with current technology; expanded class offering; frequent classes
IMPLEMENTATION				
Impacts/Tradeoffs				
Impacts to Current Building	Deterioration of Existing Building over Time	Maintain Existing Building As Is	Expansion to 2nd Floor/Secure Control of 3rd Floor or Move to New Location	Expansion to 2nd & 3rd Floor Immediately or Move to New Building
Building Maintenance	No building maintenance	New Roof	New Roof; New HVAC system	New Roof, New HVAC System; Geothermal & Solar (PV)
Tenants Programs	No Change	No Change	Some Tenants Move	Some Tenants Move
Capital	Elimination of Multiple Programs	Reduction of Some Programs	Some Expansion/Some Reduction	Expansion
Cost				
Operating				
Forgone Revenue	Some tenants will eventually move out	none	\$85,000 per year	\$85,000 per year
Time Until Subsequent Renovation	N/A	N/A	10 years	15-20 years

accelerator will make it successful and Park City will become the global web center for start-up training and certification. The digital media industry creates a small carbon footprint, is eco-friendly and Park City will be one of two training centers in the US. The Innovation Center will look at other products as well and local companies will be exposed to tools, processes and opportunities. The goal is for new companies to graduate on a regular basis into a business park.

Bret Howser explained that the City will solicit a more detailed written proposal on the Innovation Center which may be a good test case for the business recruitment and retention criteria discussed last week.

The Mayor asked if the Innovation Center is a branch of the BRC and Mr. Beutler explained that the Innovation Center is under the BRC. Integrating this program with the High School was discussed. Mr. Butwinski expressed his difficulty is tying the Innovation Center with the BRC. Mr. Beutler explained that the Innovation Center has not been started yet and is a concept that he has been working on but will be connected to the BRC. A shift in funding will occur to start producing a line of digital media companies versus providing general business help. He stated that he has been working on this for about four years and Alex Butwinski asked what the deliverable will be. Jon Beutler noted that he needs some more feedback on the Bonanza Park project. Jon Weidenhamer pointed out that \$20,000 is set aside for relocating businesses.

Andy Beerman stated that PCMR is interested in bringing in a Camp Woodward to the base area and that the resort's fastest growing segment is digital media. Mr. Beutler felt that as the Innovation Center develops, it will become a world-class innovation center.

3. Library Facility Needs Report. Linda Tillson introduced her staff. She noted that last year Council directed them to return with the expansion plan. A library expansion was done in 2004 which was projected to last seven to nine years and has been accurate. A community survey was conducted in 2008 and based on the findings, users continue to want hard copy materials. One of the features that could be added to an expanded facility would be an early literacy center.

Heather Reynolds discussed serving on a state library steering committee on a Utah Kids Ready to Read Program to get parents involved in preparing their children for kindergarten. This is an interactive program and a portion of it involves training parents. Ms. Tillson spoke about the kids' space installed in a Fort Collins library and the new branches in SLC have them.

Ms. Tillson explained how the current floor plan could be changed on the first floor. The front of the building was used for classrooms and now the rooms are vacant and being leased out from time to time. She suggested removing the walls from the mezzanine from the front end of the building. The floor height is a little bit higher than the mezzanine so there will have to be ramps and stairs to connect those spaces. In order to free up storage space, library staff could be relocated to the second floor and a

computer classroom could be set up. People indicated that they would like quiet places to study or read and the natural light in front of the building makes a nice area for comfortable seating and this use. Stroller parking is another idea. She acknowledged the current leases in effect including Sundance which need to be considered.

Alex Butwinski felt that the popularity of eBooks will grow quickly so the space needed for the collection may change. Ms. Juric pointed out that libraries are in a difficult situation because publishers are limiting sales to libraries. Almost all major publishers in the US block access to eBooks for libraries and although eBook use will grow, libraries are going to be limited until things get worked out. Mr. Butwinski stated that it is hard to tell what will happen in ten years, but suggested that the City take back the Museum storage area. The proposed design and size of the study rooms were explained. Mr. Butwinski pointed out that in last year's minutes, Ms. Simpson asked to see a more comprehensive use of the building this year.

Andy Beerman understood that staff is looking for direction to proceed with a RFP so there is more information during the budget process. It was pointed out that the engineering work is priced at \$62,000. Mr. Beerman expressed that in future proposals he would like to see the numbers on foregone rental revenue. Ms. Tillson described the new location of the Roger Harlan Meeting Room. Rather than designating a lifetime for the expansion, Andy Beerman encouraged staff to think about multi-use and how the space can be converted in the future. Dick Peek felt there is a lot of flexibility in the structure and added that the Historical Society is getting close to finding a location for storage.

Jon Weidenhamer believed that the latest capital budget funded the RFP. The Mayor felt there will be many considerations during budget and wasn't sure this is the right time to proceed with a RFP. Tom Bakaly countered that Council will have more cost information. Liza Simpson believed there will be a need for more shelf space over the next five to seven years but is concerned about making the decision to move ahead, spending at least \$1 million on a space that hasn't been studied comprehensively. She would like the City to take the whole building over and look at what uses are appropriate with a \$2 million renovation, for example. The Lower Park Avenue RDA plan contemplates a community/senior center and there may be pieces of that plan that could fit in the Library. She would like the RFP to look at more than just a library expansion. If more shelf space is needed now, she suggested getting rid of the exhibit space and using it for shelf space in the meantime.

For the benefit of Andy Beerman, Tom Bakaly explained that a RFP will provide more cost information which can be used to prioritize projects. The Mayor felt that the leases should be settled first before moving ahead on a design. Liza Simpson expressed that she doesn't feel too badly about ending the leases but would really like to know the plans for the space and not in an incremental way.

The Mayor pointed out that there are many families in the community that rely on the Montessori School and the Preschool. Tom Bakaly clarified that a strategic planning discussion could occur at Visioning or a work session after that. Dick Peek acknowledged that parts of the building are obsolete and discussing uses before an expansion of the Library makes sense. Tom Bakaly confirmed that right after Visioning or at Visioning, staff will present a strategic plan for the building including uses and design.

4. Proposed special event/MFL criteria for use of City trails. Heinrich Deters stated that staff would like to apply trail criteria and trail fees as part of the special event application process. The trail system is managed through the Trails Master Plan which serves as a good planning and implementation tool but doesn't really deal with programming. Special events on the public trail system go through the MFL process and it should be noted that because our trail system is public property, use of the trail for an event requires a MFL. Basically staff deals with applications as they come in and is asking that criteria be codified for processing purposes. Trail events have doubled in the last two years including 5Ks, snowshoeing, etc. and staff views the trail system as a facility that needs to be managed. The terrain can get beat up for a number of reasons and Mr. Deters spoke about the popularity of some trail systems because of their condition over others during certain seasons. There are many users of the trail system and when an event is programmed, staff wants to ensure a positive experience for everyone. A major goal is to protect public access to residents and visitors and not to over-program trails. He emphasized that the City has no intention of regulating small commercial business guides. The criteria will be applied to the main trail system, and not trails like McLeod Creek, Rail-Trail, Poison Creek, etc. because they also act as a commuter system. He explained that an event is described as an activity charging a fee, has a programmed course, and/or lasts more than an hour. Staff avoids scheduling trail events every weekend and the criteria and fees are applied the same by the Snyderville Basin Recreation District. Safety and permission notifications are housekeeping aspects and the event debrief is a good addition, especially if a special event causes damage or problems, and this step may even make events better.

Heinrich Deters stated that special event fees will be allocated toward trail maintenance and fee waivers should be seriously considered. The Mayor supported staff's direction. Alex Butwinski referred to the 90 day application requirement and the number of applications that don't meet the deadline and asked if it makes sense to eliminate or make the requirement more realistic. It seems silly to have a policy that we don't follow. In response to a question from Mr. Butwinski, Mr. Deters explained that event applicants must obtain permission from any property owners that may be impacted. He commented on the \$20 per hour proposed for clean-up which is consistent with what Mountain Trails Foundation is paid to do the work. Dick Peek felt it inappropriate that appeals are heard by the staffer licensing the event. Heinrich Deters clarified that an appeal would go to his boss, Jon Weidenhamer, which can be deferred to the City Council.

Marc Landy explained that the 2030 Strategic Plan will include the community vision, values and indicators. The Plan will also feature the proposed Council priorities and within each priority are desired outcomes and key indicators. Desired outcomes will describe the success; key indicators measure progress and a scorecard can be implemented and shared with the public. The Biennial Plan/Scorecard follows the Strategic Plan which is directly tied to Council priorities. He believes a lot of work has already been done in this area and encouraged making sure the template works well with the 2030 Strategic Plan. The Departmental Business Plan is at the base level of the organization and the team will be working with different departments to implement a template document to make sure that everything lines up with Council priorities and the 2030 Strategic Plan. It is important that all employees understand their role in the success of Council priorities and the community vision. Mr. Landy expressed that the score card is an important component as well as having functional documents available to share with the public.

Liza Simpson asked how the team's suggestion will fit with the new templates presented during the Visioning Session. Bret Howser explained there will now be four priorities rather than eight and the biennial plans will be reformatted and tied into information in the long term Strategic Plan. With regard to the score card, he spoke about indexing various measures.

Todd Aerni addressed implementing the process. The team would like to return sometime in June or July, hold a community open house to gain public input and look for adoption of the Strategic Plan in that time frame. Managers will revise or develop business plans in the July-October timeframe and there will be some reconfiguration of the biennial plans. At the end of the year, the team will be back evaluating the current BFO framework. By July 2013, a strategic management cycle will have occurred and goals are scored and this would be done every two years. A mid-year score card review could occur during the Visioning Session. He recommended that Council review the 2030 Strategic Plan every four years because it is a working document and priorities may change. The team would like feedback from the Council on the draft and he thanked employees serving on the steering committee.

Liza Simpson expressed her appreciation of the work done. Nelsie Smith pointed out that the Executive Summary will be helpful in describing priority areas and successes. Mayor Williams stated that it is exciting to work with outside professionals on this project. He invited public input; there was none.

Marc Landy reiterated the sources of information used for the draft document and Todd Aerni emphasized that all of the work that staff has done has really helped establish a foundation for the team.

2. Library levels of service. Linda Tillson explained that an expansion plan was presented to Council in January and staff was directed to look at the whole building and return with recommendations. Formulating recommendations on a long term plan for

the building without defining the future of the library didn't make much sense to her. She emphasized that the library rates high because of the level of the community's investment. Ms. Tillson introduced Librarian Jasmina Juric who has researched library innovations.

Jasmina Juric reiterated that the library is a highly rated service because the community has invested in it over a long period of time. In order to retain this status, the City needs to continue to invest in it, renovate and change to keep up with what libraries are doing. Libraries across the country are changing and those that are changing are thriving. The expectations of library patrons are shifting and people want a holistic facility that incorporates both digital and physical resources. Ms. Juric relayed that there is a real sense of urgency. The library is borderline in falling behind, needed changes will take some time, and waiting beyond two years will be detrimental to the library. She expressed that a commitment needs to be made now.

Library Board Chair Bobbi Pyron stated that the Board met and discussed levels of service and unanimously agreed that Park City should deliver the highest level of service. She relayed that we have always thought of libraries as providers of content and library users as consumers of content, but libraries and the demands of patrons are shifting. Patrons have changed from being content consumers to content creators or producers. Ms. Pyron relayed that she has worked for the Salt Lake County library system for the past 23 years and has experienced a real change in how new libraries are being designed and built. The SLC library system has switched to a community center model for new and renovated facilities. She explained that the historic Columbus Library was renovated to house a senior and recreation center and a variety of classes are offered to different groups of users. She discussed the spectacular new Millcreek Library Center. It is important to remember the partnerships in creating livable and environmental friendly cities and towns. Ms. Pyron again encouraged developing the library to its highest potential.

Board member Marlene Ligare discussed the integral role of the library in the community experience for residents, visitors and workers and she would hate to see the library stagnate. There is an opportunity with the building to add other uses and expand the library to the second level of the building.

Liza Simpson stated that the presentation was exactly what she was asking for in January. As a bookseller, she agreed with Bobbi Pyron's comments. Her initial concern was only focusing on the library and missing other opportunities, especially in consideration of the lower Park Avenue RDA and Senior Center. Partnerships are important and she doesn't want to duplicate services or programs. Ms. Simpson suggested the Business Resource Center as a possible tenant to consider.

Andy Beerman felt the discussion is a step in the right direction. He has enjoyed seeing the changes with the MARC which has a community gathering feel and would like to hear more about integrating the Senior Center and involving the community. A tour of

Millcreek may be helpful. Ms. Pyron reported that a new West Jordan library will be opening in May. Ms. Simpson asked what library Council should tour. Ms. Pyron suggested Millcreek and the Columbus libraries. The Columbus Library is a historic building and renovated to house multiple partners.

Cindy Matsumoto felt this is the direction the City should go because of programming opportunities. Keeping uses like the pre-school may be viable. She would like to explore the community concept further and doesn't believe it is the role of the library to achieve this. There should be public outreach for input on the library, future goals, and a community center concept. Dick Peek agreed with Ms. Matsumoto about flushing out appropriate uses for the library/community center. Ms. Juric added that libraries have always been a great resource for small businesses. Ms. Matsumoto pointed out that Sundance and the Film Series are good partners but the City and the community have some work to do to find the best fit.

Alex Butwinski felt this is a great start but it didn't answer the question of what the building should be. There is not enough room for everything and the community needs to be involved. It is unconceivable to him that if nothing is done in two years, the level of service will degrade 20%. The City has been considered high level since 2003 with little investment. His questions have not been answered since we don't know how this building fits into how lower Park Avenue evolves. Is the library going to stay in that building?

Ms. Matsumoto relayed that she appreciates his comments but it is not the library's responsibility to decide these things and Mr. Butwinski agreed. She felt everyone is saying the same thing. Mr. Butwinski clarified that there needs to be a wider discussion on uses in the building. Council members Simpson and Matsumoto liked the idea of the library remaining at the same location. The Mayor expressed that the Council needs to weigh the level of service versus cost and recalled that Park City rated pretty high in terms of investment per library user. Ms. Tillson clarified that in the national survey, Park City rates high but among resort towns, the library falls mid to low. Dana Williams expressed that this is another proposal that will have to be prioritized with other capital projects.

Liza Simpson recalled that the renovation was introduced as a possible CIP request for \$800,000 for the expansion. She believed that all members are supportive of spending some money on the library and not having it fall far behind at some point. However, Council needs a lot more information about the end product. Cindy Matsumoto pointed out that the survey overwhelmingly supported the library remaining at its location, although new technology is typically easier to accommodate with new construction. Preserving Park City's character and having historic buildings that are alive and part of the community is very important to her. She prefers keeping the library location and explore bringing in other uses there; a new building would mean creating more parking. There are many good reasons to keep the library where it is now.

The Mayor noted that the building means a lot to people in town aside from the library and other uses should be considered. In response to comments from the Mayor, the library staff indicated that the proposed expansion would only affect the classroom space on the second floor. Ms. Tillson explained that the plan for the third floor is to make it a large flexible meeting space for the community. She discussed the option of having the Business Resource Center operate on the third floor, offering more flexible hours than Zions Bank. Ms. Tillson stated that as far as direction, she is hearing the plan is not broad enough but it is not the library staff's job, and she asked Council members what kind of library they want.

Alex Butwinski responded that what the Council wants the library to be is driven by where it is located and what other uses are in the building. Ms. Tillson felt that other tenants can be accommodated and she proposed working with an architect to come with some plans to accomplish this as a way to move forward. The Mayor believed that all members want the best library and community center possible but there are competing priorities for financial resources.

Tom Bakaly explained that the budget will be delivered in May and this work session is intended to provide information leading up to the budget review. Capital financing will be presented in a study session. He understood that members want a high level of service for the library which could tie into the lower Park Avenue RDA. The public has strongly expressed that the library stay at its current location. Mr. Bakaly felt that a good next step would be to proceed with concept drawings so there is more information for Council regarding service levels.

In response to a question from Cindy Matsumoto about available RDA funds, Tom Bakaly explained that the lower Park Avenue RDA has funding for projects and some could be used for design work. The Mayor was not convinced that in order to maintain a world-class library facility that tenants have to move and invited public input.

Bruce King, Soaring Wings Montessori School, stated that they are building a 10,000 square foot school and will be vacating the building. He thanked Council for 20 years in the building. Duna Strachan added that the building needs some attention and it already acts as a community center to some degree.

Liza Simpson pointed out that tenancy for-profit and non-profit organizations needs to be discussed. Mayor Williams felt that the main consideration should be providing a needed community service. Mr. Bakaly recommended that concepts be developed. Andy Beerman felt members agree in theory but need specifics. He is not sure that a study needs to be commissioned; the uses just need to be identified.

Jasmina Juric explained that an architect is charged to examine the building. The library staff is responsible to plan for gained square footage and it is difficult to visualize the expansion project without renderings. The drawings could be limited to the second floor. Mr. Beerman understood identifying structural issues for layout reasons but felt

members just need more specifics and not necessarily a consultant. Alex Butwinski agreed. Liza Simpson disagreed because a concept drawing of the building envelope and potential uses would be very helpful. Mr. Butwinski stated that he would like to know the square footage dedicated to different uses.

Tom Bakaly believed members are comfortable with moving ahead with concept work and the expansion project will be reviewed as part of the CIP Budget. Ms. Tillson stated that she is flattered that Mr. Beerman feels the library staff could bring forward more details, but it has reached its limit of expertise as librarians and it is time for an architect or designer to step in.

3. Empire Avenue reconstruction. Matt Cassel introduced representatives from Fehr & Peers and Stanley Consultants. He displayed slides of the street not included in the packet. He referred to the staff report addressing design goals to reflect no net parking loss, parallel parking on the street, and 20 feet of clear roadway in accordance with the Fire Code. The pavement will be narrowed to 19 feet at Sweetwater. The initial neighborhood concern was installing sidewalks, but the current issue has turned into the width of the road and he hopes Council is comfortable enough moving forward so construction can begin this summer. The Mayor thanked staff for spending time last night to walk the street with residents and Council members which was very helpful. He was shocked at how many people have developed into the City's right-of-way. Staff did a great job of dispelling some fears by proactively walking the neighborhood. Mr. Cassel agreed and pointed out the challenge of getting residents more engaged at an early stage rather than when the project is ready to be bid. Liza Simpson also thanked staff. The Mayor invited public input.

Kyra Parkhurst felt that the walking tour was helpful. The lower half of Empire is commercial while the upper half is residential. She is supportive of the plan for lower Empire. There are only five houses up from her house with off-street parking and have a space in front of the yard for off-street parking. If you took the existing 25 feet and added gutters, the street is still at the 20 foot Fire Code requirement and it provides a residential feel. She doesn't think that cars on the street will slow traffic and it creates a problem for sight lines when pulling out of driveways. The 30 residents on the upper half want to save money and keep it simple by just putting gutters in. They want it safer, slower and narrower.

In response to a comment from Alex Butwinski, Tom Bakaly explained that staff is looking for direction from members to proceed with bidding the project. Cindy Matsumoto acknowledged similar problems on Norfolk Avenue where residents on the street were split in opinions by location and Council tried to accommodate everyone as best it could. The staff did a great job reaching out to the community. She understands wanting to design the street uniformly but agreed that the street transitions to residential at about 10th Street. Ms. Matsumoto understood the roadway will be narrower but four feet will be added for the curb and gutter and parking. She understood that Ms.







City Council Staff Report



DATE: July 26, 2012
DEPARTMENT: Transportation & Transit
AUTHOR: Brooks T. Robinson, Senior Transportation Planner
TITLE: SR 224 Corridor Study
TYPE OF ITEM: Administrative – Adoption of Study

Summary Recommendation

Staff recommends that the Council approve the Resolution adopting the SR 224 Corridor Study.

Topic/Description:

Park City authorized the firm of Fehr & Peers to prepare a corridor study and strategic plan for State Route 224 between Thaynes Canyon Drive and the Deer Valley Drive/Bonanza Drive intersection. The Study will be a guideline for future decisions regarding Walkability projects and connectivity, transportation efficiencies, and access. The Study folds into land use and redevelopment decisions regarding the western side of the Bonanza Park district and General Plan discussions. The Study has been developed with stakeholder, public and staff input.

It is important to note that the early elements of the Study, identified as Phase I, can be accomplished within the existing highway corridor and with identified funding sources. The graphics are still conceptual but do show desired outcomes such as reduced curb cuts, signal improvements, landscaping and separated paths including a tunnel between Jan's and Cole's. Further engineering and design will be required. Phase II and the Future Concept Development would also require further study, engineering, public input and identification of funding sources. In addition, the Future Concept Development section shows two alternatives (of possibly others) that may be pursued in the future.

The biggest change in the Final Study from the Draft Study the Council discussed last month was in the graphics and narrative relating to the Future Concept Development (formerly Phase III). The boulevard plan with a roundabout located at the Park/Empire/Deer Valley intersection is now shown without the current property lines or aerial photograph to indicate that the layout could shift in many directions if this alternative is pursued.

Background:

The State Route 224 corridor between the intersections of Park Avenue (SR 224) with Thaynes Canyon Drive/Snow Creek Drive and the intersection of Deer Valley Drive (SR 224) and Bonanza Drive has been identified as a high priority for Park City. This corridor is a multi-user, multi-modal commercial corridor that carries significant seasonal traffic

volumes to the area resorts and Main Street at peak times and is a primary travel route for residents, transit, pedestrians and cyclists. This section is heavily used by all users but space is limited and uses are not safely separated. Park City requires a plan that is safe and efficient with connectivity between land uses, paths/sidewalks/trails, and transit. As this is a State Route, coordination with UDOT as well as the City is paramount.

The scope of this plan encompasses the following:

Phase I

- Data Gathering
- Obtain and plot property ownership information, including adjacent properties and public easements
- Determine existing conditions and site constraints which may affect the corridor, including property ownership, easements, recorded legal agreements, existing and future utilities, curb cuts, future private and public expansions, etc.
- Multi-modal users
- Adjacent land use development and potential redevelopment
- Traffic Generators, current and proposed both within and outside the corridor area
- Existing traffic analysis (e.g. counts, conflicts, width constraints, etc.)
- Any previous corridor studies
- Walkability Goals
- Public Involvement (public hearings, open house, stakeholders)
- Develop/design alternatives and recommendations for compatible pedestrian, bicycle, and vehicular movement
- Illustrate the proposed alternatives

Phase II

- Prioritize elements
- Preliminary engineering and costing
- Identify potential funding sources
- Develop an Action Plan with timeline and phasing

Analysis

The final DRAFT study can be found on the City's website here:

<http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=9643>

The recommendations in the SR 224 Corridor Study have been developed based upon the goals of the City, stakeholder and public input and review, analysis of traffic and land use development trends, and analysis of the efficiency and effectiveness of each alternative. A primary focus of the plan is implementation of safe, efficient, and effective modes of travel through the corridor for the near-term and long-term.

Public Process

The process started with a walking tour of the corridor on February 6th at which members of the public were invited to attend. A month later, a stakeholders group that included the two resorts, property owners along the corridor, members of the WALC committee and staff met for 4 hours in a problem identification and goals workshop. A second stakeholders meeting was held on May 8th to look at the alternatives that were generated from the problem identification and goals comments. A public open house was held on May 22nd on the alternatives that included key-pad polling on a number of questions. These questions and related materials were also on the City's website for two weeks afterwards.

The Council held a work session on June 28th that included a presentation by Staff and the Consultant team on the process and recommendations. There were no major substantive changes to the DRAFT although Staff provided a number of comments after reviewing the document and listening to Council input.

Alternatives

The first phase of the alternatives presented focuses on providing better non-vehicle travel through the corridor. Primary to this phase is reaching an agreement with the Park Avenue Condominiums to provide a multi-user path along SR 224 and provide additional screening and privacy for the condo owners. Also included are re-aligning Lame Dog (Park Ave condos) to Homestake Dr. to the east to create a fully signalized intersection, creating landscaped medians to reduce some left turns and beautify the corridor, consolidating curb cuts along the east side, providing a tunnel under Park Avenue from Jan's to Colesports, and creating a wider path to connect the DVD/Park Ave intersection to the City Park Trail at Bonanza Drive. Most of these projects could be accomplished in the near-term without additional right-of-way acquisition (although easements need to be obtained).

Future improvements include a roundabout at Kearns and Park with pedestrian tunnels under the intersection providing greater connectivity to trails on the east side of SR 224 in the Snow Creek area. A couple of long-term possibilities include acquiring significant right-of-way on the east side of the corridor as Bonanza-Park redevelops and creating more of a boulevard with additional lanes for vehicles and a wider landscaped median, and a roundabout at Park/DVD/Empire intersection. An alternative to this scenario that does not include additional right-of-way creates one-way streets of Park Ave from Kearns to DVD/Empire and an opposite one-way on Bonanza. Depending on BoPa design and redevelopment, internal one-way couplets can be created within the BoPa district to provide greater accessibility. Other alternatives may present themselves in the future as well.

Department Review

This report has been reviewed by Public Works, Legal, and City Manager offices.

Alternatives

A. Approve the Recommendation

Council should review Staff's recommendation to approve the resolution adopting the SR 224 Corridor Study. This is Staff's recommendation.

B. Deny the Recommendation

Council could deny Staff's recommendation and direct them to pursue a different approach. Staff does not recommend this alternative.

C. Defer the item to a later date

Council could defer decision on this item to a future date based on specific direction from Council.

D. Do Nothing

Council could do nothing. Staff does not recommend this alternative.

