

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 18, 1996**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, July 18, 1996.

AGENDA

Work Session

4:00 p.m. Council questions and comments
4:20 p.m. POMA transportation presentation
4:45 p.m. Review of regular meeting
Plats
TZO parking ordinance
Traffic calming study
Other meeting questions/comments

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

1. Thaynes Canyon Drive and SR224 intersection
2. Process for reconsideration of Town Run Project

III COMMUNICATIONS FROM COUNCIL AND STAFF

Resolution acknowledging the community benefits of the Gateway Tree Planting Project and recognizing the citizens responsible for its success

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 27, 1996

V PUBLIC HEARING

An Ordinance approving the amendment to the Park City Survey for Lots 5, 6 and 7, Block 79 to be known as the Brewsters Amendment (60 Sampson Avenue)

V CONSENT AGENDA

1. An Ordinance approving the amendment to the Park City Survey for Lots 5, 6 and 7, Block 79 to be known as the Brewsters Amendment (60 Sampson Avenue)
2. An Ordinance approving the Eagle Point Phase II final subdivision plat

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JULY 18, 1996

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

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Pat Putt, Planning and Zoning Administrator; Nora Seltenrich, Special Projects Manager; Eric DeHaan, City Engineer

Tom Clink, POMA; Hank Rothwell, Sandstone Cove; Hans Fuegi; Paul Brown, Wasatch Brewpub

1. Council questions and comments. Roger Harlan reported on the regional meeting with UDOT last week. Jerry Gibbs brought up planning a better ramp system on I-80; Mr. Harlan requested a traffic study on SR224 and Thaynes Canyon Drive and concerns with regard to improvements on SR248. Chuck Klingenstein felt it important that all employees involved in the flower basket project be recognized for their efforts. He discussed a meeting with the Restaurant Association and relayed that Hope Bleecker did a great job with her presentation. Mr. Klingenstein suggested that all employees have name tags. Shauna Kerr discussed the luncheon with the seniors and the senior picnic lunch at the park. She added that many citizens have talked to her about the cow appeal and felt that because there was a petition, that people felt that input was appropriate. She questioned if the petition should be evidence that Council should consider in a judicial matter. Jodi Hoffman responded that the Council doesn't have rules of evidence for hearings on appeals and the petition should be considered in terms of its weight as opposed to excluding it. Hugh Daniels suggested a follow-up Flagstaff summer tour. The National League of Cities conference was discussed. Mr. Daniels pointed out the merits of visiting Atlanta after the games. The Mayor added that the trip to European venues is scheduled from September 28 to October 5 and explained the intense itinerary. He hopes to schedule a meeting with the IOC President.

2. POMA transportation presentation. The Mayor introduced Tom Clink of POMA who discussed the various cable transportation systems designed by his company. He noted that he visited the problem areas in town with Hope Bleecker. Mr. Clink discussed in detail a 40 passenger train on an elevated track, which travels on rubber tires and operates on a cable system. Mr. Clink showed a video on the system.

3. Review of the regular meeting.

60 Sampson Avenue plat amendment. Pat Putt explained that the house currently sits on the property line and the applicant would like to build an addition. This will remove the interior lot lines and allow the applicant to pull a building permit. There is a snow storage easement.

Eagle Pointe Phase II subdivision plat. Nora Seltenrich explained the location of this project. She explained that there have been negotiations with regard to water with the Mountain

Top Subdivision. She referred to a letter of concern from Jerry Jackson of Sandstone who has problems with the road connection and Ms. Seltenrich felt that this is a private issue. She pointed out that the piece of property next to the road connection is not platted as a part of this, but would be platted as a part of the next phase, and staff is recommending proceeding with Council action. Ms. Hoffman explained that there is a conflict of opinion about the alignment of the road, but staff feels it is inconsequential with regard to any pre-existing rights of access to Sandstone. There has already been a public hearing on this and the developer would like to go forward. Ms. Hoffman explained that a condition of Eagle Pointe Phase I is a relocation of a water line serving the Mountain Top Subdivision. The developer would like to accomplish this as soon as possible and defer the discussion of responsibility of cost of the relocation. There is also an issue of build-out of Phase 1 and the continuation of utilities up the roadway. In response to a question from Paul Sincock, Jodi Hoffman explained that the plat does not affect private rights. The agreements between the developer and Mountain Top home owners with regard to the relocation of the water line is completely between them. The City has provided for adequate public health, safety and welfare service and access to Mountain Top Subdivision as a part of the original plat. Ms. Hoffman stated that the legal fees incurred on both sides is unfortunate, but has the developer has said that he will abide with the terms of this agreement and the improvements will be built as platted. For the benefit of Roger Harlan, Eric DeHaan described the tank systems in the area and assured him that there is adequate capacity for fire protection.

Hank Rothwell of Sandstone Cove explained his concern with the recordation of the plat. He stated that they have provided the City with surveys and additional information indicating that the access goes through and into the Sandstone property, but this plat would not eliminate that access. He indicated that the prior City Attorney Jim Carter stated that when the plat is of record, that it is vacating other points of right-of-way. Jodi Hoffman noted that staff has not evaluated whether they have historic rights, but if they have rights, a plat will not change private rights of access. Mark Harrington explained that Jim Carter recanted some of his statements in a subsequent deposition. Shauna Kerr asked how close they are in resolving the location of the access with the developer of Eagle Pointe. Mr. Rothwell suggested recognizing a 60 foot stub into Sandstone and allow Ms. Hoffman to document a newcomer's agreement that would require them to repay him for reasonable costs. Ms. Hoffman's concern is that the City may be recognizing rights that don't exist. Historic rights require legal research which would not be necessary if the Council decides to annex Sandstone Cove. She continued that as a condition, the City could take an unlimited easement or can take a strip from the developer, but would caution against providing an access for a development which is not within the City at this time. Shauna Kerr explained that these agreements work well in theory but are not signed, and all of the parties need to cooperate whether they are in or out of the City limits. The Mayor didn't feel that there was an urgency to act on the plat. Dave Johnson, counsel for the applicant, suggested that there be a condition that there by confirmation before the plat is recorded with regard to outstanding issues. Hank Rothwell stated that he has no problem with Ms. Hoffman's suggestion as long as the public controls the strip through some ability to grant an easement. Ms. Hoffman stated that she will draft a motion for the regular meeting.

Public improvements at Phase 2 Aspen Springs. Eric DeHaan discussed the trail system in the area.

TZO parking ordinance. Toby Ross explained that although this is not scheduled for a public hearing, it would be appropriate to take public input. He referred to a letter regarding the requirements for the Gateway Center and noted that it was exempted under the current provisions of the Code. Another issue was the vacant tenant spaces at the time of the adoption of the ordinance. Mr. Ross felt that under the ordinance drafted, they would be treated as any other property already developed or any other vacant space on Main Street. He clarified that there is a different requirement for office and retail uses, but if the area is not being expanded or converted to a restaurant in Alternative 2, then there would be no additional requirement.

From a fairness standpoint, Hugh Daniels expressed his concern that perhaps two properties on Main Street may be penalized that haven't submitted plans and charging them \$200,000 to \$300,000 when no one else on Main Street has paid. He felt that the Council is moving in the right direction but was not entirely sure that this is the right language. If Alternative 2 is adopted, Mr. Ross explained that it would be unlikely that there would be new restaurants in the next six months. Paul Sincock pointed out that this would also result in grandfathered restaurants acquiring a \$200,000 to \$300,000 asset, which would impact the marketplace. Shauna Kerr emphasized the continuing trend on Main Street to convert space into restaurants which is generating parking demands. She felt that the only way to make it a disincentive is to make people pay for the impacts they are creating. Chuck Klingenstein felt that the Council has to do something, the decision may not be popular, and supported Alternative 2. Ms. Kerr noted that there have been many restaurants that have expanded and restaurants operate on the number of dinners they can turn. When seats are increased, so is profitability and she felt that the restaurants are the ones that should pay. There was discussion about creating and assessing businesses through a special improvement district for the construction of a parking structure. Jodi Hoffman commented that the General Plan attempts to delete growth inducing incentives in the Code, and this is a good example of not adequately mitigating development. Toby Ross pointed out that the parking and traffic study will provide information in determining permanent zoning options. Roger Harlan feared that adoption of the ordinance will increase staff's workload. The City Manager explained that there is a program already in place to bring parking policy issues to the Council, but after six months an ordinance will have to be drafted.

Hans Fuegi, restaurant owner, didn't feel that restaurants should be singled out or blamed for all of the parking impacts, and that it would be helpful not to have employees park in the area. Shauna Kerr responded that 500 seats have been added on Main Street and Mr. Fuegi noted that they have generated an incredible amount of tax revenue. He felt that the Council is basically placing a moratorium on restaurants and that the ordinance is unfair. Mr. Fuegi felt that the only restaurateurs than can afford this would be the large chains. He felt that restaurants are the main attraction on Main Street and help retail sales. Paul Sincock stated that if this draft was for

permanent legislation, he would not support it. He felt that Council needs six months to carefully study parking and traffic mitigation. The Mayor pointed out that Alternative 1 requires all businesses to pay a parking fee. Ms. Kerr pointed out that it is not good land use planning to have the majority of restaurants concentrated in a two block area and questioned if it makes good land use sense to have businesses convert to restaurants or expand restaurants without requiring more parking as they are taking parking from other businesses. Ms. Kerr felt that the City has made mistakes and doesn't want the situation to worsen. The Mayor added that if there isn't sufficient parking, restaurants will lose business. He continued that the Council has tried to get employees from parking on Main Street and some business owners were upset about that and didn't want to participate in the valet parking system by validating. The Mayor invited Mr. Fuegi to help arrive at an equitable solution.

Dave Johnson, counsel for the new owner of 528 Main Street (UP&L building) stated that his client has just closed on the building intended for a restaurant. He has obtained his demolition permit, applied for a business license and plat amendment. Mr. Johnson believed that they have done everything they conceivably could to analyze the property prior to closing and this proposed legislation was not raised as an issue. His client closed with that understanding and they feel that they are grandfathered and that the TZO does not apply to the building. Shauna Kerr pointed out that the restaurant will generate a parking demand especially compared to zero parking demands from UP&L in the evening. Mr. Johnson added that he didn't expect Council to make a determination if his client has a complete application, but wanted to put the Council on notice that from a fairness point of view that they requested information and would have loved to have known that this was an issue as his client probably wouldn't have bought the building at that "price". They were told that there were no parking requirements for the building.

Paul Brown, partner in the Brewpub, stated that his situation is unique as he owns a restaurant and a vacant lot on Main Street. He believed that restaurants are the main draw in the area and the retail businesses benefit from restaurants. He pointed out that with the increased cost of running a restaurant that investors will build-in the parking requirement fee in the rate of return. Mr. Brown felt that there will still be new restaurants on Main Street but there won't be diversity, just high-end restaurants. He felt that the high-end restaurants will slowly change the complexion of Main Street and soon there won't be a parking problem there.

Traffic calming study. In response to a question from Paul Sincock, the City Manager explained that the contractor has dropped his price but the scope of work has remained the same. Chuck Klingenstein pointed out that since the study includes a portion of Park Meadows, it shouldn't be totally funded by RDA funds.

**PARK CITY COUNCIL MEETING
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JULY 18, 1996**

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, July 18, 1996. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Pat Putt, Planning and Zoning Administrator; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

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

1. Thaynes Canyon Drive and SR224 intersection - Carol Engen, 2167 Three Kings Court, stated that she is representing Thaynes Canyon residents regarding the traffic impacts of the hotel project. Concerns include parking for the golfers and safety, including the need for left turn lanes, a traffic signal, keeping construction traffic off Thaynes Canyon Drive and a reduced speed limit on SR224. She relayed that Eric DeHaan stated that he is not in favor of a signal, that all appeals must be made to UDOT and would probably take up to two years, if warranted or someone would have to be killed there. Ms. Engen felt that with Bev Neff's fatal accident, the need for a signal has taken on a whole new urgency. She emphasized that everyone traveling on SR224 is in danger and pointed out the dangerous turn lanes. The speed limit should be reduced and it is dangerous for children to cross the highway. She didn't care who pays for the signal but that it be done soon and asked that the audience stand so that supporters could be counted; there were about 25 individuals. The Mayor interjected that this issue is scheduled next week for discussion and explained that Roger Harlan and Rebecca Champion met with UDOT officials last week and requested a warrant study, which will be conducted immediately. Ms. Engen urged Council to put pressure on UDOT to begin the study; Mr. Harlan felt that UDOT is will aware of our safety concerns.

Rebecca Champion, 5 Payday Drive, thanked her neighborhood for attending the meeting. She felt that there is no reason for the City to delay funding a signal and added that Mark Peterson, Manager of Dans Foods offered \$25,000 on behalf of the shopping center to help pay for the light. She has not discussed this with Island Outpost or Wind River Petroleum but felt that the Council should ask them for funding and together with City support, the traffic light can be installed soon. There should be a signal installed before the construction of the hotel. This would benefit not only the neighborhood, but everyone who uses the golf course, skiers, buses, and summer and winter tourists. Ms. Champion stressed that she did not want to see another person killed and the speed limit starting from Meadows Drive should be 35 mph down from 45 mph. and speeds should be monitored more.

Jo Scott, 18 year resident of Thaynes Canyon Subdivision, felt that the study may not "tell the whole story". She urged Council to experience the problems in the area like making left hand turns or attempting walking across the highway at different times of the day. She understood that Council has an interest in mitigating construction impacts and characterized traffic as a development impact. The City should take responsibility for its developmental decisions,

specifically the golf course hotel and should act before it becomes a really big problem and not wait for UDOT to do something.

Mark Peterson of Dans Foods, relayed that the passing of Bev Neff is a personal issue for Dans and reenforced that they are offering \$25,000 to help pay for a light -- this is not from the center but from Dans. He pointed out the winter visitors who have to deal with a hazardous intersection which they are not familiar, when it is dark, frequently snowing, the visibility is poor and the roads are slick.

Paul Sincock clarified that Park City cannot do anything without the permission of UDOT because it is a state highway, but the Council will do everything it can to accommodate the process.

2. Process for reconsideration of Town Run Project - Quentin Scott, resident, stated that he heard that comments on this matter will be limited and asked if there was an opportunity for him to comment. Jodi Hoffman explained that the request for reconsideration is at a later point on the agenda; the request will be made by the applicant and the applicant can designate any individual he wants to make that request. She added that the request stands on its own merits and public comment is not anticipated, although Council could make a decision to accept a designation, but didn't feel that public input is appropriate in a quasi-judicial matter. Mr. Scott emphasized that his comments have to do with the procedure. Ms. Hoffman clarified for Mr. Sincock that the reconsideration is part of the appeal process. There was discussion about only allowing the appellants to testify during this appeal process and the Mayor indicated that the Council will not be taking public input on this issue this evening and the decision is strictly on reconsideration and not the merits of the project.

With no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Resolution acknowledging the community benefits of the Gateway Tree Planting Project and recognizing the citizens responsible for its success - The Mayor read the resolution into the record, personally congratulated Lani Furr, Brigitta Wray, Bruce Feyerabend, George Hull, Art Roscoe, Tom Frey, Jennifer Harrington, Allison Costillo and Tod Schuman.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 27, 1996

Chuck Klingenstein, "I move approval of the work session notes and minutes of the meeting of June 27, 1996". Hugh Daniels seconded. Motion unanimously carried.

V PUBLIC HEARING

An Ordinance approving the amendment to the Park City Survey for Lots 5, 6 and 7, Block 79 to be known as the Brewsters Amendment (60 Sampson Avenue) - Pat Putt explained that this application is a proposal to combine three lots to allow the construction of an addition. The plat would remove interior lot lines. The Brewsters have agreed to dedicate a ten foot snow storage easement along Sampson to the City and staff is recommending approval with the findings, and

conditions of approval outlined in the staff report. With no comments or questions, there public hearing was closed.

V CONSENT AGENDA

Shauna Kerr, "I move approval of Consent Agenda Items 1 through 5, but on No. 2 there are the following corrections. In the findings on Page 32, we'll need Finding No. 3 to read, 'The applicant has offered to accommodate the relocation of certain water lines necessary to maintain a private water service to the Mountain Top Subdivision and to dedicate trails consistent with the Trails Master Plan as amended by the Planning Commission'. And on No. 6, the current access to the Mountain Top Subdivision runs through the proposed project and the project is adjacent to existing residential subdivisions and at least one proposed annexation area. So with those amendments to the findings, then there will be a new condition No. 12 to the conditions. 'Owner shall execute an irrevocable offer to dedicate a public right-of-way satisfactory to the City Attorney and the City Engineer which the City may accept to provide public access from Mountain Top Road to property presently proposed for annexation as Sandstone Cove'. A new Condition No. 13, 'Owner shall execute and acknowledge its commitment to relocate the Mountain Top Subdivision culinary water line, all as provided in the attached July 17, 1996 letter from the owner's contractor, Brown & Chris, and counsel for Mountain Top Home Owners Association, Gordon Strachan. The next existing condition will be numbered No. 14 which states that this approval shall be null and void if the plat is not recorded within one year of the City Council approval'". Paul Sincock seconded. Motion carried unanimously.

1. An Ordinance approving the amendment to the Park City Survey for Lots 5, 6 and 7, Block 79 to be known as the Brewsters Amendment (60 Sampson Avenue) - See attached staff report.
2. An Ordinance approving the Eagle Point Phase II final subdivision plat - See work session notes, staff report and above motion.
3. An Ordinance accepting the public improvements at Phase 2 of Aspen Springs Ranch Subdivision - See attached staff report.
4. Authorization for staff to enter into a contract with Lee, Scott and Cleary, Inc. to conduct an analysis and experimental application of traffic calming strategies for Park City - See attached staff report.
5. Resolution acknowledging the community benefits of the Gateway Tree Planting Project and recognizing the citizens responsible for its success - See Communications from Council and Staff.

VI NEW BUSINESS

Consideration of a temporary zoning ordinance regulating parking requirements in the Historic Commercial Business and Historic Recreation Commercial Zones - Toby Ross explained that the Council requested the consideration of a temporary zoning ordinance to address the exemption for two levels of development from any parking requirement. There are two options

which would either comprehensively eliminate that exemption or eliminate it selectively for the major demand uses, including restaurants, bars and dining rooms. The Council is not obliged to act on this or take public comment. The City Manager further explained that in the context of the discussion in work session regarding discrimination of developed properties and vacant lots, Alternative 2 would preserve the right for development at some less intense level. Hugh Daniels, "I move approval of an Ordinance adopting temporary zoning regulations for the Historic Commercial Business to establish interim zoning standards pending review of a parking management plan and revisions of the Land Management Code of Park City, Utah under 7.2.10 Alternative 1". Shauna Kerr seconded. Hugh Daniels stated that he views this as a part of the transportation study and plan and not as an end result. It provides time to continue to work on parking and transportation throughout the community. He was convinced during the work session that one particular business should not be singled out and that these measures should be consistent throughout the district. Like Mr. Sincock, he probably would not support this beyond the six months limit, but felt that it provides some tools in solving some problems. Shauna Kerr believed that the value of this ordinance at this time is to accomplish a dialog between the real stakeholders in this issue. To date, our community has depended on the Council to solve parking needs and this will force all of the players to be realistic about parking needs and impacts. She added that this will function as a forum for that type of dialog to take place. Chuck Klingenstein agreed with Ms. Kerr's comments and felt that there is already more interest by affected business owners. In response to a question from Paul Sincock, the City Manager explained that this ordinance takes effect upon adoption, and the parking fee will apply to properties that don't have complete applications in the HCB Zone. Paul Sincock did not believe that the ordinance is a long-term solution but will provide time to study transportation and supports it as an interim measure. Roger Harlan pointed out that a temporary ordinance heightens the public's awareness, and felt optimistic that equitable solutions will result. Motion carried unanimously.

