



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 23, 1998**

I ROLL CALL

Mayor Pro Tem Chuck Klingenstein called the regular meeting of the City Council to order at approximately 6:30 p.m. at the Marsac Municipal Building on Thursday, July 23, 1998. Members in attendance were Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Mayor Brad Olch was excused. Staff present were Toby Ross, City Manager; Alison Kuhlow, Planner; Pat Putt, Planning and Zoning Administrator; and Eric DeHaan, City Engineer.

II PUBLIC INPUT

The Mayor Pro Tem invited the public to comment on any matter of City business; hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JULY 9, 1998

Hugh Daniels corrected Page 3 of the Work Session Notes to clarify that the majority of the Council support funding the trail. Chuck Klingenstein requested a motion to approve, as corrected. Roger Harlan, "I so move, as amended". Shauna Kerr seconded. Motion carried unanimously.

V PUBLIC HEARING

1. Ordinance approving the amendment to the Anchor Development Plat, a plat amendment to the Millsite Reservation Subdivision No. 1 located at 81 King Road, Park City, Utah - Alison Kuhlow, Planner, stated that this is a plat amendment and vacation request. The applicants are Mike Watts and Rudy Riet. In 1996, the City Council adopted an ordinance approving the Anchor Development plat amending the Millsite Reservation Subdivision No. 1. and Lots 1 and 2 were created. The applicants are requesting to amend the Anchor Development Plat to add two more lots, Lots 3 and 4, and also requesting vacation of portions of Ridge Avenue. One area is 1,300 square feet and would be dedicated to Lot 1; another portion is approximately 1,500 square feet and would be dedicated to Lot 3; and finally 264 square feet would be dedicated to Lot 4. Staff has

worked with the applicants to mitigate design aspects. On Lot 3, staff has drafted volumetrics which modifies the above-ground square footage, the setbacks, height and length of the wall. Staff has considered this as compensation for neighborhood compatibility for the right-of-way. Ms. Kuhlow continued that lots will be combined on Lot 4, owned by Rudy Riet, on which an historic house is located. In return for the 264 square feet of right-of-way, he is giving the City a facade easement. Through illustration of a map, Ms. Kuhlow described accesses to property, and discussion ensued about the Scipione property. Patrick Putt indicated that there was no public input from adjoining property owners who were notified about this application. Mike Watts described the new driveways which would accommodate visitor parking. Roger Harlan requested valuations of the City properties involved.

Alison Kuhlow stated that staff, with the help of an appraiser, looked at 16 listings in Old Town and calculated the average price per square foot which calculates to be \$48.17. Open space, as opposed to developable property, has a ratio of 10% to 16% of the average price per acre. The total area of right-of-way for Mike Watts equates to 2,827 square feet and calculated with the ratio, the price ranges from \$13,600 to \$21,800. That is for both the right-of-way for Lot 3 and Lot 1. Roger Harlan stressed that the vacation benefits the home owner, and felt in fairness that there should be a benefit to citizens. In response to a question from Hugh Daniels about development in the right-of-way on Lot 3, Alison Kuhlow explained that staff has suggested that the area be used, but stepping the building up the hill will minimize visual impacts for neighbors. Hugh Daniels pointed out that this is not open space but buildable space, and asked about Lot 1. The setbacks on Lot 1 push the building outside of the vacated area. Shauna Kerr stated that on Lot 3, there is a substitution of buildable space. Pat Putt noted that the applicant has agreed not to use the square footage of the area vacated toward the floor area ratio. Hugh Daniels commented that a vacation makes it a much more saleable and buildable lot, as the current access from Ridge Avenue would be extremely costly to construct. Mike Watts responded that the lower lot of the parking area could be used and a variance could be obtained. Hugh Daniels explained that that would entail an encroachment permit which would need to be approved by Council. Shauna Kerr expressed that after walking the lot, the benefit of the vacation was that the house would have more of a relationship to the street scape rather than being located on a knoll. Mike Watts pointed out the stepping back of the house and the benefits of the setbacks.

Roger Harlan asked if Mr. Watts has considered compensation for the vacation. Mike Watts explained that when he first approached staff, he suggested paying for the property and proceeding with a plat amendment but was informed that he was required to go through this process.

He emphasized that there is a reduction of the FARs, increased setbacks, reduction in height, and stepping back of the structure and considers this compensation in consideration of compatibility with the neighborhood. The FAR on Lot 3 could be increased to 452 square feet according to the Land Management Code; on Lot 1 the FAR would allow for a 318 square foot larger home. A realtor informed him that the cost for a home in Old Town starts at about \$180,000. When using this number for 452 and 318, there are respective values of \$81,360 and \$57,240. By reducing the mass and volume of the houses, the actual loss totals \$138,600. He believed losing square footage is

compensation; there was discussion about public benefit. Hugh Daniels felt that this proposal offers a better architectural product and a much better access, and pointed out that Mr. Watts is not guaranteed an encroachment permit. Mike Watts asked about the other considerations. Hugh Daniels felt that a facade easement is good, but the City is also protected with the Preservation Ordinance and Historic District Guidelines; the situation on Lot 4 is somewhat different.