Significant Impacts

Once adopted, the SR 224 Corridor Study will be the blueprint for decisions along this important corridor within Park City. Adjustments and finer details will be made over time as identified projects move past concept design into actual engineering and construction documents.

Recommendation

Staff recommends that the Council approve the Resolution adopting the SR 224 Corridor Study.

Resolution No. xx-12

RESOLUTION ADOPTING THE SR-224 CORRIDOR PLAN FOR PARK CITY, UTAH

WHEREAS, it is in the public interest to plan for the development and operation of transportation corridors within Park City and its surrounding area; and

WHEREAS, SR-224 is a key transportation corridor serving Park City's residents, businesses and visitors; and

WHEREAS, transportation improvements over time will benefit Park City residents, businesses and visitors; and

WHEREAS, a well developed corridor plan will benefit the public by providing for the efficient and effective movement of auto's, trucks, transit, bicycles, pedestrians; and

WHEREAS, the SR-224 Corridor Plan is the result of a significant traffic planning and analysis effort that has involved key stakeholders and the general public; and

WHEREAS, Park City Council supports the recommendations forwarded in the plan with the condition that the implementation of Future Concept Development does not occur until the following actions are taken:

- Phases 1 and 2 are implemented as much as possible.
- Further modeling and analysis of Traffic Demand Management (TDM) measures are undertaken.
- Traffic conditions are reassessed after the above have been implemented.
- Further study of suggested alternatives and any other alternatives is undertaken.

WHEREAS, Park City has provided opportunity for the general public to review and provide comment on the plan; and

NOW, THEREFORE BE IT RESOLVED, that the Park City Municipal Corporation of Summit County, Utah formally adopts the SR-224 Corridor Plan.

PASSED AND ADOPTED this 26th Day of July, 2012.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

City Council Staff Report



Author: Jim Blankenau
Subject: Wyatt Earp Storm Drain Improvements
Award of Construction Contract
Department: Sustainability
Date: July 26, 2012
Type of Item: Administrative - Award of Contract

Summary Recommendation:

Staff recommends Council direct staff to proceed with the Wyatt Earp Storm Drain Improvements project and authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with Lyndon Jones Construction in the amount of sixty three thousand eight hundred ninety five dollars. **(\$63,895.00)**

Topic: Wyatt Earp Storm Drain Improvements Construction Contract.

Background:

During utility construction on Wyatt Earp drive, City representatives observed that a storm drain is connected to the Prospector Drain. The storm drain is conveying excess sediment and debris, which interferes with the effectiveness of the biocell vault and treatment wetland. In addition, the connection is slowing the conveyance of storm water and could potentially cause a backup of storm water onto streets and adjacent properties. A backup was observed this summer while the water department was conducting line flushing activities in the area.

The project will disconnect the storm water connection to the Prospector Drain. A new storm water outfall will be constructed so that storm water will drain into an existing storm water swale connected to the Prospector Pond. Soil disturbance will be limited to replacement of the inlet boxes, connecting storm drain piping, and the construction of the new outfall. It is anticipated that all soil will be managed onsite and any disturbance of soil cap will be handled in accordance with the Park City Soil Ordinance. Because the project is associated with the Prospector Drain and the biocell it will be funded under the existing Prospector Drain Regulatory Project Capitol Improvement budget that currently has \$245,932.00 remaining.

The project was originally going to be done at the same time as the Wyatt Earp Walkability Project. Though the walkability project was delayed, staff believe this project should proceed to prevent potential flooding and to ensure the long term viability of the biocell.

Analysis:

Staff advertised on May 29th, 2012 to obtain competitive bids for the Wyatt Earp Storm Drain Improvements. The project was advertised in the Park Record and the Salt Lake Tribune and on Park City's website.

On June 13th, a public bid opening was held at the Marsac building 3rd floor. Only one bid was received and the bid is as follows:

Bidder	Bid Amount
Lyndon Jones Construction	\$63,895.00

The only 'responsible' bidder was Lyndon Jones Construction at \$63,895.00. The City's consultant, Alliance Engineering has reviewed the bid and found it to be reasonable, and staff believes this is a fair and reasonable bid.

Construction is scheduled to begin in August after the agreement is executed and all bonds and insurance requirements are submitted to the City. The project is scheduled for completion by the end of September.

Department Review:

This report has been reviewed by Legal, the City Engineer, and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

- A. Approve the request, and authorize the City Manager to award the contract as attached. (Staff recommendation)**
- B. Modify the request: Council could choose to re-bid, which would likely delay the schedule of the project and since we are not in the prime bidding season, could see high bid costs.
- C. Deny the request: Council could choose to not continue with the project at this time.
- D. Continue the Item: Council may feel there is not enough information to make a decision, which will delay the project and the proposed schedule.
- E. Do Nothing: Same effect as continuance.

Significant Impacts:

Currently three storm drain inlet boxes are tied together and have a common outfall into the Prospector Drain. This current configuration slows storm drainage and allows sediment and debris to enter the biocell vault. The disconnection should give the biocell and drain more consistent flows, since water slugs from storm events, irrigation and other surface water contributors will be eliminated from entering the drain in addition to reducing the potential fouling of the biocell system from sediment and debris from storm runoff. Storm water drainage will also be improved and the potential for flooding will be reduced.

Staff Recommendations:

Staff recommends Council direct staff to proceed with the Wyatt Earp Strom Drain Improvements project and authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with Lyndon Jones Construction in the amount of sixty three thousand eight hundred ninety five dollars. **(\$63,895.00).**

Exhibits:

Exhibit A – Engineer's Letter of Recommendation



CONSULTING ENGINEERS

LAND PLANNERS

SURVEYORS

July 13, 2012

Mr. Jim Blankenau
Park City Municipal Corporation

RE: Wyatt Earp Storm Drain Improvements Bid Recommendation

Dear Mr. Blankenau,

After review of the Wyatt Earp Storm Drain Improvements construction bids, I recommend awarding the project to Lyndon Jones Construction based on the following reasons:

1. Lyndon Jones Construction provided a complete and competitive bid for the work to be performed. Ten contractors receiving the bid documents and Lyndon Jones was the only bid recieved. Although, LJ was the only bid received, the price appears competitive and is within the same range as a similar storm drain replacement project completed earlier this year.
2. Lyndon Jones Construction has performed work in Park City/Summit County for UDOT, Snyderville Basin Recreation and PCMC on other projects of similar size and scope. Lyndon Jones is a competent contractor.

Thank you,

A handwritten signature in black ink, appearing to read "Michael Demkowicz", with a long horizontal flourish extending to the right.

Michael Demkowicz, PE
Project Engineer
Alliance Engineering, Inc.
Michael@alliance-engr.com

City Council Staff Report



Application No: PL-10-01105
Subject: 573 Main Street
Author: Francisco Astorga
Date: July 26, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the 573 Main Street Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: CSA10-573 Main, LLC represented by Billy Reed
Location: 573 Main Street and 564 & 572 Park Avenue (approximate)
Zoning: Historic Commercial Business (HCB) & Historic Residential (HR-2)
Adjacent Land Uses: Commercial / Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal

This is a request to reconfigure six (6) Old Town lots and portions of two (2) lots into three (3) lots of record through a plat amendment request. The subject property contains a historic building which was constructed across existing lot lines. This is a revised application to the original one-lot subdivision application submitted in 2010 which was not approved or recorded. The applicant is currently proposing to combine the area they own on Main Street with the lots on Park Avenue to create a three (3) lot subdivision. The entire area is identified with Summit County as parcel no. PC-133. Proposed Lot 1 located off Main Street consists of the site of the Claimjumper building. Proposed Lots 2 and 3 located off Park Avenue consists of two (2) residential lots.

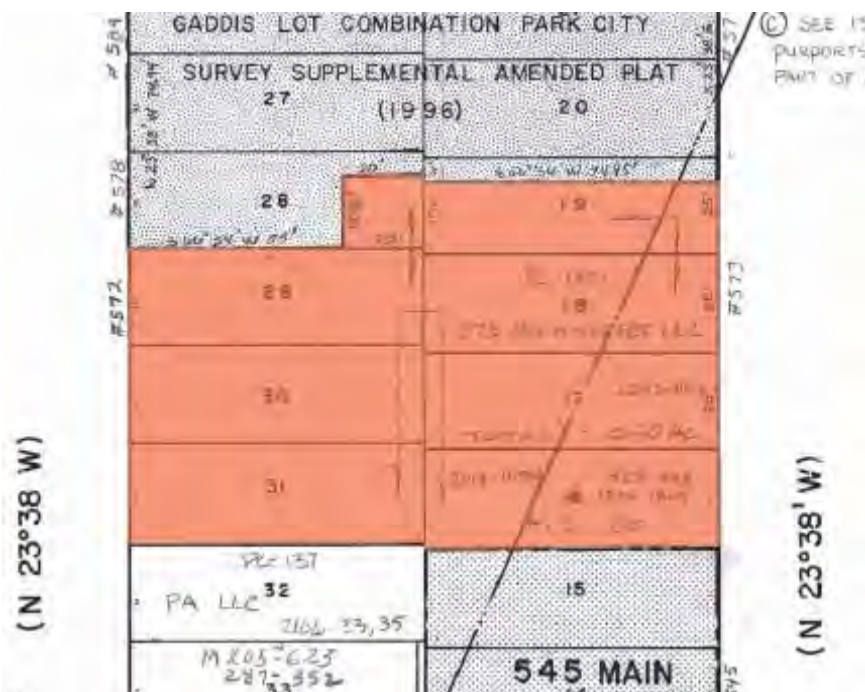
Background

On December 3, 2010, the City received a complete plat amendment application for 573 Main Street, a single lot subdivision, which only included the Main Street lots. The property is located at 573 Main Street within the Historic Commercial Business (HCB) District. The applicant, CSA10-573 Main, LLC is the owner of Lots 16, 17, 18 and a portion of Lot 19 (south 19') of Block 9 of the Park City Survey.

The applicant also submitted a Historic District Design Review (HDDR) application for systems upgrade including structural stability of the building. The applicant indicated a desire to remodel the interior walls to create a night club/bar/restaurant on the basement level, a restaurant with a lobby for access to the living units above on the

main level, and the two (2) upper levels for residential use with one (1) living unit on each floor. The requested work does not include removal of the rear addition.

In February 2011, the applicant requested to place the application on hold due to issues involving the large encroachment of the rear of the structure over the lots fronting Park Avenue. Because the rear Park Avenue lots where the building encroachment occurs is also owned by the same property owner, the applicant is required to bring all of their contiguous land into their plat amendment application pursuant to Land Management Code (LMC) § 15-7.1-6(A)(2). Graphically, the ownership can be represented in the following exhibit shaded in red below:



In December 2011, the applicant amended its application request by submitting the revised 573 Main Street, a three lot subdivision plat amendment. This revised plat amendment includes the same lots fronting Main Street where the Claimjumper Building is mostly located as well as the rear Park Avenue lots. This revised plat amendment application was deemed complete on January 12, 2012.

The Claimjumper Building is also known as the New Park Hotel. The Historic Site Inventory (HSI) identifies the site as a Landmark site. The site is also listed in the National Register of Historic Places. The property fronts on, and receives legal access from Main Street.

The property is split by a zone line as shown on the following exhibit below which shows the property line in red, the dividing zone line in blue and the existing improvements shown on an Alta/ACSM Land Title Survey. The Main Street lots are currently within the HCB District while the Park Avenue lots are currently within the Historic Residential (HR-2) District. Additions to the Claimjumper Hotel building were constructed across

[illegible]

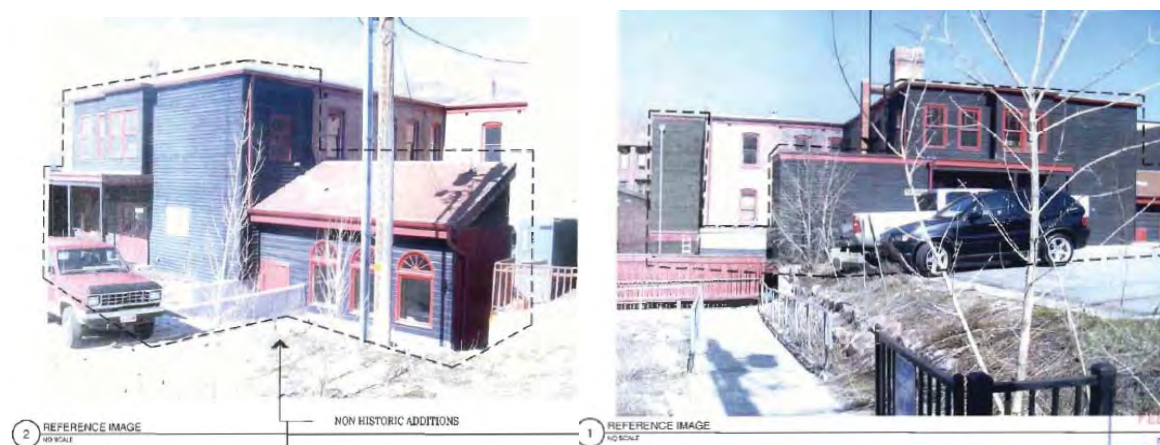
53

During the June 27, 2012 meeting the Planning Commission reviewed the requested plat amendment. During this meeting the Commission reviewed the conditions of approval recommended by staff as well as conditions of approval requested by the neighboring property owners. See Exhibit J - Public Input, requested conditions of approval - Joe Tesch. The Planning Commission continued the discussion to July 11, 2012 and directed staff to incorporate four (4) conditions of approval outlined in Exhibit J.

During the July 11, 2012 meeting the Planning Commission reviewed the drafted conditions of approval discussed on June 27. The conditions of approval were amended once again to reflect clarity. These conditions of approval have been incorporated in the draft ordinance.

2007 Applications

In March 2007 the Historic Preservation Board (HPB) reviewed a Determination of Historical Significance whether or not the wooden rear additions identified below were historically significant. See exhibit containing 2007 photographs below:



The HPB determined that the wooden additions were added in 1987 and therefore were not historically significant. There was no request for review of the “older brick building” addition. This determination guided the proposed renovation of the historic structure through the submittal of a HDDR and plat amendment application.

In April 2007 the City Council approved a single lot subdivision of the Main Street lots only upon which the historic structure sits. The Park Avenue lots were not included in this plat amendment request and there was a condition of approval to remove the non-historic additions which encroached over the lot line. This condition of approval was not met and the approval was voided because it expired.

In June 2007 the Planning Department reviewed and approved a HDDR application to remove the non-historic additions and include a roof addition of two (2) penthouse units. The applicant did not meet the condition of approval of obtaining a building permit within a year's time from the approval date and the HDDR approval was also voided because it expired.

In September 2007 the Planning Department reviewed and approved an administrative Conditional Use Permit (CUP) for a Private Residence Club and Conversion, a form of fractional or interval ownership for ten (10) residential club units. The applicant did not meet the condition of approval of obtaining a building permit within a year's time from the approval date. The administrative CUP approval expired.

In 2009 the City Council approved an ordinance approving amendments to the LMC which changed the criteria for designation of historic sites. Also the City Council adopted the Design Guidelines for Historic Districts and Historic Sites and the HPB adopted, by resolution, the Historic Site Inventory. The site was listed as a contributing building on the National Register of Historic Places in 1979 as part of the *Park City Main Street Historic District*. It was built within the historic period (1868-1929), is associated with the mining era, and retains its historic integrity. As a result, it meets the criteria set forth in LMC Chapter 15-11 for designation as a Landmark Site.

As indicated on the submitted site plan survey, the Park Avenue lots currently contain an asphalt parking lot with a concrete gutter. This parking area is not striped and has room for ten (10) parking spaces. Through conversations with the neighboring lot owners it has been estimated that the parking area was built between the late 1980's and early 1990's. There is also a building permit found in the Building Department which has simply been labeled as a *grading* permit issued in January 1993. The parking area located rear of the building was built to accommodate the various uses in the building, such as offices, restaurants, and bars, etc.

Analysis

The site is located within the Historic Commercial Business (HCB) District and the Historic Residential (HR-2) District. Staff has reviewed the proposed plat amendment request and found compliance with the following LMC requirements:

Lot 1 (HCB)

HCB District	LMC Requirement	Proposed Lot 1, Main Street
Minimum lot area	1,250 square feet	8,999.8 square feet, <u>complies</u>
Minimum lot width	25 feet	94.97 feet, <u>complies</u>
Minimum lot depth	50 feet	75 feet, <u>complies</u>

There is no minimum required front, rear, or side yard dimensions in the HCB District. The maximum height envelope for the zone is thirty feet (30') at property line traversing at a forty-five degree (45°) angle back to a maximum of forty-five feet (45') above existing grade. The existing historic building does not comply with the height envelope and therefore the building is a legal non-complying structure.

The existing rear additions to the historic building which currently encroach onto the adjacent lots which front onto Park Avenue will be part of Lot 1 and are located within the HR-2 zoning district.

Lots 2 and 3 (HR-2)

The Park Avenue lots are also under the same ownership, CSA10-573 Main, LLC, currently identified by the same parcel no. PC-133 and have been included in this plat amendment request. The proposed lots are reconfigured so that there are no improvements encroaching over the rear lot line. All commercial access to the Claimjumper Building, 573 Main Street, is required to be off Main Street. Both Lots 2 and 3 are the same dimensions.

HR-2 District	LMC Requirement	Proposed Lot 2 & 3, Park Avenue
Minimum lot area	1,875 square feet	2,060.97 square feet, <u>complies</u>
Minimum lot width	25 feet	37.47 feet, <u>complies</u>
Minimum lot depth	None	55 feet

The LMC defines setbacks are the required minimum distance between a building pad and the closest property line, platted street, or existing curb or edge of a street. The minimum front/rear yard setbacks of proposed Lot 2 & 3 are ten feet (10'). The minimum side yard setbacks are three feet (3'). The maximum height is twenty-seven feet (27') with a total of three (3) stories. The building footprint based on the footprint formula (LMC 15-2.3-4(D)) is limited to a maximum of 917.8 square feet. Also each lot will require two (2) off-street parking spaces for their residential use.

The building pad is the lot area minus required front, rear, and side yard areas. The LMC defines it as the exclusive area, as defined by the yards, in which the entire building footprint may be located. The proposed building pad equates to 1,101.5 square feet without the parking access easement. Due to the proposed parking easement on these two (2) lots the building pad would be further reduced by forty eight (48) square feet, totaling 1,053.5 square feet, as shown below:



As a comparison the building pad of a standard Old Town lot (25'x75', 1,875 s.f.) is 1,045 square feet and the maximum building footprint of such lot is 844 square feet.

Parking

The Claimjumper Building site is current in the Main Street Parking Special Improvement District and therefore is exempt from the parking requirement.

The Park Avenue lots currently contain an asphalt parking lot with a concrete gutter. This existing parking area is currently not striped and has room for ten (10) parking spaces, per the submitted survey.

Currently the HR-2 District allows a *Residential Parking Area or Structure with four (4) or fewer spaces*. A *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot* is allowed through a Conditional Use Permit. The existing ten (10) car parking area is non-conforming use because it does not comply with the current regulation. The property owner proposes to reconfigure the existing ten (10) car parking lot to an area to only consist of two (2) parking spaces total for the exclusive use of the residential units to be located within the Claimjumper interior remodel through a parking easement over the two (2) proposed Park Avenue lots.

Historic District Commission (HDC) minutes of their October 5, 1992 meeting discussed a design review of renovation and addition at Claimjumper Hotel. These minutes were submitted by Joe Tesch as part of an extensive packet containing various comments on April 25, 2012 (See Exhibit E - Public Input - Joe Tesch). As indicated in these minutes, the building was being threatened with condemnation unless it could be brought up to acceptable safety level. This application was for design review of two (2) additions to the building for stairs, including the addition off the back. The Chief Building Official of the time advised the HDC that if the additions could not be made to work, the building would have to be demolished.

There were several permits issued by the Building Department in 1992 which include partial demolition, footing and foundation, shell, and a remodel improvement (interior only). Also indicated on the minutes, the applicant stated that four (4) existing parking spaces would be lost with the proposed plan but the site plan calls for additional parking on the Park Avenue side. Also a condition of approval indicated that the additions were to meet all other requirements of the Land Management Code and Building Code.

The HR-2 District was created from the HR-1 District in 2000. In 1988 the City created the Historic Residential – Low Intensity Commercial Overlay (HR-2) District, for clarity this District will be identified on this staff report as HR-2 Overlay. When the HR-2 District was created in 2000 it changed the base zone where this property is located from HR-1 to HR-2 and it removed both the HR-2 Overlay and the HTO (Historic Transition Overlay), which were both overlay zones at the time. Therefore, the parking area currently on proposed Lots 2 and 3 is legally non-conforming since it was created before the CUP requirement for such parking was part of the LMC and would have been

legal under the code at the time it was built.

The parking easement proposed to be dedicated with this plat amendment is for the benefit of the two (2) proposed residential units in the 573 Main Street building. The owner finds it will be important to create parking to ensure residential occupants in the Claimjumper Building have an off-street parking space. The parking easement consists of two (2) parking spaces and a six foot (6') access straddling the shared common property line of the two (2) Park Avenue lots towards the Main Street lot. The proposed parking area platted as an easement over lot 2 and 3 consist of legal parking space standards measuring nine feet (9') in width and eighteen feet (18') in length.

Special HR-2A requirements

Sub-Zone A (HR-2A) consists of Lots in the HR-2 Districts that are west of Main Street, excluding those lots within Block 13. The LMC outlines special requirements to Lots in the HR-2A zone are part of a Master Planned Development, a Conditional Use Permit, or a Plat Amendment that combines a Main Street, HCB zoned, Lot with an adjacent Park Avenue, HR-2 zoned, Lot or portion of a Lot, for the purpose of restoring an Historic Structure, constructing an approved addition to an Historic Structure, constructing a residential dwelling or Garage on Park Avenue, or expanding a Main Street Business into the HR-2 zoned Lot (LMC § 15-2.3-8).

The site is located within the HR-2A sub-zone. After careful review staff has made a determination that the requested plat amendment does falls under this category above as the plat amendment is for the purpose of restoring a historic structure and "clean up" the lot lines and building encroachments and to recreate 2 lots of record which will permit construction of residential dwellings on Park Avenue. Therefore, the following special HR-2A requirements are applicable to this plat amendment request:

1. *All Commercial Uses extending from Main Street into the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and the Master Planned Development requirements of Section 15-6 if the development is part of a Master Planned Development. These Commercial Uses must be located below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of a residential Structure or Structures facing Park Avenue. Occupancy of the below Grade Floor Area is conditioned upon completion of the residential structure on the HR-2 Lot.*

The development is not part of a Master Planned Development (MPD). The commercial use which is within the HR-2 zone consists of a wooden structure with a walkway, covered entry, and stairs as well as a small portion of an older brick building addition. The area only consists of the stairway and entry and its purpose is to ensure an emergency exit from the building. The stairway was likely built in 1992 and therefore would be a legal non-conforming use and exempt from the conditional use permit requirement.

2. *All Buildings within the HR-2 portion of the development must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4, unless the*

Planning Commission grants an exception to this requirement during the MPD review and the development is consistent with the MPD Section 15-6-5(C). Below Grade Structures, such as parking structures and Commercial Floor Area extending from Main Street beneath a residential Structure or Structures on Park Avenue may occupy Side Yard Setbacks subject to Building and Fire Codes and trespass agreements.

There is no request to extend any of the existing buildings toward Park Avenue from its current location. The current additions of the building located on the HR-2 portion of the development were built before this specific regulation and *therefore is considered legal non-compliant*. Any new residential structures built on Lots 2 and 3 will have to comply with all HR-2 setbacks and requirements.

3. *All Buildings within the HR-2 portion of the development must meet the Building Height requirements of the HR-2 District as stated in Section 15-2.3-6.*

There is no request to extend any of the existing buildings toward Park Avenue from its current location. The current additions of the building located on the HR-2 portion of the development were built before this specific regulation and therefore is considered legal non-compliant. Any new residential structures built on Lots 2 and 3 will have to comply with HR-2 height requirements

4. *Existing and new Structures fronting on Park Avenue may not contain Commercial Uses, except as permitted in Section 15-2.3-8 (B) (1).*

The current additions of the building located on the HR-2 portion of the development were built before this specific regulation and therefore is considered legal non-compliant. No new structures are requested at this time.

5. *A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial Floor Area. Only the Lot Area within the HCB Lot may be used to calculate the Commercial Floor Area.*

The Claimjumper Building site is current in Main Street Parking Special Improvement District and therefore is exempt from the parking requirement.

6. *The number of residential units allowed on the HR-2 portion of the Development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.*

The two (2) proposed lots on the HR-2 portion of the development comply with the lot and site requirements such as lot size and width, etc.

7. *All entrances and Access, including service and delivery, for the Commercial Use must be off of a Street or easement within the HCB District. The Commercial Structure must be designed to preclude any traffic generation on residential Streets, such as Park Avenue. Any emergency Access, as required by the Uniform Building Code (UBC),*

onto the HR-2 portion of the Property must be designed in such a manner as to absolutely prohibit non-emergency Use. Alarms shall be installed on all emergency doors that provide access to Park Avenue.

The plat amendment complies with this requirement as no access is proposed from Park Avenue including service and delivery. The proposed plat reduces the number of parking spaces from ten (10) to two (2) for the exclusive use of the residential units and not for the commercial use of the site. Staff recommends adding a condition of approval that the existing parking lot be removed as proposed before the plat is recorded.