VII APPEALS

1. Appeal of Planning Commission's June 12, 1996 denial of a conditional use permit to place a free standing sign at Cows, 402 Main Street - Pat Putt, Planning and Zoning Administrator, explained that Greg and Bless Young are the appellants. The Youngs are not the first owners of Cows. In 1995, the previous owner placed a cow outside and the City cited the former owner for displaying a sign without a sign permit. He continued that the matter was settled outside of court but a fine was paid and the cow was moved inside. When the Youngs purchased the business, the cow was placed out again and the Youngs were contacted by an enforcement officer. Mr. Putt explained that there was some confusion as the enforcement officer identified the cow as outdoor display of merchandise, but after Ms. Young contacted the City Attorney, the matter was referred to him who identified the cow as a sign. He explained that Ms. Young pursued a conditional use permit for a freestanding sign which requires Historic District Commission review before final action by the Planning Commission. Mr. Putt respects the appellants opinion that the Design Guidelines are vague, but staff disagrees and believes that the Guidelines are intentionally flexible to allow the greatest level of parameters for the design of signs. He felt that of the eight guidelines regarding signs in the Historic District, the two most relevant are compatibility with the architecture of the historic building and compatibility with the rest of the signage in the historic Main Street area. Staff recommendation is that the cow doesn't comply with those guidelines; the freestanding cow is prefabricated formula retail signage and doesn't work with the architecture of the building. He referred to the illustrations in the Design Guidelines describing text with signage working with the

design of the building, and staff felt that that is fairly specific. He continued that no other freestanding signs have been approved on Main Street and the general character of signs on Main Street are wood routed, sandblasted, flush mounted, window, or projected from the building. Mr. Putt again emphasized that staff felt that this formula sign isn't designed with the intent of the architecture of the building in mind and not in keeping with the rest of the signage on Main Street and forwarded a negative recommendation to the HDC who forwarded a recommendation to the Planning Commission to deny this application. The Planning Commission concurred with staff and the HDC and denied the sign with a majority vote. With no questions from Council, the Mayor invited Ms. Young to testify.

Bless Young clarified that when they placed the cow outside, Tommy Youngblood explained that the previous owner was cited for not having a sign permit, and gave her a copy of the Sign Code and an application for a permit. She didn't feel that the fact that the previous owners were cited creates any precedent, as they never filed for a permit, but left the cow out every day they were in business. She emphasized that they decided to legally comply and file for a permit. Later they learned a new application for a conditional use permit was required because the cow is a freestanding sign. Ms. Young stressed that the Code allows for freestanding signs on Main Street and in the Historic District and the fact that there are no other freestanding signs is meaningless, because there is a Code provision allowing freestanding signs. She added that the cow fits in the square footage parameters for freestanding signs in the Code allowed in the Historic District. In light of the findings of fact that the Planning Commission made, Ms. Young stated that City Attorney Jodi Hoffman made her aware of a recent decision in the state of Washington, city of Issaquah which had the same type of interpretive guide lines. The guide lines had words like "compatible" with the rest of the city or the architecture, "complement" the city architecture, or "in harmony" with the building. The court of appeals held that the language was vague, arbitrary and unenforceable and held that "the Commission's actions were the epitome of discretionary, arbitrary enforcement of the law". This left a subjective judgment on the Planning Commission whether the colors complemented the color scheme and whether the architecture complemented the surrounding buildings, and those are the same type of findings that are being made by the Park City Planning Commission and before Council today.

Ms. Young stated that the Planning Commission's findings of fact included that the cow obscures the character defining architecture elements of the building. She referred to Exhibit 1 and argued that it doesn't and that the cow is barely visible from either direction, as it is in a recessed area. She pointed out that from a vantage point across the street, there is no obstruction of the building. She referred to her Exhibit 16, the Historic District Guidelines allowable symbols, where an elk is shown obscuring an entire window. For some reason in the Planning Commission's opinion, because the cow sits in front of the window, it is somehow different and distinguishable from the elk which also sits in front of the window. She stressed that there has to be a reason. She explained that Finding No. 3 is that the cow does not complement the color scheme and added that when the matter was before the HDC staff agreed that it complemented the color scheme and later changed its mind. Ms. Young explained that the building is pale yellow; the cow is black and cream and complements just about any color scheme and again this is the Planning Commission's opinion. She discussed, through illustration of photographs, many buildings and signs on Main Street with many colors and conflicts in building styles. Ms. Young felt that it is an arbitrary decision to say that the black and cream colored cow does not complement a pale yellow building with black-blue awnings. Finding No. 4 states that the cow is constructed of synthetic fiberglass material and

referred to her Exhibit 8, an excerpt from the World Book Encyclopedia describing fiberglass as fibrous glass and sand which are both natural materials. She stated that the procedure dates back to the ancient Egyptians. Ms. Young emphasized that no where in the Guidelines or the Sign Code is fiberglass prohibited and pointed out that neon signs are permitted. She questioned if neon is more historic than fiberglass or less historic. She relayed that the Mayor contacted the Cows Headquarters at Prince Edward Island and received pictures of the cow in other locations. Ms. Young pointed out that all of the cows are located in historic locations, are all differently designed for the individual stores and discussed the cows and specific buildings through illustration of photos. She added that Cows is a family-run business. She stated that she contacted Bim Oliver of the National Main Street Center Division of the National Trust for Historic Preservation. He relayed to her that the cow is not an issue for him with regard to historic preservation and felt that Park City is over-regulated and too restrictive and that the Planning Commission does not allow for any creativity or flexibility.

She continued that Finding No. 5 that there are no freestanding signs for the surrounding structures, is irrelevant because the Code allows freestanding signs and the cow complies with the objective criteria. Ms. Young argued that there are other freestanding signs, although they may be illegal. She referred to Exhibit 9 and discussed several examples of "freestanding" signs throughout Main Street. Ms. Young pointed out that these may comport with the sign guidelines which encourage symbols because they add interest to the street and are quickly read and are remembered better than words. She again referred to the elk encouraged in the Design Guidelines and characterized Mr. Putt's comments that the cow isn't like that but an "attention-getter", but the intention of signs is to get people's attention.

Ms. Young suggested that the following findings of fact be made (1) the cow comes within the square footage permitted by the Sign Code for the size of the building at issue, admitted at the Planning Commission hearing; (2) the appellant's signage is significantly less than the maximum allowed under the Sign Code, admitted by the Planning Commission; (3) the cow, as a sign or a symbol, comports with the HDC Guidelines which states that signs or symbols are encouraged because they add interest to the street, are quickly read, and are remembered better than written words. Ms. Young submitted that the cow adds a lot more interest than a sign that says "cows" on the building; (4) both residents and tourists appear to be strongly pro-cow. She referred to the submitted petition, the interesting comments noted, and many people who enjoy photographing the cow.

Ms. Young commented that the Commission claims that the cow is not in conformance with Sections 12-6-1 and 12-5-4 of the Sign Code. Section 12-5-1 deals with the location of the sign on the building, but the recessed area is the perfect location for a freestanding sign as it is off the sidewalk and the cow fits within the setback. Although Mr. Putt feels it looks boxy, that is not the way lawful legislation can be carried out. The sign is compatible with the mass and scale of the double-width building, is admittedly within the permitted square footage limit, and the placement of the cow relates directly to the store entrance encouraged by the Code. The cow is oriented to pedestrians within close proximity and it is not visible from a distance. She continued that the cow does not cover the doors or windows and referred to Section 12.4.1(d) which provides for signs on windows, which are permitted. However, the Commission objected to the cow because it is placed in front of a small portion of one of the six full-sized windows. Section 12.4.1(b) provides for signs on windows. Section 12.5.4 discusses using natural materials on exposed surfaces of signs. Fiberglass is made of glass and sand and is not specifically prohibited by the Code. Ms.

Young stressed that plastic is not even specifically prohibited by the Code and allows synthetics if the synthetic nature is not obvious because of the sign's painted finish. She argued that if the cow was made of iron, steel or wood and painted the way it is painted now, the cow would look exactly the same as it looks now. She submitted that fiberglass is not a synthetic, but it doesn't matter in any event. Without any supporting explanation in its findings and conclusions, the Commission concluded that the sign is not consistent with the symbol criteria and Policies 36, 38, 39, 40 and 42. Again, those policies must be read in conjunction with the Sign Code itself and reiterated the merits of using symbols. The cow fits in the setback of the building and Policy 38 states that where feasible signs should be mounted to reenforce the stair-step effect of the store front elements on the street. Policy 39 suggests using sign materials that are compatible with those of the building front and to install signs of durable weather-resistant material; fiberglass meets that test. Policy 40 suggests that each business keep the number of signs to a minimum and she doesn't want any more signage. Policy 42 deals with color compatibility which shouldn't be left up to the taste of the Planning Commission especially in consideration of the existing color schemes on Main Street.

Ms. Young addressed the conclusions of law of the Planning Commission, including Item 3 stating that the proposed sign is not compatible in design with surrounding structures, referred again to the Washington case and discussed the adjacent alley and a building under construction. Item 4 stated that the effects of non-compatibility cannot be mitigated through careful planning. She introduced Zack Batty who is an honor student and employee at Cows. Zack Batty explained that people have been asking why the cow is inside; the kids feel that the City should worry about something better than the cow. The cow was a good meeting place for kids and was a part of Cows. She introduced another honor student who happened to be her son, Omar Young. Omar Young commented that when the cow is out, there are about 25 photos a day and everyone at school is asking him why the cow isn't allowed outside and don't understand it. Ms. Young discussed public support, formalizing the petition and invited public input.

Denna Fleming, resident, explained that she was at the Planning Commission meeting when this matter was before them. She misses the bear in front of White Pine, and the mechanical cyclist which are common in other resort towns. At first, she felt that the fiberglass cow was not appropriate but people have come to love it.

Ms. Young recognized that there is fear that if the cow is allowed, others will be displaying fiberglass animals, but submitted that there are very few stores that have a setback on private property. She pointed out that most businesses have more signage than Cows. Ms. Young suggested that the Council grant a conditional use permit for one year to evaluate the reaction. Jodi Hoffman advised that this is a quasi-judicial matter and Council has agreed to the "appearance of fairness" doctrine where the Council refrains from taking outside input, but if that was not possible will disclose it on the record. Hugh Daniels stated that prior to the appeal, a number of people approached him, but once he was notified that it was under appeal he attempted not to take additional comment but was not always successful. The Mayor agreed that that also happened to him. Roger Harlan recalled three citizens approaching him on this issue. Chuck Klingenstein stated that he was contacted before and after the appeal was filed. Shauna Kerr stated that on June 23, 1996, Joe Tesch talked with her about the cow relaying that the Main Street Merchants Association had not taken an official position and to her knowledge, the Main Street Merchants have not voted on this matter. She added that her children's friends were very concerned. Paul Sincock stated that he had telephone

messages in favor of the cow, but has not had a discussion with anyone since the appeal has been filed.

Paul Sincock stated that after hearing the evidence, findings of fact, and conclusions of law, felt that Park City should "lighten up". He emphasized that this is only a three dimensional symbol of the store, within the Sign Code's square footage allowances and there has to be a way to provide for exceptions to the Sign Code as written or interpreted. He felt that the one year conditional use permit was reasonable and believed that in the 100 year history of Park City there have been cigar store Indians, barber shop poles, and other animals. He discussed the 50 year old bronze pig at the Pike Street Market in Seattle. Mr. Sincock felt that the cow complies with the Sign Code and felt that there should be less serious contemplation of signs in Park City. He felt that if this is not overturned, that the City will have to enforce all of the freestanding signs that Ms. Young pointed out and that this could turn into "sign wars".

Shauna Kerr stated that Ms. Young has probably made one of the best arguments for a Sign Code and special regulations in the Historic District. Ms. Kerr felt that Ms. Young has probably milked this issue for all it is worth and from a publicity standpoint, couldn't have bought the publicity received from this to date, by making someone else look like the "dirty dog". She added that this is an excellent marketing scheme and didn't blame Ms. Young for it, but the reason Main Street looks the way it does is because of a conscious effort for years in trying to keep the clutter out. She agreed with Ms. Fleming that maybe we need some playfulness but the laws that are in effect right now don't allow it and many of the businesses mentioned in Ms. Young's testimony are constant enforcement battles. Ms. Kerr felt that as an attorney, Ms. Young should distinguish between a legislative format and an appeals process. As a quasi-judicial appeal, the burden for Council is to determine whether the law has been applied appropriately by the Planning Commission and this is not a format for legislation reform. It is therefore, inappropriate for the Council to even hear if people like the cow or to see petitions. If there is interest in the community for a bigger scheme in changing the Sign Code, the appropriate format is to petition the Council in a legislative format, not to blatantly violate the law. She discussed the elk referred to by Ms. Young in the Design Guidelines and explained that it is a bad photo and an elk is not in the window but mounted somewhere with a shadow cast. This photo will be replaced in the new edition. She felt that the Planning Commission and staff have appropriately enforced the Code and if there is a change it shouldn't occur in the appellate process.

Chuck Klingenstein agreed with Ms. Kerr's comments. He stated that he is not here about a cow but about a sign. He relayed the public's concern over formula retail and restaurants and admitted that he requested information on Cows and the Mayor made the call to its headquarters. This is formula retail and the cow is an attention-getting device as opposed to a symbol, like an ice cream cone. The cow is a corporate symbol. There shouldn't be exceptions to law and the proper avenue is to change the law so that there can be some flexibility if it is supported by the town. He felt that Main Street is successful and a lot fun.

Roger Harlan stated that all municipalities operate under ordinances that are unique to that jurisdiction and discussed the look of Moab. He added that the Mayor and the City Council are recipients of a history of attitude that has come about through the recommendations of appointed boards and staff to the present state. The restrictive sign situation has produced a look that is distinctive to Park City which gives him an historic perspective. He also takes the recommendations

of the HDC, Planning Commission and the staff seriously. Mr. Harlan stated that the ordinance takes priority over his feelings and referred to No. 36, stating that the position of signs are to fit within features of the facade. He quoted, "Signs should be incorporated into the first floor design of the building. . . The sign should be subordinate to the overall building design". He emphasized that in his mind the cow takes priority both visually and emotionally over the building. Mr. Harlan felt that Council has to uphold its ordinances and to interpret them to the best of its ability with the help of the commissions and staff.

Hugh Daniels felt that Ms. Young had great arguments but they were not necessarily compelling for him. It is the Council's job to act on how the Planning Commission ruled and not on whether it likes or dislikes a cow. He did not feel that this is the place to change the ordinance and if the community supports a sign like the cow, the Sign Code needs to be amended. He felt that the HDC, Planning Commission and staff looked hard at the Historic District Guidelines, and the current Code. He felt it unfortunate that there are unapproved signs on Main Street, this is a constant enforcement problem and felt staff tries to be equitable. Mr. Daniels had no problem with removing synthetic and felt that although there may be freestanding signs on Main Street, they probably aren't approved. He felt that the Planning Commission probably acted appropriately. Hugh Daniels, "I move to uphold the Planning Commission's action with the following two changes, under Findings No. 4, the cow is constructed of synthetic fiberglass material, removing the word synthetic and No. 5, there are no, add approved freestanding signs for the surrounding structures". Chuck Klingenstein seconded. Motion carried.

Roger Harlan asked if it was appropriate to change the findings of another commission and the Mayor affirmed. Paul Sincock stated that he agrees with a restrictive Sign Code but there should be ways to make exceptions and felt that the one year conditional use permit was reasonable. He added that unfortunately some ordinances are subject a great deal of interpretation, and people start at the end point -- if they don't want the cow, they interpret the Code to support that, or conversely in supporting the cow. He agreed in amending the Code for exceptional signs and will vote against the motion.

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

2. Request for reconsideration and deliberations on findings of fact, conclusions of law, and conditions of approval regarding the appeal of the Planning Commission's approval of February 28, 1996 on the Sweeney Town Run Large Scale MPD - The Mayor changed the order of the appeal items and Item 2 was heard before Item No. 1. The City Attorney explained that Council may debate and adopt the proposed findings of fact and conclusions of law, denying the amendments to the Sweeney Large Scale MPD or an alternative, considering the applicant's request for reconsideration, which probably should be discussed first. Chuck Klingenstein stated that he is supportive of reconsideration and appreciated the letter from Pat Sweeney. He felt that a lot of work has been completed since the last meeting and although he doesn't support many features outlined in the letter, much of it meets his intentions. Mr. Klingenstein urged Council to reconsider this and that it be scheduled when convenient, without disrupting Council's heavy meeting scheduled. Hugh

Daniels, "I move that we do reconsider the appeal on the Town Run and bridge as requested by Pat Sweeney, have it put on the agenda at the next available time on the agenda without displacing any of current things that are currently before us and not agreeing necessarily to anything that is in his letter that is proposed to us, but to completely review what was before us in the past, which I don't believe we finished". Chuck Klingenstein seconded.

Appellant Jo Scott stated that her citizen group felt that the decision had been made and questioned how the Council can legally consider this decision. She read an excerpt from the Land Management Code, "The owner of any project or any person aggrieved by the approval of any project may appeal from the final action by the City Council affecting the project by filing a civil action in court of competent jurisdiction. The decision of the Council shall stand and those affected by the decision may act in reliance on it, unless and until the court enters an interlocutory or final order stating the effectiveness of that decision". Jodi Hoffman explained that over a month ago Council considered findings and conditions to approve the project that were based on a decision made two months ago to approve the project, but at the last meeting, the Council decided to go a different direction. Council is considering tonight if it is committed to that direction, based on the request for reconsideration. She stated that Council has not yet made its decision final; it is fully within Council's right to reconsider this matter. Ms. Hoffman added that this falls under the order of efficiency of quasi-judicial behavior. It doesn't make sense to force a final decision tonight and an appeal into District Court. Ms. Scott insisted that it was their impression that the decision was final. Jodi Hoffman stated that a final decision of the Council requires written approved findings of fact, conclusions of law, and conditions of approval or denial, none of which have been entered yet and the decision of the Council is not yet final. Ms. Scott again quoted the Land Management Code, "The City Council shall set a date for the appeal which shall be no more than 30 calendar days from the date the notice of appeal is filed with the City Recorder". She felt that that time has elapsed. Ms. Hoffman responded that the Council scheduled the appeal within that time frame, or at least agreed to by all parties. There is no requirement in the Code regarding the time frame for the Council to reach a final decision. Ms. Hoffman felt that the City has complied in all respects with the Code. Ms. Scott thanked the City Attorney for her explanation, did not entirely agree, and urged Council not to reconsider this matter. She felt it would encourage requests for reconsideration after decisions has been rendered, and this would set a bad precedent.