Toby Ross reminded Council that Ms. Kuhlow suggested offering an open space value for the land not a development figure. If Council is considering a development figure, Mr. Watts comments are well taken. Open space prices are considerable less, and there is also a range in open space figures. Mike Watts pointed out that for Lots 1 and 3, the open space range would be \$13,600 to \$21,800, and asked if that is a justifiable price for open space, and insisted that his concessions have significant value. Ms. Kerr acknowledged that there may be items that he is giving, but without some hard cash compensation, she is not willing to vacate a public asset, enhance his property values and lessen his development costs. She stated that she would lean toward the \$21,800 number, because it adds at least that much value to his property and saves at least that much money in construction costs. Paul Sincock felt there is a value in increased open space and smaller structures and didn't personally feel that cash compensation is as big an issue as it is to other Council members and he can support the proposal as recommended. Chuck Klingenstein stated that the facade easement has value to him. There is house size reduction, reduced heights, increased setbacks and stepping but once the homes go on the market, there is going to be an enhanced value and construction costs will be significantly reduced. Mr. Watts suggested that 16% be used for compensation on Lot 3; 10% on Lot 1; and the facade easement on Lot 4. The Mayor Pro Tem suggested pulling this off the Consent Agenda and placing it under New Business. There was discussion about continuing this item to provide adequate time to deliberate on a fair price.

Applicant Rudy Riet stated that he is the owner of Lot 4 and has no stake in Lots 2, 3 or 1; he is not a developer and has owned the property for more than 30 years. What has been proposed has been good for the City and the neighbors. He and his neighbor have unscrambled the "mess" on Lot 4, which the City created with platted property lines versus City property lines versus deed descriptions. They have cleaned up encroachments that kept both of them from doing anything. By consolidating several lots to one lot, he is guaranteeing his neighbors that he is not building three houses there which has occurred up the street. Mr. Riet understood that Ridge Road was created by a survey company in St. Louis who never had the knowledge of the lay of the land; there could never be a road there. A portion of Ridge Road that abuts Lot 4 has been vacated. He views what he is doing for the neighborhood and for the City as a plus in consideration of his legal hassles and costs. Mr. Klingenstein felt these are good points, but in the interest of arriving at a good sound decision, believed that the applicants should again meet with staff. Mr. Riet indicated that he will be moving in the near future, and would appreciate a decision sooner than later. There was discussion about scheduling this matter as soon as possible.

With no further comments, the public hearing was closed.

2. Ordinance approving a final subdivision plat for 1420 Park Avenue, Park City, Utah - Kirsten Whetstone explained that this is a final subdivision plat for three lots. The parcel is currently unplatted and about 17,000 square feet, located in the RM zoning district. The preliminary and sketch plat have been through the Planning Commission on several occasions and the Planning Commission has forwarded a positive recommendation with conditions of approval. Roger Harlan appreciated that access is off of Park Avenue rather than Sullivan Road. With no questions or comments from the Council or the public, the public hearing was closed.

VI CONSENT AGENDA

Roger Harlan, "I move that we remove Item No. 1 from the Consent Agenda to a time uncertain, but in the near future". Hugh Daniels seconded. Motion unanimously carried. Shauna Kerr, "I move approval of Consent Agenda Items 2, 3, and 4". Hugh Daniels seconded. In response to a question from Hugh Daniels, Rex Ausburn, Snyderville Basin Sewer Improvement District Manager, explained that 40 feet is required because the UDOT right-of-way is on a curve and the sewer line is straight. If it were a "straight shot", only 20 feet would be required; ten feet on either side. In response to a question from Roger Harlan, City Engineer Eric DeHaan indicated that this does not preclude the construction of a trail on the easement. Construction on the sewer line will occur the day after Arts Festival. Mr. DeHaan added that the language in the easement has been modified to clarify revegetation requirements. Motion unanimously carried.

1. Ordinance approving the amendment to the Anchor Development Plat, a plat amendment to the Millsite Reserve ration Subdivision No. 1 located at 81 King Road, Park City, Utah - See work session notes, public hearing, and staff report.

2. Ordinance approving a final subdivision plat for 1420 Park Avenue, Park City, Utah - See public hearing and staff report.

3. Authorization to Mayor Pro Tem to execute a grant of easement to Snyderville Basin Sewer Improvement District for the East Canyon Relief Sewer - See comments above and staff report.

4. Authorization to staff to enter into a design-build contract not to exceed \$30,000 for vest pocket park located at 151 Main Street - See work session notes and staff report.

VII ADJOURNMENT

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

* * * * *

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

Page 5
City Council Meeting
July 23, 1998

Prepared by Janet M. Scott