- 8. Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and Use and must mitigate all impacts on the adjacent Residential Uses. Impacts include such things as noise, odor and glare, intensity of activity, parking, signs, lighting, Access and aesthetics.*

The plat amendment does not include the any addition extension from the HCB to the HR-2 District. The current additions of the building located on the HR-2 portion of the development were built before this specific regulation and therefore are considered legal non-compliant.

- 9. No loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA Access, or other similar Uses associated with the HCB Uses are allowed within the HR-2 portion of the Property, and all such Uses shall be screened for visual and noise impacts.*

The plat amendment complies with this requirement as no loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA access, or similar use associated with the HCB use are being proposed.

- 10. The Property Owner must donate a Preservation Easement to the City for any Historic Structures included in the Development.*

Staff recommends that a condition be added so that the property owner donates a preservation easement to the City for the Historic Structure before the plat is recorded.

- 11. Any Historic Structures included in the development shall be restored or rehabilitated according to the requirements of the LMC Chapter 11- Historic Preservation.*

The applicant submitted a Historic District Design Review application for systems upgrade including structural stability which has been approved per LMC Chapter 11.

- 12. Any adjoining Historic Structures under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit and/or Master Planned Development.*

There are no adjoining historic structure under common ownership or control that would trigger a CUP or MPD review.

13. *The allowed Building Width of any Structure above Final Grade is up to forty (40) feet. Building Widths shall reflect the typical variation, pattern and Historic character of the surrounding residential neighborhood.*

There is no request to extend any of the existing building toward Park Avenue from its current location. The current additions of the building located on the HR-2 portion of the development were built before this specific regulation and therefore is considered legal non-compliant.

14. *Residential Density transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by this Section.*

There is no request to transfer any residential density. The current additions of the building located on the HR-2 portion of the development were built before this specific regulation and therefore is considered legal non-compliant.

15. *Maximum allowed Building Footprint for the HR-2 Lot is subject to Section 15-6-5(B).*

The proposed Park Avenue lots building footprint will comply with this regulation.

Furthermore, in June 2007 the property owner of that time executed a Covenant Not To Build. See Exhibit F - Recorded Covenant Not to Build. As indicated on this recorded document the property owner agreed not to build on certain portions of the property identified as the "No-Build Portion" area. These areas are the building additions over the HR-2 District identified throughout this staff report as Park Avenue lots encroachments.

Code Enforcement Issues

At the April 25, 2012 meeting, Mr. Tesch clarified that as citizens, his clients were happy about the Claimjumper and believed the applicant was doing the right thing. However, they had concerns regarding neighborhood impacts and impacts to Old Town in general.

Staff recognizes that Claimjumper site can be difficult to manage and that the City has received many complaints with the Building Department's Code Enforcement Officers as shown below:

Complaint	Date of Complaint	Status	Issue
Removing covered walkway.	3/26/2008	Closed, 3/26/08	Covered walkway was temporarily required for

			construction and then removed.
Commercial activity on Park Avenue during Sundance.	4/22/2011	Closed, 6/14/12	Activity was already completed and a letter was sent to the responsible party advising them of the concern of a violation
Dust and dirt on the backside of building (Park) that should be covered.	10/18/2011	Closed, 10/31/11	Dirt was placed in the parking lot during excavation, dirt was required to be cleaned up.
Sundance-Park Avenue access.	1/25/2012	Closed, 6/14/12	Sundance 2012 complaints regarding Park Avenue access. Proper communication has been implemented between special events coordinator, code enforcement officer, and Planning Department.
Commercial activity in residential zone, unloading out of event onto Park Ave	1/26/2012	Pending	Citation issued to tenant.
Construction site using a lot on Park Ave.	4/10/2012	Closed, 6/14/12	Construction activity utilizing the lot to the north- removed construction material from site and obtained agreement from neighboring property owner.
Working beyond the scope of the permit.	4/23/2012	Pending	Construction Plans red-lined to show the additional construction work on the rear of the structure.

Good Cause

Staff finds good cause for this plat amendment as the historic structure will no longer encroach on the rear lots and the Park Avenue lots will be combined to meet the minimum lot area. The proposed plat amendment will also eliminate two (2) remnant parcels, portion of Lot 19 and a portion of Lot 28. There are no remnant parcels created with this plat amendment request. Additionally, the proposed use and renovation of the building will provide an adaptive reuse to one of Park City's most historically significant building ensuring its use into the future and a parking easement is provided for the residential uses within the historic building.

Process

The applicant will have to submit a Historic District Design Review application for new construction on Lots 2 and 3, and any improvements on the three (3) lots. HDDR

applications are reviewed administratively by the Planning Department. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

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 published in the Park Record according to requirements of the Land Management Code.

Public Input

Staff has received general inquiries about the proposed plat amendment. Public input has also been received. See Exhibit E, G & J.

Alternatives

- The City Council may approve the 573 Main Street Plat Amendment as conditioned or amended; or
- The City Council may deny the 573 Main Street Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 573 Main Street Plat Amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The historic building would remain as is and no additional construction could take place across the existing lot lines. Construction includes interior remodeling of the historic building for adaptive reuse.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving the 573 Main Street Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A - Draft ordinance with Attachment 1 - Proposed Plat Amendment
Exhibit B - Site Survey
Exhibit C - Vicinity Map
Exhibit D - County Plat Map
Exhibit E - Public Input - Joe Tesch

Exhibit F - Recorded Covenant Not to Build
Exhibit G - Public Input - Additional
Exhibit H - Applicant Response
Exhibit I - Response to Applicant Response
Exhibit J - Public Input, requested conditions of approval - Joe Tesch
Exhibit K - Public Input, requested conditions of approval – Joes Tesch/Joseph Barrett
Exhibit L - Minutes from Planning commission meetings

Exhibit A – Draft Ordinance No. 12-

**AN ORDINANCE APPROVING THE 573 MAIN STREET PLAT AMENDMENT
LOCATED AT 573 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 573 Main Street, All of Lots 16, 17, 18, 29, 30, 31 and the South 19 feet of Lot 19 and the Southerly 18.98 feet of the Easterly 20 feet of Lot 28, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of the record in the Summit County Recorder's Office. PC-133, have petitioned the City Council for approval of the 573 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 notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on April 25, 2012, June 28, 2012, July 11, 2012, to receive input;

WHEREAS, the Planning Commission, on July 11, 2012, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 26, 2012, the City Council conducted a public hearing on the 573 Main Street Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 573 Main Street 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 573 Main Street Plat Amendment as shown in Attachment 1 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 573 Main Street and 564 & 572 Park Avenue.
2. This is a request to reconfigure six (6) Old Town lots and portions of two lots into three (3) lots of record through a plat amendment request.
3. The entire area is identified with Summit County as parcel no. PC-133.
4. Proposed Lot 1 located off Main Street consists of the site of the Claimjumper building.
5. Proposed Lots 2 and 3 located off Park Avenue consists of two residential lots.
6. The owner desires to remodel the interior walls to create a night club/bar/restaurant

on the basement level, a restaurant with a lobby for access to the living units above on the main level, and the two (2) upper levels for residential use with one (1) living unit on each floor.

7. The Main Street lots are currently within the HCB District.
8. The Park Avenue lots are currently within the HR-2 District.
9. The Claimjumper Hotel building is located on the property and was constructed across existing property lines.
10. The Historic Site Inventory (HSI) identifies the site as a landmark site.
11. The site is listed in the National Register of Historic Places.
12. The property fronts on, and receives legal access from Main Street.
13. The Park Avenue lots currently contain an asphalt parking lot with a concrete gutter.
14. The asphalt parking area is not striped with room for ten (10) parking spaces.
15. The Park Avenue lots also contains portion of the current Claimjumper Building consisting of a newer wooden structure with a walkway, covered entry, and stairs.
16. In March 2007 the Historic Preservation Board (HPB) determined that the structure contained additions that were added in 1987 that were not historically significant.
17. In April 2007 the City Council approved a single lot subdivision over the historic structure, Main Street lots only. This approval was voided because the conditions of approval were not met and the plat was not recorded within a year.
18. In June 2007 the Planning Department reviewed and approved a HDDR application to remove the non-historic additions and replace them with new additions including a roof addition of two (2) penthouse units.
19. The applicant did not meet the condition of approval of obtaining a building permit within a year's time from the approval date and the HDDR approval was voided because the approval expired.
20. In 2009 the City Council approved an ordinance approving amendments to the Land Management Code which changed the criteria for designation of historic sites.
21. The subject site was listed as a contributing building on the National Register of Historic Places in 1979 as part of the *Park City Main Street Historic District*.
22. The historic building was built within the historic period (1868-1929), is associated with the mining era, and retains its historic integrity.
23. The site meets the criteria set forth in LMC Chapter 15-11 in 2009 for designation as a Landmark Site.
24. The minimum lot area within the HCB is 1,250 square feet.
25. The proposed lot area for lot 1 is 8,999.8 square feet.
26. The minimum lot width within the HCB is twenty-five feet (25')
27. The proposed lot width for lot 1 is 94.97 feet.
28. The minimum lot depth within the HCB is fifty feet (50').
29. The proposed lot depth for lot 1 is 75 feet.
30. The proposed building pad equates to 1,101.5 square feet without the parking access easement. Due to the proposed parking easement on these two (2) lots the building pad would be furthered reduced by forty eight (48) square feet, totaling 1,053.5 square feet.
31. The maximum height envelope for the HCB District is thirty feet (30') at property line traversing at a forty-five degree (45°) angle back to a maximum of forty-five feet (45') above existing grade.

32. The existing historic building does not comply with the height envelope and therefore the building is a legal non-complying structure.
33. The existing rear additions to the historic building currently encroach onto the adjacent lots which front onto Park Avenue and are located within the HR-2 zoning district. They consist of a newer wooden structure with a walkway, covered entry, and stairs.
34. The proposed lots are reconfigured so that there are no improvements encroaching over the rear lot line.
35. All commercial access to the Claimjumper Building, 573 Main Street, will be off Main Street.
36. The minimum lot area within the HR-2 is 1,875 square feet.
37. The proposed lot area for lot 2 and 3 is 2,060.97 square feet.
38. The minimum lot width within the HR-2 is twenty-five feet (25')
39. The proposed lot width for lot 2 and 3 is 37.47 feet.
40. It has been estimated that the parking area was built between the late 1980's and early 1990's.
41. The parking area located rear of the building was built to accommodate the various uses in the Claimjumper Hotel building.
42. Currently the HR-2 District allows a *Residential Parking Area or Structure with greater than four (4) spaces* with a conditional use permit.
43. The existing ten (10) car parking area is non-conforming because it does not comply with the current regulation.
44. The property owner proposes to reconfigure the existing ten (10) car parking lot to an area to only consist of two (2) parking spaces total for the exclusive use of the residential units to be located within the Claimjumper interior remodel through a parking easement over the two (2) proposed Park Avenue lots.
45. The proposed parking easement is allowed in the HR-2 District.
46. The building footprint of the two Park Avenue lots will be limited to 917.8 square feet.
47. Each lot will require two (2) off-street parking spaces for their residential use.
48. In 1992 the Claimjumper Hotel building was being threatened with condemnation unless it could be brought up to acceptable safety level.
49. The 1992 the current property owner applied for design review of two (2) additions to the building for stairs, including the addition off the back, to be reviewed by the Historic District Commission (HDC).
50. In 1992 the Chief Building Official advised the HDC that if the additions could not be made to work, the building would have to be demolished.
51. In 1992 the HDC approved the proposed building improvements.
52. In 1992 four existing parking spaces will be lost with the proposed plan but the site plan called for additional parking on the Park Avenue side.
53. In 1992 a design review condition of approval indicated that the additions were to meet all other requirements of the Land Management Code and Building Code.
54. The HR-2 District was created from the HR-1 District in 2000.
55. In 1988 the City created the Historic Residential – Low Intensity Commercial Overlay (HR-2) District.
56. In this neighborhood when the HR-2 District was created in 2000 it changed the base zone from HR-1 to HR-2 and it removed both the HR-2 (Historic Residential

Low Intensity Commercial Overlay and HTO (Historic Transition Overlay) which were both overlay zones at the time.

57. The Claimjumper Building site is current in Main Street Parking Special Improvement District and therefore is exempt from the parking requirement.
58. The parking easement proposed to be dedicated with this plat amendment is for the benefit of the two proposed residential units in the 573 Main Street building.
59. The parking easement consists of two (2) parking spaces and a six foot (6') access straddling the shared common property line of the two (2) Park Avenue lots towards the Main Street lot.
60. The proposed parking area platted as an easement over lot 2 and 3 consist of legal parking space standards measuring nine feet (9') in width and eighteen feet (18') in length.
61. The existing parking lot shall be removed by replacing the current parking surface with landscaping until the structures are built on the HR-2 Lots. A landscaping plan shall be approved by the City, but it shall be sufficient to clearly prohibit parking of any vehicles. The existing parking lot shall be removed prior to plat recordation.
62. The two (2) parking spaces in the HR-2 District shall have a lockable controlled access prohibiting parking of vehicle traffic beyond those spaces.
63. The easement from the two (2) parking spaces on the HR-2 to the HCB shall be for the use by occupants of the residential units only.
64. Only one private access door may exist from the HCB District to the HR-2 District lots. All other exists must be for emergency access only.
65. This plat amendment request complies with the special HR-2A requirements.
66. The development is not part of a Master Planned Development (MPD).
67. There is no request to extend any of the existing buildings toward Park Avenue from its current location.
68. The current additions of the Claimjumper building located on the HR-2 portion of the development were built before this specific regulation and therefore is considered legal non-compliant.
69. The plat amendment complies with this requirement as no access is proposed from Park Avenue including service and delivery.
70. The proposed plat reduces the number of parking spaces from ten (10) to two (2) for the exclusive use of the residential units and not for the commercial use of the site. Staff recommends adding a condition of approval that the existing parking lot be removed as proposed before the plat is recorded.
71. The plat amendment complies with this requirement as no loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA access, or similar use associated with the HCB use is being proposed.
72. Staff recommends that a condition be added so that the property owner donates a preservation easement to the City for the Historic Structure before the plat is recorded.
73. The applicant submitted a Historic District Design Review application which has been approved per LMC Chapter 11.
74. There is no adjoining historic structure under common ownership or control that would trigger a CUP or MPD review.
75. The current additions of the building located on the HR-2 portion of the development

were built before this specific regulation and therefore is considered legal non-compliant.

76. There is no request to transfer any residential density.
77. In June 2007 the property owner of that time executed a Covenant Not To Build over a specific area where the building encroaches over the HR-2 District.
78. There are many filed code enforcement issues at the subject site.
79. These complaints have been and are currently handled by the Building Department.

Conclusions of Law:

1. There is good cause for this plat amendment as the historic structure will no longer encroach on the rear lots and the Park Avenue lots will be combined to meet the minimum lot area. The proposed plat amendment will also eliminate a remnant parcel, portion of Lot 19 and Lot 29.
2. The proposed use and renovation of the building will provide an adaptive reuse to one of Park City's most historically significant buildings ensuring its use into the future.
3. As conditioned, the plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
4. The plat amendment is consistent with the Park City Land Management Code HR-2A special requirements.
5. Neither the public nor any person will be materially injured by the proposed plat amendment.
6. 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 (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for new residential construction along Park Avenue.
4. A 10 foot wide public snow storage easement shall be provided along Park Avenue.
5. The parking easement on Lots 2 and 3 for the benefit of Lot 1 is only permitted to be used for the residential units. The parking easement shall not be used for commercial purposes.
6. The existing parking lot shall be removed by replacing the current parking surface with landscaping until the residential structures are built on the HR-2 Lots. A landscaping plan shall be approved by the City, but it shall be sufficient to clearly prohibit parking of any vehicles. The existing parking lot shall be removed prior to plat recordation. The landscaping requirement would not be imposed until after renovation is complete.

7. The two (2) space parking easement in the HR-2 District shall have a lockable controlled access prohibiting parking and vehicle traffic beyond those spaces.
8. The easement from the two (2) parking spaces on Park Avenue in the HR-2 District to Lot 1 in the HCB District shall be for the use by occupants of the residential units only.
9. Only one private access door for residential use may exist from the HCB District to the HR-2 District lots. All other exits must be for emergency access only.
10. The property owner shall donate a preservation easement to the City for the Historic Structure before the plat is recorded.
11. A chain link lockable construction fence is required on the HR-2 District to prohibit other uses besides construction staging to occur. This fence shall be installed no later than December 1, 2012 and shall remain in place at least till March 1, 2013.
12. There shall be no Special Event permit or Master Festival License activity that allows access through the rear of the property, off Park Avenue.

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

PASSED AND ADOPTED this ____ day of ____, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

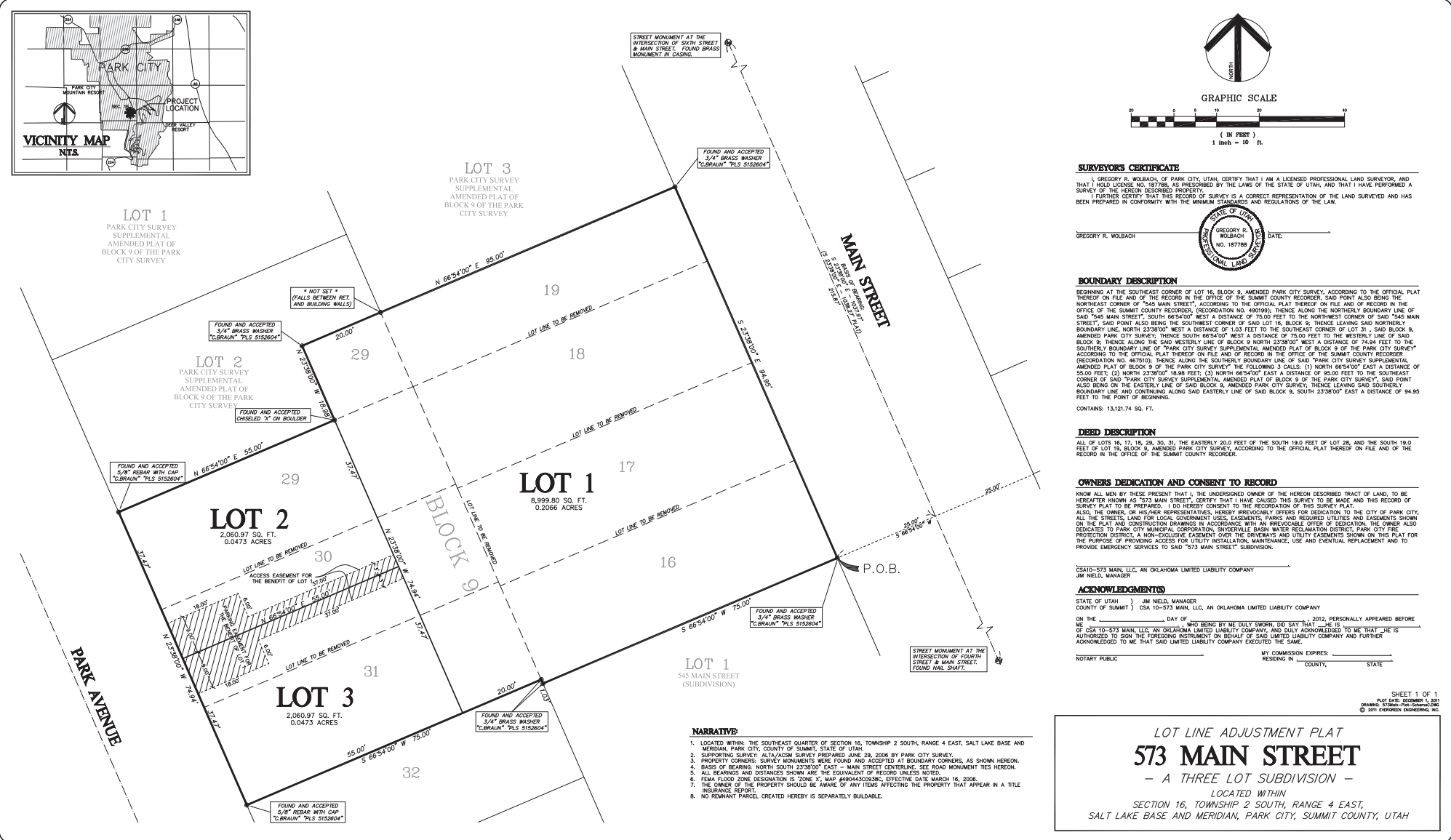
Jan Scott, City Recorder

APPROVED AS TO FORM:

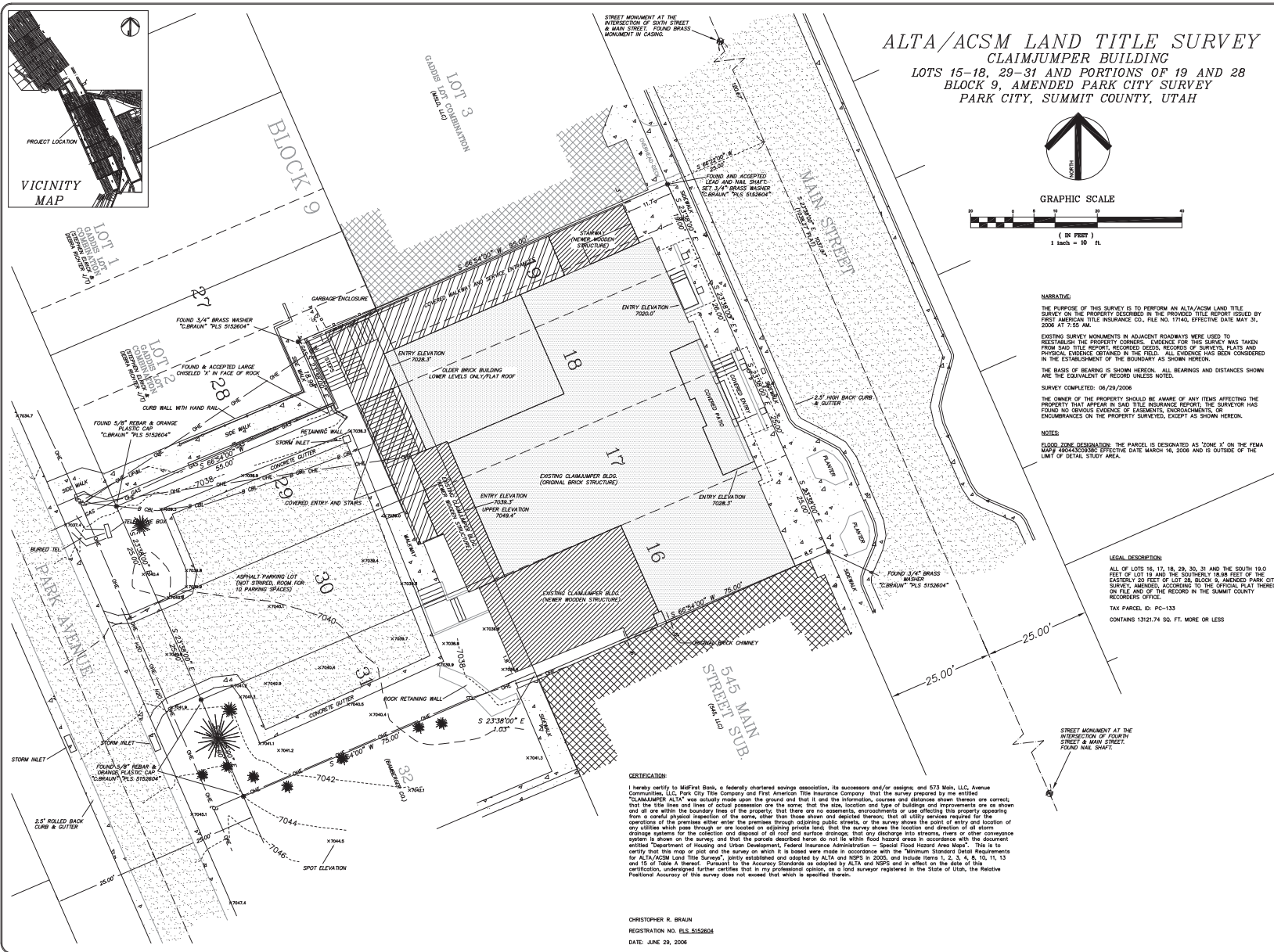
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat Amendment

Attachment 1 – Proposed Plat Amendment



Evergreen Engineering, Inc. Civil Engineering • Land Surveying • Land Planning 1670 Bonanza Drive • Suite 104 P.O. Box 2861 • Park City, Utah • 84060 Phone: (435) 648-1667 • Fax: (435) 648-9219 E-mail: office@evergreen-eng.com	CITY ENGINEER THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 2012. CITY ENGINEER _____	SNYDERVILLE BASIN W.R.D. REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ A.D. 2012. BY: _____ SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 2012. CHAIRMAN _____	APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 2012. CITY ATTORNEY _____	CITY COUNCIL APPROVAL PRESENTED TO THE BOARD OF PARK CITY CITY COUNCIL THIS _____ DAY OF _____ A.D. 2012 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED. MAYOR _____ CITY RECORDER _____	RECORDED No. _____ STATE OF _____ COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF: _____ COUNTY RECORDER _____
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 PARK CITY SURVEYING P.O. BOX 3003 PARK CITY, UTAH 84400 (435) 834-2515	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">DATE</th> <th style="width: 70%;">REVISIONS</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	DATE	REVISIONS								
DATE	REVISIONS										
SURVEYED BY: TM/CG DRAWN BY: PENTES/BRAUN DATE: JUNE 2006											
ALTA/ACSM LAND TITLE SURVEY <i>CLAIMJUMPER BUILDING</i> LOTS 15-18, 29-31 AND PORTIONS OF 19 AND 28 BLOCK 9, AMENDED PARK CITY SURVEY											
SOUTHWEST REPAIR GROUP	PREP: CLAIMJUMPER ALTA										
SHEET 1 OF 1											