Shauna Kerr stated that it is inappropriate for Council to reconsider this and it is her opinion that it was a final judgment at the time. The Council had a majority vote denying the project and the only finding to be made was that the applicant requested a denial and that could have been entered into the record at that time. She felt it inappropriate to drag this on and put it back on the agenda, based on the lack of findings at that time. Based on the applicant's request for denial, Ms. Kerr relayed that she made a motion to deny the project, believed that the decision was final, and will be voting against reconsideration. Paul Sincock stated that he voted against the motion at the time, because emotions were not leading to a good decision. There was an enormous amount of work devoted to the project and he supports reconsideration. Hugh Daniels agreed with Paul Sincock and felt that the Council owes everyone a calm and well thought out look at the project. Ms. Kerr added that in fairness to the citizen appellants that they should be provided some time off. She emphasized that the City's current business should continue, that this matter should be at the bottom of the list, and when this appeal rises to the top of the pile again, it can be processed. Ms. Kerr stressed that she hoped that this is the intent of Mr. Daniels motion. He agreed. The Mayor asked for a vote.

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

Motion carried.

VIII ADJOURNMENT

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

* * * * *

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

Prepared by Janet M. Scott



Janet M. Scott, Deputy City Recorder



**RESOLUTION ACKNOWLEDGING THE COMMUNITY BENEFITS
OF THE GATEWAY TREE PLANTING PROJECT AND
RECOGNIZING THE CITIZENS RESPONSIBLE FOR ITS SUCCESS**

WHEREAS, occasions arise that beg for vision, initiative and leadership; and

WHEREAS, the potential for beautification, enhancement and aesthetic improvement along Park City's gateway corridor has afforded just such an occasion; and

WHEREAS, through the leadership of the City's volunteer Parks, Recreation, and Beautification Advisory Board, certain members of that Board shouldered the burden of moving Park City in a direction celebrating its future and aesthetic potential; and

WHEREAS, the results of their efforts, despite setbacks, skepticism and occasional criticism, was the most successful public-private tree planting partnership in the state's history, involving fund-raising, education, motivating volunteers and further, they provided countless hours of selfless hands on work in the trenches thus insuring the project's success; and

WHEREAS, future generations of residents and visitors will enjoy the product of their efforts without even knowing the names of those who made it a reality; and

WHEREAS, the City wishes to express its gratitude and crystallize, if even for this brief moment in time, its appreciation for those who made their private dreams a community reality to be cherished;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council recognize and applaud **Lani Furr**, **Brigitta Wray**, **Bruce Feyerabend**, and **George Hull** for their outstanding service in guiding and realizing the Gateway Tree Planting as a shining example of what private citizens can accomplish through their own initiative, gumption and community spirit when motivated by the power of hope and involvement.

BE IT FURTHER RESOLVED, that as with all complex projects, no individual or group of individuals, no matter how dedicated and motivated, can accomplish all things on their own ... it takes teamwork and coordination from many quarters. The City Council therefore further wishes to recognize and thank **Art Roscoe** and **Tom Frey** of the Parks, Recreation and Beautification Board along with all the members of that Board, and certain City staff who dedicated themselves far beyond the call of their professional duties, including **Jennifer Harrington** and **Allison Costillo** of the Public Affairs Department; **Tod Schuman** and many others from the Parks Department; and finally the Streets, Transportation and Police Departments all of which contributed in ways that can best be appreciated by driving along Park City's Gateway Corridor, now lined with gracious trees.

PASSED AND ADOPTED this 18th day of July, 1996.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch



COUNCIL AGENDA REPORT

DATE: July 9, 1996 (July 18, 1996 meeting)
DEPARTMENT: Planning Department
AUTHOR: Janice Lew
TITLE: Brewsters Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Adopt the ordinance approving the plat amendment at 60 Sampson Avenue, Lots 5, 6 and a portion of Lot 7, Block 7, Millsite Reservation of the Park City Survey.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant: Kevin and Charlene Brewster
Location: 60 Sampson Avenue
Zoning: HRL
Adjacent Land Uses: Historic Residential
Date of Application: May 29, 1996
Project Planner: Janice Lew

B. Background.

This request is to amend a portion of the Millsite Reservation Plat along Sampson Avenue. The property consists of Lots 5, 6 and a portion of Lot 7 of Block 79 and an historic structure (Attachment A). The Brewsters would like to formally combine the lots eliminating the common lot lines. This would allow the applicants to build a garage and rear addition to the existing 853 square foot structure which would not cross a lot line. The Historic District Commission has reviewed and approved the Brewster's proposal to rehabilitate their home.

Department Review.

The Community Development Department and City Attorney's Office have reviewed this application.

ALTERNATIVES:

- A. Approve the proposed amendment thereby removing the common lot lines between lots.
- B. Deny the proposed amendment and retain the current lot configuration.
- C. Continue the item and request additional evaluation from the staff.

SIGNIFICANT IMPACTS:

The proposed amendment will result in a lot which is larger (approximately 6633 sf) than the minimum lot size in the Historic Residential Low-Density district (3750 sf). Historic District plat amendments which create larger lots promote the construction of larger structures.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Denial of this request will preclude the applicant from constructing an addition because it would cross a lot line in violation of the Uniform Building Code.

PUBLIC INPUT: The property was posted and legal notice sent to all property owners within the affected subdivision plat. As of July 9, 1996 no public input has been received in opposition of the proposal.

RECOMMENDATION:

The Staff recommends approval of the proposed plat amendment for 60 Sampson Avenue based upon the following:

Findings of Fact:

1. The proposal is consistent with both the Park City Land Management Code and Comprehensive Plan in that the HRL district allows single family structures on larger lots because of steep terrain and poor access.
2. The owners have agreed to dedicate a ten foot snow storage easement.
3. The proposed plat amendment corrects the legal description of the applicant's property and creates one lot for the development of a single structure.

4. Historic buildings are valuable assets which contribute to the unique character of the community. It is therefore desirable to encourage development which maintains the historic integrity of the district.

Conclusions of Law:

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions:

1. The City Attorney's and City Engineer's approval of the final plat for compliance with State law, the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. All Standard Project Conditions shall apply.
3. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
4. A ten foot snow storage easement shall be dedicated to the City along Sampson excluding the area of the existing house.

EXHIBITS:

Exhibit A - Location Map

Exhibit B - Ordinance and Proposed Amended Plat

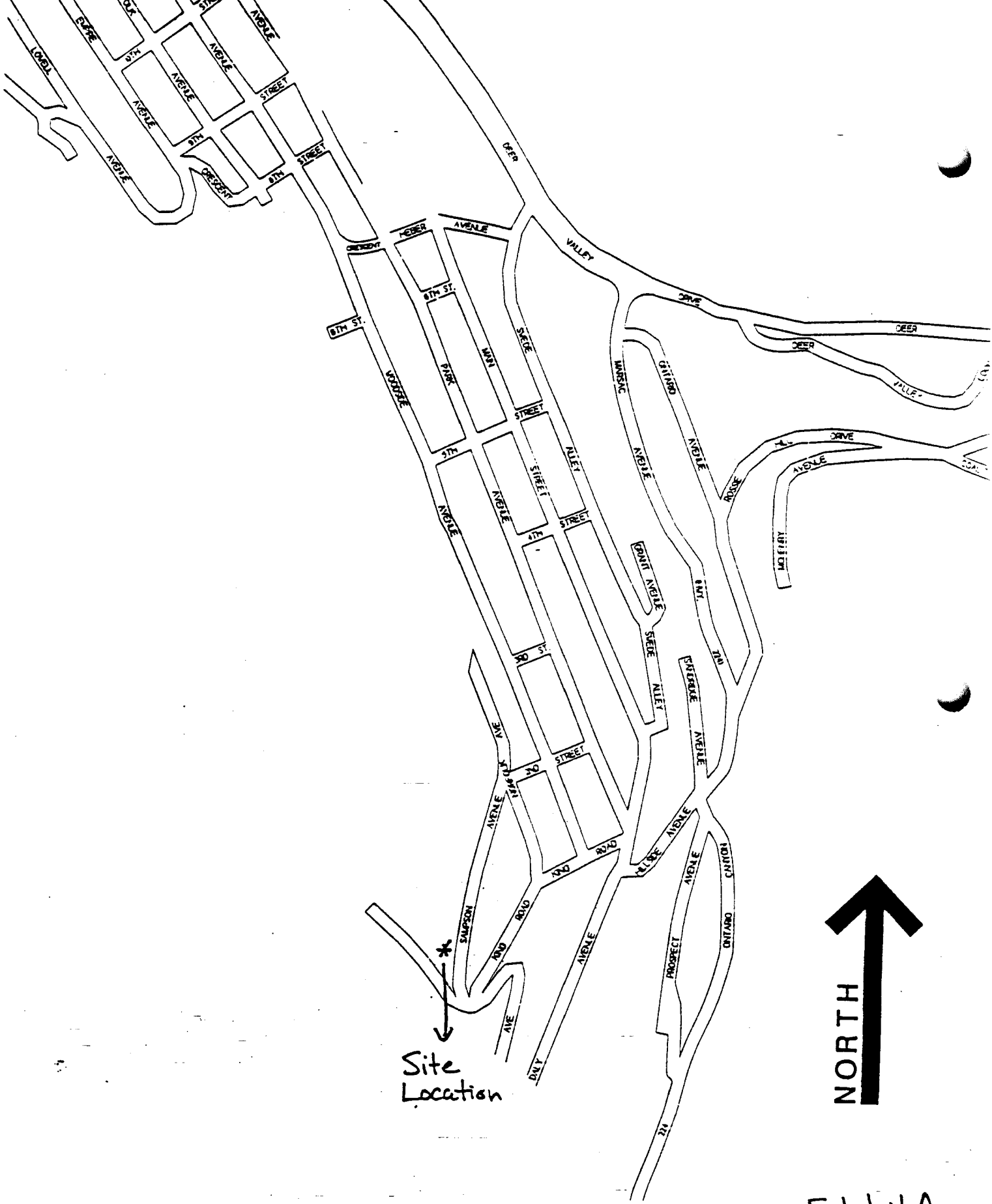


Exhibit A
Location Map

Ordinance No. 96-

**AN ORDINANCE APPROVING THE AMENDMENT TO THE PARK CITY SURVEY
FOR LOTS 5, 6 AND 7, BLOCK 79 TO BE KNOWN AS THE BREWSTERS
AMENDMENT
PARK CITY, UTAH**

WHEREAS, the owner of the property indicated above, Kevin and Charlene Brewster, petitioned the City Council for approval of the amendment to the Millsite Reservation; and

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

WHEREAS, on July 18, 1996 the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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

SECTION 1. CONCLUSIONS OF LAW The City Council hereby concludes that there is good cause for the above-mentioned amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 2. PLAT APPROVAL The amendment to the Park City Survey Plat, 60 Sampson Avenue is approved as shown on Attachment A with the following conditions:

1. The City Attorney's and City Engineer's approval of the final plat for compliance with State law, the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. All Standard Project Conditions shall apply.
3. This approval shall expire one year from the date of City Council approval, unless the subdivision is recorded prior to that date.
4. A ten foot snow storage easement shall be dedicated to the City along Sampson excluding the area of the existing house.

SECTION 3. EFFECTIVE DATE This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 18th day of July, 1996

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney



CITY COUNCIL REPORT

DATE: July 11, 1996
DEPARTMENT: Planning Department
AUTHOR: Nora L. Seltenrich
TITLE: Eagle Pointe Subdivision, Phase II
(a.k.a. Quarry Mountain, South Slope)
TYPE OF ITEM: Final Plat

SUMMARY RECOMMENDATIONS: Approve with conditions.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS:

Applicant:	Jack Johnson Company for Eagle Mountain Partners, LLC.
Location:	North of Risner Ridge Subdivision, Park Meadows and South of the Mountain Top Subdivision
Zoning:	RD-MPD
Adjacent Land Uses:	Vacant, single family residential
Date of Application:	April 18, 1996
Project Planner:	Nora Seltenrich
Staff Recommendation:	Approve with conditions

B. Background.

The Planning Commission approved the preliminary plat for the South Slope and Northslope portions of the Quarry Mountain Project and approved the final plat for phase I of Eagle Pointe (formerly South Slope).

The applicant is now requesting final plat approval for the second phase of the project. The first phase consisted of 24 of the 63 lots and this phase consists 17 additional lots. The improvement of Mountain Top Lane to the property boundary is also to occur with this phase and is shown on the plat. A copy of the proposed plat is attached as exhibit A.

C. Analysis

The proposed final plat is consistent with the preliminary plat and MPD previously approved by the Planning Commission. There were a number of items which are required to be decided upon at final plat stage. Those include:

House Size - The Planning Commission discussed this as a part of the preliminary approval for the South Slope. The final plat contains a note which states:

"...THE MAXIMUM HOUSE SIZE ALLOWED SHALL BE 3900 SQ.FT. FOR LOTS LESS THAN 0.333 ACRES IN SIZE, 4500 SQ.FT. FOR LOTS 0.334 TO 0.500 ACRES IN SIZE. AND 6000 SQ.FT. FOR LOTS 0.501 TO 1.0 ACRES IN SIZE AND 7000 SQ. FT. FOR LOTS EXCEEDING 1 ACRE IN SIZE. THE MAXIMUM UNPENALIZED GARAGE SIZE IS 600 SQ. FT. GARAGE SQUARE FOOTAGE OVER 600 SQ. FT. SHALL BE DEDUCTED FROM THE MAXIMUM HOUSE SQUARE FOOTAGE TO DETERMINE THE MAXIMUM HOUSE SIZE FOR THAT HOUSE.

This note is consistent with the Planning Commission approval and with the Phase I Plat. All of the parcels in this phase exceed ½ acre in size allowing 6,000 sq ft homes. One parcel exceeds 1 acre allowing a 7,000 sq ft home.

Limits of Disturbance - The applicant is proposing to limit the construction disturbance to 15 feet beyond the foundation limit and/or to the extent of the irrigated area which is not to exceed 7000 sq.ft. This is consistent with the way we have begun to handle limits in other subdivisions. The applicant must respect the required setbacks for structures, but the limits of disturbance can go up to the property line. The front setbacks along Meadows Drive are staggered from 15 feet to 30 feet as discussed in the preliminary plat process. This is to provide more variation in house placement and avoid all the homes being lined up in a row.

A note has been included on the plat which restricts the maximum sod area to 7,000 sq.ft. and the maximum irrigated area to 10,000 sq ft. This is to reduce the total demand for water.

Emergency Access - The MPD approval allowed that the first phase of the project be allowed to proceed without an emergency access, but that Meadows Drive had to be graded to a satisfactory width concurrent with the second phase of the project. That grading will occur with the construction improvements for this phase. All structures are required to be fire sprinkled and there is a note on the plat which so indicates.

Trails - A trails plan was outlined in the preliminary plat approval. The plat shall be required to contain all of the easements necessary for those trails. The 4 foot concrete sidewalk along Meadows Drive will be within the right of way, adjacent to the curb. A sidewalk is also required along Mountain Top Lane to the northerly boundary of the property. A soft surface trail is required within a 25 foot easement, north of the parcels, in an alignment to follow the existing dirt road, where possible. The final location of that easement shall be reviewed and approved prior to plat recordation.

Revised Phasing - This plat is slightly different than the originally proposed phase II of Eagle Pointe. There are two areas which are not included in this plat and were not included in the Phase I Plat. Those areas include the area along Mountain Top Lane, just south of the Mountain Top Subdivision and an area adjacent to the Ridgeview subdivision, just north of the new intersection of Meadows Drive. The applicant is still evaluating the final configuration of parcels in this area. Those parcels will be separately platted.

Open Space - With this portion of Eagle Pointe, the applicant will deed 7.28 acres to the City as Open Space. That dedication shall occur concurrent with the plat recordation.

Restricted Building Heights - As a part of the preliminary plat review, the Planning Commission required that lots 28, 29, 30 and 31 have restrictions on building height to insure compliance with the Sensitive Lands Ordinance. Those limitations will be noted on the plat. The building envelope corners have building height maximums which redefine the permitted height envelope.

D. Department Review.

The City Attorney and City Engineer are still conducting a final review of the plat. Prior to plat recordation, the plat and CC&R's shall be revised to their satisfaction. The City Engineer, Eric DeHaan, is reviewing construction drawings at this time. Concurrent with recordation of this plat, the City will be required to grant an easement to SBSID through property owned by the City in order for the Sewer for this subdivision to be installed. Both the sewer and storm drainage will cross an open space parcel owned by the City, adjacent to Risner Ridge.

RECOMMENDATION:

The staff recommends approval for the final plat for the 17-lot Eagle Pointe Subdivision Phase II, subject to the following:

Findings of Fact:

1. The Quarry Mountain MPD and Preliminary Plat were approved by the Planning Commission and the proposed final plat, as conditioned, is consistent with those

approvals.

2. The subdivision is located on a visually sensitive hillside and analysis has been done to minimize the negative visual impacts as required by the Park City Sensitive Lands Ordinance. The existing soil is in many areas solid bedrock which may dictate special utility design and the use of explosives during construction.
3. The applicant has offered to dedicate trails consistent with the Trails Master Plan, as amended by the Planning Commission.
4. Water consumption is a growing concern in Park City and conservation measures are vital to address those concerns.
5. The project is located in an area which contains unusual grade conditions resulting from past quarrying activities.
6. The current access to the Mountain Top subdivision runs through the proposed project and the project is adjacent to existing residential subdivisions.

Conclusions of Law:

1. The final plat, as conditioned, is consistent with the Park City Land Management Code.
2. The size and configuration of parcels are consistent with adjacent developments.
3. House size limitations, limits of disturbance and building height restrictions are necessary for compliance with the Park City Sensitive Lands Ordinance.
4. The final plat, as conditioned, will not be detrimental to health safety and general welfare of the citizens of Park City.

Conditions of Approval:

1. The house size limitations shall be noted on the plat and shall be consistent with the Preliminary Plat approval as follows:

3900 sq.ft. for lots under .333 acres
4500 sq.ft. for lots from .334 to .500 acres
6000 sq.ft. for lots from .501 to 1.0 acre
7000 sq.ft. for lots larger than 1 acre

2. A note shall be added to the plat which shall require that limits of disturbance be required for each lot upon building permit application. Limits of disturbance (zone of no construction, excavation or vegetation removal) will be required on all site plans with

areas of disturbance restricted to 15 feet on side yards, 20 feet on rear yards and 25 feet on front yards. The limits of disturbance can encroach into the setback area to the property line, if the building zone is within 15 feet of the property lines. Some exceptions to this standard may be considered if it is necessary due to utilities, or due to unique characteristics of the site and does not result in more disturbed area than would otherwise be allowed. The Park City Community Development Department will be required to review and approve all such exceptions.