573 Main Street - A Three Lot Subdivision Vicinity Map



Park Ave

Main St

HCB

HR-2A

HR-1

Legend

-  Parcels
-  Streets

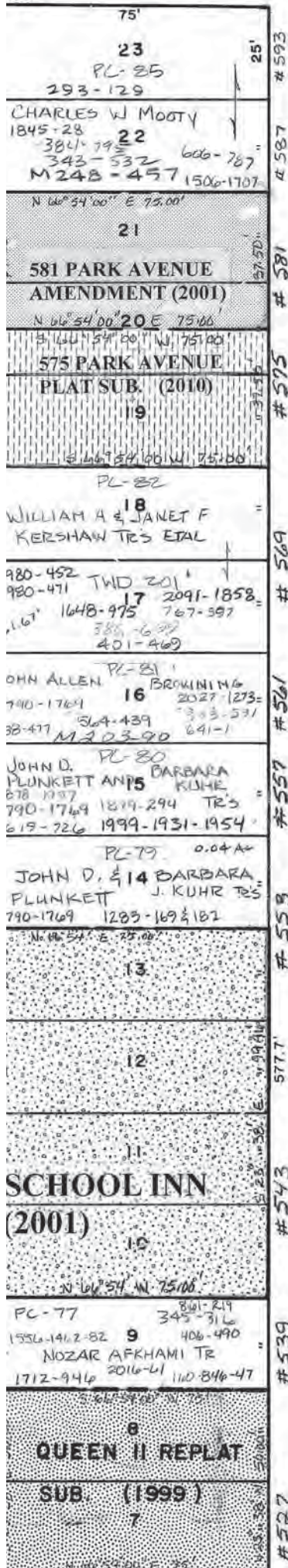
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STREET

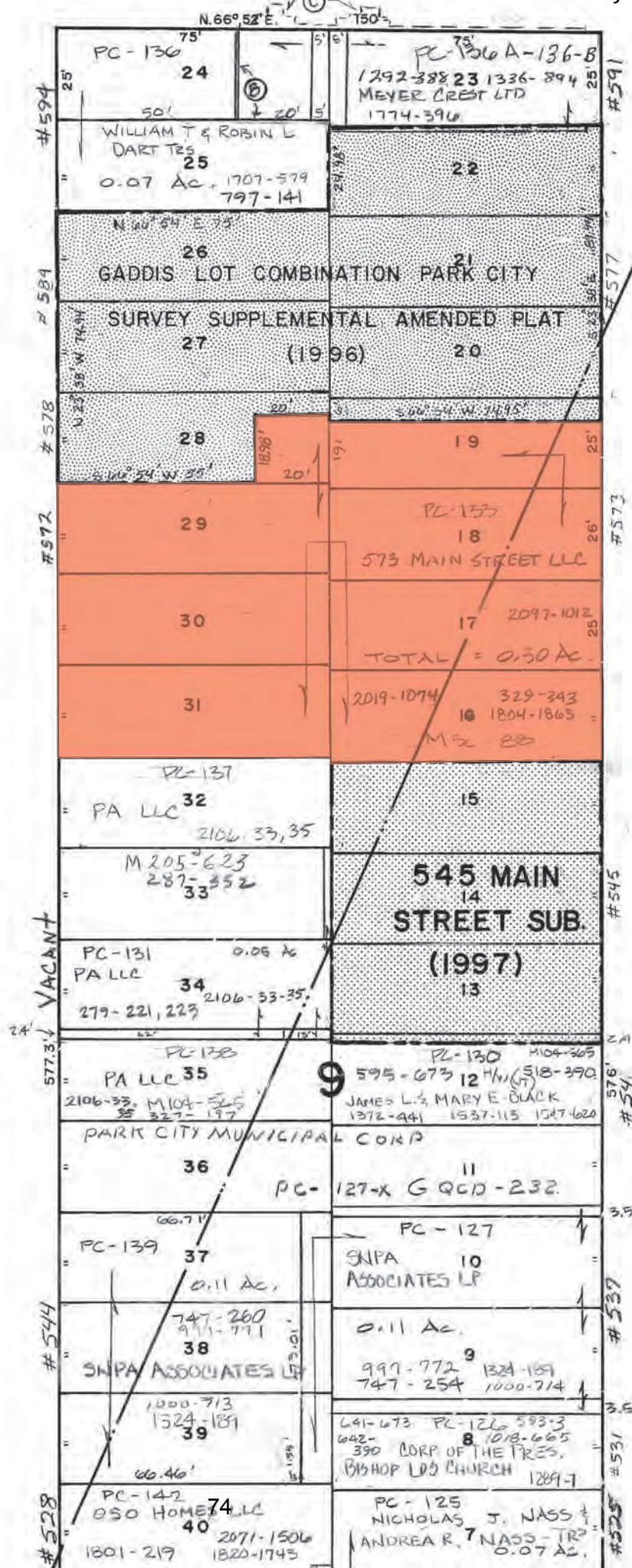
60TH STREET

Exhibit D - County Plat Map

150'



PARK AVENUE (N 23°38' W)



MAIN STREET (N 23°38' W)

SEE 1336-8/14
PURPORTS TO
PART OF 60TH
STREET



PARK CITY

314 Main Street, Suite 200
P.O. Box 3390
Park City, Utah 84060-3390
Telephone: (435) 649-0077
Facsimile: (435) 649-2561

SALT LAKE CITY

Telephone: (801) 363-5111

HEBER CITY

2 South Main Street, Suite 2-D
Heber City, Utah 84032
Telephone: (435) 654-1550
Facsimile: (435) 654-1554

April 25, 2012

Park City Planning Commission

RE: PLAT AMENDMENT 573 MAIN STREET AND 572 PARK AVENUE (CLAIMJUMPER)

Dear Planning Commission Members:

All you have to do here is your job—Protect Old Town.

I represent several homeowners who live on Park Avenue in the HR-2 Zone and whose residences are directly impacted by this proposed plat amendment. See Exhibit A attached.

My clients are cognizant of the benefits to Main Street vitality which may be brought about by the new commercial uses proposed and they applaud that effort.

However, an equally important objective of the Land Management Code (“LMC”) is to protect Old Town and preserve its residential flavor. In fact, listed as one of the purposes of the HR-2 Historic Residential District is:

“encourage and promote Development that supports upper Park Avenue as a pedestrian friendly residential street...that is compatible with the historic character of the surrounding residential neighborhood.”

Fortunately, this objective can be met, and it doesn't require, nor is there good cause, for this proposed plat amendment. except to clean up the lot lines beneath the historic building in the HCB zone, on Main Street and that would require a new application.

A. NO GOOD CAUSE EXISTS

Some history is in order. Attached hereto as Exhibit B is a photograph of most recent use of the HR-2 lot behind the Claimjumper as photographed during this year's Sundance Film Festival. Hardly compatible with the purposes of the HR-2 zone and a true erosion of the residential quality of life for my clients. Everything you see in this photo is expressly prohibited in the HR-2 zone. For the last two Sundance festivals, the Applicant has turned the building into a night-club called the Bing Bar, and used the building's rear entrance for deliveries during the day, as shown in the photo. At night though, the rear, emergency-only exit becomes a vip-only entrance, complete with guards, a line of limos, and a velvet rope. Attached as Exhibit C is a

photo of what the HR-2 code requires to be a single, emergency-only, Exit door, with an alarm on it. It is apparent that the Applicant views these double-doors as an entrance to the Bing Bar, regardless of any zoning regulation that prohibits use of the door.

You could say that 10 days a year for Sundance is ok, and for the most part my clients have tried to live with it for those two weeks. But now the Applicant says they want to turn this into a year-round situation, with a 'bar/nightclub' in the basement, a 'restaurant/special event space' on the main floor, and two full-floor, open plan living spaces on the top two floors, both of which could easily be used for events in the same way as the rest of the building, and in much the way that the Applicant has tried to use the entire building for the last two Film Fests. In short what is being proposed here is a lot like the Harry O's nightclub up the street, that caused so much trouble for the City and the Historic District's residents, for so many years. While the Applicant may have a right to these Uses in the HCB, on Main Street, these same uses are prohibited in HR-2, on Park Ave. The proposed plat amendment is likely to continue to enable these abuses and code enforcing is severely stretched during Sundance.

Also attached hereto as Exhibit D is the proposed plat site plan, but color coded to show the following:

1. The heaviest red line is the most easterly lot line of lots 16, 17 and 18 in the HBC zone. It is also the line which defines the two zones.
2. The pink structure is the historic brick building which is the Claimjumper (the "Historic Building").
3. The cross-hatched blue line is an addition made to the Historic Building in 1992 (the "1992 Addition"), but it is not part of the Historic Building and it can and should be eliminated as part of this renovation. As noted below, in the spring of 2007, the City Approved similar applications with the requirement that the non-historic additions be removed.

If the 1992 Addition is eliminated, there is no impact on the commercial uses, it eliminates the abuses shown as Exhibit B, it eliminates the need for any plat amendments between the HCB and HR-2 zones, and it preserves the three current historic sized lots in the HR-2 zone for future compatible residential development.

As proof that the 1992 addition is not part of the Historic Building, we need only look to two sources:

- a. The Staff Report. As set forth on page 76 of the Staff Report in the "Additional background" section, in March 2007 the Historic Preservation Board made a determination that the additions to the Historic Building made were not historically significant.

In April 2007 “the City Council approved a similar request being reviewed today... The Applicant did not meet the condition of approval of removing the non-historic additions...” Therefore the plat amendment expired [and was not “voided” as set forth in the Staff Report].

In June of 2007 the Planning Department again reviewed and approved a Historic District Design Review Application to remove the non-historic additions and replace them. This approval also expired.

So, on three separate occasions the 1992 Additions were ruled to be not part of the Historic Building.

- b. The minutes of the approval of the 1992 Addition. Attached hereto are the minutes of the Historic District Commission for October 5, 1992, as Exhibit E. They deserve to be read in full. However, what is very clear is that the 1992 Addition was approved for the singular purpose of preserving the Historic Building from demolition since the then owner was without the financial resources necessary: “Jacquie Cote interjected that Mr. Ivie had advised the Historic District that if these additions cannot be made to work, the building will go.”

This is no longer the case. The current Applicant has fixed the building so that it can now accommodate access inside the Historic Building for all four floors. Indeed, there is an elevator servicing all four floor and inside stairways are easily included in future building plans.

In short, there is no justification for a plat amendment that encroaches into the HR-2 lots, since only the 1992 addition, the non-historically significant addition, needs to be removed to cure the non-conforming encroachment onto the HR-2 lots.

The fact that the Applicant voluntarily chooses not to remove those non-historically significant additions, do not create “good cause” for approving the requested plat amendment. The encroachment is self imposed and unnecessary.

- B. The proposed plat amendment creates lots which do not meet the minimum lot size of 1875 sq. ft.

To begin with, we believe that the Staff Report is in error when it concluded that the requested plat amendment is not subject to HR-2A Sub-A and its requirements. It incorrectly concludes that this plat amendment does not combine a Main Street HBC lot with an adjacent HR-2 zoned lot for the purpose of restoring an historic structure. In fact, that is the only purpose and the proposed plat amendment incorporates parking on the HR-2 lots in order to convert the upper two floors to residential use—what could be more clear? See LMC §15-23-8.

Here simple logic takes over. HR-2 lots require a minimum of 1,875 sq. ft. Residential uses in the HRC require two parking spaces per unit, or a minimum of 4 spaces. Each parking space must be a minimum of 9' x 18' which computes to 162 sq. ft. each or 324 sq. ft. for two. 2,060.75 sq. ft. (see proposed size of the two HR-2 lots) minus 324 sq. ft. = 1,736.75 sq. ft, a non conforming lot.

Why this computation? Clearly the new residential uses require two parking spaces each. See LMC §§15-23-2 (A) and (B) and 15-3-6. This is a requirement and not simply some sort of voluntary act by the Applicant as alluded to in the Staff Report. The LMC also requires each space to be a minimum of 9' x 18', not 9' x 12' as proposed by the Applicant.

The fact that the Applicant uses an easement for parking spaces rather than including those spaces in the historic lot should be seen for what it is—somewhat of a slight-of-hand. In fact, a permanent parking easement removes that property from the underlying lot just as effectively as a deed transferring that property. Therefore, while the newly proposed lots 2 and 3 may show 2,060.75 sq. ft, the truth is they, in the real world, are only effectively 1,736.75 sq. ft.—insufficient.

In short, you should not allow these technically adequate, but in practical terms inadequate sized lots to provide good cause for approval.

Moreover, the three current 25 feet by 75 feet sized lots are the preferable size for building lots if we are to preserve Old Town., and uphold the goals of our own HR-2 zoning.

- C. This approval appears perhaps greased and it should be continued. Sometimes requested approvals seem a bit greased so that your approval is solicited by Staff rather than supported by solid facts and certain analysis intended to engage your best reasoning, judgment and reflection over time. That may be occurring here. Several unusual deferences to the Applicant and errors in the Staff Report point in this direction, some of which are the following:
1. The Staff Design Review Summary dated November 2, 2011, concludes as a Finding of Fact the following: “7. A plat amendment combining these multiple lots will be required prior to building permit issuances.” However, a building permit was issued without the plat amendment and work on that permit has progressed for several months. See recent photo of work in progress as Exhibit F attached.
 2. In my experience, it is only after my clients receive Planning Commission action that the matter is then scheduled on the City Council Agenda. Here Staff is so overly confident of your approval that it has already scheduled for it final action by the City Council on the May 17, 2012 agenda. Why is this being rushed without sufficient time for analysis and reflection?

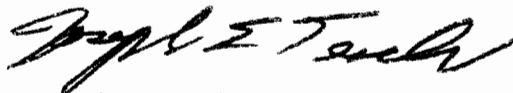
3. Lip service has been given that the Applicant desires to work with its neighbors. But those words are empty. Working with the neighbors would have occurred before the requested plat amendment was filed and before a building permit was issued, not after.
4. The Staff Report ("Report") is slanted and full of errors.
 - a. The Report wrongly concludes that the plat amendment is not governed by the HR-2 Sub-A requirements. It is subject to those code requirements.
 - b. In more than one place, the Report concludes that there are no structures on the HR-2 lots. As Exhibits F and G show (dark blue), this is incorrect. Moreover, the HR-2 lots have a nonconforming parking lot constructed around 1993-1994.
 - c. Staff has advised me that it cannot require the Applicant to remove the non-historic 1992 Addition that encroaches into the HR-2 lots. A different result occurred in the spring of 2007 when the City did require it and this discrepancy needs to be resolved.
 - d. Both the HBC and HR-2 zones permit only a single emergency-only exit door from the HBC to the HR-2 lots. The 1992 Addition has four (4) doors. Why?

CONCLUSION

No good cause exists for the requested plat amendment. All that has to happen is for the Applicant to construct its improvements in a way so that all of the pedestrian and parking traffic are funneled to Main Street. This is easy to do as the Historic Building is now in the process of reconfiguration including an elevator servicing all four floors and it can easily accommodate a stairway as a secondary emergency exit. Of course, as part of the approval process, the 1992 non-historic addition encroaching onto the HR-2 lots, now unnecessary, should be removed as should the nonconforming parking lot. Therefore, this Application should be denied as failing to demonstrate good cause.

However, if you are not yet ready to deny it, it should be continued for an additional public input meeting until these issues can be resolved.

Sincerely,
Tesch Law Offices, P.C.

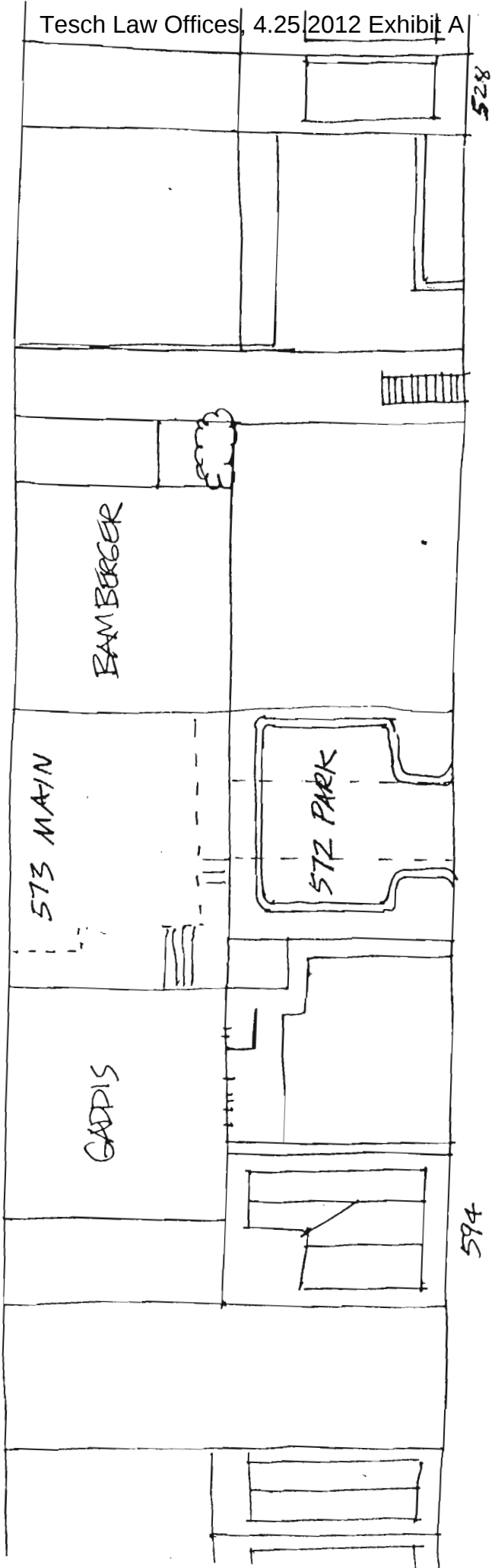


Joseph E. Tesch

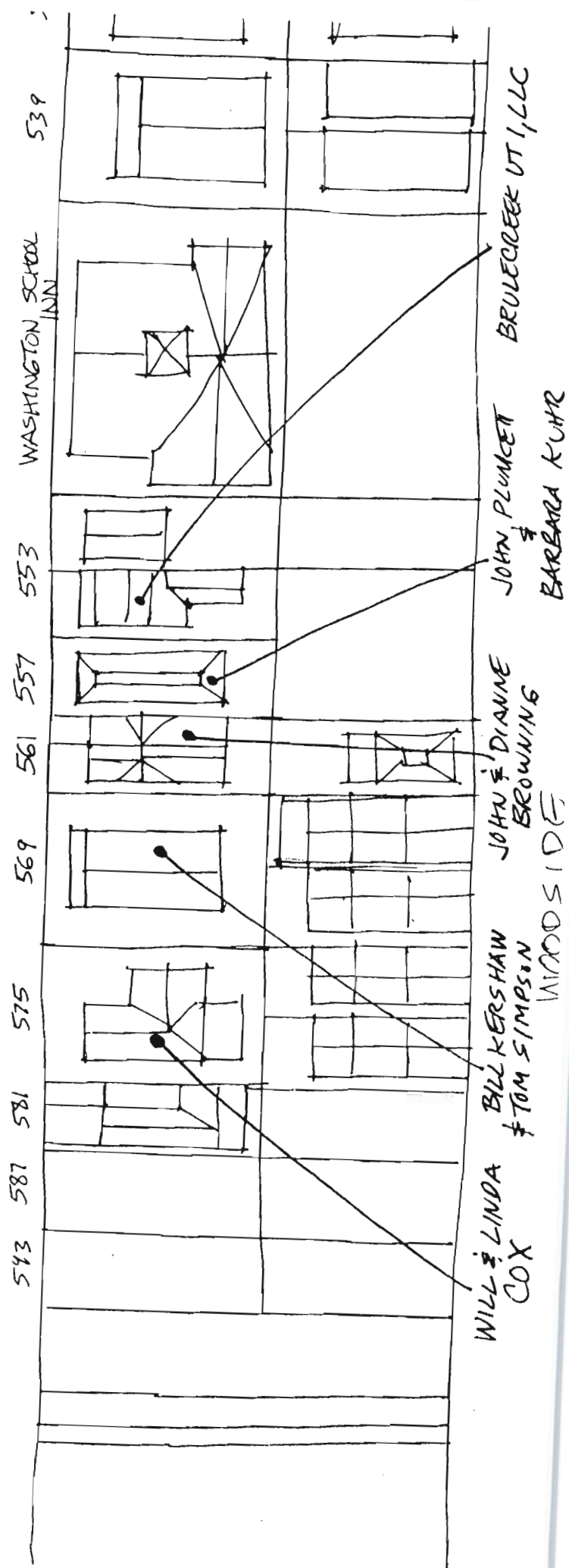
JET/tw
Enclosures

cc: Francisco Astorga
Polly Samuels McLean

MAIN STREET

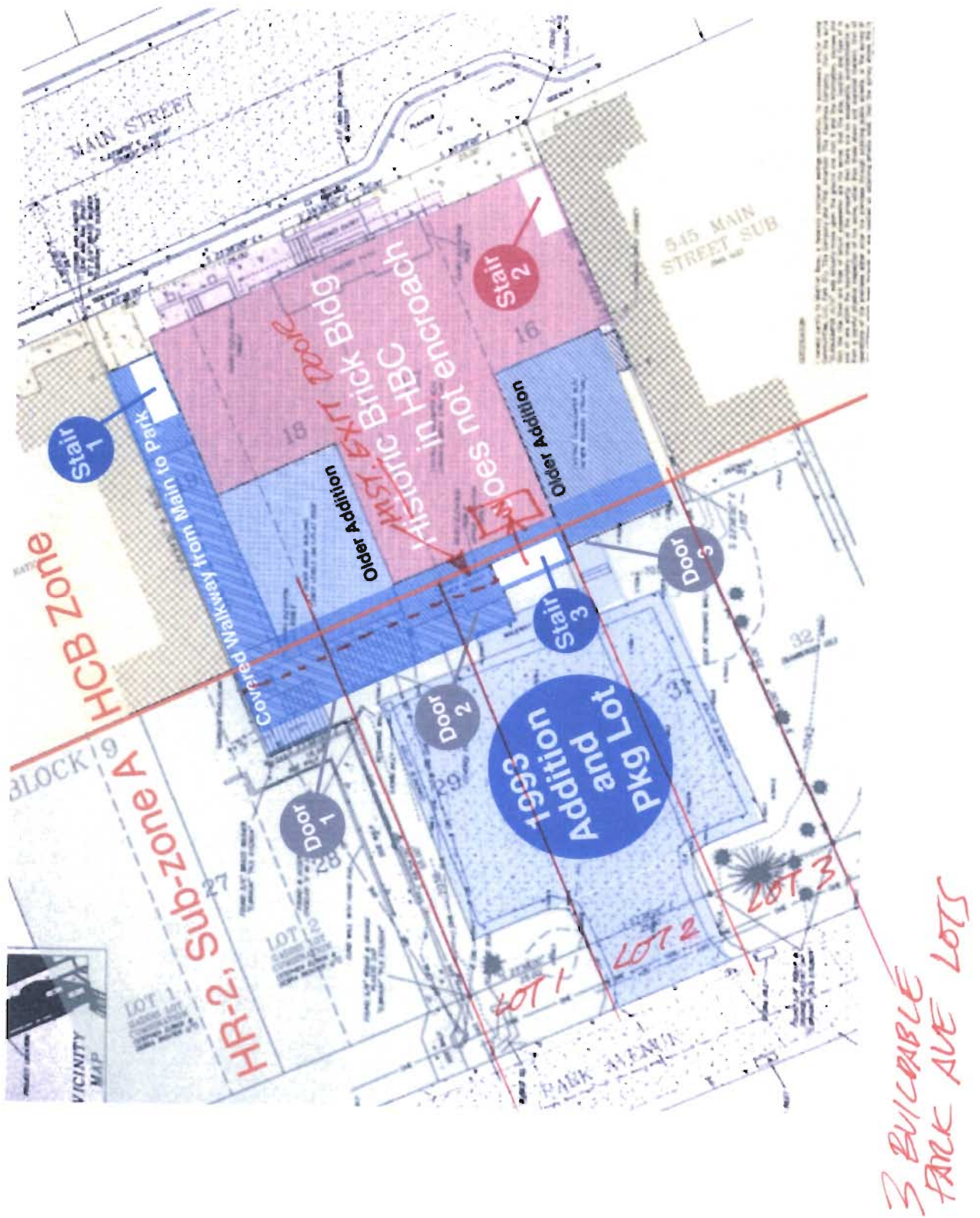


PARK AVENUE









Historic District Commission
Meeting of October 5, 1992
Page 3

Planner Lykes volunteered to call the applicants when an appraisal was received and emphasized that this should be ready for further review or a possible decision on October 19.

Since this was an update only no motion was required.

2. Continued design review of single family residence at 405 Ontario, Lance Kincaid

Planner Lykes reminded the HDC that, as pointed out in the packets, plans had not been received in time for this meeting so this application will be tentatively scheduled for October 19, 1992.

Chairperson Cote asked that Planner Lykes update Mr. Kincaid about where he is with his approvals so that he will know how to proceed if he waits until next year.

MOTION: David White moved to continue the design review of single family residence at 405 Ontario. Motion seconded by Chris Larson. Motion carried.

VI. NEW BUSINESS

1. Design review of renovation and addition at Claimjumper Hotel, 573 Main Street, Gary Accord

Planner Lykes commented that Chief Building Official Ron Ivie had come in during the work session that evening and updated the HDC on the history of this building and what is currently happening with it.

Planner McIntyre advised the HDC that Gary Accord had brought in revised plans which were slightly different from those in the packet. Planner McIntyre reminded the HDC that the building is being threatened with condemnation unless it can be brought up to an acceptable safety level.

Planner McIntyre stated that this application is for design review of two additions to the building for stairs. One addition is on the north side of the building, the other is on the back. Both additions are the result of life/safety requirements.

Jacquie Cote interjected that Mr. Ivie had advised the HDC that if these additions cannot be made to work, the building will go.

Planner McIntyre reminded the HDC when she had reviewed this preliminarily with them, they had been concerned over the use of the siding materials and why brick could not be used to match the

existing exterior walls. Both Gary Accord and Ron Ivie agree that the building does not have the strength to accommodate brick.

Mr. Accord explained that it is a seismic issue. Sheer block tests were done on the walls to determine their strength in all directions. Brick veneer or masonry construction would add substantially more dead weight or mass to the building. Mr. Accord explained that much of the old plaster is being torn out of the upper two floors to eliminate dead weight.

Mr. Accord stated that the stair tower additions are wood frame with wood siding. The wood siding will be detailed to be reflective of the Main Street elevation.

A discussion followed prompted by Mr. White on whether the use of masonry would be impossible to use or prohibitively expensive to use. The owner is operating with a \$500,000 budget for structural improvements. Gary Accord commented that masonry could be used if costs were not a factor and in that case the back stair tower would need to be free-standing and the other have a seismic joint against the building so as not to further burden the existing structure. In response to Mr. White, Mr. Accord verified that the frame stairways will be fastened to the building.

Mr. Accord gave a brief description of the condition of the masonry around the building. He explained that sheer block tests had been done on the building to analyze the strength of the existing bricks. He advised that if the stair tower additions are wood-frame and they eliminate all of the old plaster, asbestos ceilings, and as much other dead weight and mass as is feasible, then the structural work inside the building will be to attach the floor diaphragms and the roof diaphragms to the exterior brick walls. This will make the exterior brick walls the sheer resisting elements in the building.

In response to Jacquie Cote, Mr. Accord advised that they will tuck-point the existing brick on the front of the building. The towers will be painted an accent color to match the accent brick which currently exists on the building.

Mr. Accord went over the various elevations with the HDC, explaining where the stair tower additions would be located. He explained that the second and third floors of the building would be used as office space.

Mr. Accord advised that the north side of the building is the only area where a stair tower can be constructed which goes from the basement to the top of the building. Not only will this give the upper levels of the building a main street access but will leave enough space for an elevator shaft for ADA requirements.

Historic District Commission
Meeting of October 5, 1992
Page 5

In response to Chairperson Cote, Mr. Accord stated that four existing parking spaces will be lost with this plan but the site plan calls for additional parking on the Park Avenue side.

Since there was no further discussion, Chairperson Cote asked for a motion.

MOTION: Chris Larson moved to approve the design for two stair additions for the Claimjumper Hotel at 573 Main Street with the following conditions:

1. The architectural details of the building shall match the existing in terms of colors, windows, and trim. Materials shall not be required to match, but will meet the requirements of the Building Code.
2. This approval is for design only. The additions shall meet all other requirements of the Land Management Code and Building Code.

Motion seconded by David White. Motion carried.

At approximately 6:00 PM the meeting was adjourned.

Approved: _____ Date: _____
Chairman

10/5.

1. Get clarification on vesting to HDC. when filed complete bldg permit app.
2. Notes to file:

(Ron re: Claim jumper:

2 years in negotiation of upgrade or condemnation structural & fire code upgrades = \$500,000.

He is satisfied public-safety-wise with what they are doing. Meets the "old building" codes. It built of masonry (stairs), economics is a problem - have already spent half million dollars. Frame vs. masonry = \$10,000 of dollars.

3. Juice hired.

4. Trust conference

5. Work Session projects

Chris - demolition proactive — advertising —

- who are lot owners ~~interested~~ interested in moving in a house?

- groups which renovate.

① ← do a mailing.

② public service announcement.

③ loan guarantees / construction loans & in concert w/ employee housing / rent restrictions. formalize the process.

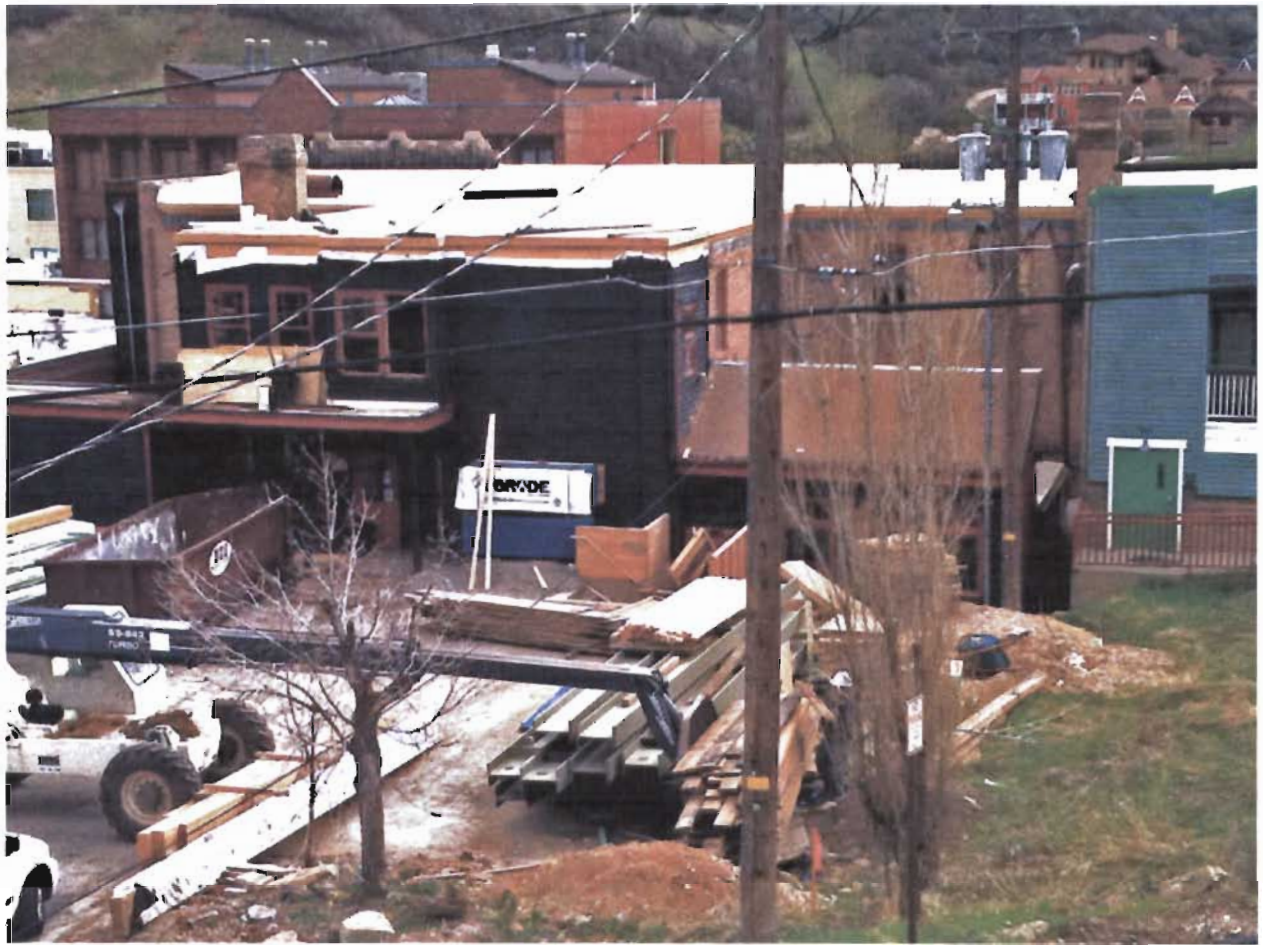
Jacqui

① ~~landmark~~ landmark bldgs. protection
Uxaru mansion, etc.

② ID historic structures outside of HD -
or extend HD.

③ no paint on second grants - promote people doing their own upkeep. no grants





WHEN RECORDED RETURN TO:

Thomas G. Bennett
Ballard Spahr Andrews & Ingersoll, LLP
201 South Main Street, Suite 600
Salt Lake City, Utah 84111

ENTRY NO. 00815455

06/07/2007 02:30:24 PM B: 1870 P: 0082

Covenant PAGE 1 / 4

ALAN SPRIGGS SUMMIT COUNTY RECORDER

FEE \$ 16.00 BY PARK CITY TITLE



COVENANT NOT TO BUILD

THIS COVENANT NOT TO BUILD (this "Covenant") is made as of this 23rd day of May 2007, by 573 MAIN STREET, LLC, an Arizona limited liability company ("Grantor").

RECITALS

A. Grantor is the owner of the real property located in Park City, Summit County, Utah as more particularly described on Exhibit "A" attached hereto and incorporated herein (the "Grantor Property").

B. As a condition for receiving a building permit for improvements at the Grantor Property, Park City has requested that Grantor agree not to build on certain portions of the Grantor Property as indicated on Exhibit "A" (the "No-Build Portion").

NOW, THEREFORE, in consideration of the foregoing, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor covenants as follows:

COVENANT

1. Covenant Not To Build. Grantor hereby covenants not to build any vertical improvements on the No-Build Portion of the Grantor Property. This covenant applies only to improvements above ground and does not apply to any improvements below grade.

2. Reservation of Rights. Grantor reserves unto itself forever the right to place or grant easements, including, but not limited to, easements for utilities and maintenance, along, above, below or across the No-Build Portion of the Grantor Property.

3. Run with the Land. All provisions of this Covenant shall run with the land and be binding on Grantor and its respective successors in title to the Grantor Property.

4. Descriptive Headings. The descriptive headings of the sections hereof are inserted for convenience only and shall not control or affect the meanings or construction of any provisions hereof.

5. Governing Law. This Covenant is entered into in and shall be governed by and construed in accordance with the laws of the State of Utah, without giving effect to its conflict of laws principles.

6. Recitals and Exhibits Incorporated. The Recitals set forth above are true and correct and are incorporated herein by this reference. The Exhibit attached to this Covenant is incorporated herein by this reference.

7. Counterparts. This Covenant may be executed in two or more counterparts, all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, this Covenant has been entered into as of the day and year first above written.

GRANTOR:

573 MAIN STREET, LLC, an Arizona limited liability company

By: 573 Main Street Investments, LLC, an Arizona limited liability company

By: _____
Name: David C. Dewar
Its: Manager

STATE OF Arizona)
:ss.
COUNTY OF Maricopa)

The foregoing instrument was acknowledged before me this 23rd day of May, 2007 by David C. Dewar, the Manager of 573 Main Street, LLC, an Arizona limited liability company, on behalf of the company.

Stephanie Lee Martensen
Notary Public

My Commission Expires:

Mar. 25, 2010



Exhibit "A"

Depiction of No Build Portion

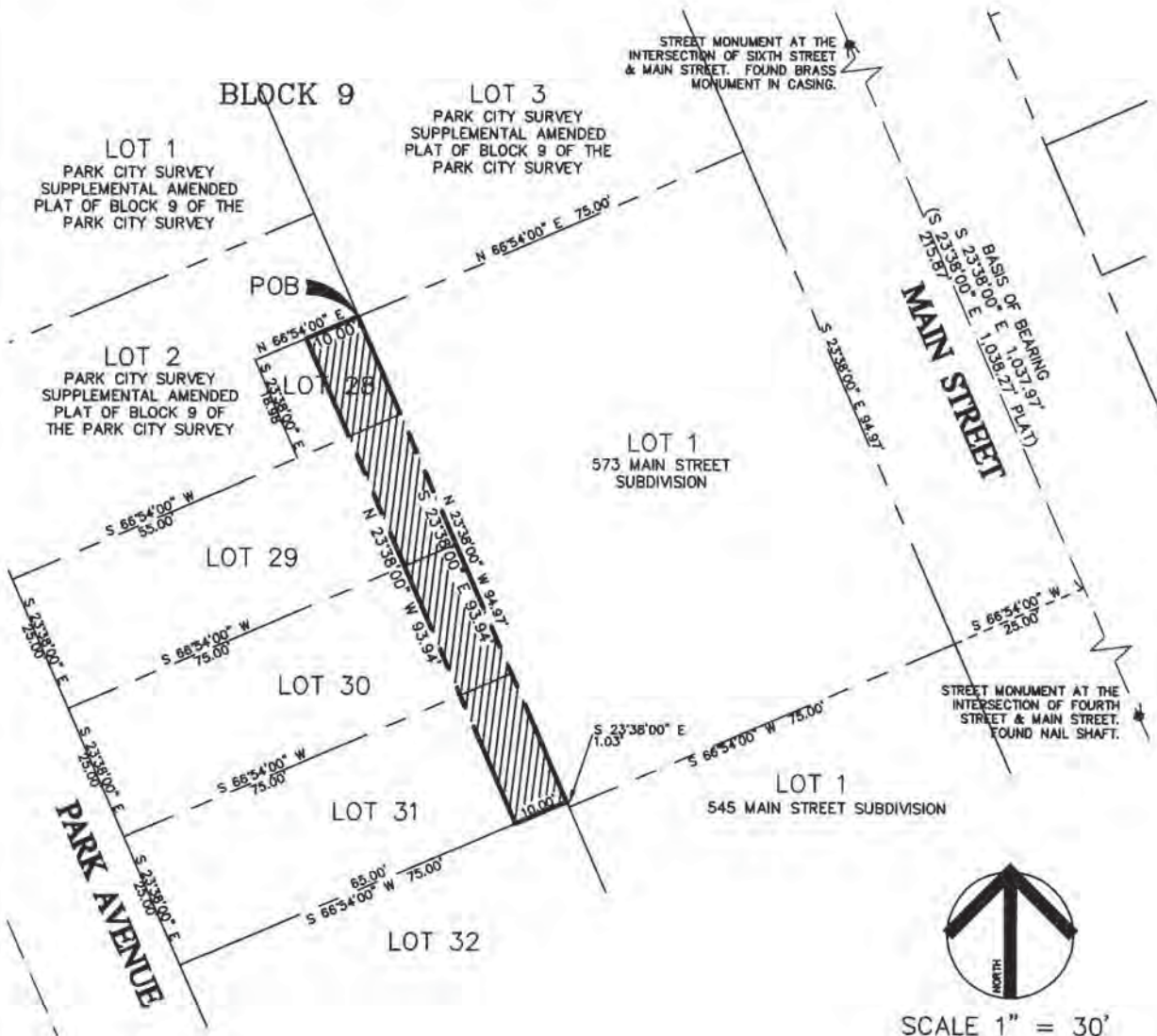
10.00 FOOT WIDE NO BUILD EASEMENT

BEGINNING AT THE EASTERLY MOST CORNER OF LOT 2 OF GADDIS LOT COMBINATION PARK CITY SURVEY SUPPLEMENTAL AMENDED PLAT OF BLOCK 9 OF THE PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (ENTRY NO. 467510), SAID POINT ALSO BEING ON THE NORTHEASTERLY PROPERTY LINE OF LOT 28 OF BLOCK 9 OF THE PARK CITY SURVEY; AND RUNNING THENCE SOUTH 23°38'00" EAST ALONG THE NORTHEASTERLY PROPERTY LINE OF SAID LOT 28 AND LOTS 29, 30 AND 31, A DISTANCE OF 93.94 FEET TO THE EASTERLY MOST CORNER OF LOT 31 OF SAID BLOCK 9; THENCE ALONG THE SOUTHEASTERLY PROPERTY LINE OF SAID LOT 31, SOUTH 66°54'00" WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 23°38'00" WEST A DISTANCE OF 93.94 FEET TO THE SOUTHEASTERLY PROPERTY LINE OF SAID LOT 2; THENCE NORTH 66°54'00" EAST ALONG SAID SOUTHEASTERLY PROPERTY LINE A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

PC-133

10.00 FOOT WIDE NO BUILD EASEMENT

BEGINNING AT THE EASTERLY MOST CORNER OF LOT 2 OF PARK CITY SURVEY SUPPLEMENTAL AMENDED PLAT OF BLOCK 9 OF THE PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (ENTRY NO. 467510), SAID POINT ALSO BEING ON THE NORTHEASTERLY PROPERTY LINE OF LOT 28 OF BLOCK 9 OF THE PARK CITY SURVEY; AND RUNNING THENCE SOUTH 23°38'00" EAST ALONG THE NORTHEASTERLY PROPERTY LINE OF SAID LOT 28 AND LOTS 29, 30 AND 31, A DISTANCE OF 93.94 FEET TO THE EASTERLY MOST CORNER OF LOT 31 OF SAID BLOCK 9; THENCE ALONG THE SOUTHEASTERLY PROPERTY LINE OF SAID LOT 31, SOUTH 66°54'00" WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 23°38'00" WEST A DISTANCE OF 93.94 FEET TO THE SOUTHEASTERLY PROPERTY LINE OF SAID LOT 2; THENCE NORTH 66°54'00" EAST ALONG SAID SOUTHEASTERLY PROPERTY LINE A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.



SCALE 1" = 30'

PLOTTED: MAY 25, 2007

10 FOOT WIDE NO BUILD EASEMENT EXHIBIT
573 MAIN STREET SUBDIVISION

FOR 50 MAIN STREET, LLC

DATE 05/25/2007

BY 6046

DESIGNED BY
ADM
DRAWN BY
ADM
CHECKED BY
ADM

DATE	BY	REVISION
		COMMENTS

Evergreen
Engineering, Inc.



2nd Engineering - Land Surveying - Land Planning
3000 Valley Road - Suite 100 - Boulder, CO 80501
P.O. Box 2000 - Park City, UT 84302
Phone: (406) 466-0007 - Fax: (406) 466-0008
Email: info@evergreen-eng.com

Francisco Astorga

From: John Browning <jb@poplar.com>
Sent: Wednesday, April 25, 2012 5:49 AM
To: Francisco Astorga
Cc: Thomas Eddington; Kayla Sintz
Subject: Plat Amendment Application PL-10-01105, 573 Main Street and 572 Park Avenue

Dear Sirs,

We have been homeowners at 561 Park Avenue for three years and I am writing to oppose the proposed Plat Amendment PL-10-0110 and associated change of use for the Park Ave lots. I am particularly opposed to granting parking permissions for a Main Street lot on Park Ave. This is contrary to both the letter and spirit of planning regulations, and it represents further encroachment of Main Street's commercial activities on to what is zoned to be an historic residential area on Park Avenue.

While I understand that the developer of 573 Main proposes to reserve the parking for residential use, our experience of the informal parking now taking place on 572 Park Avenue suggests that this restriction will be unenforceable. In theory, as I understand it, the parking and use of the rear entrance of 573 Main was meant to be for special events at Sundance only. In practice, the lot is used year-round, for commercial, construction and I-just-can't-find-anywhere-else-to-put-the-car casual use. It considerably increases traffic and congestion on Park Avenue, and should be eliminated -- not legitimised. Things would only get worse in time if the Park Avenue lots in this plat amendment were ever developed, as they too would presumably bring their own parking. Park Avenue already struggles to manage its own cars, bringing in Main Street's would threaten the historical nature of the district -- which we homeowners are investing to maintain -- and the quiet enjoyment of our homes.

I further believe the proposed plat amendment to be based on an error of fact. 573 Main Street is proposed to be allowed to encroach on Park Avenue lots because it is "an historic structure." The Claimjumper certainly is an historic structure, and I would be delighted to see it brought back to something of its former glory. But the bits encroaching on to Park Ave lots are not. They are ad hoc modern additions. Strict enforcement of planning regulations would have them torn down. Even if the City does not wish to be that draconian, it seems very wrong to use past violations of planning regulations to try to legitimise future violations of the spirit of the code. In theory, planning is meant to maintain the distinction between commercial Main Street and residential Park Avenue. This would blur it.

I grew up in Ogden, and have been visiting Park City since the opening of the then-shiny-new gondola in the mid-1960s. We hope, over time, to become more than part-time residents. I am also well aware of the difficult trade-offs planning must make between preservation and development. But the historic town center is what makes Park City distinctive. As residents, we try very hard to keep our houses in a way that preserves the traditions of the place, and is alluring for visitors as well as nice for us. But we need the City's help in ensuring that the specialness of the neighborhood isn't eroded away, planning compromise by planning compromise. I would therefore ask the Planning Department to:

* Deny the requested plat amendment for additional parking on Park Avenue. Even for residential use, it would seem against the spirit and letter of the code to shift Main Street traffic on to Park Avenue. Worse, experience suggests that it would be impossible to restrict usage to residential purposes only. And in the longer term, development of the Park Avenue lots would create a wall of parking on the eastern side of Park Avenue that would harm to historic beauty of the neighborhood.

* Amend the planning report and relevant documents to note that the structures pushing over the boundary line from the Main Street to the Park Avenue plats are not historic, but 1980s and 1990s additions. Without clarity on what is and is not historic, the compromises and violations of the past will be compounded into the future, until there is no historic character left.

* Continue to work closely with the developer of 573 Main to ensure that the development of the ClaimJumper is one that we can all be proud of, rather than a constant source of complaint. That includes maintaining and enhancing the historic character of the building, preventing future noise issues, and also preventing structure and usage violations that would encourage commercial and service traffic on Park Avenue.

For the long term, everybody's interest -- and property values -- lie in maintaining the unique historic character of Park City: the quiet liveability of Park Avenue, the commercial bustle of Main Street and the dividing line between them. The City's planning regulations devote considerable detail to this task. I would ask you to enforce them.

with best regards,

John and Dianne Browning

.....

John Browning

t: +44 20 7700 1230 f: +44 20 7700 5255

Francisco Astorga

From: Will & Linda Cox <wlcox@northrock.bm>
Sent: Tuesday, April 24, 2012 5:58 PM
To: Francisco Astorga
Cc: Thomas Eddington; Kayla Sintz
Subject: Fwd: Plat Amendment Application PL-10-01105 - 573 Main Street and 572 Park Avenue

Attn: Planning Dept

Fairy Isles Ltd. owns 575 Park Ave across from 572 Park Ave since 2002. We completed a substantial renovation a year ago and willingly complied with many Historic issues throughout the construction. It is incumbent on the Planning Department to insist any construction on the upper Park Ave also adhere and conform to the Historic code. We are concerned that the LMC has not been properly applied to this plat amendment application. Likewise, there are a number of incorrect facts and omissions in the Staff Report. These mistakes have led to incorrect analysis, recommendations and Findings of Fact. We urge The City to get the facts corrected before any meaningful analysis and recommendations can take place. In an effort to protect ourselves and other owners on the street, we have engaged Joe Tesch, who will represent the homeowners in the immediate area.

Some of our specific concerns are:

- The report claims incorrectly that the Historic Building encroaches into the HR-2 lots. That is incorrect, as is clearly noted on the applicant's site plan. Only the non-historic addition encroaches into HR-2.
- The report states that the HR-2 lots currently exist without any structures. That is incorrect as can also be seen on the site-plan. Both the non-historic addition and the 1993 commercial parking lot are non-conforming uses and structures on the HR-2 lots.
- The existence of the non-historic encroachments triggers the Special HR-2A Requirements, contrary to the Staff Analysis.
- The report omits the fact that there are currently 4 rear doors to the building, when only one is permitted by code.

We are hopeful The City will do the due diligence on this Plat Amendment application in question on the East side of Park Ave (HR-2, Sub-Zone A) and where to the code that is in place.

Respectfully,

Will and Linda Cox
lcx@northrock.bm

Francisco Astorga

From: kirsten ehrich <kirstenehrich1@gmail.com>
Sent: Wednesday, April 25, 2012 8:14 AM
To: Francisco Astorga
Cc: Thomas Eddington; Kayla Sintz
Subject: Plat Amendment concerns re: 573 Main Street

Park City Municipal Corporation
443 Marsac Avenue
Park City, UT 84060

To: Park City Planning Commission
c/o Francisco Astorga

Re: Plat Amendment Application PL-10-01105
573 Main Street and 572 Park Avenue

We are the future owners of 553 Park Avenue, facing the rear of 573 Main Street. We are currently investing a substantial sum to rebuild and preserve the historic building, before we move in and take full ownership. As such, we are also part of the group represented by Joe Tesch, and are concerned that the LMC is not being properly applied to this plat amendment application.

There are a number of incorrect facts and omissions in the Staff Report. We believe these mistakes have led to incorrect analysis, recommendations and Findings of Fact. These errors, if left unchecked, will drastically affect the quality, value and use of our residential neighborhood. We ask the City to re-examine and correct these facts before any meaningful analysis and recommendations can take place.