3. The applicant shall be responsible for upgrading the water pump station to accommodate additional irrigation demands on the site. The pump station will be upgraded to a standard approved by the Public Works Director and City Engineer or alternative water system improvements installed. The maximum area on each lot which can be irrigated will be 10,000 sq. ft. and a note shall be placed on the plat which so indicates. Within that 10,000 sq.ft. of irrigated area, a maximum of 7,000 sq.ft. of sod will be allowed. Mountain Top Lane, including all utilities and a 4 foot sidewalk, shall be built by the applicant to the north property line.

4. The plat shall be required to show public trail easements consistent with the Planning Commission Preliminary Plat approval. A 4 foot wide, concrete sidewalk shall be provided along Meadows Drive and a 25 foot wide trail easement for a soft surface trail to the north of the parcels which will connect to Golden Eagle Court. The construction drawings shall reflect the trails. Final location of the soft surface trail within a 25 foot easement shall be approved by the City staff prior to plat recordation.

5. Lots 28, 29, 30 and 31 shall have restricted building heights. The maximum heights for the corners of the building envelope are indicated on the plat.

6. The City Engineer shall review and approve construction drawings prior to plat recordation. The construction documents shall include a construction mitigation and staging plan to minimize construction impact on adjacent neighborhoods to the extent possible. The applicant will be required to post a security for all public improvements prior to plat recordation. A 15 foot non-exclusive utility easement shall be dedicated to Park City along the entire frontage of both sides of Meadows Drive.

7. The City Engineer, City Attorney and Community Development Staff must review and approve the final plat, CC&R's and Design Guidelines as a conditions precedent to plat recordation.

8. Access to the Mountain Top subdivision shall be maintained throughout construction of this subdivision.

9. All homes shall have external fire sprinklers and will be required to be fire sprinkled with a modified 13-D type interior sprinkler system. Meadows Drive shall be graded to a width determined satisfactory by the Fire Marshall. This must occur prior to building permit issuance on any structure in this phase.

10. The parcel of "future development" indicated between lot 24 and the Ridgeview Subdivision contains a future density range of 0 to 2 lots. The "future development" parcel along Mountain Top Lane shall have a maximum density of 5, unless the number of parcels on the other future development parcel is decreased below 2.

11. Lot B is to be dedicated to the City in a manner approved by the City Attorney concurrent with plat recordation.

12. This approval shall be null and void if the plat is not recorded within 1 year of City Council approval.

Ordinance No. 96-

**AN ORDINANCE APPROVING THE FINAL SUBDIVISION PLAT
FOR EAGLE POINTE, PHASE II
LOCATED IN THE QUARRY MOUNTAIN MPD,
PARK CITY, UTAH**

WHEREAS, the owners of the property known as Eagle Pointe Subdivision (a.k.a. Quarry Mountain South Slope) have applied for final plat approval for phase II consisting of 17 single family parcels; and

WHEREAS, a properly noticed public hearing was held before the Planning Commission on June 26, 1996; and

WHEREAS, the Planning Commission forwarded a positive recommendation for conditional approval at the meeting of June 26, 1996; and

WHEREAS, the plat is consistent with the Large Scale MPD Approval for Quarry Mountain and with the preliminary plat approval; and

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

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

SECTION 1. FINDINGS OF FACT.

1. The Quarry Mountain MPD and Preliminary Plat were approved by the Planning Commission and the proposed final plat, as conditioned, is consistent with those approvals.
2. The subdivision is located on a visually sensitive hillside and analysis has been done to minimize the negative visual impacts as required by the Park City Sensitive Lands Ordinance. The existing soil is in many areas solid bedrock which may dictate special utility design and the use of explosives during construction.
3. The applicant has offered to dedicate trails consistent with the Trails Master Plan, as amended by the Planning Commission.
4. Water consumption is a growing concern in Park City and conservation measures are vital to address those concerns.
5. The project is located in an area which contains unusual grade conditions resulting from past quarrying activities.
6. The current access to the Mountain Top subdivision runs through the proposed project and the

project is adjacent to existing residential subdivisions.

SECTION 2. CONCLUSIONS OF LAW.

1. The final plat, as conditioned, is consistent with the Park City Land Management Code.
2. The size and configuration of parcels are consistent with adjacent developments.
3. House size limitations, limits of disturbance and building height restrictions are necessary for compliance with the Park City Sensitive Lands Ordinance.
4. The final plat, as conditioned, will not be detrimental to health safety and general welfare of the citizens of Park City.

SECTION 3. CONDITIONS OF APPROVAL. The Final Plat for Phase II of the Eagle Pointe Subdivision, attached as Exhibit A, is hereby approved subject to the following conditions of approval:

1. The house size limitations shall be noted on the plat and shall be consistent with the Preliminary Plat approval as follows:

3900 sq.ft. for lots under .333 acres
4500 sq.ft. for lots from .334 to .500 acres
6000 sq.ft. for lots from .501 to 1.0 acre
7000 sq.ft. for lots larger than 1 acre

2. A note shall be added to the plat which shall require that limits of disturbance be required for each lot upon building permit application. Limits of disturbance (zone of no construction, excavation or vegetation removal) will be required on all site plans with areas of disturbance restricted to 15 feet on side yards, 20 feet on rear yards and 25 feet on front yards. The limits of disturbance can encroach into the setback area to the property line, if the building zone is within 15 feet of the property lines. Some exceptions to this standard may be considered if it is necessary due to utilities, or due to unique characteristics of the site and does not result in more disturbed area than would otherwise be allowed. The Park City Community Development Department will be required to review and approve all such exceptions.

3. The applicant shall be responsible for upgrading the water pump station to accommodate additional irrigation demands on the site. The pump station will be upgraded to a standard approved by the Public Works Director and City Engineer or alternative water system improvements installed. The maximum area on each lot which can be irrigated will be 10,000 sq. ft. and a note shall be placed on the plat which so indicates. Within that 10,000 sq.ft. of irrigated area, a maximum of 7,000 sq.ft. of sod will be allowed. Mountain Top Lane, including all utilities and a 4 foot sidewalk, shall be built by the applicant to the north property line.

4. The plat shall be required to show public trail easements consistent with the Planning Commission Preliminary Plat approval. A 4 foot wide, concrete sidewalk shall be provided along Meadows Drive and a 25 foot wide trail easement for a soft surface trail to the north of the parcels which will connect to Golden Eagle Court. The construction drawings shall reflect the trails. Final location of the soft surface trail within a 25 foot easement shall be approved by the City staff prior to plat recordation.

5. Lots 28, 29, 30 and 31 shall have restricted building heights. The maximum heights for the corners of the building envelop shall be indicated on the plat.

6. The City Engineer shall review and approve construction drawings prior to plat recordation. The construction documents shall include a construction mitigation and staging plan to minimize construction impact on adjacent neighborhoods to the extent possible. The applicant will be required to post a security for all public improvements prior to plat recordation. A 15 foot non-exclusive utility easement shall be dedicated to Park City along the entire frontage of both sides of Meadows Drive.

7. The City Engineer, City Attorney and Community Development Staff must review and approve the final plat, CC&R's and Design Guidelines as a conditions precedent to plat recordation.

8. Access to the Mountain Top subdivision shall be maintained throughout construction of this subdivision.

9. All homes shall have external fire sprinklers and will be required to be fire sprinkled with a modified 13-D type interior sprinkler system. Meadows Drive shall be graded to a width determined satisfactory by the Fire Marshall. This must occur prior to building permit issuance on any structure in this phase.

10. The parcel of "future development" indicated between lot 24 and the Ridgeview Subdivision contains a future density range of 0 to 2 lots. The "future development" parcel along Mountain Top Lane shall have a maximum density of 5, unless the number of parcels on the other future development parcel is decreased below 2.

11. Lot B is to be dedicated to the City in a manner approved by the City Attorney concurrent with plat recordation.

12. This approval shall be null and void if the plat is not recorded within 1 year of City Council approval.

EXHIBITS: A - Final Plat

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

PASSED AND ADOPTED this 18th day of July, 1996

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Anita L. Sheldon, City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney



CITY COUNCIL REPORT

DATE: July 18, 1996
DEPARTMENT: Community Development
AUTHOR: Eric DeHaan, P.E., City Engineer *Eric DeHaan*
TITLE: Acceptance of the Public Improvements at Phase 2 of Aspen Springs Ranch Subdivision
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Adoption of the ordinance accepting the public improvements at Phase 2 of Aspen Springs Ranch Subdivision.

DESCRIPTION:

A. Topic: The final plat for Phase 2 of Aspen Springs Ranch Subdivision was approved on May 28, 1992. The developer has finally completed all the public improvements. This ordinance will transfer ownership of those improvements to Park City.

B. Background: The process of accepting public improvements in new subdivisions is created by the subdivision section of our Land Management Code, which specifies that the Council accept improvements by ordinance. The offer of dedication of those improvements is contained within the final subdivision plat itself. In the case of Aspen Springs Ranch Phase 2, the improvements were largely accomplished in 1993, but completion of the very important bike path link from Meadows Drive to the Farm was delayed, for various reasons, until recently.

C. Analysis: The public improvements consist of bike paths, sidewalks, utilities, and the roads known as Canyon Court, Ruminant Road, and Aspen Springs Drive. Homes have been built in Phase 2 as well as Phase 1 of Aspen Springs Ranch, although until 50% of the homes have been built the snowplowing responsibility rests with the developer, who has transferred it to the homeowners association. Phase 2 contains the trail corridors running down to the Farm from Aspen Springs Drive and parallel to 224 south to Meadows Drive. It also contains Ruminant Road, a City street right-of-way which was approved for development only as a private asphalt driveway serving two lots in Aspen Springs Ranch even though the road right-of-way extends all the way to the Farm. No City maintenance of the private driveway in Ruminant Road is contemplated. A copy of a sketch of the subdivision is attached.

D. Department Review: The ordinance (attached) has been reviewed by the Legal Department. The construction and operation of the streets and utilities has been coordinated with the Public Works Department. The only unresolved issue is the repair of minor asphalt failures at the end of the one-year guarantee period, which commences with the adoption of this ordinance. The City is holding \$50,000 of the developer's money to guarantee those repairs at the end of the guarantee period. The developer is still working with the Army Corps of Engineers to obtain approval of the minor wetland work associated with the project.

ALTERNATIVES:

A. Approve the Request: Approving the ordinance will cause the orderly transfer of the public improvements and will start the one-year guarantee period.

B. Continue the Item: If the Council needs more information or more time to render a decision on the ordinance, the ordinance should be continued.

SIGNIFICANT IMPACTS: The construction has taken place and is complete except for minor wetland work, minor revegetation, and asphalt reconstruction. All of this work is adequately guaranteed by the \$50,000 which the developer currently has in place and will leave in place for one year following adoption of the ordinance.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Although adopting the ordinance is mainly a formality, it does serve a definite purpose in the accounting of publicly-owned improvements and in the orderly transfer of maintenance responsibility for the public improvements. On a properly-built project there is no real reason not to accept the public improvements, but the ordinance can be continued to the next meeting if more information is needed.

RECOMMENDATION: Approve the ordinance accepting the public improvements at Phase 2 of Aspen Springs Ranch Subdivision.

ASPEN SPRINGS RANCH SUBDIVISION - PHASE II



TAX#: ASR-II-(LOT#)

ASPEN SPRINGS RANCH
PHASE I

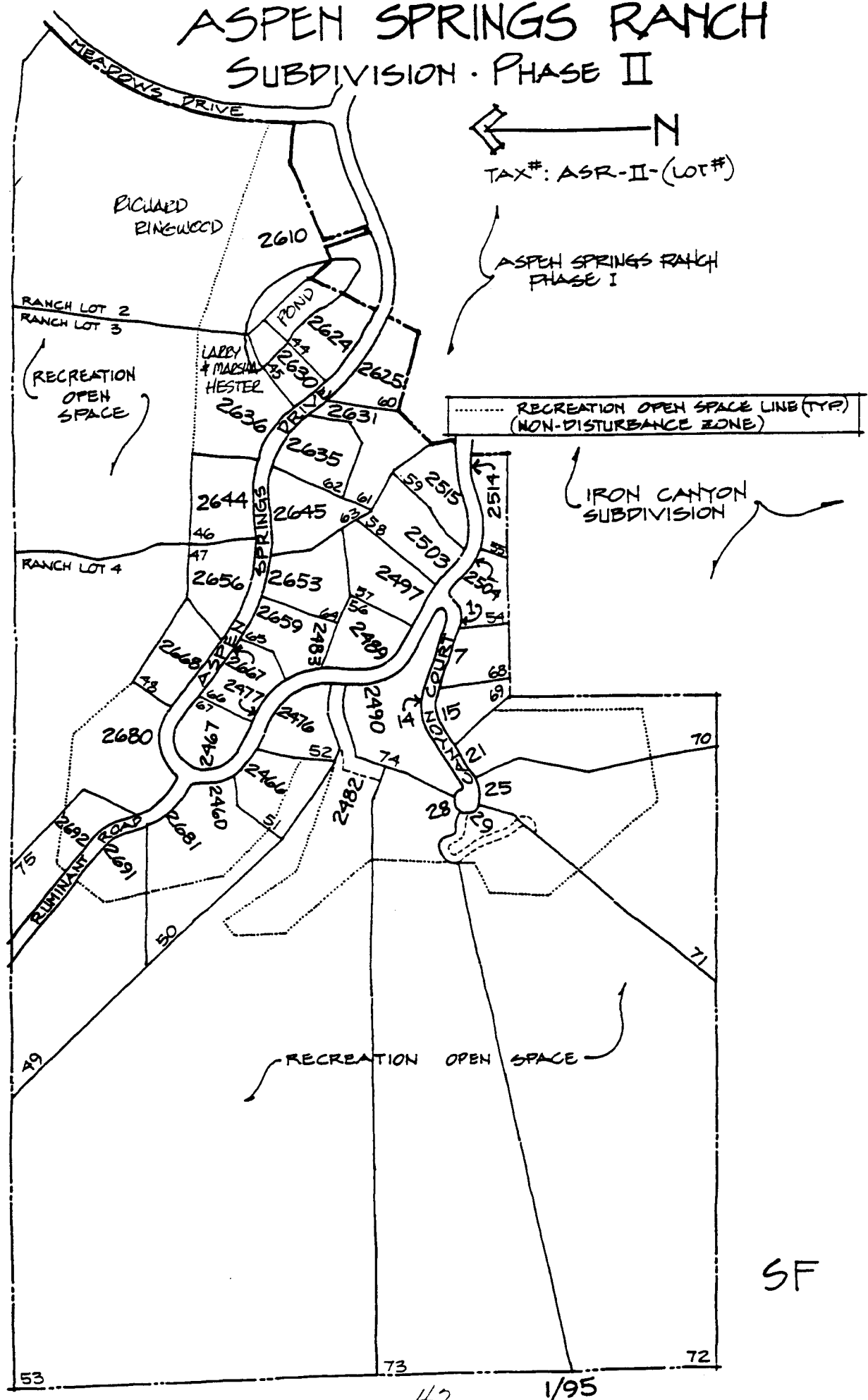
RECREATION OPEN SPACE LINE (TYP.)
(NON-DISTURBANCE ZONE)

IRON CANYON
SUBDIVISION

RECREATION OPEN SPACE

SF

PARK CITY'S OSGUTHORPE FARM



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS
AT PHASE 2 OF ASPEN SPRINGS RANCH SUBDIVISION

WHEREAS, Phase 2 of Aspen Springs Ranch Subdivision was approved by the Park City City Council on May 28, 1992; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including the public streets known as Canyon Court, Ruminant Road, and Aspen Springs Drive; and

WHEREAS, Park City has adopted Ordinance 87-13 on October 22, 1987, which provides for the City Council to accept (by Ordinance) [ref. LMC Sec. 15.3.1(g)] those public improvements which are dedicated and built in accordance with Ordinance 87-13; and

WHEREAS, the public improvements within Aspen Springs Ranch Phase 2 were installed in accordance with the ordinances in effect at the time of plat recordation and have been duly inspected by the City Engineer.

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

SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at Aspen Springs Ranch Phase 2 which were intended for City ownership, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. The developer must demonstrate approval by the Army Corps of Engineers that his wetland mitigation plan has been accomplished. A financial guarantee of \$50,000 shall remain in place for the one-year guarantee period.

SECTION 2. SNOWPLOWING SERVICES. Snowplowing responsibilities still lie with the developer until such time as 50% of the lots are occupied.

SECTION 3. EFFECTIVE DATE. This ordinance shall be effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____ 1996.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, Mayor

ATTEST:

Anita L. Sheldon, City Recorder

Approved as to form:

Jodi F. Hoffman, City Attorney



DATE: July 18, 1996
DEPARTMENT: Public Works
AUTHOR: Jerry Gibbs
Myles Rademan
TITLE: Traffic Study Contract with Lee, Scott & Cleary, Inc.
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Authorize staff to enter into a contract with Lee, Scott and Cleary, Inc. to conduct an analysis and experimental application of traffic calming strategies for Park City.

DESCRIPTION:

A. Topic. Park City Traffic Calming Study

B. Background. This study is being proposed as a result of local resident concerns about increased volumes of traffic and excessive speeding through neighborhood areas. The goal of the study is to design an appropriate traffic calming plan for two subject areas of Park City, to assist the city in implementation of the plan, and to monitor and evaluate the results of the program.

The scope of work is to conduct an experimental application in two districts of Park City: an arterial street and a residential street. The arterial street to which traffic calming strategies will be applied will be Park Avenue between Deer Valley Drive and Sixth Street. The residential street will be located in the Park Meadows area and will be identified by the consultant following data collection in order to ensure maximum effectiveness. While the goals of these two applications are not completely finalized, the general goals for both streets will be to reduce traffic by encouraging through traffic onto more appropriate streets and to reduce traffic speeds. Options that will be evaluated include traffic circles, chicanes, median islands, modifications to speed limits, diverters or semi-closures, roadway humps, and weight limits. Implementation of the traffic calming experiment will occur in October after collection of initial data is finalized. The data will be analyzed to present a comprehensive picture of existing traffic volumes, characteristics, speeds, and travel paths for each study area. The requirements of emergency and transit vehicles will also be reviewed.

The total cost of the traffic study is \$19,190 in professional fees and other expenses. The proposed fee includes all traffic engineering services including several trips to Park City, data collection, the preparation of a detailed report, and a presentation to Park City decision makers and staff. Materials,

signage, and other supplies necessary for implementation are not included in this cost.

C. Analysis. The study is necessary in order to address local concerns related to increased levels of traffic and speeding through neighborhood areas. The scope of work presented by the engineering firm includes substantial data analysis and implementation to ensure effective testing of a model that can be applied to other neighborhoods in the event they become necessary. Lee, Scott and Cleary, Inc. has developed a solid understanding of the many unique factors influencing transportation planning processes in resort areas, and has extensive experience with design and implementation of traffic calming devices.

Staff recommends that the project be undertaken at this time in order to address local concerns. Proceeding with the experiment prior to the winter season allows for effective balancing of staff resources necessary to implement recommended traffic calming devices.