Here are a few examples of the reports inaccuracies:

- The report claims incorrectly that the Historic Building encroaches into the HR-2 lots. That is incorrect, as is clearly noted on the applicant's site plan. Only the non-historic addition encroaches into HR-2.
- The report states that the HR-2 lots currently exist without any structures. That is incorrect as can also be seen on the site-plan.
- Both the non-historic addition and the 1993 commercial parking lot are non-conforming uses and structures on the HR-2 lots.
- The existence of the non-historic encroachments triggers the Special HR-2A Requirements, contrary to the Staff Analysis.
- The report omits the fact that there are currently 4 rear doors to the building, when only one is permitted by code.

The Code commits to “ensure improved livability of residential areas around the historic commercial core” (15-2.3-1G) and to “minimize impacts of Commercial Uses on surrounding residential neighborhood” (15-2.3-1K) For years, Park Avenue residents have had to live with the commercial code violations on the East Side of Park Avenue (HR-2, Sub-Zone A). We believe this Plat Amendment application presents the best, and perhaps the only opportunity, for the City to Fix all the code violations in HR-2, which is, after all, the intent of the code.

Our five homes directly face the rear of 573 Main, and collectively represent a \$6 to \$8M investment spent over 20 years, to help preserve and improve Park City's Historic District. This section of Park Avenue has become a jewel in Old Town, frequently being photographed and used for materials promoting the beauty and quality of life in Park City. The decision the City now faces could compromise the future of a quintessentially historic and quaint Park City neighborhood.

All of us as home-owners, taxpayers, and voters rely on the City to enforce the LMC as strongly as possible, both to preserve and improve the residential quality of life on Park Ave, and to equally protect the value of our investments. Our investments are based on the strength of the LMC prohibitions against commercial activity on upper Park Avenue. We expect City enforcement of the code to be equally strong.

Sincerely,

Peter and Kirsten Ehrich

Francisco Astorga

From: John Plunkett <john@plunkettkuhr.com>
Sent: Wednesday, April 25, 2012 11:43 AM
To: Francisco Astorga
Cc: Thomas Eddington; Kayla Sintz
Subject: Plat Amendment concerns re: 573 Main Street

Park City Municipal Corporation
443 Marsac Avenue
Park City, UT 84060

To: Park City Planning Commissioners

c/o Francisco Astorga

Re: Plat Amendment Application PL-10-01105
573 Main Street and 572 Park Avenue

Dear Commissioners,

We are the owners of the historic home at 557 Park Avenue, where we've lived and worked since moving to Park City, in 1991.

During these 20 years, we've restored five historic homes on Park Avenue and Woodside, and are currently redoing the house next door at 553 Park Avenue for a client. We also worked closely with the City for five years, to help get upper Park Avenue rebuilt with sidewalks and a dedicated parking lane.

The renovation of the street in 1994 spurred others to reinvest in the historic homes on Park Avenue, and we're proud to have had in hand in making the street a better place to live, and perhaps the most intact and well-maintained street in Park City's Historic District.

But during these 20 years we've also had to fight to keep the HR-2 zone across the street from becoming just another Swede Alley for service, parking and deliveries to Main Street. The code is clear: HR-2 (Sub-zone A) is meant to have residential only Uses, and all Commercial Uses are Prohibited. The problem is, there has been very little enforcement of the code.

Right now with this Plat Amendment application, the Planning Commission has a great opportunity to set things right, and bring this 573 Main St property back into compliance with the HBC and HR-2 zones, the way it was when we moved here in 1991. We'll let Joe Tesch speak to that, as he represents us and our neighbors in this Public Hearing.

What we'd like to do though, is point out that the Planning Commission also has an opportunity to make sure that the proper, legal Public Process is followed by the City. The LMC is clear: 15-1 -11.(C) states that "Plat Amendments and Subdivisions must be reviewed pursuant to LMC Chapter 15-7". **No Building Permit may be issued prior to such an approval."**

Somehow, in spite of the code, this applicant has already received an HDDR approval and several Building Permits, and is well under way to completing the project that you and the Public are only seeing for the first time tonight. This makes a mockery of Park City's public process, and undercuts the powers of the Planning Commission as well.

We hope you will take the opportunity tonight to correct this terrible mistake, and instruct the Building Department to rescind these clearly illegal Building Permits. The applicant should be required to wait to apply for a building permit until AFTER they receive an approved Plat Amendment, just like the LMC requires and just like everybody else in town has to do.

Thanks for your consideration,

Sincerely,

John Plunkett and Barbara Kuhr

Francisco Astorga

From: Rick Van Dresser <Rick.VanDresser@huntington.com>
Sent: Wednesday, May 23, 2012 7:48 AM
To: Francisco Astorga; Thomas Eddington
Subject: Developer proposal for 573 Main Street

Dear Mr. Eddington and Mr. Astorga,

I understand the commercial project at 573 Main Street will be reviewed by the Planning Commission on this day.

As a homeowner with members of my family of 568 Woodside, the back of our vacation home overlooks the back entrance and parking area of 573 Main Street, and we are very concerned that traffic and noise could become a problem. Our vacation home stays busy between family use and vacationers who rent our home to come and enjoy Park City's wonderful combination of outdoor activities followed by dining and shopping on Main Street. Our home has a rear deck which affords a wonderful view of much of Old Town, and yet is not exposed directly to the noise and traffic of Main Street.

We strongly encourage that the developers of 573 Main Street be restricted to offering only the Main Street entrance to visitors, that the HVAC equipment on the roof be shielded, and that the noise and activity that will surely result from customers having a good time all be directed towards the Main Street side of the building and not the residences behind on Park Avenue and Woodside.

Thank you for your consideration.

Rick Van Dresser
Birmingham, Michigan

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Francisco Astorga

From: John Plunkett <john@plunkettkuhr.com>
Sent: Tuesday, June 19, 2012 3:25 PM
To: Francisco Astorga
Cc: Patricia Abdullah
Subject: Public Input re: 573 Main St and 572 Park Ave Plat Amendment

To the Park City Planning Commission, c/o Francisco Astorga

Dear Planning Commission Members,

We're writing on behalf of the five Park Ave property owners whose homes face the rear of this Main Street commercial building. We are all also represented by attorney Joe Tesch.

At the April 25 hearing we were pleased that the applicant requested a continuance from you, so that they could 'work with the neighbors' to address our concerns. Imagine our dismay then, when over a month later they informed us that they're not willing to change a thing.

At this point, all we can do is place our trust in the Planning Department and Commissioners to require this applicant to comply with Park City's LMC. If there is going to be a year-round Main Street nightclub like the Bing Bar, surely the LMC should be applied to mitigate its impacts on the surrounding residential neighborhoods as much as possible. That's all we ask.

We'd like to respond here to attorney Joe Wrona's May 31 letter. We'll address his specific points lower down, but first it is important to note that his letter fails to address the newly-discovered facts we provided the Commission regarding the 1992 non-conforming addition. It also fails to address our contention that No Good Cause exists for allowing the addition to continue to encroach onto the HR-2 lots, and to cover the rear of the historic building.

But most importantly, Mr Wrona fails to address the underlying reason for our concerns, namely the illegal use of the Park Avenue rear exit-only doors as Commercial Entrances and Service Doors for the Bing Bar nightclub, during the last two Sundance Film Festivals.

In fact it would be helpful in considering this Plat Amendment, if the applicant could confirm that they either do or don't intend to use the entire building for special events on a year-round basis, as they have for the Bing Bar, and as appears to be the case from viewing their plans.

For the Commission's reference, here is a summary of our concerns:

1. Adjusting lot lines does not cure the Structure and Use encroachments that run across the underlying zoning, from the HCB zone into HR-2, Sub-Zone A.
2. The 1992 addition is non-historic and should be removed. Now that the historic building has been stabilized, the stairway can be safely put inside it, rather than outside on the Park Ave lots. This will cure the 1992 encroachment that was made for The Purpose of Preserving the Historic Structure in the HCB.
3. The double-door, rear 'entrance' must revert to an exit-only door with an alarm, as per code. It should also be a single door, the same as it is in the historic building.

4. Therefore the exit door cannot also double as a 'residential only' entrance — Residential parkers will need to access the HCB building from a legal entrance within the HCB, which they can access via the covered walkway that connects the Park Ave lots to Main Street.

5. There is Good Cause to Remove the 1992 addition and restore the Hist Building and Site within the HCB zone, which will in turn make all three Park Ave residential lots once again legal, buildable lots – instead of the two sub-standard lots proposed.

6. Most importantly, given the last two year's Bing Bar experience, there is Good Cause to mitigate the effects of a Main St nightclub's noise and outdoor mechanical systems on the surrounding, uphill neighborhoods.

(LMC 15-2.6-10 speaks to this: "Mechanical Service. All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties **located above the roof tops of Structures in the HCB District.**")

Regarding the potential impacts that Mr Wrona's letter refers to, Lighting, Noise and Traffic, there is no way to evaluate his claims at this time, as the applicant has not yet filed a Proposed Site Plan, Lighting Plan, or Outdoor Mechanical Equipment Plan. These will be of great concern to us though, once they have been submitted.

Lastly, regarding Mr Wrona's opinion of Visual Impact, the only eyesore that we Homeowners face is the 1992 wooden addition that hides the historic brick hotel. We would welcome the reappearance of the Historic brick Building, the restoration of the three HR-2 residential lots, and especially the return of all commercial uses back inside the HCB zone where they are allowed.

Thank you for your consideration of our concerns.

Sincerely,

John Plunkett & Barbara Kuhr, 557 Park Ave, on behalf of:

Will & Linda Cox, 575 Park Ave

Bill Kershaw & Tom Simpson, 569 Park Ave

John & Dianne Browning, 561 Park Ave

Brulecreek UT 1, LLC, 553 Park Ave



May 31, 2012

Joe Tesch
TESCH LAW FIRM
314 Main Street
2nd Floor
POB 3390
Park City, UT 84060

Re: 573 Main Street Plat Amendment

Dear Joe:

My clients have carefully reviewed the staff report, and they have considered your clients' requests. Unfortunately, it appears that your clients want to use the Plat Amendment Application as an opportunity to essentially demolish substantial portions of the ClaimJumper Building. The purpose of the Plat Amendment is to enhance the ClaimJumper, not to tear it down.

In my opinion, the ClaimJumper Plat Amendment mitigates the impact of the ClaimJumper's presence on Park Avenue. For instance, the proposed Plat Amendment reduces three (3) building lots on Park Avenue down to two (2) building lots, and the Plat Amendment reduces an eight (8) car parking lot down to two (2) restricted parking stalls. These changes directly benefit the Park Avenue neighborhood behind the ClaimJumper Building.

With regard to the impact of the ClaimJumper on Park Avenue, I perceive four (4) categories of potential impacts: 1) light; 2) noise; 3) traffic; and 4) visual appearance. I will address the Plat Amendments' effect on each of those potential impacts below.

1. Lighting. With regard to night lighting, the ClaimJumper Plat Amendment will not increase night light on Park Avenue; therefore, I do not perceive that lighting is even an issue.
2. Noise. The Plat Amendment will not increase noise on Park Avenue. If anything, the Plat Amendment reduces noise on Park Avenue because the eight stall parking lot is being replaced with two dedicated parking stalls, and three building lots are being reduced to two lots. These changes reduce the noise on Park Avenue, not the other way around.
3. Traffic. Traffic on Park Avenue is mitigated by the Plat Amendment. Currently, automobiles are able to access an uncontrolled eight car parking lot on Park Avenue and those automobiles travel up and down Park Avenue at will. The Plat Amendment proposes to replace the existing eight car lot with two dedicated stalls. The net effect of the Amendment on Park Avenue traffic is that ClaimJumper automobile traffic is dramatically reduced. I assume your clients think that is a good thing.

4. Visual Impact. The ClaimJumper Building is currently in sad condition, to say the least. No one likes looking at an abandoned building with a crumbling exterior. Re-platting the ClaimJumper Building and allowing it to be brought back to life with exterior resurfacing is precisely what Park City needs, and I hazard to say your Park Avenue clients are excited by this positive change.

In summary, I do not perceive how the 573 Main Street Plat Amendment adversely impacts the Park Avenue neighborhood in any way. The Plat Amendment benefits Park Avenue, and the Applicant would appreciate the support of its Park Avenue neighbors for the Plat Amendment.

Thank you for your attention and courtesy.

Very truly yours,

WRONA LAW FIRM, P.C.



Joseph E. Wrona

/nw

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June 19, 2012

VIA EMAIL AND US MAIL

Joe Wrona
Wrona Law Firm, PC
1745 Sidewinder Drive
Park City, Utah 84060

Re: Claimjumper and Bingo Bar 573 Main Street Plat Amendment

Dear Joe:

Thank you for your letter dated May 31, 2012. I thought it deserves a response paragraph by paragraph so you are not left with any misunderstanding from lack of response that my clients agree or disagree with your positions.

With regard to your first paragraph wherein you indicate that the plat amendment process presented an opportunity for my clients to essentially demolish substantial portions of the Claimjumper building, that is a gross misstatement. The purpose of my clients objections to the retention of the non historic rear portion of the current Claimjumper building is that it is not historic and visually distracts from the original architecture and therefore removal will restore, in a more perfect way, the original Claimjumper building. A second reason is that it is an illegal addition since it violates the current ordinances and unlawfully encroaches onto the HR-2 Zone which does not permit commercial buildings. We are at a loss as to why your client does not wish to remove this unsightly addition and restore the original historic building. Lastly, as you know, the multiple doorways and double doorways in the unlawful addition also violate current Land Management Code. Under the Land Management Code, only a single door is permitted with sufficient barriers to eliminate the possibility of that door being used for commercial purposes.

With regard to your second paragraph indicating that in your opinion the plat amendment mitigates the impact of Claimjumper's presence on Park Avenue by reconfiguring their lots into two larger lots. We understand your opinion. However, my clients are in total disagreement.

My clients prefer the three building lots that are currently platted which are the usual, ordinary and preferred lot sizes for this zone. It adds to the smaller home visual objective of Old Town. The restriction of eight parking stalls down to two can be an advantage if, and only if, there are attractive barriers erected (landscaping, etc.) which would physically limit any more than two automobiles. In addition, the two parking spots must be physically restricted from any commercial traffic and that could only come from using a locked gate or some other device which permits only residential occupants of the residential condominiums to use those spaces. Otherwise, my clients believe that the ongoing abuses of the parking lot that have occurred with the same owners of the last few years will continue. There is an additional problem. Either the residential uses already have dedicated parking from locations other than Park Avenue or the proposal of two parking spaces only, is less than minimum required for residential units and could well increase the traffic and parking problems on Park Avenue.

With regard to your third paragraph which explains your perception of the impacts on Park Avenue residence, I will address those one at a time.

1. Lighting. Lighting is an issue, especially when the parking lot is being abused by use for commercial traffic. Your proposal does nothing to remedy this problem, but only indicates that it will not exacerbate it. When you ask for plat amendment, the conditions for that amendment should improve the situation, not simply allow a bad situation to continue.
2. Noise. Again, you indicate that a plat amendment will not “increase the noise” on Park Avenue. The problem is that the noise on Park Avenue has been a nuisance and an unnecessary and unlawful irritant to the residents of Park Avenue and also Woodside Avenue (as much of a noise flows uphill into the homes on Woodside Avenue). Your comments seem to concentrate only on traffic. That hardly begins to address major components of the problem. For instance, because there are four doors in the non historic portion of the Claimjumper building which encroach on the HR-2 Zone lots, during use of the commercial portion of the business and even after hours, employees and guests gather on the parking lot to smoke, tell jokes and generally engage in loud talking into the wee hours in the morning (and sometimes not so wee). That is why there must be absolute barriers which deny access to the back of the building currently protruding onto the HR-2 Zone lots from loitering, etc. Physical barriers are imperative. The Land Management Code allows only one single door. All of these issues need to be addressed in order to address the noise problem.
3. Traffic. Your conclusion that traffic will be “dramatically reduced” on Park Avenue is not shared by my clients as a result of past experience and a potential for continued abuse of even two parking spaces by use for commercial purposes. In addition, since one parking spot does not meet code requirements for each of the two residential units, it is likely that it will increase the traffic and parking problems along Park Avenue unless absolutely procedures are put into place which limit the use of those two parking spots.

4. Visual Impact. My clients are in full support of the Applicant in bringing the Claimjumper building "back to life" with "exterior resurfacing" as you note in your letter. We have no intention of interfering with that improvement of the historic structure. Unfortunately, the non historic addition on the back of the building actually detracts from bringing the historic building back to life. It also accommodates all of the problems that I have outlined above.

My clients also disagree with your summary. We agree that a plat amendment should and must occur with regard to the HCB Zone lots. As a condition, the Applicant should be required to come current with the Code in every other way. Since the Applicant continues to demand exceptions to the current Code, as we view it, which negatively impact them and the continued viability of Old Town, I believe that my clients oppositions are not only in your best interest, but in the interest of all of the residents of Park City.

Thank you for your letter dated May 31st and we hope that your client seriously considers these responses to the impact on the neighborhood and is willing to henceforth, meet the requirements of all Land Management and Building Code requirements and be good neighbors, as my clients are attempting to also be.

Sincerely,
Tesch Law Offices, P.C.



Joseph E. Tesch

JET/tw

cc: Park City Planning Commission
Francisco Astorga

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June 27, 2012

VIA HAND DELIVERY

Park City Planning Commission
PO Box 1480
Park City, Utah 84060

Re: 573 Main Street

Dear Planning Commission:

Due to the severe and multiple violations of the protections afforded my clients on Park Avenue by the Land Management Code, if you decide to approve the plat amendments proposed, we request the following conditions as a substitute to those proposed by staff (paragraphs 1-5 and 12 were lifted directly from the Staff Report). We also strongly suggest that these conditions be explicitly placed on the amended plat so as to insure their enforceability against this and all future owners.

Sincerely,
Tesch Law Offices, P.C.



Joseph E. Tesch

JET/tw
Enclosure

ADDITIONAL CONDITIONS OF APPROVAL
(to be placed on the Amended Plat)

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, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for new residential construction along Park Avenue.
4. A 10 foot wide public snow storage easement shall be provided along Park Avenue.
5. The parking easement on Lots 2 and 3 for the benefit of Lot 1 is only permitted to be used for the residential units. The parking easement shall not be used for commercial purposes.
6. The existing parking lot shall be removed by replacing the current parking surface with landscaping until homes are built on the HR-2 lots. A landscaping plan shall be approved by the City, but it shall be sufficient clearly to prohibit parking of any vehicles.
7. The easement from the two parking spaces on the HR-2 to the HCB shall be for use by the occupants of the residential units only and shall be a maximum of four (4) feet wide.
8. The upper two floors may only be used as residential properties and no commercial uses whatsoever shall be permitted. The interior build out of these residential units shall be such as to prohibit access from the commercial units to the HR-2 lots as required by the HR-2 Sub-Zone A.
9. Only one emergency single width exit only door with alarms may exist from the HBC to the HR 2 lots. All other exits must funnel the occupants into the HBC zone as per the HR-2 Sub-Zone A.
10. The two (2) parking spaces in the HR-2 Zone shall have significant exterior barriers prohibiting parking or vehicle traffic beyond those spaces; and a gate must be placed between the parking spaces and the access easement with a locking device allowing access only to the residential occupants.
11. Screening of roof mounted equipment and vents prohibiting visual and noise description for residential units behind and above the historic structure shall be constructed in conformance with the requirements of the Section 15-2.6-10 of the Land Management Code.
12. The property owner shall donate a preservation easement to the City for the Historic Structure before the plat is recorded



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July 11, 2012

VIA HAND DELIVERY

Park City Planning Commission
PO Box 1480
Park City, Utah 84060

Re: 573 Main Street, Claimjumper - Plat Amendment

Dear Planning Commission:

Our office represents several homeowners on Park Avenue in the HR-2 Zone whose residences are directly impacted by the proposed plat amendments for 573 Main Street.

As the Planning Commission considers approval of the amended plat, please accept the attached proposed minor alterations to the conditions contained in the staff report's Draft Ordinance No. 12 attached hereto as Exhibit 1.

The attached redline version of Draft Ordinance No. 12 accurately reflects the Commission's intentions set forth in the DRAFT Planning Commission Meeting Minutes from June 27, 2012.

If the Commission approves the plat amendments for 573 Main Street, we respectfully suggest that the Commission adopt the conditions as set forth on Exhibit 1 and renew our request that these conditions are explicitly incorporated onto the amended plat so as to insure their continued enforceability.

Sincerely,
Tesch Law Offices, P.C.

A handwritten signature in blue ink that reads 'Joseph P. Barrett'.

Joseph E. Tesch
Joseph P. Barrett

Enclosures



EXHIBIT 1

Proposed Conditions of Approval - Draft Ordinance No. 12—

Conditions of Approval (Conditions 3-11 to be noted on the Amended Plat):

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 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, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for new residential construction along Park Avenue.
4. A 10 foot wide public snow storage easement shall be provided along Park Avenue.
5. The parking easement on Lots 2 and 3 for the benefit of Lot 1 is only permitted to be used for the residential units. The parking easement shall not be used for commercial purposes.
6. The existing parking lot shall be removed by replacing the current parking surface with landscaping until the residential structures are built on the HR-2 Lots. A landscaping plan shall be approved by the City, but it shall be sufficient to clearly prohibit parking of any vehicles. The existing parking lot shall be removed prior to plat recordation. The landscaping requirement would not be imposed until after renovation is complete.
7. The two (2) parking spaces in HR-2 District shall have a lockable controlled access prohibiting parking and of vehicle traffic beyond those spaces.
8. The easement from the two (2) parking spaces on the HR-2 to the HCB shall be for the use by occupants of the residential units only and noted on the Amended Plat.
9. Only one private access door for residential use may exist from the HCB District to the HR-2 District lots. All other exits must be for emergency access.
10. The property owner shall donate a preservation easement to the City for the Historic Structure before the plat is recorded.
11. The parking easement off Park Avenue shall be for the use of the residential units in Lot 1 only and noted on the plat.



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VOTE: The motion passed unanimously by the Commissioners who had attended the meeting on April 11th. Commissioner Pettit abstained since she was absent from that meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Thomas commented on the project that was juried on Iron Horse Drive. Twelve students from the U of U graduate school of Architecture presented concepts for a hypothetical project in Park City. He has championed this for a long time and it was exciting to see it occur. Commissioner Thomas noted that three of the presenters would attend the Planning Commissioner work session on May 9th. He requested that the public be notified because it was a worthwhile effort and it was fun to see something outside of the box. Commissioner Thomas thanked Charlie and Mary Wintzer for making their property available for this project.

Director Eddington reported that the joint meeting with the Snyderville Basin Planning Commission was scheduled for Wednesday, May 30th at 6:00 p.m. The plan was to utilize someone from Envision Utah to facilitate that meeting as a general regional information provider.

Director Eddington stated that a joint meeting with the City Council was scheduled for Thursday, May 31st. Charles Buki would give his balanced growth report that evening.

Chair Wintzer stated that he would be out of town for both joint meetings.

CONTINUATION(S) – Discussion, Public Hearing and Possible Action

200 Ridge Avenue – Plat Amendment **(Application #PL-10-00977)**

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 200 Ridge Avenue plat amendment to May 23, 2012. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 573 Main Street & 564/572 Park Avenue – Plat Amendment **(Application #PL-10-01105)**

Planner Francisco Astorga handed out copies of public input he received after the Staff report was prepared.

Planner Astorga introduced the applicant's representatives; Andrew Moran with Evergreen Engineering, Jonathan DeGray, the project architect and Joe Rona, legal counsel representing the applicant.

Planner Astorga reviewed the application for a plat amendment at 573 Main Street. He presented a copy of a survey of what used to be known as the Claim Jumper Site at 573 Main Street. The property owner also owns the three Park Avenue lots towards the rear. The plat amendment combines seven lots of record and a portion of two lots into three lots of record. Planner Astorga presented the County plat map and the zoning map, which showed the subject area.

Joe Rona, representing the applicant, stated that he learned that day that Joe Tesch was representing several neighboring lot owners who had concerns with this plat amendment. Mr. Rona remarked that in the spirit of being good neighbors, the applicant felt it was more appropriate to try and work with the Mr. Tesch and his clients to address the concerns and try to resolve them before moving forward with the Planning Commission. Mr. Rona requested that their presentation be continued to another meeting to allow the opportunity to work with the neighbors. Since this was scheduled for a public hearing, Mr. Rona suggested that the Planning Commission could hear public input this evening.

Chair Wintzer opened the public hearing.

Joe Tesch concurred with Mr. Rona. He explained that the intent was to have joint meetings with the Planning Staff in an effort to come to some agreement. Mr. Tesch clarified that as citizens, his clients were happy about the Claim Jumper and believed the applicant was doing the right thing. However, they had concerns regarding neighborhood impacts and impacts to Old Town in general.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the plat amendment for 573 Main Street and the public hearing to May 23, 2012. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Chair Wintzer thanked Mr. Rona and Mr. Tesch for their willingness to resolve the issues outside of the public meeting.

2. **7700 Marsac Avenue - Subdivision**
3. **7700 Marsac Avenue - Condominium Conversion**

Planner Matt Evans reported that the applicant was requesting to continue these items to the May 9, 2012 meeting. Two owners are associated with this particular property and after relooking at

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MOTION: Commissioner Hontz moved to CONTINUE the Steep Slope Conditional Use Permit for 543 Woodside Avenue to July 25th, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

**4. 573 Main Street, Claimjumper – Plat Amendment
(Application #PL-10-01105)**

Planner Astorga reviewed the application for a plat amendment for a site known as the Claimjumper building site, located at 573 Main Street and approximately 564 and 572 Park Avenue. The request is to combine a total of 6 Old Town lots and portions of two lots into three lots of record.

Planner Astorga presented the County Plat Map which was attached as an exhibit on Page 132 of the Staff report, which outlined the entire property. The property has been identified with the same tax ID number. Another exhibit showed the entire area with the dividing zone line shown in blue. The majority of the Claimjumper building sits on the HCB side; however, portions of the rear additions encroach into the HR-2A District. Planner Astorga reviewed the proposed plat amendment showing that a portion of those lots would no longer cross the lot lines because all the interior lot lines would be removed.

Planner Astorga noted that the Planning Commission was scheduled to review this application on May 23rd. At that time, the applicant's representative requested that the item be continued to a future date to allow the opportunity to address concerns raised by neighboring property owners. Planner Astorga reported that the issues were not resolved from those discussions.

Planner Astorga stated that per the analysis in the Staff report, the encroachments or additions were built in 1993. The HR-2 District was created in the Land Management Code in 2000. The Staff report identifies an HR-2 Overlay District that was created prior to 2000, but it was completely different than the HR-2 Transition Zone that was enacted in 2000.

The Staff recognized that the improvements were approved by the City per the submitted information given by the property owner, including minutes from when the former Historic District Commission approved the improvements. The minutes also mention the parking lot in the back, since it was common practice in the 1980's and 1990's to move forward with these improvements without a plat amendment. Planner Astorga remarked that since the improvements were approved by the City before the HR-2A Special Requirements were enacted, the Staff considers the improvements to be legal non-conforming. If the property owner decided to enlarge or expand on this specific area, which is zoned HR-2, they would have to meet specific regulations. Special criteria in the LMC addresses enlargement to non-conforming uses and non-compliant structures.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval.

Planner Astorga had provided the Commissioners with a letter from Joe Tesch, representing neighboring property owners, with additional conditions of approval to address the neighbors' concerns.

Chair Pro Tem Thomas opened the public hearing.

Joe Tesch, stated that he represented five different owners who live across the street from this proposal. Those neighbors were identified on page 160 of the Staff report. Mr. Tesch asked the Planning Commission to consider that it could be them living in close proximity to this building. He also asked them to keep in mind the intent of the Land Management Code for the HR-2 zone, which is to create and preserve a pedestrian friendly residential street compatible with the surrounding neighborhood. Mr. Tesch referred to page 162 of the Staff report, which showed the typical activity that has gone on for many years in the back of the Claimjumper during Sundance. He noted that page 164 showed a door that went into a bar in the basement of the Claimjumper that was allowed during Sundance as part of the Festival overall license. It was called the Bingo Bar. Mr. Tesch remarked that the Bingo Bar exited illegal on to the parking lot and caused what was shown on page 162.

Mr. Tesch noted that this goes on for ten days out of the year and it is very disruptive to the neighbors. However, with a bar and restaurant proposed full-time, he assumed they could imagine the aggravation the neighbors would experience on a daily basis.

Mr. Tesch remarked that in 2007 the City Council and the Planning Commission approved a plat amendment. As part of that plat amendment to combine the commercial into one lot, the City required removal of a bad looking wooden structure that was added to the back of the historic Claimjumper building sometime in 1993. Mr. Tesch remarked that the criteria and the legal responsibility of the Planning Commission is to find good cause to allow this plat amendment. It is a legislative function and if they have arguable basis for denying it, they can and should deny it if they do not find good cause. Mr. Tesch suggested that without the removal of the non-historic addition on the back of the historic structure, the Planning Commission could find that there was not good cause. The fact that it may be considered a non-conforming use of record is immaterial. If the applicant was not requesting a plat amendment, the City could do nothing about it. However, they have asked for a plat amendment and the City has the discretion to say they cannot find good cause unless that addition is removed, regardless of whether it was non-conforming and previously approved. Mr. Tesch asked the Assistant City Attorney to correct him if his interpretation was incorrect.

Assistant City Attorney McLean did not believe the Planning Commission could infer from the prior plat approval that the removal of the structure on the back was anything more than the fact that the prior plat amendment included that area. It seems that the more obvious reason why those were required to be removed was because it would have encroached over the proposed lot line. When a building is over a lot line the City requires the applicant to either change the lot itself or to remove the building that is over the lot line. Ms. McLean agreed that good cause is a requirement of subdivisions and that was outlined in the Staff report.

Planner Astorga clarified that at the time of the previous plat amendment approval the property owner had requested to remove the additions. An application was submitted for a determination of significance that was filed in 2006 and a follow-up application which was the HDDR. The only difference between now and then was that the previous property owner, who was different from the current property owner, requested to remove the additions. Planner Astorga wanted to make sure

that everyone understood the difference between the application of 2007 and this application in 2012.

Mr. Tesch believed he was correct on the law that good cause was a legislative act and any arguable basis allows the Planning Commission to deny it; and that includes whether or not it was a non-conforming use of record or whether it went across the lot line.

Mr. Tesch stated that the fact that this addition has four doors, none of which meet the requirements of having an alarm or any other prohibition from allowing commercial traffic from exiting those doors, is unacceptable and does not meet current Code. Mr. Tesch read from page 139 of the Staff report, Item 7, "The HR-2 portion of the property must be designed in such a manner as to absolutely prohibit non-emergency use. Alarms shall be installed on all emergency doors that provide access to Park Avenue." Mr. Tesch asked how many of the Commissioners have homes that have built-in lobbies with access to a restaurant and a bar. He asked how many of the Commissioner thought that was a good idea.

Mr. Tesch read a portion of the first paragraph on page 132, "...interior walls to create a night club//bar/restaurant on the basement level, a restaurant lobby for access to the living units above on the main level..." Mr. Tesch questioned whether these would be two residential units or whether they would become part of the commercial use. He questioned why they would have an access lobby to true residential units. If they do have lobby access to the so-called residential units and there are four doors leading out of those, none of which have alarms, there is no way to stop traffic from the commercial restaurant and bar from going out those doors. Mr. Tesch pointed out that no solution was even suggested. Since there was no solution and the Code states that it must be constructed with an absolute bar from any commercial traffic going out those doors, the application does not meet Code and cannot be approved.

Mr. Tesch commented on problems with other bars down the street, and noted that all the complaints from those neighborhoods resulted in the HR-2A subzone, which says bars are not prohibited or discouraged, but they must absolutely prohibit access from the commercial to the HR-2 portion of the building or the lots. Mr. Tesch stated that this applicant has not done that or even suggested a way to prohibit access. He remarked that the answer seems to be that there are only two parking spot, but in his opinion that is not an answer. There needs to be absolute prohibition.

Mr. Tesch remarked that this same owner has a history of violations as evidenced by the activity that occurred during Sundance. He stated that neighbors told him that limousines were lined up on Park Avenue so people could go into the Bingo Bar through those double doors. Mr. Tesch could find nothing that would suggest that this owner should be trusted.

Mr. Tesch reviewed a list of complaints from recent violations contained on page 141 of the Staff report.

Mr. Tesch reiterated that the proposal does not meet Code and the Planning Commission could require that the building that crosses over into the HR-2 be removed. He encouraged the Planning Commission to take that action. However, if they choose to approve the plat amendment, he had drafted additional conditions of approval. The first five conditions and condition 12 were drafted by Staff and taken from the Staff report. Condition #12 was written by Staff as condition #7 in the Staff

report. He explained the reasons why he had written conditions 6-11 and why the Planning Commission should consider them.

Conditions #6 addressed removal of the existing parking lot. As written by Staff, the applicant could replace the parking lot with gravel. Mr. Tesch proposed replacing the current surface with landscaping until homes are built on the HR-2 lots. The landscape plan should be approved by the City and clearly prohibit parking of any vehicles. Conditions #7 addressed the easements. Mr. Tesch stated that the residential walkway from the two parking spaces was proposed to be six feet wide, which is wide enough to back a truck up to the door. He suggested reducing the easement to four feet to avoid potential vehicle access. Condition #8 addressed residential properties on the upper level. He wrote the condition to say that the interior build out of these residential units shall be such as to prohibit access from the commercial units. She pointed out that if there is a lobby that encourages access, they would actually have a four-story commercial building. Mr. Tesch and his clients were not opposed to a fully commercial building, as long as it meets the absolute requirement of the Code and prohibits access from the commercial to the HR-2 zone. Condition #9 was written to allow only one emergency single width exit only door from the HCB to the HR2 lots. Currently there are four doors. All other exits must funnel the occupants into the HCB zone per the HR-2 Subzone A. Condition #10 addressed barriers and gates to prohibit parking or vehicle access behind the two allowed spaces. Condition #11 addressed screening of roof mounted mechanical equipment to protect the neighbors from noise and visual impacts.

Mr. Tesch thanked the Planning Commission for their patience and he offered to answer any questions.

Hope Melville, a resident on Park Avenue, questioned whether any residential structure could be built on Lots 2 and 3 based on how the lots are set up in the plat amendment. In her opinion, the lots appeared to be too short. She wanted to know the consideration for those lots and what could be built. If Lots 2 and 3 were adjacent and the garage was not splitting the lots, it might be possible to build one residence. Ms. Melville remarked that what happens on Lots 2 and 3 affects what Park Avenue would look like. As a resident she felt it was important that Park Avenue remain a practical residential street.

John Plunkett stated that he and his wife have lived on Park Avenue for 21 years and they have rebuilt three historic homes on the street. They spent a number of years working with the City to get the street itself rebuilt after the Olympics. Mr. Plunkett stated that he is one of the five neighbors who hired Mr. Tesch to represent them because they are deeply concerned about what has been happening on the other side of Upper Park Avenue over the last 20 years. Mr. Plunkett believed that the Land Management Code was well written for the commercial zone and the HR-2 and it balances the competing needs of commercial Main Street business versus residents on Park Avenue. For the most part it does work because most of the Main Street buildings are owned separately from the Park Avenue lots behind them. However, there are a handful of properties, one being 573 Main Street, where the owners happen to own the Park Avenue lots behind their Main Street business. What has happened over time is that for various reason exceptions were made that allowed exits from commercial buildings, which have been used as commercial entrances. He hoped this plat amendment would be an opportunity to stop that. Mr. Plunkett stated that their experience from the last two Sundance Festivals caused them the most concern when the

Claimjumper was used as a bar/nightclub. He asked the Commissioners to consider their reaction if they were home on a winter evening and after hearing a lot of commotion they open their door to find a nightclub across the street. There is an entrance with velvet rope and bouncers dressed in black with headsets, and a line of black SUVs up and down the street. Nightclub music and noise continues until the early morning hours. Mr. Plunkett was certain that if any of the Commissioners had that experience, they would hope that the Planning Commission would find a way to prevent that from happening again, particularly since it is prohibited in the zone and on their street. Mr. Plunkett clarified that the neighbors do not care what happens inside the commercial building in the commercial zone. They only want to stop it from filtering on to Park Avenue. The exit on to Park Avenue is continually used as an entrance to the commercial building and they would like the Planning Commission to insure that it is restricted to an emergency exit only as described by Code.

Mr. Plunkett felt the conditions of approval suggested by Joe Tesch were useful because nothing in the application or the Staff conditions of approval would prevent this building from being used as it has been used the last few years. He pointed out that removing the addition and the doorways would put the commercial back on Main Street and keep Park Avenue residential. Mr. Plunkett commented on the encroachment issues and noted that there are two levels of encroachment. One is the lot line encroachment and the second is the underlying zone encroachment created by the commercial addition sitting in the residential zone.

Chair Pro Tem Thomas closed the public hearing.

Joe Wrona, an attorney representing the applicant, thought the Staff report was very detailed and assembled very carefully. He believed the Planning Commission should rely on the Staff report when addressing the Code and what is required.

Mr. Wrona stated that in general, the existing building with the large parking lot in back is legal. The parking lot itself is a legal non-conforming use and his client has come forward with a proposal to make that go away. It was clearly what the Park Avenue neighbors wanted and the applicant was submitting a plat amendment that accomplishes that objective. Mr. Wrona stated that on that basis alone, the Planning Commission should be excited to see the Claimjumper revitalized and the parking lot removed.

Mr. Wrona noted that someone from the public thought that Lots 2 and 3 appear to be too small for development. He stated that page 136 of the Staff report points out that both lots exceed the minimums required by Code and they can be developed.

Regarding public comment about problems that occurred during the Sundance Film Festival, Mr. Wrona remarked that the proposed plat amendment would resolve those problems. He referred to a lengthy comment that implied that the applicant was an evil person who intentionally breaks the law and can't be trusted. He pointed out that most of the violations that occurred were during the Sundance Film Festival and were violated by a temporary tenant. They were not violations by the applicant. Mr. Wrona reiterated that the application was trying to resolve the ability for violations by changing the parking lot.

Mr. Wrona stated that there has never been a Bingo Bar on Main Street as Mr. Tesch inferred. Bing, which is a very large, successful company, rented the space to hold its reception events

during the Sundance Festival. He remarked that Mr. Tesch also misread the ordinance. One of the public comments focused on page 139, Item 7 of the Staff report related to emergency access. He noted that Mr. Tesch only read a single sentence instead of the entire paragraph, which was very misleading. Mr. Wrona read the first line of the second part of Item 7 from the Staff report, "The plat amendment complies with this requirement as no access is proposed from Park Avenue, including service and delivery."

Mr. Wrona read what the Code requires starting with the second sentence of item 7, "The commercial structure must be designed to preclude any traffic generation on residential streets." He stated that this was exactly what the plat amendment proposes to do. He further read, "Any emergency access as required by the Uniform Building Code on to the HR-2 portion of the property, must be designed in such a manner as to absolutely prohibit non-emergency use. Alarms shall be installed on all emergency doors that provide access to Park Avenue." Mr. Wrona stated that there are no emergency doors in the Claimjumper building that provide access on to Park Avenue. Public comment that four doors function as emergency access on to Park Avenue is not true, and he believed Planner Astorga could confirm that. Mr. Wrona pointed out that the plat amendment has one door that goes on to Park Avenue so that the people who purchase the upper floor condominiums have parking. Because parking is a consistent problem, it is critical to have designated parking in order to sell those units. Mr. Wrona clarified that the door that goes out to those two parking spots is not an emergency access as required by the Uniform Building Code. However, it is an existing legal door in an existing legal structure and it has been there for a long time. The homeowners have lived with that for 20 years and when they purchased their property they bought into that situation.

Mr. Wrona stated that there was an attempt to recite to the Planning Commission that in 2007 a plat amendment was proposed and approved that removed a portion of the Claimjumper Building referred to as the wooden non-historic structure. He believed that representation standing alone was a misrepresentation. Mr. Wrona stated that in 2007 the prior owner of the property sought to build the property higher and add two penthouses onto the roof. That building owner also sought to expand the footprint of the building to consume the area where this wooden component of the building exists. Rather than a building with a T-shape in terms of its footprint, it had a much larger square footprint when it consumed the wooden structure. The proposal was not to remove the wooden structure, but rather to demolish it and expand the building to consume that area. Mr. Wrona stated that the improvements that were installed in 1992 and 1993 were legal and complied with the Code at the time. That is recited in the Staff report and that is what the Planning Commission should consider. Mr. Wrona clarified that the applicant was not requesting to change the building in any way. The building that is legal stays the same.

Mr. Wrona stated that a last minute attempt by Mr. Tesch to have the Planning Commission add additional conditions of approval was disarming, because this process has been going on for months. Receiving last minute information causes him to read the language carefully. After reading the language he understood why it was submitted at the last minute. Mr. Wrona remarked that Condition #6 not only requires removing the parking lot, it asks that a landscaping plan be installed. Mr. Wrona stated that over the course of the next year the applicant would be doing tenant improvements to the upper floors to sell the units in the condotel. Construction staging needs to occur and it makes more sense to stage construction in the parking lot as opposed to

Main Street. Mr. Wrona stated that the applicant recognizes that the parking lot on Park Avenue does not work for the Park Avenue and he intends to remove it. Understanding the applicant's intent, the Staff report identifies it as the mitigation.

Mr. Wrona referred to Condition #7, which addressed the width of the access. He reminded everyone that the upper floors were a condotel and in order to be marketable and profitable, the applicant relies on the upper floors to make an economically successful redevelopment of the Claimjumper. The applicant needs to develop the upper floors so he can sell the condominium units. If he cannot sell those units, the Claimjumper will continue to sit vacant for another five years.

Commissioner Strachan asked Mr. Wrona which condition of approval drafted by Staff speaks to the fact that the doors would only be used for residential use. Mr. Wrona replied that it was the easement itself. He was unsure whether it was actually addressed in the conditions of approval; however, the applicant would not be opposed if the Planning Commission wanted that specified in the conditions of approval. Mr. Wrona felt the best way to handle it legally was to specify that the easement is for the use of the condotel occupants on the upper floors.

Commissioner Strachan clarified that there were four doors in back of the Claimjumper. Mr. Wrona replied that there are four doors around the property. Only one door faces Park Avenue. The other doors direct traffic around the sides of the building on Main Street.

Mr. Wrona referred to Condition #9 and noted that a double width door already exists in the building. It is a legal use and it is necessary to function as a condotel. He anticipated that the residential units would be nightly rentals, which was the reason for having a lobby. Mr. Wrona stated that the applicant was only asking to do the same thing that all the mixed-use buildings on Main Street were allowed to do, including historic structures. Mr. Wrona clarified that the applicant was not proposing any other doors with access to Park Avenue.

Mr. Wrona noted that Condition #10 proposes a gate across the parking lot. He felt that would be a great expense to the developer and the question was when the gate would be installed. Mr. Wrona questioned whether a gate was necessary since there was an easement with that restricted use. He believed the restricted use was sufficient to handle the issue.

Mr. Wrona thought Condition #11 was redundant with what was already required by law. He believed the issue of screening would be addressed by the Building Department when building permits are issued for the upper floors. He was certain that the applicant would be required to comply with the LMC on that particular issue.

Mr. Wrona stated that the applicant was attempting to give the City what it wants and it allows the applicant to actually develop the Claimjumper. An important question was whether it was good to have the Claimjumper redeveloped, and whether it was particularly beneficial to have the parking lot removed.

Mr. Wrona read from Condition #6 in the Staff report, the second sentence, "Existing parking lot shall be removed before July 12, 2012." He believed it should read, July 12, 2013. Planner Astorga agreed that it was a typo and the correct date was July 12, 2013.

Jonathan DeGray, the project architect, addressed the access door in response to an earlier question from Commissioner Strachan. He explained that the southerly single door entrance services the kitchen. Directly north of that is the double door which was the 1993 addition. A set of stairs goes down to a landing and the doorway in that location goes into the main level commercial space. The applicant was proposing to alarm the northerly door that accesses the commercial level and the southerly door that accesses the commercial level and maintain the center doors as sole access to the residential levels.

Chair Pro Tem Thomas understood that from the double door into the lobby there would be no pedestrian connection into the HR-2. Mr. DeGray replied that there would be no pedestrian connection into the commercial level. Chair Pro Tem asked about circulation from the exterior to Main Street. Mr. DeGray stated that it would be via the alley. People would have to come out the double door, down the stairs and around through the alley to get to Main Street. Commissioner Strachan clarified that if someone went in the double door it would then rise and go into the residential unit. He asked if an elevator was being proposed. Mr. DeGray stated that an elevator was not proposed at this time. The residents would go outside and walk around to access the lobby.

Planner Astorga clarified that the north door would not enter the building. Mr. DeGray replied that it was a sidewalk that goes up the set of stairs and onto the existing sidewalk that goes out to Park Avenue. It was an existing access that the Wahso Building uses. The door is alarmed and locked from the inside.

Bill Reed, the applicant, asked if Planner Astorga understood that there was no door down to the stairs. The door he referred to was on the building and not on the stairs.

Commissioner Strachan asked if the applicant would be opposed to gating and landscaping the area on Park Avenue after construction of the Claimjumper was completed, to prevent anyone except for the residential unit owners from entering or exiting. Mr. Wrona stated that if the goal is to prevent squatters from using the access, it could be accomplished with two posts and a chain with a lock, and the residential users would have a key. He would be uncomfortable with a condition that requires a specific type of barrier. He preferred to impose as little as possible on the applicant in terms of cost. The applicant had agreed to the restriction by the easement and to the legal impediment that it could only be used by residential occupants. He was concerned about the City designing the ways to enforce that easement. Mr. Wrona had the same concerns with landscaping. The snow removal easement goes across the front of the lot along Park Avenue. If the City requires berming on that, it would run afoul of the requirements of the snow removal easement. Mr. Wrona pointed out that even though ideas are good intentions, in some cases it causes one requirement to step on another. He felt their proposal to eliminate the parking lot and restrict access to the building through an easement was sufficient to address the problems.

Chair Pro Tem Thomas agreed with the concern that once the parking lot is removed it could be replaced with a gravel surface, and people could still park on it. He suggested that the concern could be mitigated with a gate. Mr. Wrona stated that if this plat amendment is approved, they have one year to record the plat and remove the parking lot. The applicant could complete construction in

that time period. If gravel was an issue, he asked if the Planning Commission would consider sod to satisfy the landscape requirement. The applicant was willing to do something that would be attractive for Park Avenue and discourage people from parking, but he should not be required to do more than anyone else. The applicant could also post "No parking" signs.

Chair Pro Tem Thomas was not opposed to sod. Planner Astorga recommended a native cover instead of sod.

Commissioner Hontz referred to page 150 of the Staff report. In looking at the plat she was trying to insure that the lot area represented for Lot 2 and Lot 3 were adequate to meet the square footage requirements of the HR-2 zone. She noted that under Lot 3 it said 2060.9 square feet, which would be 1875 square feet as required. However, looking closer she noticed that the plat was incorrectly drawn because the 37.47 feet along the front of the Park Avenue line is not the same length as the 37.47 of the back line along Lot 1. Those lines were obviously not the same and, therefore, could not be the same length. Mr. Reed remarked that it goes to the property line, not to the easement line. Commissioner Hontz stated that if it was 37 feet to the property line, she asked if 2060 square feet excludes the shaded area of 9' x 18' x 6' x 37'. Mr. DeGray answered no. Commissioner Hontz stated that they should determine what 9' x 18' x 6' x 37' would equate to in square footage and subtract that from the calculation of the total square footage. Commissioner Hontz clarified that she was making the point that the shaded area was not buildable area for Lots 2 or 3 because it was dedicated for the purpose of providing parking and access for Lot 1. Aside from the fact that it was in a different zone, it could not be counted towards the lot area.

Planner Astorga stated that the Staff had discussed the issue. The reason for not making the easement area only part of Lot 1 was because it would not meet the minimum width requirement on the HCB. Commissioner Hontz clarified that she was asking for the total area excluding the area that could not be built, because it is dedicated to Lot 1 for the owners of the units in Lot 1. Planner Astorga calculated the area to be 1788 square feet. Commissioner Hontz pointed out that it was under 1875 square feet and therefore was not a buildable lot. She could not approve Lots 2 and 3 because they did not meet the standards of the zone. She was upset that the analysis did not represent the actual buildable lot area.

Mr. Reed stated that it was no different than an easement around any existing lot or setback line on an existing lot. Commissioner Hontz disagreed because it would be paved and it is specifically for the purpose of providing access and parking to another use in another lot in another zone. Commissioner Hontz asked where it says in the Code that this use is allowed in the HR-2 zone. She pointed out that this was not a use for the HR-2. The use was in support of the HCB. Planner Astorga stated that the HR-2A has a list of allowed conditional uses, and it allows four or fewer residential parking spaces. Commissioner Hontz clarified that parking was allowed for uses on Lots 2 and 3. Planner Astorga replied that the Code was not specific enough to make that determination of use. Commissioner Hontz was not comfortable approving uses for other zones unless the Code specifically allows accessory support in one zone for another zone. If she could find that language in the Code, she would accept it.

Commissioner Hontz agreed that the Claimjumper in its blighted state hurts Main Street and she would like to see the improvements. She was disappointed that it had been left in its blighted

condition for so long. She would like the ability to upgrade the Claimjumper, but she was uncomfortable shifting the burden of zoning issues to become enforcement. It puts the burden on the neighbors and all the taxpayers. Zoning issues should not be resolved through complaints and phone calls to the Police or Code Enforcement. Commissioner Hontz thought most of the conditions of approval were workable and with some editing she would have been comfortable approving this plat amendment. However, knowing that the two lots were not standard, she would not be voting to forward a positive recommendation to the City Council.

Planner Whetstone stated that if they only exclude the front part, which is the parking easement, it puts the area at 1898 square feet. She pointed out that they could not build on the pathway because it is the setback area, and that is no different than the 10-foot required snow storage easement on every lot. Planner Whetstone clarified that because it was an easement, not a property line, it would not impact the lot size. Planner Astorga stated that by definition the Staff finds that it meets the minimum lot size. Commissioner Hontz understood their point, but she disagreed.

Commissioner Worel asked if easements were normally calculated into the lot size. Planner Whetstone answered yes, because it is part of the lot. Easements are always part of the square footage of the lot. Commissioner Worel asked about the wooden attachment to the back of the Claimjumper and whether the original back wall of the Claimjumper was still intact. She was told that the original wall still existed. The wooden attachment was added on as a staircase as egress to the building. It has since been gutted out and currently it is just a shell.

Commissioner Strachan agreed with Commissioner Hontz. He did not believe it was possible to build a feasible unit on Lots 2 and 3 as drawn on the proposed plat amendment. Even if the lots could be developed, he agreed with Commissioner Hontz that the conditions suggested by Mr. Tesch should be imposed with some editing. However, as the applicant pointed out, receiving new information at the last minute without having time to review it is never good. Commission Strachan thought Conditions 6, 7, 9 and 10 were reasonable. He suggested that the applicant may want time to decide whether or not those conditions would be deal breakers.