The project is not included in the 96-97 City Budget. There are funds available in the Lower Park Avenue RDA. Staff recommends allocating funds from this account. The account number is 33-49045-7319.

D. Departmental Review.

This proposal has been reviewed by the City Manager, the Department of Public Affairs, and the Planning Department.

ALTERNATIVES:

A. Select Lee, Scott and Cleary, Inc. to conduct an analysis and experimental application of traffic calming devices for two areas of Park City.

This alternative ensures the most effective, thorough, and timely means to test traffic calming devices within Park City at this time.

B. Solicit another firm to conduct an analysis and experimental application of traffic calming devices for two areas of Park City.

This alternative will result in increased staff time and delays in the project. Staff is recommending against this alternative because there is not another firm better qualified to proceed with the analysis than the proposed consultant.

C. Do Nothing.

Selection of this alternative will result in perpetuation of complaints with respect to high volumes of traffic and neighborhood speeding.

SIGNIFICANT IMPACTS:

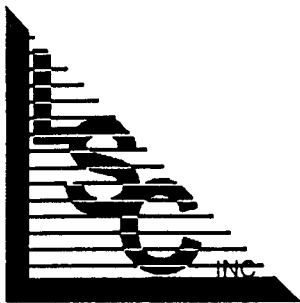
This experiment may lessen the impact of traffic along the targeted thoroughfares. It will more than likely increase traffic volumes along Deer Valley Drive, which has the capability to better handle increased volumes of traffic.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Complaints from the targeted areas will persist and will not be addressed in the near future. An RFP could be developed to assist in lowering the cost and hiring another firm. The study and implementation of the recommendations would not be completed this year. It is unlikely that another firm would have more professional experience in the area of traffic calming.

RECOMMENDATION:

Authorize staff to enter into contract with Lee, Scott and Cleary, Inc. to conduct an analysis and experimental application of traffic calming strategies for Park City in an amount not to exceed \$19,190.



**LEIGH, SCOTT & CLEARY, INC.
TRANSPORTATION PLANNING
& TRAFFIC ENGINEERING CONSULTANTS**

**2690 Lake Forest Road
P.O. Box 5875
Tahoe City, California 96145
(916) 583-4053 FAX:(916) 583-5966**

June 26, 1996

Hope Bleeker, Transportation Director
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060-1480

RE: Park City Traffic Calming Study

Dear Ms. Bleeker:

With this letter and accompanying materials, Leigh, Scott & Cleary, Inc. is pleased to present our proposal to conduct an analysis and experimental application of traffic calming strategies for Park City. The goal of this study will be to design an appropriate traffic calming plan for two subject areas of Park City, assist the City in implementing the plan, and monitor and evaluate the results of the program. We believe that our extensive experience in all facets of traffic engineering and transportation planning in resort communities will allow us to efficiently undertake this interesting study.

As we discussed last Friday, this experimental application will be applied in two districts of Park City: an arterial street, and a residential street. The arterial street that traffic calming strategies will be applied to will be Park Avenue between Deer Valley Drive and Sixth Street. The residential street will be located in the Park Meadows area, and will be identified as part of Task 1. While the goals of the applications have yet to be finalized, general goals for both streets will be to reduce traffic by encouraging through traffic onto more appropriate streets, and to reduce traffic speeds.

Consistent with similar studies we have conducted in the past, we propose to conduct this study in the following four tasks:

Task 1: Existing Conditions Traffic Data Collection and Review: Our work will be initiated by a meeting of City staff, decisionmakers, and local residents to finalize the study areas and the goals of the programs. We will also collect and review any previous traffic studies and other documents regarding conditions in each study area, including any development projects that will modify traffic levels or the street system in the next few years. In addition, existing traffic data available through the City or UDOT will be collected and reviewed. We will be particularly interested in any "permanent count station" data for roadway traffic counts that will allow us to adjust data collected as part of this study for the large seasonal variations in traffic

activity in Park City.

The focus of this task will be a "base case" traffic data collection for each study area. The following traffic data will be collected for each area:

- ▶ 24-hour traffic counts for a single representative roadway segment, for both a weekday and a weekend day. These counts will be conducted using LSC road tube equipment.
- ▶ Peak-hour turning movements in 15-minute increments at the ends of each study roadway segment, for both a weekday and weekend day. Trucks will be tracked separately from other motor vehicles, and the number of pedestrians and bicyclists will also be counted.
- ▶ Traffic speed counts will be conducted using travel time observations over a pre-measured distance, recorded on a JAMAR "magic board." While we own a speed gun, we typically find in more urban areas that drivers become aware of the presence of the speed gun and modify their typical driving patterns; the use of the "magic board" thus produces more accurate results. Speed counts will be conducted for both peak and off-peak periods.
- ▶ Finally, through traffic movements will be counted using a license plate survey. LSC personnel at the ends of each street segment will record license plates of vehicles entering and exiting the segment, and the time of passage. When the two data lists are compared (through a computer program), the proportion of through traffic can be identified.

As a whole, these data will be analyzed to present a comprehensive picture of existing traffic volumes, characteristics, speeds, and travel paths for each study area.

In addition, an inventory of the existing streets will be conducted. This inventory will catalogue existing street width, lane configurations, presence of on street parking, bus stop locations, pedestrian/bicycle facilities, adjacent land uses, driveway locations, existing signage and traffic regulations, and emergency vehicle access requirements.

Finally, the requirements of emergency and transit vehicles will be reviewed. We will talk with staff of both the fire department and the transit program to identify existing usage patterns, travel routes, and vehicle turning radius requirements.

The data collected as part of this task will be used to outline the existing conditions, the roadway characteristics that impact current traffic problems, and the access requirements of various vehicle types. This analysis will form a basis for the traffic calming program design in the subsequent task, as well as a baseline for comparison with the data to be collected after implementation of the traffic calming measures.

Task 2: Design of Recommended Traffic Calming Plan

This task will be initiated by a review of the state of the practice regarding traffic calming. Recent reports detailing the relative success of such programs in other communities will be reviewed to glean any lessons

that can be applied to Park City. This information will be used to develop an "overview" chapter for the final report, that will provide the lay reader with an understanding of the various potential traffic calming strategies, and their use around the country.

Next, the specific data regarding transportation conditions in Park City will be evaluated to identify the advantages and disadvantages of various potential measures. Options that will be evaluated will include the following:

- Traffic circles
- Chokers or chicanes
- Median islands
- Modifications of speed limits
- Diverters/semi-closures
- Roadway humps
- Increased enforcement
- Weight limits

The following potential impacts of these various measures will be evaluated:

- Traffic volume
- Traffic speed
- Noise
- Visual quality
- Local access
- Truck access
- Traffic changes on alternate routes
- Intersection level of service
- Emergency access
- Pedestrian and bicycle travel
- Transit operations
- Construction and maintenance costs
- Stormwater flow
- Snow removal

Based upon these analyses, the appropriateness of each measure will be identified. The preferred traffic calming measures will then be melded into an overall plan for each study area. These plans will include text describing the program, dimensioned plans (at approximately 1 inch equals 50 feet), signage plans, and any recommended modification of signal plans. Any recommended changes in bus service, enforcement programs, truck routes, or emergency access will also be detailed.

The recommended plans will be presented to Park City staff and decisionmakers for review and comment. Any changes resulting from this review process will be used to modify the plans for implementation.

Task 3: Implementation and Evaluation

Implementation of the traffic calming experiment is currently envisioned for September or October of this year. We are assuming that, using the plans developed as part of Task 2, Park City Public Works staff can install the traffic control devices and signs without our need to make an additional trip. We will, however, be available via phone or fax to address any issues that may arise, as part of the implementation process.

A second round of traffic counts -- identical to the first, described in Task 1 -- will be conducted in late November or early December. We would propose to be on-site for two to three days to conduct these counts, and to observe traffic behavior on a weekday and a weekend day.

The results of these counts and observations will then be analyzed as the basis for the evaluation of the traffic calming program. Specific questions that we will address will be as follows:

- ▶ Have the goals of the traffic calming program been met? Have the desired diversion of traffic, reduction of through traffic, reduction of truck traffic, and/or reduction in traffic speed been achieved?
- ▶ What have been the actual environmental impacts of the program, in terms of general noise levels, visual impact, impact on pedestrians and bicyclists, impact on residential areas, etcetera?
- ▶ What has been the impact on emergency vehicle access and transit operations?
- ▶ What maintenance problems can be foreseen based upon the experience during the experimental program?
- ▶ How can the traffic calming programs be modified to address any negative impacts, or to improve the effectiveness of the programs?
- ▶ Finally and most importantly, should the experimental program be made permanent?

Task 4: Report Preparation and Presentation: A draft report will be prepared, providing the data collected and findings of the study, with accompanying tables and graphics. This report will present our recommendations regarding continuance of the program, any recommended modifications, and the potential for expansion into other portions of Park City.

The conclusions of the study will be the focus of an oral presentation to Park City decisionmakers and staff. Any comments or modifications received at this meeting (or meetings) will be incorporated into the draft report to prepare a final report. All text and computer files developed in the course of the study will be provided to the client.

Study Team

The following personnel will conduct the bulk of the work associated with this project. Resumes for both

personnel are attached. They will be assisted by word processing and graphic staff members in our Tahoe City office.

Project Manager - Gordon R. Shaw, PE, AICP, a Vice-President with LSC, will serve as the Project Manager for the study. In this capacity, he will use his extensive experience conducting traffic engineering studies in resort communities, including work for the City of Aspen, Colorado; South Lake Tahoe, California; Truckee, California; the Tahoe Regional Planning Agency; the Town of Telluride, Colorado; and many commercial developments in California and Colorado. Mr. Shaw has 14 years experience conducting traffic and transportation studies throughout the western U.S. He holds a B.S. degree in civil engineering from Purdue University, and M.S. and Engineer degrees from Stanford University, and is a registered Professional Engineer in California, Nevada, and Colorado.

Project Engineer - Dan Wilkins, EIT, has been serving as Engineer in LSC's Tahoe office for the since 1995. In this capacity, he has conducted a detailed traffic engineering analysis for the Town of Truckee's Downtown Specific Plan, an analysis of the traffic impacts associated with increased rail activity through Truckee, and several traffic impact analysis in South Lake Tahoe and the Truckee areas. Mr. Wilkins has also conducted preliminary design work for various roadway improvements, including a modern traffic roundabout. Prior to joining LSC, Mr. Wilkins worked for four years with Thompson Transportation Engineers in the Bay Area, where he served on numerous Caltrans studies regarding highway construction, traffic impact, and construction staging studies. He holds an Associate in Civil Engineering degree from Vermont Technical College, and a BSCE from the University of Vermont.

Firm Qualifications and Experience

Leigh, Scott & Cleary, Inc. is the successor firm to Leigh Associates, which was formed in 1975 to provide consulting services in all phases of transportation planning and traffic engineering. Its formation was in response to a perceived need for these services to be provided from a locally-owned base in the American West, by competent and experienced engineers and planners, and at a reasonable cost to clients. From an initial office in Denver, Colorado, the firm has expanded to include offices in Tahoe City, California and Colorado Springs, Colorado. The goal of the firm is to perform highly competent planning and engineering services within the transportation field. The principals of the firm have a combined total of more than ninety years of professional experience.

Leigh, Scott & Cleary, Inc. provides services to governmental agencies, private organizations, and individuals in traffic engineering, traffic systems management, traffic signal systems, transportation systems planning, transit planning and operations, parking analysis and parking feasibility reports, parking facility and revenue control systems design, traffic impact studies, access planning and design, and bicycle-pedestrian circulation. The firm's strength lies in the broad range of experience of its senior and other professional staff. It specializes in transportation planning and traffic engineering studies that require a timely, personal response by experienced professionals. The firm takes pride in being able to offer the sensitivity, flexibility, and innovative ability that small firms characteristically provide best.

We believe that we have developed an unparalleled understanding of the many unique factors influencing transportation planning processes in resort areas. We also believe that we have developed a reputation for

professional transportation studies, completed on time and within budget, and with an understanding of the need for balanced transportation solutions.

Study Cost

As indicated in the attached Table A, we estimate that this analysis will require \$19,190 in professional fees and other expenses to complete successfully, including both traffic engineering and traffic count services. Of this total, \$16,160 is required for traffic engineering and the remaining \$2,560 for traffic counting. While it may seem inefficient to bring counting personnel from our Tahoe City office, we believe that this is the most effective means of conducting the various counts, due to the low airfares between Reno and Salt Lake City (\$125 round-trip), the ability to use staff for both traffic count and traffic engineering purposes on a single trip, and the improved ability to modify the count program "on the fly" during the course of the study.

This cost estimate includes all costs associated with a total of four trips to Park City, consisting of one trip for each of the tasks. We propose to conduct this study upon a "time and material" basis, with a contract maximum of \$19,960.00 that will not be exceeded without your prior approval. If these terms are acceptable, please so indicate by signing and return the attached Authorization for Professional Services form. Alternatively, we would be happy to consider any contractual form you would prefer to use. Please note that any additional trips or presentations over the four identified above would require additional fee.

▲ ▲ ▲

We would be happy to discuss any changes to the scope or contractual arrangements that you feel would be appropriate. Thank you for the opportunity to make this proposal. We look forward to your reply.

Respectfully Submitted,

LEIGH, SCOTT & CLEARY, INC.

by  VP
Gordon R. Shaw, PE, AICP, Vice-President

Encl: Table A: Cost Analysis
 Authorization Form
 Resumes: Gordon Shaw and Dan Wilkins

TABLE A: COST ANALYSIS		Personnel & Hourly Rates				TOTAL HOURS	COSTS
<i>Park City Traffic Calming Study</i>		Project Manager		Project Engineer	Support Staff		
		\$100.00	\$50.00	\$50.00	\$30.00		
TASK	1 Existing Conditions Data Collection & Review	20	20	2	42		
	- Traffic Engineering						\$3,060
	- Traffic Counts	2	0	20	22		\$800
TASK	2 Design of Recommended Traffic Calming Plan	20	40	12	72		\$4,360
TASK	3 Implementation and Evaluation	32	40	2	74		\$5,260
	- Traffic Engineering	2	0	20	22		\$800
TASK	4 Report Preparation	8	20	20	48		\$2,400
TOTAL HOURS		84	120	76	280		
	- Traffic Engineering	80	120	36	236		
	- Traffic Counts	4	0	40	44		
TOTAL PERSONNEL COSTS		\$8,400	\$6,000	\$2,280			\$16,680
	- Traffic Engineering	\$8,000	\$6,000	\$1,080			\$15,080
	- Traffic Counts	\$400	\$0	\$1,200			\$1,600
Other Costs -- Traffic Engineering							
Travel Costs (4 trips @ \$250 per trip)							
Printing/Copy Costs							
Phone/Postage/Delivery Costs							
Subtotal							\$1,000
Other Costs -- Traffic Counts							\$250
Travel Costs (2 trips @ \$250 per trip)							\$300
Printing/Copy Costs							\$450
Temporary Personnel Costs (32 hours @ \$15 per hour)							\$30
Subtotal							\$480
TOTAL STUDY COST							\$960
	- Traffic Engineering						\$19,190
	- Traffic Counts						\$16,630
							\$2,560

AUTHORIZATION FOR PROFESSIONAL SERVICES BY LEIGH, SCOTT & CLEARY, INC.

Project Name: Park City Traffic Calming Study

The service covered by this Authorization Form shall be performed in accordance with the following provisions and the enclosed Leigh, Scott & Cleary, Inc. (LSC) letter proposal dated June 26, 1996, unless otherwise specified.

1. **Time Schedule:** LSC will make every reasonable effort to complete all services which are specifically to be furnished under this agreement in a timely manner.
2. **Professional Standards:** LSC shall be responsible, to the level of competency presently maintained by other practicing professional engineers in the same type of work in CLIENT'S community, for the professional and technical soundness, accuracy, and adequacy of all work furnished under this Authorization. LSC makes no other warranty, expressed or implied.
3. **Termination:** Either CLIENT or LSC may terminate this Authorization by giving 30 days written notice to the other party. In such event, CLIENT shall forthwith pay LSC in full for all work previously authorized and performed prior to effective date of termination. If no notice of termination is given, relationships and obligations created by this Authorization shall be terminated upon completion of all applicable requirements of the Authorization.
4. **Legal Expenses:** In the event legal action is brought by CLIENT or LSC against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts or fees, costs, and expenses as may be set by the court.
5. **Payment:** Monthly invoices will be issued by LSC for all work performed under the terms of this agreement. They will be sent to the CLIENT at the address indicated at the bottom of this Authorization Form. Invoices are due and payable upon receipt. Finance charges at 1.5 percent per month will be charged on all amounts which are over 30 days past due.
6. **Limitation of Liability:** LSC's liability to the CLIENT for any cause or combination of causes is, in the aggregate, limited to an amount not to exceed the fee earned under this agreement, or \$10,000, whichever is greater.
7. **Assignment of Agreement:** This agreement shall be binding on the heirs, successors, and assigns of the parties hereto and is not to be assigned by either party without first obtaining the written consent of the other.
8. **Other:** Total billings not to exceed \$19,190.00 without prior CLIENT approval.

Billing Information:

Project I.D./Ref.# _____

Send Invoice to: _____

Approved for CLIENT

By _____

Title _____

Date _____

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GORDON R. SHAW, P.E., A.I.C.P.

Education

Engineer's Degree in Civil Engineering
Stanford University
Master of Science in Infrastructure Planning
Stanford University
Bachelor of Science in Civil Engineering
Purdue University

Professional Registrations/Membership

Registered Professional Engineer in California, Colorado, and Nevada
American Institute of Certified Planners
Institute of Transportation Engineers
American Planning Association
Tau Beta Pi Fraternity

Experience

Leigh, Scott & Cleary, Inc. (1983 to Present) -- Mr. Shaw has gained a total of over 13 years of professional experience in all aspects of transportation planning and engineering. In his capacity as Vice-President with the firm, his duties have run the gamut from large-scale urban transit and transportation planning to site-specific preliminary engineering design and traffic analysis.

Mr. Shaw has served as Project Manager for many of LSC's transportation planning projects, including a comprehensive transportation planning effort for the Lake Tahoe Basin in California and Nevada; a transportation alternatives and environmental assessment for Yosemite National Park, California; assessments of need and location for potential freeway improvements in the Denver metropolitan areas; and a traffic/transit/pedestrian study for the City of Aspen and Pitkin County, Colorado. A strong focus of his work history has been in resort areas, developing transportation plans for environmentally sensitive areas that can efficiently accommodate large variations in travel demands. He has also conducted transportation modeling efforts for roadway design studies associated with numerous large developments throughout the Colorado Front Range and in California and Nevada, as well as for alternative roadway plans for Denver's new airport.

Much of Mr. Shaw's work with regards to traffic impact and site planning for new development has focused upon work in mountain resort areas. In Aspen, these developments have included the Rubey Park Transit Terminal, Independence Place commercial/housing development, Tiehack base area development, and several affordable housing projects. Developments in other similar areas have included the Sonnenalp Hotel in Vail; Quail Mountain Ski Resort near Buena Vista; and Squaw Valley Inn in Squaw Valley, California.