Commissioner Hontz read the Code and disagreed with the use interpretation that parking and access would be allowed on Lots 2 and 3 for the building in the HCB zone. She believed that interpretation was a stretch of the Land Management Code because the allowed use was intended to be for uses developed in that same zone.

Assistant City Attorney McLean clarified that where it identified the lot line to be removed was actually the zone line. That should have been marked zone line to indicate that everything from the lot line to be removed over to the other one was actually HR-2. Everything to the east is HCB. Ms. McLean pointed out that they were not talking about a different zone because that portion was within the HR-2 zone. Planner Hontz appreciated that clarification.

Planner Astorga stated that if the Planning Commission chooses to forward a positive recommendation to the City Council with physical improvements, it would have to be in compliance with the Historic District Design Guidelines. That also included landscaping.

Mr. Wrona responded to Commissioner Strachan's comment regarding the importance of Conditions 6, 7, 9 and 10. Mr. Wrona was comfortable with Condition #6 because it only requires landscape approval by the City. It did not specify what type of landscaping. Commissioner Strachan clarified that landscaping would not be required until after construction was completed. Mr. Wrona stated that Condition #7 was undesirable to the applicant. Commissioner Strachan asked if the applicant would be comfortable with the condition if they struck the language, "and shall be a maximum of four feet wide." He revised the Condition to read, "The easement from the two parking spaces on HR-2 to the HCB shall be for use by the occupants of the residential units. Mr. Wrona was comfortable with Condition 7 as revised because that was always the applicant's intention. Mr. Wrona suggested modifying the language in Condition #9 to replace, "emergency access" with "private access", and to remove the word "alarms". The idea is to have one door that allows access to the condotel occupants. Commissioner Strachan further revised the condition to say, "All other exits must be emergency exits only." Mr. Wrona found the revised language acceptable. Regarding Condition #10, Mr. Wrona reiterated his concern about being too specific about a gate. He preferred that the condition be structured to require a physical barrier controlled by the licensees, without being too specific as to the type of barrier. The applicant would like the flexibility to at least start with something less than a gate.

Commissioner Strachan believed that could be done at the plat amendment stage. This would come back to the Planning Commission for other approvals and the issue could be addressed at that time. He believed at some point a gate would be necessary and he suggested that the applicant design it now. Mr. Wrona agreed. However, the person responsible for the gate would be the developer of the upper floors and he expected that it would be an upscale gate. Mr. Wrona preferred that this applicant be allowed to take it in steps. He believed that requiring a locking device without specifying a gate would address the issue of commercial squatters using those parking spaces. At the time of building permit or certificate of occupancy for the condotel units, the City could impose a controlled gate and the applicant would already have it in his design.

Commissioner Strachan encouraged this applicant to design the gate now because it would not come back to the Planning Commission and they were about to tell the Staff what type of gate they would like to see. This was the applicant's opportunity to have input on the type of gate they would like. The Planning Commission could approve or disapprove the applicant's choice, but it was better than letting the Planning Commission make the decision without input. Mr. Wrona explained that the applicant would like some flexibility to determine what would work best and what would be most marketable to a user. He preferred to revise the condition to state that there will be a physical controlled access with a locking device. Chair Pro Tem Thomas suggested, "...A lockable controlled access prohibiting parking for vehicles". Mr. Wrona was satisfied with that language.

Assistant City Attorney McLean remarked that the condition of approval should reflect what they were trying to prohibit. She preferred language similar to what Commission Thomas had proposed. The purpose is clear and the applicant must do whatever is necessary to meet that purpose. Condition #10 was revised to read, "The two parking spaces in the HR-2 zone shall have lockable controlled access prohibiting parking to vehicle traffic beyond those two spaces."

Chair Pro Tem Thomas asked Mr. Wrona if the applicant was comfortable with the conditions proposed by Mr. Tesch with the modifications to Conditions, 6, 7, 9 and 10.

To address the concerns with the buildable square footage of Lots 2 and 3, Assistant City Attorney McLean stated that the two lots could be conditioned to require the setbacks to be from the easement lines. They could also condition the type of material in the exterior access easement.

Commissioner Hontz felt it was a conundrum. She wanted to see the Claimjumper succeed and she wanted smaller houses in Old Town. However, she believed this proposal cheats the system and tries to get around the Code.

Planner Astorga pointed out that if the easement changes from 6' to 4' in width, they would gain 37' on one side. He was unsure where the proposed lot line lines up with the actual building in terms of the encroachment, but there was the possibility of shifting the line further back to meet the minimum lot size. He asked if the Commissioners were interested in asking Mr. DeGray and Evergreen Engineering to pursue that analysis to see if it was possible.

Commissioner Hontz stated that she still had a problem with the use, but if the line could be shifted it might be a better result for everyone. Commissioner Hontz never wanted to see another situation where something undesirable on Main Street pushes the Code.

Chair Pro Tem Thomas believed that modifications to the parking would help mitigate the issues related to neighborhood disturbances on Park Avenue. Commissioner Hontz concurred. The alarm doors were also a big factor.

Commissioner Worel pointed out that smaller homes on Lots 2 and 3 would be more compatible with the neighborhood. Chair Pro Tem Thomas was not bothered by lot sizes smaller than 1875 square feet.

Mr. Wrona noted that Mr. DeGray had already done preliminary designs for homes on Lot 2 and Lot 3, and each home was approximately 2,000 square feet.

Commissioner Strachan stated that the concern was that the use of Lot 1 was both commercial and residential. He suggested that they tie the easement to residential use only to address that concern. Commissioner Worel favored that suggestion because she had concerns about setting precedent for allowing something against the Code in one zone for the benefit of another zone. She could support if it was done only for the residential. Planner Whetstone pointed out that if the upper floors ever become commercial, parking would not be allowed.

Commissioner Strachan was not comfortable re-drafting conditions on the spot and suggested that the item be continued to allow Staff time to properly draft the conditions and for the Planning Commission to review them. The Commissioners concurred.

Commissioner Strachan summarized the changes made to the conditions of approval this evening.

Conditions 1-5 remained the same as written in the Staff report. Conditions 6-11 were revised from the conditions submitted by Joe Tesch.

Condition 6 - Add sentence, "The landscaping requirement would not be imposed until after renovation is complete".

Condition 7 - Delete all language after the word "units". The revised condition would read, "The easement from the two parking spaces on the HR-2 to the HCB shall be for the use by the occupants of the residential units only.

Condition 8 was not in front of the Planning Commission for purposes of the plat amendment and did not apply.

Condition 9 – Revised language would read, "Only one private access door may exist from the HCB District to the HR-2 lots. All other exits must be for emergency access only."

Condition 10 – Revised language would read, "The two parking spaces in the HR-2 zone shall be lockable, controlled access prohibiting parking and vehicle traffic beyond those spaces."

Condition 11 - Language was stricken in its entirety.

Condition 12 would become Condition 11. The language was the same in both the Staff report and Mr. Tech's letter.

A new Condition #12, would read, "The parking easement off Park Avenue would be for the use of the residential units in Lot 1 only and noted on the plat."

Planner Whetstone thought they should add language that makes it perfectly clear that non-emergency access is absolutely prohibited and an alarm shall be installed on emergency doors. It would be on the plat and would transfer to title reports. The condition would reiterate what is already in the Code.

MOTION: Commissioner Strachan moved to CONTINUE the plat amendment for 573 Main Street, the Claimjumper, to July 11, 2012. Commissioner Worel seconded the motion.

VOTE: The Motion passed unanimously.

The Park City Planning Commission meeting adjourned at 8:40 p.m.

Approved by Planning Commission: _____



City Council Study Session

Subject: Study Session – Dark Skies Ordinance
Author: Tyler Poulson and Katie Cattan
Department: Sustainability and Planning
Date: July 26, 2012

Background:

PCMC has an existing light pollution ordinance as part of its Land Management Code (LMC). The ordinance generally requires lighting to be down directed and shielded on new residential and commercial construction and remodels. This Dark Skies-friendly ordinance intends to provide for safe and energy efficient lighting, while also protecting the night sky from light pollution. Detailed information on the ordinance is available in Title 15 Chapter 5 of the LMC on outdoor lighting (Exhibit A).

Previous Council Direction:

City Council previously discussed Dark Skies and light pollution during the 2011 Council Visioning session. This discussion was preceded by feedback from a community member on the importance of Dark Skies and a visit to Park City from the Technical Director of the International Dark-Skies Association. The following three options were presented for Council consideration:

Option 1: Direct staff to internally investigate regulations which would require dark skies lighting for all existing residential and commercial properties. Currently, the lighting regulations are only in force for new construction or a remodel. This investigation, and the potential code enforcement activities, would require significant staff time.

Option 2: Direct staff to hire a lighting consultant to review the current LMC and provide recommendations on how to make the City's code more dark skies friendly.

Option 3: Direct staff to bring Council a proposal for a comprehensive lighting plan for all outdoor municipal lighting. Currently, some of the City's external lighting fixtures are dark skies friendly and some are not. Inconsistency among outdoor lighting fixtures also means that Building Maintenance must stock a large variety of bulbs and ballasts. One challenge is that strictly Dark Skies lighting is not always compliant with other regulations, such as the Illuminating Engineering Society (IES) standard.

Staff noted to Council that changes to the LMC which result in outlawing certain light fixtures could have a significant impact on some businesses, Home Owner Associations, and residents. Reductions in energy consumption may be more than offset by upfront costs of new lighting fixtures and bulbs in some circumstances. Additionally, significant staff time would be required for revising the code and proactive code enforcement. Should Council determine an ordinance such as proposed in Option 1 is necessary, staff would recommend a phase-in period of at least one year.

Hiring a consultant to conduct a lighting review of our LMC or to develop a comprehensive municipal lighting plan would cost money that is unbudgeted. Pursuing any of the proposed options will require staff time from certain departments such as Planning, Building, Sustainability, and Building Maintenance.

During Visioning 2011, City Council opted to take no new action on Dark Skies at the community level based on the information and options presented. There was interest in reviewing consistent dark skies implementation for municipal lighting. Staff has continued to enforce the existing Dark Skies-related code of the LMC on new construction and major remodels. Code enforcement responds to ordinance violations on an as-reported basis.

Analysis and Updates:

There are myriad motivations for addressing Dark Skies as part of City code. Three primary factors are often cited for implementing Dark Skies:

- *Human and Animal Health:* Lighting can lead to disruption of circadian rhythms in humans and animals which leads to other health impacts. Light pollution also impacts animal navigation. When properly done, outdoor lighting can be a crime deterrent, but poorly executed outdoor lighting can have the opposite effect.
- *Energy Efficiency:* Directing light where it is needed most (e.g., on walkways and roads) ensures that minimal energy is wasted and light is not lost to the night sky.
- *Obtrusive Lighting:* Preventing light pollution leads to less glare and brightness directed towards neighboring properties. Brightness of outdoor lighting can impact living conditions and lead to resident complaints.

As part of the General Plan updates, Planning staff has taken a second look at the existing outdoor lighting ordinance and compared it to model Dark Skies ordinances. Overall, the current outdoor lighting ordinance is very effective in protecting citizens and wildlife from the impacts of obtrusive lighting. The current ordinance does not include a multitude of exceptions often allowed by special permit with model dark sky ordinances. Model ordinances are typically one size fits all from a Manhattan to a small city like Park City. Therefore each community must analyze which exceptions are acceptable within their community, while also being reflective of their core values, dominant land uses, safety, and priorities regarding light pollution and viewing the night sky.

The Model Lighting Ordinance produced by International Dark-Sky Association and the Illuminating Engineering Society list the following exceptions allowed by special permit: sports facilities; construction lighting; lighting for industrial sites having special requirements; parking structures; urban parks; ornamental and architectural lighting of bridges, public monuments, statuary and public buildings; themes and amusement parks; and correctional facilities.

Below are some specific lighting circumstances that are currently allowed (yet conditioned) within the outdoor lighting language of the LMC:

1. Historic District Lighting (15-5-5 (a)): Under current City code, light fixtures in the historic district which replicate a historic fixture can be installed without partial shields when approval is received from the Planning Director.
2. Seasonal Display of Lighting (15-5-13): Seasonal display of lighting is allowed, with certain restrictions.
3. Recreation Lighting (15.5.11): The code allows, with compliance of specific conditions, for certain types of recreation lighting. Details are available in section 15.5.11 of Exhibit B.

During Study Session, Council may wish to discuss past elements of Dark Skies presented during Visioning 2011 or any of the above prescriptive uses. Council may also wish to discuss potential new prescriptive uses such as uplighting for public art. A current list of public art installations is included as Exhibit B.

Department Review:

Sustainability, Planning, Legal, and City Manager reviewed this report and their feedback was incorporated.

Exhibits:

Exhibit A - Title15 LMC, Chapter 5: Outdoor Lighting Info

Exhibit B - Public Art Installations within PCMC Limits

Exhibit A - Title15 LMC, Chapter 5: Outdoor Lighting Info

(I) **LIGHTING.**

(1) **PURPOSE.** The functional objectives in providing exterior Area lighting are to illuminate Areas necessary for safe, comfortable and energy efficient Use. The number of fixtures shall be limited to provide for safe entry and egress and for sign and Business identification. Illumination of new Building features for architectural enhancement is prohibited. Historic Structures may be illuminated under the terms prescribed in this Code.

With the exception of Americans with Disabilities Act lighting requirements, the minimum lighting standards generally applied and recommended by the Illuminating Engineering Society of North America (IES), are observed by this Code.

(2) **CONFORMANCE WITH APPLICABLE CODES.** All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Code, the International Building Code, the Electrical Code, and the Sign Code under the appropriate permit and inspection. When discrepancies in these Codes exist, the most restrictive shall apply.

(3) **APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION.** The provisions of this Code are not intended to prevent the Use of any design, material or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved. The Chief Building Official may approve any such proposed alternate providing he/she finds that:

(a) The alternative provides approximate equivalence to the applicable specific requirement of this Code;

(b) The alternative is otherwise satisfactory and complies with the intent of this Code; or

(c) The alternate has been designed or approved by a registered professional engineer and the content and function promotes the intent of this Code.

(4) **SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH CODE.**

(a) The Applicant for any permit required by any provisions of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the Application for permit, evidence that the proposed lighting fixtures and Light Source will comply with this Code. The submission shall contain the following:

(i) Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, and installation and electrical details;

(ii) Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers, and drawings, including section where required;

(iii) Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may also be required to determine the adequacy of lighting over the entire Site.

Additional information may be required elsewhere in the laws of this jurisdiction upon Application for the required permit.

(b) **Lamp or Fixture Substitution.** On commercial Structures if any outdoor light fixture or the type of Light Source therein is proposed to be changed after the permit has been issued, a

change request must be submitted to the Planning Department for approval. Adequate information to assure compliance with this Code must be provided and the request must be received prior to substitution.

(5) **SHIELDING.** All non-exempt outdoor lighting fixtures shall have shielding as required by Table 1 of this Chapter below.

(a) **Historic District Shielding and Fixture Exemption.** Fixtures in the HR-L, HR-1, HR-2, HCB, HRM, and HRC Zoning Districts that replicate a Historic fixture shall be permitted to be installed without partial shields with the approval of the Planning Director. All fixtures shall be filtered and refractors that direct the light downward shall be installed if the bulb is exposed.

Historic fixtures that are fifty (50) years or older and contribute to the architectural and cultural character of the Historic District, are exempt from these requirements.

Architectural features on Historic Structures may be illuminated with fully shielded fixtures.

(6) **WATTAGE/FIXTURE AND LIGHT SOURCE REQUIREMENTS.** Wattage, fixture and Light Source requirements as outlined in the following Table 1 apply to all zones throughout the City:

Table 1

Light Source	Fully Shielded	Partially Shielded	Watts (Maximum Per Fixture)
High Pressure Sodium 1		X	50
Low Pressure Sodium		X	55
Metal Halide 2	X		1,500
Low Voltage/ Halogen 3		X	50
Compact Fluorescent		X	75

Other Sources: As approved by the Planning Director

Note: "x" indicates the required standard.

1 This is the standard Light Source for Park City and Summit County unless otherwise noted in a specific section. Fully shielded fixtures are preferred but not required with this Light Source. Other sources are only permitted as noted. Residential porch lights and exterior garage and post lights may utilize incandescent bulbs, provided that the bulbs are Shielded. Lighting for signs may use halogen bulbs, provided that they are Shielded and directed at the sign face. Wattages outlined are the maximum and can be decreased under the Building Permit review process depending on the number and location of the fixture on each project. In no case shall the levels be reduced to levels below the Illuminating Engineering Society (IES) minimum standards.

2 Metal Halide sources shall be permitted only for recreational sport field or ski Area Uses and installed only in one hundred percent (100%) fully enclosed Luminaries. Metal Halide lights shall also be filtered.

3 Low voltage/halogen sources are permitted in landscaping lighting only.

(7) **GAS STATION CANOPIES.** Gas station canopies may not exceed an average horizontal luminance level of eight (8) Foot Candles across the Site and the maximum point levels should not exceed fifteen (15) Foot Candles within the Area directly underneath the canopy.

(8) **AREA LIGHTING - BUILDING CANOPY AND SOFFIT, WALL MOUNTED.** Area, stand alone or wall mounted fixtures shall not be mounted above eighteen feet (18') as measured from the top of the fixture to the adjacent Grade or horizontal plane being lit by the fixture. The horizontal luminance level along the sidewalk or Building Facade shall not exceed one (1) Horizontal Foot Candle with a uniformity ratio of 4:1.

(9) **CONSTRUCTION SITES.** All commercial construction Sites shall submit a lighting plan as part of the Construction Mitigation Plan for the project prior to Building Permit issuance. Criteria for review shall include duration, number, location, height, Light Source, and hours of operation.

(10) **LANDSCAPE LIGHTING.** The primary function of landscape lighting is to provide illumination for pathways, steps, and entrances to Buildings.

(a) **Pathway Lighting.** Two types of lights can be selected: Three foot (3') bollards with louvers and ten foot (10') pole mounted, down directed Luminaries. Bollard lights shall be low voltage. The intent of pathway lights is to provide pools of light to help direct pedestrians along the path, not to fully illuminate the path. Steps and path intersections should be illuminated for safety. The maximum Foot Candle permitted on the ground is one (1) Horizontal Foot Candle or less.

(b) **Highlighting, Backlighting.** Only low voltage systems are permitted. Lights must be partially shielded and light must not be directly off the Property. A maximum Foot Candle permitted at ten feet (10') is 0.6 Horizontal Foot Candles from the Light Source. Up-lighting is prohibited.

(c) **Moonlighting.** Low voltage systems may be placed in trees or on Buildings to give the effect of moonlight. Lights must be down-directed and partially shielded. A maximum Foot Candle permitted at ten feet (10') is 0.25 Horizontal Foot Candle from the Light Source. Up-lighting is prohibited.

(11) **RECREATIONAL LIGHTING.** Because of their unique requirements for nighttime visibility and their limited hours of operation, baseball diamonds, playing fields, tennis courts and ski area runs may Use the Light Source permitted under Table 1 above with the following conditions and exceptions:

(a) The height of outdoor recreational posts shall not exceed seventy feet (70') above Natural Grade. The average Horizontal Foot Candle shall not exceed 3.6 across the Area boundary with a uniformity ratio of 4:1. Ski area lighting may require higher illumination levels in some instances. Those levels shall be reviewed and approved by the Planning Commission under the Conditional Use process outlined in the LMC.

(b) All fixtures used for event lighting shall be fully shielded as defined in Section (4) herein, or be designed or provided with sharp, cutoff capability, so as to minimize up-light, spill light and glare.

(c) Recreational lighting shall be turned off within thirty (30) minutes of the completion of the last game, practice, or event. In general, recreational lighting shall be turned off after 11:00 p.m., unless an exception is granted by the Planning Director for a specific event or as approved as part of a Master Festival license.

(12) **RESIDENTIAL LIGHTING.**

(a) All exterior lights on porches, garage doors or entryways shall be shielded to prevent glare onto adjacent Property or public right of ways and light trespass in to the night sky. Lights shall be directed at walkways or entries and shall not be directed into the night sky.

(b) Compact fluorescent fixtures are the recommended Light Source. High pressure sodium and incandescent bulbs may be permitted, provided the wattage is low and the light is Shielded and down-directed.

(c) Bare bulb light fixtures such as flood or spotlights are not permitted.

(d) Lighting exterior Building features for architectural interest is prohibited.

(e) Security lighting shall be fully shielded and shall be set on a timer or motion detector. Infrared sensor spotlights are the recommended light type for security.

(f) Private sport court facilities shall Use fully shielded fixtures and shall not Use the lights past 11 p.m.

(13) **SEASONAL DISPLAY OF LIGHTS.** Seasonal restrictions apply to the HCB, GC, LI and HRC zones. Residential Uses in the HR-1, HR-2, E, HRL, SF, RM, R-1, RDM, and RD zones are exempt from these requirements. Winter seasonal displays are permitted from the first of November to the 31st of March.

Displays should be turned off at midnight. Any color of lights may be used; however, the lights shall not be used to create advertising messages or signs. Spelling out the name of a Business is prohibited.

(14) **OUTDOOR DISPLAY LOTS.** Any Light Source permitted by this Code may be used for lighting of outdoor display Lots such as, but not limited to, automobile sales or rental, recreational vehicle sales, Building material sales, and seasonal goods, provided all the following conditions are met:

(a) All fixtures shall be Fully Shielded as defined in LMC Chapter 15-15.

(b) The maximum horizontal illumination across the Site shall not exceed an average Foot Candle of two (2) across the Site with a uniformity ratio of 4:1.

(c) Display lighting shall be turned off within thirty (30) minutes of closing of the Business. Lighting used after 11 p.m. shall be security lighting. Security lighting shall be required to be motion sensitive not permanently illuminated. Infrared sensor security lights are the only type of security light permitted.

(15) **PROHIBITIONS.** The following light fixtures and Light Sources are prohibited: mercury vapor lamps, laser Light Sources, unshielded floodlights or spotlights, metal halide, except for recreational Uses, see Section (10), and searchlights.

(16) **OTHER EXEMPTIONS.**

(a) **Nonconformance.** All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this Chapter, including City owned or leased Street lights, are exempt from all requirements of this Code. On commercial projects, all such fixtures shall be brought into compliance with this Code upon any Application for any exterior

Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with this ordinance.

(b) **Fossil Fuel Light.** All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

(17) TEMPORARY EXEMPTION.

(a) **Requests.** Any Person may submit a written request to the Planning Director for a temporary exemption. A temporary exemption request shall contain the following information:

- (i) Specific exemption or exemption request;
- (ii) Type and Use of outdoor light fixtures involved;
- (iii) Duration of time for requested exemption;
- (iv) Total wattage;
- (v) Proposed location on Site;
- (vi) Description of event or reason for need of exemption; and
- (vii) Other data as deemed necessary to adequately review and made a determination on the request.

(b) **Approval; Duration.** The Planning Department shall have ten (10) Business days from the date of a complete submission of the temporary request to act, in writing, on the request. The Planning Department shall approve the request if it finds that the exemption is necessary for public safety, security or other public necessity and the exemption does not materially subvert the purpose of this Chapter.

If approved, the exemption shall be valid for not more than thirty (30) days from the date of approval. The approval shall be renewable by the Planning Director upon consideration of all the circumstances and provided a finding of public safety or necessity is made, and no intent to circumvent the intent of this Chapter is present. Each such renewed exemption shall be valid for not more than thirty (30) days.

(c) **Denial/Appeal.** If the request for a temporary exemption is denied, the Person making the request, in writing, may appeal the decision to the Planning Commission within ten (10) days of the denial as provided for in LMC Chapter 15-1.

Additional information regarding Title 15, Chapter 5 of the LMC is available at:
<http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=211>



Park City Public Art

Bench and Bike Rack
1200 Little Kate Rd
Racquet Club Park

Making Tracks
2497 N SR 224
Olympic Sculpture
along Hwy 224

Police Center Art
2060 Park Ave
Inside the Police
Station Lobby

Bus Shelter - Dragon
1723 Kearns Blvd
Adolph's Bus Stop

Bus Shelter - Arts Kids
2262 Kearns Blvd
Learning Center Bus Stop

Bus Shelter - Dogs of Bark City
1776 Park Ave
Albertson's Bus Stop

Brave Heart
Near Rail Central

Bus Shelter - Flames
1751 Park Ave
Park Ave. Condos Bus Stop

Fish
1374 Sullivan Rd
Behind the Old Miners Hospital

Snowflakes
1374 Sullivan Rd
Front of Miners Hospital

Bus Shelter - Copper
1250 Park Ave
Skate Park Bus Stop

Bus Shelter - Good Book
1231 Park Ave
Library Bus Stop

Sound Garden
1200 Sullivan Rd
South of Skate Park, along Poison Creek Trail

Life in Ontario Mine
780 Main St
In tunnel along the Poison Creek Trail

Franz the Bear Bench
560 Main St
Along sidewalk that spans Swede Alley and Main St

Transit Center Mural
564 Swede Alley
Inside the Old Town Transit Center

Muses
564 Swede Alley
Outside the Old Town Transit Center

Sheltering Aspens
445 Marsac Ave
City Hall South Entrance

Miner
405 Main St.
Miner's Park

Bus Shelter - Wild Star
7620 Royal St E
Silver Lake Bus Stop