Transit system studies have formed a large element of Mr. Shaw's experience with the firm. He has served as Project Manager for transit planning studies in the following areas:

- ▶ Kodiak, Alaska
- ▶ Lake Havasu/Bullhead City, Arizona
- ▶ Yuma, Arizona
- ▶ Little Rock, Arkansas
- ▶ El Dorado County, California
- ▶ Folsom, California
- ▶ Placer County, California
- ▶ Redding, California
- ▶ Tahoe Basin, California/Nevada
- ▶ Yuba/Sutter Counties, California
- ▶ Grand Junction, Colorado
- ▶ Greeley, Colorado
- ▶ Pitkin/Garfield Counties, Colorado
- ▶ Pueblo, Colorado
- ▶ Pocatello, Idaho
- ▶ Great Falls, Montana
- ▶ Carson City, Nevada
- ▶ Grand Forks, North Dakota
- ▶ Rapid City, South Dakota
- ▶ Sioux Falls, South Dakota

In addition, he has specialized in the planning of transit service in many mountain resort communities, directing studies in Aspen, Durango, Leadville, Steamboat Springs and Summit County, Colorado; South Lake Tahoe, California; and Jackson, Wyoming. He has also developed plans for specialized transit systems providing service to the elderly and disabled of Weld County, El Paso, and Pueblo Counties in Colorado, as well as conducting a statewide specialized transit needs assessment for the Arkansas Governor's Office. Building on this extensive transit experience, he has conducted transit training workshops for conferences in Arizona, California, Colorado, New Mexico, and Oregon. Finally, he served as part of the team that conducted the Transit Cooperative Research Project B-3 for the Transportation Research Board, developing an improved methodology for determining the demand for public transit systems in rural areas.

Parking has constituted an additional element of Mr. Shaw's work history. He has conducted an extensive parking needs and alternatives analysis for the University of Colorado Health Sciences Center in Denver; Placer County, California; Virginia City, Nevada; the East Shore of Lake Tahoe, Nevada; as well as for the City of Aspen. As part of the work in Aspen, Mr. Shaw designed the City's successful paid parking program. In addition, he has developed preliminary engineering and functional designs for municipalities and college campuses, as well as for private developers. He has also assisted several jurisdictions in developing parking ordinances.

Mr. Shaw has conducted numerous studies regarding air quality planning, and the impact of transportation programs on air quality. These studies have included the development of models for ambient air quality (such as the CALINE-4 model), as well as developing emission budgets for jurisdictions in non-attainment areas. Mr. Shaw has led the firm's work on Environmental Impact Statements and Environmental Impact Reports, conducting traffic and air quality analyses for EIS/EIR projects in Tahoe City, California; South Lake Tahoe, California; Placer County, California/Washoe County, Nevada; and Yosemite National Park, California.

Other preliminary engineering projects which Mr. Shaw has undertaken have included intersection and interchange design, as well as the design of transit facilities including Park-n-Ride lots, transit terminals, and a busway. He has also performed a wide variety of neighborhood planning and engineering studies for local governments and citizen organizations.

Mr. Shaw serves as the firm's specialist in microcomputer applications to transportation planning and engineering studies. Program packages which he has successfully employed include TMODEL2, MinUTP, TRANPLAN, Transyt7F, and the Highway Capacity Software. He has also developed software to assist in the analysis of transit demand, parking demand, accident record analysis, and intersection operation. Additionally, he has developed management information systems (MIS's) for transit systems incorporating preventive maintenance scheduling, inventory control, and revenue/passenger tracking.

Other Positions -- Mr. Shaw also undertook a wide range of activities while with PRC Voorhees in Berkeley, California in 1982/83. He prepared numerous traffic impact studies for large residential and industrial developments in California's Central Valley; Reno, Nevada; and throughout the Bay Area. Transportation system planning projects in which he was involved included an analysis of projected ridership and revenue for a planned El Dorado County, California light rail system in Orange County, California, as well as a new town planning effort for the Government of Indonesia. In 1981, Mr. Shaw was employed as a Planning Engineer with the San Francisco District of the U.S. Army Corps of Engineers. In the Summer of 1979, Mr. Shaw worked as a Field Engineer for the Burlington Northern Railroad.

DANIEL P. WILKINS**Education**

Bachelor of Science in Civil Engineering
University of Vermont
Associate in Civil Engineering
Vermont Technical College

Professional Registrations/Membership

Professional Engineer - Pending Results of April, 1996 California Seismic Examination
EIT, Vermont #2802

Experience

Leigh, Scott & Cleary, Inc., 1995 to Present Since joining LSC as an Associate Transportation Engineer, Mr. Wilkins has been involved with a number of successful traffic planning and engineering projects. He has been involved with performing traffic and parking impact studies for a number of public and private sector organizations. Most recently, Mr. Wilkins completed the Town of Truckee, California, Railroad Merger Traffic Impact Study and the Downtown Truckee Transportation Study. These studies identified both existing and projected capital roadway improvements necessary to maintain acceptable mobility levels within the Town of Truckee. These studies also identified innovative funding schemes in order to facilitate construction of both immediate and long term capital improvements. Examples include: the establishment of public-private partnerships; the levying of localized development impact fees for site specific capital improvements; the development of a regional impact mitigation fee for large scale regional capital improvements; and the identification of state funding sources for capital improvement projects.

Thomson Transportation Engineers, 1992-1995 As an Associate Transportation Engineer, Mr. Wilkins was instrumental in the performance of tasks necessary for completion of a variety of transportation engineering projects. His experience is in the areas of traffic engineering, traffic impact studies, access planning and design, air quality analysis, transportation systems planning, parking studies, travel demand management, transit planning, bicycle/pedestrian studies, transportation network modeling, and data collection. Representative projects completed while with Thomson Transportation Engineers were the Route 198 Freeway Gap Closure Construction Staging Report in Visalia, California; the Route 58 Adoption Study Access and Local Circulation Report in Bakersfield, California; the Marin 101 HOV Traffic and Air Quality Reports, in Marin County, California, the Bay Area Rapid Transit (BART) SFO Extension Construction Staging Report in South San Francisco, California, the Lucky Supermarkets Parking Supply and Demand Study in San Francisco, California and the I-580/I-680 Interchange Modification Traffic Operations and Air Quality Reports in Pleasanton, California.

Chittenden County Regional Planning Commission (CCRPC), 1988-1992 During this period, Mr. Wilkins served as an Assistant Transportation Engineer for Chittenden County, Vermont. He

was involved with a variety of projects, including the U.S. Route 7/State Route 15 Intersection Review, the Shelburne Road Corridor Study, the Catelus Development Traffic Impact Report, the Williston Road Corridor Study, the CCMPO Transportation Improvement Plan, the Burlington Bike Path Extension Feasibility Report, the CCRPC Transportation Model Development, and the Burlington Main Street Widening Project. Mr. Wilkins was also responsible for providing transportation engineering services to 18 communities as a portion of the CCRPC technical assistance program.

Patterson Associates, 1992 While with Patterson Associates, Mr. Wilkins participated in the Sunnyvale Futures Environmental Impact Report in Sunnyvale, California, the Benner School Site Traffic Impact Report in San Mateo, California, the San Mateo, California downtown Specific Plan Parking Inventory, and the Woodside, California Mixed Use Parking Study.

Vermont Local Roads Program As an engineering consultant, Mr. Wilkins provided training in pavement management techniques and supplied technical support of the Road Surface Management Software (RSMS) to local governments throughout the State of Vermont.

In the performance of the various projects noted, Mr. Wilkins utilized the following skills and applications:

- ▶ Preparation of traffic forecasts
- ▶ Transportation network modeling
- ▶ Spreadsheet development and analysis
- ▶ Determination of intersection geometry and intersection signal timing
- ▶ Identification of traffic, parking and access impacts and required mitigations
- ▶ Preparation of traffic signing and striping plans
- ▶ Performance of traffic operations and safety analysis
- ▶ Performance of LOS calculations
- ▶ Management of data collection
- ▶ Performance of alternatives analysis
- ▶ Determination of HOV traffic demand
- ▶ Calculation of HOV measure of performance
- ▶ Development of prioritization methodologies
- ▶ Transit system ridership forecasting
- ▶ Performance of feasibility studies



DATE: July 12, 1996
DEPARTMENT: Administration
AUTHOR: Toby Ross *TR*
TITLE: Parking Temporary Zoning Ordinance and In-Lieu Fee
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: The Council could adopt interim regulations to eliminate the exception from the requirement to provide off-street parking for restaurants, nightclubs, bars and dining rooms.

DESCRIPTION:

A. Topic:

Consideration of a Temporary Zoning Ordinance eliminating or limiting the exemption from providing off-street parking in the historic downtown. Consideration of adjusting the in-lieu fee for parking.

B. Background:

Most properties fronting Main Street have been exempt from off-street parking requirements at least since the 1968 zoning ordinance. This exemption has been narrowed by several policy actions since that time. Now, only the first two levels of a building on property that paid into the Main Street SID are exempt from any parking requirement. Others are required to provide parking or pay an in-lieu fee.

Last year the Council authorized a study of parking and circulation in the historic core. Wilbur Smith and Associates (WSA) has completed that study and staff has begun a public review process. The study identifies a parking shortage in the Main Street area, principally on winter and summer evenings and primarily resulting from the parking demand of restaurants and bars. The study recommends, among other actions, examination of the zoning requirements for parking, especially the current exemptions for certain development from providing off-street parking in the Historic Commercial Business (HCB) district. During a recent joint City Council and Planning Commission meeting to review the scope of new zoning for Main Street, the bodies considered provisions for eliminating or limiting the exemption from providing off-street parking in the historic downtown. Rather than addressing the concern about parking in a permanent ordinance primarily related to building design, the Council requested a proposal for temporary regulations to deal with parking mitigation. These regulations could be put in effect until the

broader parking issues can be addressed but in no case longer than six months.

C. Analysis:

Staff is seeking input and direction from the Council as to whether or not interim measures should be taken to address parking impacts on Main Street pending review adoption of a more comprehensive parking program. This report provides the Council with:

- an analysis of the number and type of properties that would be affected by potential interim measures
- an assessment of the cost to construct parking as it relates to the current in-lieu fee
- possible alternatives for Council action
- draft alternative ordinances that the Council could adopt at the July 18 meeting

The Planning Department has identified about five significant vacant sites on Main Street. Of these, three have development applications that could be unaffected by the interim ordinance. A fourth property has submitted a conceptual plan and may submit a complete plan shortly. In addition to these undeveloped properties, further development of existing historic and non-historic structures is possible in the form of additional floors, replacement of existing structures or building expansions to the rear. Also, some existing uses could be converted to uses requiring more parking. The development of a restaurant in the old UP&L is an example of this type of conversion. The UP&L building is already under construction and would not be affected by an interim ordinance.

The WSA study analyzes several different ways of providing new parking. Construction costs per space range from \$5000 for a new surface spaces (not including land) to \$27,000 per net space in a major parking structure in Swede Alley averaging around \$15,000 per space (see table below). The Land Management code provides for an in-lieu fee that is currently \$10,000 per space:

Parking may be provided off site by paying a sum equal to the estimated construction cost of parking spaces in a public parking facility to the City. This fee shall be established by the Developer Fee Schedule Ordinance, and adjusted annually to reflect the approximate actual construction costs of the structure.

The Council could adjust the in-lieu fee to more accurately reflect construction costs by adopting a revised fee resolution. No ordinance amendment would be required.

PROJECT	SPACES	COST PER SPACE
Sandridge	60	\$ 5,000
5th level addition	77	\$11,700
Swede Alley Phase I	379 (339 net)	\$15,700 (\$17,500 net)
Swede Alley Phase II	200 (140 net)	\$18,700 (\$26,700 net)

Mean	716 (616 net)	\$15,200 (\$17,600 net)
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D. Department Review:

The Community Development, Public Works and Legal Departments have reviewed this report.

ALTERNATIVES:

A. Comprehensive Interim Regulations: The Council could adopt interim regulations to completely eliminate the exception from the requirement to provide off-street parking.

B. Limited Interim Regulations: The Council could adopt interim regulations to eliminate the exception from the requirement to provide off-street parking for restaurants, bars and dining rooms.

C. Defer Action: The Council could defer action on interim regulations eliminating the exception from the requirement to provide off-street parking until the initial public review process on parking is complete. This review is expected to take 45-60 days.

D. Adjust the In-Fee: The Council could change the in-lieu fee to better correspond with actual costs of construction. The average of proposed projects is about \$15,000.

E. Do Nothing: No action is required

SIGNIFICANT IMPACTS:

The major effect of an interim ordinance will be to delay some possible new development on Main Street that does not propose to build or pay for parking. Most of the major vacant properties have already submitted development plans that could be exempt from the regulations. If the interim regulation were made permanent, the parking impacts of new development could be mitigated and the cost of constructing new development affected by the regulations would be increased. New development that might have located on Main Street may instead locate in other commercial districts including commercial districts in the county.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Some additional construction could take place without mitigating parking. The parking review will continue and zoning recommendations will be made regardless of the action on interim regulations.

RECOMMENDATION:

The Council should adopt interim regulations to eliminate the exception from the requirement to provide off-street parking for restaurants, nightclubs, bars and dining rooms. This is alternative 2 in the draft ordinance. This approach would regulate the uses causing the greatest impacts without dramatically affecting other uses or development. The Council should wait to adjust the amount of the in-lieu fee or the requirements for parking until an actual program is adopted.

Ordinance No. 96-5

AN ORDINANCE ADOPTING TEMPORARY ZONING REGULATIONS FOR THE HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT TO ESTABLISH INTERIM ZONING STANDARDS PENDING REVIEW OF A PARKING MANAGEMENT PLAN AND REVISIONS OF THE LAND MANAGEMENT CODE OF PARK CITY, UTAH.

WHEREAS, the City is in the process of reviewing a parking management plan prepared by Wilbur Smith and Associates which proposes programs to mitigate the limited availability of parking in the historic core including amendments to provisions of the Land Management Code to mitigate parking problems in the Historic Commercial Business (HCB) district;

WHEREAS, the existing code (LMC 7.2.10) exempts certain development in the HCB district from the requirement to provide off-street parking;

WHEREAS, the Council has expressed a desire to mitigate the parking issues created by the development or remodeling of buildings and changes to uses with more intensive parking demand;.

WHEREAS, to prevent a rush to develop under the present zoning regulations while this matter is under consideration, the state legislature has enabled cities to adopt Temporary Zoning Regulations, without a formal public hearing, for a period not to exceed six (6) months (Utah State Code, Section 10-9-404); and

WHEREAS, it is in the best interest of Park City and for the protection of health, safety and the general welfare of its citizens to prevent creation of excessive unmitigated parking demand in the City's HCB district;

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

SECTION 1. FINDINGS: The Council finds that:

1. The Historic Commercial Business (HCB) district is presently zoned in a manner that allows certain development without providing off-street parking or otherwise mitigating the parking demand of new or changed uses;
2. The City has provided notice of specific proposals to require off-street parking or otherwise mitigating the parking demand of new or changed uses;

3. Without the full public review of parking proposals, alternatives and recommendations, it is premature to adopt permanent rezoning within the HCB district;
4. The parking review can be completed, with implementing zoning enacted, within six months;
5. Temporary zoning enacted hereby preserves a reasonable opportunity to develop within the HCB district while mitigating some of the impacts of parking;
6. The HCB district is vital to the economic health and general welfare of the community and its guests; and
7. There is a compelling public interest in protecting the HCB district from creation of excessive unmitigated parking demand.

SECTION 2. AMENDMENTS TO CHAPTER 7 OF THE LAND MANAGEMENT CODE. Chapter 7 is hereby amended as follows:

Section 7.2 Historic Commercial Business (HCB) District

7.2.10. OFF-STREET PARKING. Each new structure, ~~change in use, or addition to a structure~~ shall provide off-street parking spaces, as provided in Chapter 13, with these exceptions:

- (a) ~~Structures designated as historic buildings by the Historic District Commission and renovations of those structures are exempt from off-street parking requirements.~~

Alternative 1

- (b)(a) ~~In new Any construction not including remodels or renovation to existing historic buildings which does not increase the floor area or which does not change the use to a use which requires more parking, no off-street parking is required for two floor levels. Any additional floor area shall provide off street parking as provided in Chapter 13 according to the intended uses of the space. The space will be presumed to be commercial, unless from the building plans and specifications it is clear that residential or transient lodging purposes are intended. Parking is only required for that space in excess of two levels and not for the entire structure. Parking may be provided on site, provided however, that entrances and exits for vehicles shall not cross the Main Street sidewalks (except at existing public streets). Parking may be provided off site by paying a sum equal to the estimated construction cost of parking spaces in a public parking facility to the City. This fee shall be established by the Developer Fee Schedule Ordinance, and adjusted annually to reflect the approximate actual construction costs of the structure.~~

~~This exception from the regular Land Management Code required off-street parking requirement only applies to those structures or properties which paid the assessment to~~

~~the Main Street Parking Special Improvement District in full prior to January 1, 1984. All other properties must provide parking in full compliance with Chapter 13. It is the obligation of the property owner to establish that payment was made. All other property within the HCB zone must provide parking for all space in compliance with the provisions of Chapter 13 of this Code.~~

Renumber the remaining subsections accordingly.

Alternative 2

~~(b) (a) Any construction not including remodels or renovation to existing historic buildings which does not increase the floor area for a restaurant, nightclub, bar or dining room or which does not change the use to a restaurant, nightclub, bar or dining room. Any additional floor area shall provide off street parking as provided in Chapter 13 according to the intended uses of the space. The space will be presumed to be commercial, unless from the building plans and specifications it is clear that residential or transient lodging purposes are intended. Parking is only required for that space in excess of two levels and not for the entire structure. Parking may be provided on site, provided however, that entrances and exits for vehicles shall not cross the Main Street sidewalks (except at existing public streets). Parking may be provided off site by paying a sum equal to the estimated construction cost of parking spaces in a public parking facility to the City. This fee shall be established by the Developer Fee Schedule Ordinance, and adjusted annually to reflect the approximate actual construction costs of the structure.~~

Renumber the remaining subsections accordingly.

SECTION 3. AMENDMENTS TO CHAPTER 13 OF THE LAND MANAGEMENT CODE. Chapter 13 is hereby amended to add new section 13.8 as follows:

13.8. HCB PARKING

~~Parking within the HCB district may be provided on site, provided however, that entrances and exits for vehicles shall not cross the Main Street sidewalks (except at existing public streets). Parking may be provided off site by paying a sum equal to the estimated construction cost of parking spaces in a public parking facility to the City. This fee shall be established by resolution to reflect the approximate actual construction costs of the structure.~~

SECTION 4. PERIOD OF LIMITED EFFECT. This temporary zoning ordinance shall be effective, pursuant to U.C.A. Section 10-9-404, for a period of six months.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon adoption.

PASSED AND ADOPTED this 18TH day of July, 1996

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Anita Sheldon, City Recorder

Approved as to form:

Jodi Hoffman, City Attorney



CITY COUNCIL REPORT

DATE: July 12, 1996 (July 18, 1996 Meeting)
DEPARTMENT: Planning Department
AUTHOR: Patrick Putt
TITLE: Cow's Freestanding Sign
402 Main Street

SUMMARY RECOMMENDATIONS: Affirm the Planning Commission's denial of a conditional use permit to install a freestanding sign in front of the business at 402 Main Street.

TOPIC: An appeal of the Planning Commission's denial of a conditional use permit for a freestanding sign in the HCB Zone at 402 Main Street.

PROJECT STATISTICS:

Applicant: Bless Young
Location: 402 Main Street
Zoning: HCB
Adjacent Land Uses: Commercial
Application Completed: April 29, 1996
Project Planner: Patrick Putt

INTRODUCTION:

On June 12, 1996, the Planning Commission denied a conditional use permit request by Bless Young to place a 4.5 foot tall (*approximately 30 square feet measured in silhouette*) fiberglass cow in front of the store as a free standing sign. The cow is

proposed to be placed on the applicant's property in a recessed area at the back of the sidewalk (*see attached photographs*).

In 1994, the former owner of cows was cited for placement of a sign, i.e. the cow, without a permit. Upon Payment of the fine, the case was dismissed. Following up on the disposition of the case, the City Community Services Officer verbally notified the applicant this spring of the previous court action. He further informed the applicant that the cow needed to be placed inside the store or the necessary permits needed obtained before the sign could be placed outside. The applicant elected to pursue obtaining a conditional use permit to place the cow outside as a freestanding sign. "Cows" is a franchise business with five locations in the United States and Canada. The cow is the franchise trademark and is used at the other franchise locations for advertising.

1. Sign Code Provisions: The Municipal Sign Code defines a sign as:

...every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for the identification, advertisement, or promotion of the interest of any person, entity, product or service. The definition of a sign shall also include structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of the observers.

The cow meets the definition of a sign by virtue of the fact that it is a display, ornament, or feature used to draw attention to the store.

The Municipal Sign Code, Section 12.9.1: Prohibited Signs, does not permit mobile or portable signs, i.e. signs not permanently attached to the ground. Inasmuch the applicant proposes to permanently affix the cow to the ground, the cow constitutes a freestanding sign which is defined in the Sign Code as:

A sign which is supported by one or more uprights or braces which are fastened to, or embedded in the ground or a foundation in the ground. Freestanding signs refer to on-premise advertising or project identification signs for the purpose of this Code.

The Sign Code allows freestanding signs to be a maximum of 36 square feet.

Under the Municipal Sign Code, Section 12.3.6: Conditional Uses, a conditional use permit is required from the Planning Commission prior to installing a freestanding sign in the HCB Zone. The Historic District Commission also is authorized to review sign applications if the sign plan is within the Historic District.

2. Historic District Commission Recommendation: On May 20, 1996, the Historic

District Commission voted unanimously to forward a recommendation to the Planning Commission to deny the cow the applicant's request based on the fact that proposed signage did not meet the intent of the criteria outlined below:

Use Of Symbols. The Design Guidelines encourage the use of symbols as signs because they "add interest to the street, are quickly read and are remembered better than written words". Additionally, the guidelines state that signs should be either flush on the building, on the window, projecting from the wall awnings over the display window or the real product on display. HDC concurred with Staff that, although the cow is a unique feature, it is more of an attention-getting device than a symbol such as the wood cut-out elk or trout illustrated on Page 43 of the guidelines, both of which could exist flush on the building.

Policy #36: Position Signs to Fit Within the Features of the Facade: Although the cow fits between the front of the building and sidewalk, it is not designed to emphasize the buildings architectural elements, such as being designed to fit within a parapet recess or clerestory panel, as encouraged in the guidelines. The area in which the cow fits is a shift in the facade which creates a box. Instead of being a sign designed to fit within architectural feature of the building, the cows is placed rather awkwardly within the box, primarily because it is a pre-manufactured franchise feature that cannot fit anywhere else on the applicant's property.

Section 12-6-1 of the Sign Code also requires that signage fit within the architectural details of the building as encouraged in Policy #36.

Policy #38: Where Feasible, Mount Signs to Reinforce the Stair-Step Effect of Store Front Elements: The guidelines establish a precedent for mounted signs along the first floor store fronts to maintain the stepped effect resulting from the grade of Main Street. The cow does not facilitate the stepping effect and detracts from the facade. Since there are no approved freestanding signs in the immediate vicinity of the applicant's store, the proposed sign does not align or relate well to any other signage along the street.

Policy #39: Use Sign Materials That Are Compatible With Those of the Building Front: This policy is also stated in Section 12-5-4 of the Sign Code. HDC expressed a concern that fiberglass is not an historically compatible materials, such as wood and metal, and suggested the applicant consider a cow constructed of wood that is painted.

Policy #40 Keep the Number of Signs to a Minimum: Policy # 40 recommends that signs not overpower other facade elements in size and states that signs should relate to other signs on the block. Although the applicant's business

has only a limited amount of signage, the proposed cow does not relate well to the building's facade elements, i.e. mounted within a clerestory or parapet area, or other signage on the block which generally consists of wall mounted flush and/or projecting signs. As shown in the attached exhibit, the cow obscures portions of the building's kick-plate and the lower portions of two store front windows. There are no other approved freestanding signs on Main Street.

Policy #42 Coordinate Colors with the Front of the Building: The black and white Holstein coloring does not compliment the yellow and navy color scheme of the building. The color, shape and size of the cow create a distracting visual element rather than integrating with the building and other signage forms along the street.

3. Planning Commission Action: The Planning Commission denied the applicant's request on June 12, 1996. The Commission based its denial on the following Findings and Conclusions of Law:

1. The proposed sign is located in a highly visible location along Park City's historic Main Street and identifies a business located within an historic structure.
2. The sign would be located in front of several storefront windows and obscures character defining architectural elements of the building.
3. The black and white cow does not complement the color scheme of the building and existing signage.
4. The cow is constructed of a synthetic fiberglass material.
5. There are no free-standing signs for the surrounding structures.

Conclusions of Law:

1. The proposed sign is not in conformance with the following standards of the Park City Sign Code:
 - * Section 12-6-1 Location Standards
 - * Section 12-5-4 Materials
2. The proposed sign is not consistent with the symbols criteria and Policy #'s 36, 38, 39, 40 and 42 of the Historic District Design Guidelines.
3. The proposed sign is not compatible in design with surrounding structures.

4. The effects of non-compatibility cannot be mitigated through careful planning.

APPLICANT'S APPEAL:

The applicant is appealing the Planning Commission's denial to the City Council based on the following position:

1. Findings No. 2 and 5 ignored evidence presented at the public hearing;
2. The cow meets the size requirements for a freestanding sign; and
3. The Planning Commission's Conclusions of Law misstate the law.

The applicant submitted supplemental appeal materials on June 12, 1996; however, the Planning and Legal Departments have not had an opportunity to review this information.

ANALYSIS:

Granting the appeal would further undermine the already challenging task of sign code enforcement. A previous owner was taken to circuit court for having the cow placed in front of the store and a fine was paid for the violation. Apparently, the former owner did not inform the current owner that the cow was not in conformance with the City Code. The Planning Department respectfully disagrees with the applicant's current argument that the sign code and Historic District Design Guidelines are vague and ambiguous. The Circuit Court agreed with Staff position in 1994. Staff's position has not changed since the court's ruling.

The City has endeavored over the past several years to enhance and promote historic Main Street and its resort image by implementing a sign code and guidelines which are flexible in sign design and sign placement, but which strongly encourage signs to relate to the architectural details and the character of the district. This issue is not whether people "like the cow" or not, but one of compliance with the Sign Code and Design Guidelines. The cow is formula advertising for a franchise retail business. As such, it was not designed and fabricated with Park City's building architecture or historic Main Street character in mind. No other freestanding signs on have been approved by the City on historic Main Street. Staff recommends that the City not reverse this policy now.

The Planning Department recommends that the applicant place the cow inside the store and work with Staff to develop an alternative sign plan, in conformance with the Historic District Design Guidelines, to meet the business' advertising needs.

DEPARTMENT REVIEW: The Community Development Department and City Attorney's Office have reviewed this application.

ALTERNATIVES:

- A. Affirm the Planning Commission's denial of the applicant's request for a Conditional Use Permit to allow the cow to be used as a free-standing sign (*Staff's recommendation*).
- B. Reverse the Planning Commission's action and direct Staff to prepare findings, conclusions of law and conditions of approval for Council action.
- C. Reverse the Planning Commission's action and direct Staff to prepare findings, conclusions of law, and conditions of approval to allow the placement of the sign in front of the business with an annual review. The annual review will allow the City to evaluate the impacts of the proposed sign, or other similar requests, on the character of historic Main Street.
- D. Continue this matter to allow the Planning and Legal Departments an opportunity to review the applicant's supplemental appeal materials.

SIGNIFICANT IMPACTS/CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Approval of the request would create a sign which is inconsistent with the City's design standards and inappropriate for businesses on historic Main Street.

RECOMMENDATION:

The Planning Department recommends that the City Council affirm the Planning Commission's denial of the applicant's request for a Conditional Use Permit to allow the cow to be used as a free-standing sign.

EXHIBITS:

- Exhibit A: Photograph of cow in front of the business
- Exhibit B: LMC Sign Code
- Exhibit C: Design Guidelines



The Cow at 402 Main Street

EXHIBIT A

sign has more than two (2) faces, the total area of the third face and all additional faces shall be included in determining the area of the sign. All existing signs, whether conforming or non-conforming signs shall be counted in establishing the permitted area of size of all new signs to be allowed on the property.

12- 5- 3. SIGNAGE PLANS. Buildings or clusters of buildings having more than one tenant or use, shall provide a signage plan for the entire structure or project. The signage plan must be designed so that it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering, lettering style, symbols, scale and size of signs and/or identical background.

Signage plans for office buildings must have their primary focus on the identification of the building, and individual tenants may be identified by using small lettering on a window or door or directories. Total signage area within the plan is subject to the maximum size limitations of this Title. Signage area cannot be transferred to a single building or facade from other buildings in the project.

For multi-tenant retail and mixed-use buildings, which contain any combination of uses including residential, office, service or retail uses, sign plans shall be designed so that wall signage is confined to the building surface below the finished floor elevation of the second floor or twenty (20) feet above adjacent natural grade whichever is lower. Signs below the finished floor elevation of the second floor may be located on flat wall areas, within windows or on sign bands above windows. Signage above the finished floor elevation of the second floor shall be restricted to one sign per building face identifying the building name and address. For buildings with pre-existing sign bands or architectural features, the Community Development Director may grant exceptions to the second floor level signage restriction.

12- 5- 4. SIGN MATERIALS. Exposed surfaces of signs may be constructed of metal, glass, stone, concrete, brick, cloth, or solid wood. Other materials may be used in the following applications:

(a) **Face.** The face or background of a sign may be constructed of exterior grade manufactured composite board if the face of the sign is painted and the edges of the sign are framed and sealed with silicone. Plywood is prohibited except on temporary signs where painted plywood may be used.

(b) **Letters.** Synthetic or manufactured materials may be used for individual cut-out or cast letters in particular applications where the synthetic or manufactured nature of the material would not be obvious due to its location on the building and/or its finish. Ivory colored plastic may be used for internally illuminated letters (See Section 12-5-6(b)). Other materials may be approved by the Planning Commission at its discretion, but are otherwise prohibited. The sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion.

In each instance, and under the same conditions to which this code permits any sign, a sign containing an ideological, political, or other non-commercial message and constructed to the same physical dimensions and character shall be permitted.

CHAPTER 6 - LOCATION STANDARDS

12- 6- 1. LOCATION ON BUILDING. Architectural details of a building often suggest a location, size, or shape for a sign. Signage should compliment the architectural details of the building. Signs should help to establish a visual continuity with adjacent store fronts and relate directly to the store entrance. Signs must be oriented toward pedestrians or vehicles in close proximity; signs oriented for distance viewing will not be permitted. Signs shall be designed and located on the building or on the premises in a manner that is compatible with the mass and scale of the building to which the sign applies. Signs must not obscure architectural details of the building; nor cover doors, windows, or other integral elements of the facade. Signs shall not obstruct views of nearby intersections and driveways.

12- 6- 2. SETBACK REQUIREMENTS. Permanent signs shall not be placed in the setback area as defined for the zone in which the sign is located. However, in the General Commercial Zone, signs may be set back ten (10) feet from the property line. The Director may decrease the setback if it is determined that the public will be better served with a sign located otherwise, due to site specific conditions such as steep terrain, integration of signage on retaining walls, heavy vegetation, or existing structures on the site or adjoining properties. (See Section 12-7-2(b) for specific setback requirements for temporary signs and Section 12-7-3(b) for setback requirements for temporary construction project signs)

12- 6- 3. PROJECTION AND CLEARANCE. No sign may project more than 36 (thirty-six) inches from the face of a building or pole. Projecting and hanging signs must maintain at least 8 (eight) feet of clearance from ground level. Clearance for signs projecting or hanging over landscaped areas may be reduced to 7 (seven) feet if the sign is set back at least three (3) feet from any hard surface or pavement. Signs may not extend over the applicant's property line except those which are proposed to be placed over the Main Street sidewalk. Signs may extend over City property only with the written approval of the Community Development Director and a certificate of insurance acceptable to the City Attorney.

CHAPTER 7 --TEMPORARY SIGNAGE & PORTABLE YARD SIGNS

12- 7- 1. POLICY. It is the policy of the City as outlined in this Section to restrict the use of temporary signage. Temporary signage is often poorly constructed, poorly maintained, and located in a manner that obscures traffic signs, views of intersections of public and private streets and driveways and tends to depreciate the scenic beauty and quality of life of the community by creating visual clutter. Temporary signage has a place in the community for specialize purposes, such as announcing properties for sale or lease, construction activities, temporary sales, or making political or ideological statements. Temporary signage is permitted for those and similar purposes subject to the regulations of this Chapter.

Signs

THESE GUIDELINES APPLY TO RENOVATIONS AND NEW CONSTRUCTION:

Selecting a concept for a sign is one of the most important design decisions for your building, because it is such a prominent part of the business image. First, consider what type of signs will be appropriate:

Flush on the building

On the **window**

Projecting from the wall

Awnings over the display window

Living signs—the real product on display

Consider the entire building front as one composition. That way, the whole front should function as a sign that makes a stronger image than any usual sign can convey. In this case the conventional sign becomes a label, identifying the occupant of the building and the services offered, because the sign is a part of a greater design. Using this approach of coordinating signs in an overall facade composition allows the character of the building to "come through." Symbols as signs are encouraged because they add interest to the street, are quickly read, and are remembered better than written words.



Symbols are encouraged as signs.



The Sign Code

These Guidelines should be used in conjunction with Park City's adopted Sign Code. The Code is a legal regulatory document that controls amounts of sign area, sign placement, and permit approval processes. This document is intended to supplement the Code by establishing positive criteria for well designed signing.

36 Position Signs to Fit Within Features of the Facade

Signs must be carefully located so they do not dominate the building they are trying to identify. Due to the pedestrian and slowly moving vehicle orientation of Main Street, signs should be incorporated into the first floor design of the building.

Use signs to emphasize **architectural elements**—the storefront opening, the entrance, or some other feature.

Do not obscure details of the building, especially on historic structures.



Signs should fit within existing shapes of the architecture, and not obscure important details.



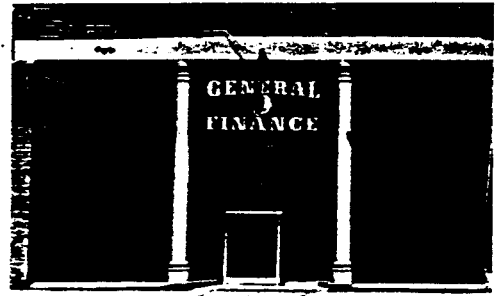
Flush-mounted signs that fit within frames established by the architecture are an on-going characteristic that is encouraged.

Avoid covering moldings or windows.

The **sign should be subordinate** to the overall building design.

Individually applied letters located on the building siding rather than contained by a building detail will generally not be allowed.

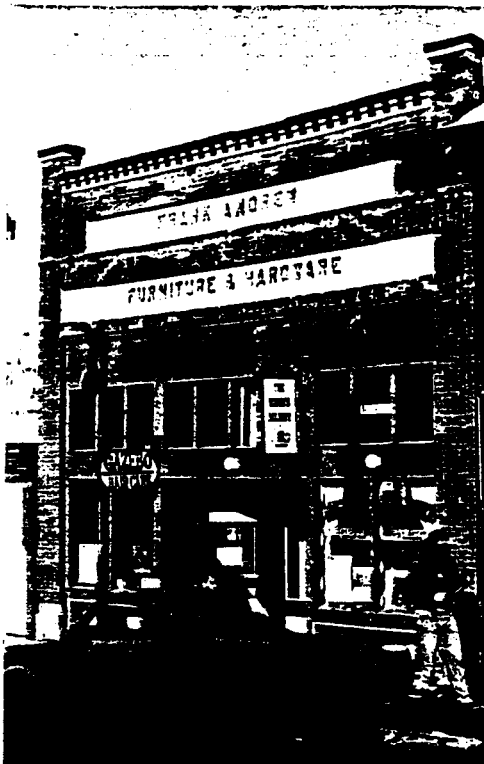
If second story signing must be used **window signs using gold leaf** or other traditional materials are most appropriate.



One appropriate position for a sign is in the clerestory panel. In this case, it is positioned to emphasize the entrance of this business. Notice the contemporary storefront elements. The door, however, is not appropriate because of its unfinished metal frame.



Then.....



.....and now.



Then.....

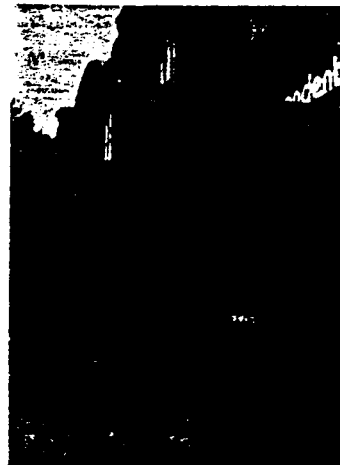


.....and now.

37 Align Signs on an Individual Building

This will help unify the composition.

The sign code provides for the use of a **sign plan** to encourage coordination of signs for several businesses in one building.



The signs align on this new building.

38 Where Feasible, Mount Signs to Reinforce the Stair-Step Effect of Storefront Elements on the Street

Since most storefronts are of similar heights, their position on the hillside creates a stepped effect, which should be maintained. (See also illustrations for Guideline #1 and #24.)

39 Use Sign Materials That Are Compatible with Those of the Building Front

When purchasing a sign insist on high quality durable materials that will continue to look good as the years pass. Park City's seasonal extremes will cause poorly fabricated signs to deteriorate quickly. It is important to deal with designers and fabricators who understand Park City's design guidelines and who have the facilities and expertise to produce signs which will serve the business and enhance the historic district. These are recommended signing materials.

Custom cut and applied wood letters. Elegant well proportioned letter styles should be used, avoiding complicated or contrived hard-to-read letter forms. Gold leaf is a recommended finish.

Galvanized sheet metal may be formed as letters and designs if painted.

Gold Leaf. Applicable to panel signs, three dimensional letters, stone and glass.

Glass. May be gilded, painted, sandblasted or etched. Graphics applied to glass should not obscure overall visibility through windows. Stained glass should be used with care to insure that the technique does not interfere with functionality and legibility.

Carved Wood Sign Panels. Solid wood may be carved and finished. Care in design must be taken to insure legibility.

Brass letter and numbers.

Unacceptable materials and techniques include:

Internally lit thermo-formed plastic letters and signs and cut plastic letters.

Rustic or primitive cut letters or signs.

Imitation "stained glass" or wood grain materials.

Flourescent colors or plastic or paint.

40 Keep the Number of Signs to a Minimum

Consolidate sign information wherever possible, and consider directories where more than one business is located in the building.

The sign code **limits the surface area** of all signs to a percentage of the area of the building face. This percentage is a maximum and should not be considered as guaranteed amount.

Signs should not overpower other facade elements in size and they should relate to others in the block.

41 Select Letters Styles and Sizes Which Do Not Overpower the Building Facade

Increasing the size of letters or length of message will not necessarily increase legibility. The personal scale of Main Street businesses is an attractive characteristic of the historic district.

Letter forms **should look comfortable** within the sign's perimeter.

Letters should generally **not exceed ten inches** in height.

On residences limit address numbers to **6" in height**.

Avoid hard-to-read, overly intricate, faddish or bizarre type styles.

42 Coordinate Colors with the Building Front

Select colors that repeat those of the facade or that complement them. In general, dark backgrounds with light letters are more legible. When feasible, also coordinate colors with adjacent buildings.

Brilliant luminescent or "day-glo" colors will not be permitted.

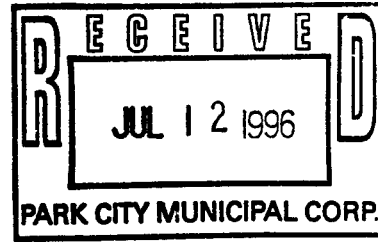
Too many colors can overwhelm the signs communication functions, and create a distracting, garish visual element rather than an integral part of the texture of the street.

43 Design Lighting as an Integral Part of the Sign

If lighting is applied to a sign, the fixture itself should be placed in such a way that the light globe is not visible to passers-by. Mounting hardware and electrical ducting for lighting must be integrated in the sign design.

Use incandescent lights for exterior lighting.

Bare flood lights without reflectors project an intense glaring light that is not acceptable for illuminating signs in the Historic District.



11:35 A.M.

July 11, 1996

Dear Ms. Sheldon:

Pursuant to your July 25th letter, I am herewith submitting materials in support of my appeal of the Planning Commission's denial of my application for a conditional use permit. Please have these materials delivered to the City Council with their meeting packet.

Please also fax or hand deliver to me a copy of Mr. Putt's report for the Council, which I understand will be available on Monday, July 15th.

Thank you,

Bless Young
Owner



To the members of the City Council:

Following you will find a brief outline, together with supporting exhibits, detailing why the Planning Commission's purported Findings of Fact and Conclusions of Law are erroneous and unsupported by the evidence. At the July 18th hearing, I will elaborate and answer any questions you may have.

1. THE COMMISSION'S FINDINGS OF FACT NUMBERS 2 THROUGH 5 ARE UNSUPPORTED AND ARE CONTRADICTED BY THE EVIDENCE

Finding #2: The Cow "obscures character-defining architectural elements of the building". This is totally false. Exhibits 1 through 4 show that the Cow does not "obscure" anything. Moreover, exhibit 16 (the HDC's Guidelines), show an animal situated in front of a glass window similar in position to where the Cow sits.

Finding #3: The Cow "does not complement the color scheme". Exhibits 5, 6 and 7 contradict the Commission's "taste-police" conclusion. How many colors is one allowed to have? Who decides what colors go together? In addition to those buildings and signs depicted in Exhibits 6 and 7, has anyone ever looked at Miletti's color scheme. Some say that colors like black and creme (the colors of the Cow), go with everything. Certainly they go with the pale yellow exterior of the building and its blue/black awnings.

Finding #4: "The Cow is constructed of a synthetic fiberglass material". In point of fact, fiberglass is made from natural materials, glass and sand and the procedure used to make fiberglass dates back to the ancient Egyptians. Exhibit 8 is an excerpt from the World Book encyclopedia that discusses this fact. ✓

Finding #5: "There are no freestanding signs for the surrounding structures". Even if this were true, it would be irrelevant because there is nothing in the sign code or the HDC guidelines that says that for a freestanding sign to be legal, it must be surrounded by other freestanding signs. However, the Commission's "finding" is not factual. Exhibit 6 shows the freestanding sign at the Egyptian Theater; Exhibit 9 shows freestanding signs at Duggins West at the Main Street Mall; Exhibit 10a & 10b feature the freestanding signs at La Niche (directly across the street from COWS); Exhibits 11 & 12 show the freestanding signs (and assorted other items) in front of Silver Junction Mercantile; Exhibit 13 shows the freestanding sign in front of the Eating Establishment; Exhibits 14 & 15 show what would otherwise be freestanding signs bolted to buildings. If we were to bolt the Cow to the front of our building, instead of to the pavement, would it then be legal?

SUGGESTED FINDINGS OF FACT

Here are the Findings of Fact that the Commission should have made:

1. The Cow comes within the square footage permitted by the Sign Code for the size of the building at issue. (This was admitted by Mr. Putt in answer to a question from the Commission).
2. Appellant's existing signage is significantly less than the maximum allowed under the sign code. (This also was conceded by Putt and is in his report to the HDC).
3. The Cow as a sign/symbol, comports with the HDC Guidelines, which state: "symbols as signs are encouraged because they add interest to the street, are quickly read and are remembered better than written words" (See Exhibit 16).
4. Public sentiment (both tourist and resident) appears strongly pro-Cow. No objections to keeping the Cow outside have been received (Mr. Putt admitted this in response to question from one of the Commissioners). See Exhibit 17, a letter from Ms. Berry, President of the Historic Main Street Merchants Assoc. in favor of the Cow; Exhibit 18, an informal petition signed by those wanting the Cow outside, together with a summary of some of the favorable comments received; Exhibit 19, (pg.4), an excerpt of the testimony of Jane Shaffner, long time Main Street business owner.
5. Tourists tend to enjoy photographing their families with the Cow (Exhibits 19 (pg.4) and Ex.20.)
6. The Cow sits on the owner's private setback, and not on the public sidewalk.

THE COMMISSION'S CONCLUSIONS OF LAW MISSTATE THE LAW

1. Although the Commission claims that the sign/Cow is "not in conformance" with Sections 12-6-1 & 12-5-4 of the City's sign code, that is not the case:
Section 12-6-1 deals with a sign's location on the building. Here,
 - a) The architectural detail of the building (the setback), suggest the perfect location for the freestanding sign;
 - b) The sign is compatible with the mass and scale of this double width building and is admittedly within the permitted square footage limits;
 - c) The placement of the Cow relates directly to the store entrance, as suggested in the Code;

d) The Cow is oriented to pedestrians in close proximity (in fact, you can't even see the Cow when you walk up the street until you get within a few feet of the store, as shown by Exhibits 3 & 4);

e) The Cow does not "cover" the door or windows (It is obvious from the pictures and the words that the Code here is referring to a sign mounted ON a window as obscuring or covering the window. Any freestanding sign is, by its very nature, going to have to stand in front of the building, and all the buildings have windows in front of them.

Section 12-5-4 discusses sign materials. (Exhibit 22). It speaks in terms of "exposed surfaces" of signs when it discusses using natural materials. Fiberglass, which is made of glass and sand, is not specifically prohibited by this section of the Code. In any event, however, section 2a states that if PAINTED or CUTOUT, synthetics can be used if the synthetic nature is not obvious because of the sign's painted finish. If the Cow were made out of wood or cast iron and then painted the way it is now, it would look exactly the same as it does now. (Commissioner Calder agreed at the last hearing that this was true).

2. Without any supporting explanation, the Commission concludes that the Cow/sign is not "consistent" with the HDC symbols criteria and with Policy #s 36,38,39,40 & 42.

a) With respect to the symbols criteria, the cow fits right in, in all respects listed on those criteria, as stated above in connection with the findings of fact;

b) Policy 36 states that signs should be positioned to fit within the features of the facade. The pictures suggest that this policy relates to signs mounted on the building, not freestanding signs placed in front of the building. However, the fact is that the Cow does emphasize the building's entrance, and its setback opening;

c) Policy 38 says that "where feasible", signs should be mounted to reinforce the stair step effect of storefront elements on the street. This appears totally irrelevant to a freestanding, non mounted sign and the Commission fails to explain how the Cow violates this policy;

d) Policy 39 suggests using "sign materials that are compatible with those of the building front" and the thrust appears to be that one should use signs that are made of high quality, durable materials that will withstand the test of time and weather. Fiberglass certainly meets that test, even more so than wood, in our climate here.

e) Policy 40 suggests that each business keep the number of signs to a minimum. The Planning Commission HDC report admits that COWS has only a very limited amount of signage.

f) Policy 42 asks that we select colors that complement the building facade. The cream and black of the Cow, as stated above, are colors that most designers would say, complement almost any decor, and, as the photo exhibits bear out, Main Street has many, shall we say "unique" color combinations on its buildings and signs. The Cow certainly blends as

well with the pale yellow facade of our building as any of the other signs on the street do with their buildings. Look again at Exhibits 6 and 7 if there's any doubt in your collective minds.

SUGGESTED CONCLUSION OF LAW:

The Cow does not violate any of the sign code sections or HDC Guidelines, is on the appellant's property and is within the allowed square footage for the building in question.

Respectfully submitted,

Bless Young
Owner

SUMMARY OF MOST OFT-REPEATED THEMES AND COMMENTS IN PETITION
(EXHIBIT 18):

- 1- "Main Street needs a little bit of life on it!"
- 2- "The cow adds some interest to an otherwise run-of-the-mill shopping district".
- 3- "From one Planning Commissioner [Vista, Ca.] to another, the Cow should stay outside".
- 4- "If you want to get something off Main Street, get rid of the cars, not the Cow!"
- 5- "Get rid of the Main Street Mall, not the Cow!"
- 6- "It [the Cow] provides great ambiance for Main Street."
- 7- "Park City Government is too stuck-up!"
- 8- "The Cow is more popular than the Mayor!"
- 9- "Please keep it out; it adds personality to Main Street."
- 10- "Loosen up, guys!"
- 11- "The Cow adds character and charm; we love it!"
- 12- "If dogs run free on Main Street, why not a Cow?"
- 13- "It's landmark quality!"
- 14- "Great to look at; a neat attraction to the street!"
- 15- "Give me a break. What's really the problem here, the Cow, or a bunch of stupid officials with nothing better to do?"
- 16- "We love the Cow and we live on Main Street."
- 17- "We have one on our Courthouse Square"
- 18- "Marsac Marsac in the sky, aren't you glad that Cows don't fly!"
- 19- "It's unique!"
- 20- "Those who want to rid the sidewalk of the lovely Cow should develop a better sense of humor!"

21-"Great photo-op!"

22-"Lighten up, Park City ; how can a Cow hurt?"

23-"The Cow looks great outside!"

24-"A little bit of style left Park City when the Cow was moved inside."

25-"Give the Cow a break and start worrying about things that are actually causing a problem!"

26-"The Cow is a landmark".

27-"The Cow looks great outside. Start worrying about your parking situation instead of the Cow."

28-"Keep your tourists happy; keep the Cow outside."

29-"Park City is a place of atmosphere. The Cow adds atmosphere. [a designer]".

Ms. Young delivered material supporting her appeal on Friday, too late for staff analysis to be included in the staff report. Some of the exhibits are color photographs which could not be copied for the report. The back-up material will be available at the Council work station for review.

Council Agenda Report

DATE: July 15, 1996 (July 18, 1996 meeting)
DEPARTMENT: Legal Department
AUTHOR: Jodi Hoffman, City Attorney
TITLE: Appeal of Planning Commission Action on Revised
Sweeney Large Scale Master Plan
TYPE OF ITEM: Quasi-Judicial

PROJECT STATISTICS

Project Name: Sweeney Town Run Large-Scale MPD Amendments
Applicant: Quitting Time, LTD
Location: West of Park Ave., East of Norfolk Ave., and South of
8th Street, including a portion of the Town Lift Base
Area, the Sweeney Master Plan Coalition West area,
and the Larremore parcels between Norfolk and
Woodside.
Zoning: HRC-MPD, HCB-MPD, HR-1, and ROS
Adjacent Land Uses: Lift Base, Mixed Use MPD, Historic Residential,
Vacant and Commercial.
Date of Application: March 1, 1995 for MPD
March 8, 1996 for appeals

SUMMARY RECOMMENDATIONS

Consider applicant's Request for Reconsideration.

BACKGROUND

On May 9, 1996 the Council convened to deliberate and direct staff to prepare findings, conclusions, and conditions for their review. On June 8, 1996 the Council modified

prepared findings to allow a 30 foot wide bridge, entertained applicant's proposal for a 33 foot wide bridge, a realigned ski run and preservation of historic structures. At the conclusion of the meeting, the applicant requested denial of the MPD amendments in their entirety, if Council did not wish to approve a 33 foot wide bridge. Based on the applicant's request, Council directed staff to prepare findings for a denial. Those findings are before the Council at this time.

On June 28, 1996, the applicant submitted the attached request for reconsideration of the Council's denial. Staff forwarded the applicant's request for reconsideration to the Nine Citizen appellants. That request is now before you for action.

ANALYSIS

The Findings and Conclusions for denial are self-explanatory. Council should decide if it would like to reconsider its decision to deny the Town Bridge concept in its entirety. That reconsideration would be based on the applicant's representations of two changed conditions: 1) that the Ski Area will now support a bridge 30 feet in width (which Council was willing to approve); and 2) that the applicant will fully restore the historic structures (essentially) in place. This decision to reconsider is entirely within the Council's discretion.

If the Council decides not to reconsider, then it should simply enter the proposed findings and conclusions for denial. If the Council decides to reconsider, it must then decide *when* it will reconsider its decision. There is no hard and fast rule on such matters. Council could either evaluate the merits of the applicant's proposal on July 18th, or it could schedule the discussion for another day. In the interest of final resolution of this matter, staff is prepared to offer advice to the Council on the revised proposal at any time, and will have proposed findings, conditions and conclusions prepared for Thursday, should Council desire to approve the project, as modified by the applicant's request for reconsideration.

DEPARTMENT REVIEW

This report has been reviewed by the City Manager, the Community Development Department and the legal staff. Further, staff delivered these documents to the appellants at the same time as they were delivered to Council.

ALTERNATIVES

1. Approve the proposed findings and conclusions for denial as drafted. Deny the applicant's request for reconsideration.

2. Modify the proposed findings and conclusions for denial. Deny the applicant's request for reconsideration.
3. Grant the applicant's request for reconsideration. Hear and take action on the reconsideration proposal at this time.
4. Grant the applicant's request for reconsideration. Continue the item to a future meeting and give staff further direction on drafting findings and conclusions.

RECOMMENDATION

Planning staff recommends that the Council reconsider its decision and approve a project in substantial conformance with the applicant's request for reconsideration.

EXHIBITS

- A. Proposed Findings and Conclusions for Denial
- B. Request for Reconsideration with exhibits.

EXHIBIT "A"

BEFORE THE CITY COUNCIL OF THE PARK CITY MUNICIPAL CORPORATION

Quitting Time, LTD- Appellant	)	FINDINGS AND CONCLUSIONS
Nine Citizens- Appellants	)	DENYING 1996 MPD
	)	AMENDMENTS TO THE
v.	)	SWEENEY LARGE-SCALE
	)	MASTER PLANNED DEVELOPMENT
Park City Planning Commission	)	

This matter, having come on regularly for hearing upon appeal, with both appellants appearing without representation, and with the City Council being advised by the Office of the City Attorney; and having reviewed the files and records herein, supplemented by:

1. Sweeney Statement of Appeal with exhibits filed March 8, 1996
2. Citizen Appellants' Statement of Appeal filed March 8, 1996
3. April 4, 1996 City Council Report with exhibits (CDD staff)
4. April 4, 1996 response of Citizen Appellants, with questions of Council
5. April 18, 1996 Council Agenda Report with exhibits including Council questions for staff and appellants (CDD staff)
6. April 18, 1996 response from Pat Sweeney
7. April 18, 1996 response from Park City Ski Area
8. Options A through C prepared by Paul Sincock
9. Park City Ski Area's May 1, 1996 response to Options A through C
10. Citizen Appellants' May 2, outline of concerns, questions and actions
11. Sweeney's May 2, 1996 response to Citizen Appellants' Appeal
12. CAD graphics prepared by David Belz for Sweeney appellants
13. Citizen Appellants' petition in support of appeal

and having taken testimony of CDD staff and of all concerned parties on April 4, April 18, May 2, May 9, 1996 and June 6, 1996 and having been fully advised in the premises,

the City Council enters the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

FINDINGS OF FACT:

1. Park City is an historic mining town with a tourism-based economy. A bridge connecting the Park City Ski Area with the extension of historic Main Street could encourage and reinforce local commerce and nightly lodging at the base of the Town Lift. A well designed ski bridge is not incompatible with the City's historic district. Bridges and similar structures such as the Crescent Tram and China Bridge are part of Park City's history. The ski bridge and associated ski run would reduce the density of permitted development and would provide open space and view corridors which would not be available if the densities currently allowed were developed.
2. In 1986, the Park City Planning Commission approved the Sweeney Properties Large-Scale Master Plan for 125 acres of land owned by the Sweeney Family on Treasure Mountain, to and across Park Avenue. The Planning Commission amended the Sweeney Properties Large-Scale Master Plan in 1987 (SPMP).
3. In 1995 the Applicant proposed to amend the SPMP to close Woodside Avenue, extend Seventh Street from Park Avenue to Woodside Avenue, reduce approved density on the Coalition West parcel, extend the Town Run from Woodside Avenue to Park Avenue, bridge Park Avenue with a ski run extending to a plaza at the base of the Town Lift, and provide public access to an improved summertime park on the bridge and length of the newly-extended ski run. That proposal is reflected in Exhibit A. On February 28, 1996, the Planning Commission approved the amended SPMP, with conditions of approval which specifically modified the concept approval described in Exhibit A.
4. The 1996 Planning Commission decision to approve an amended SPMP did not grant Small-Scale Master Planning approval of any structure, or group of structures, as part of the planning approval presently on appeal.
5. The Planning Commission considered all submissions by the applicant, the planning staff's analysis of the proposals, and held hearings on July 26, September 13, November 15, 1995 and on January 10, 1996 to receive testimony and evidence from the public on all aspects of the proposed plan.
6. On July 26, 1995, the Planning Commission asked the applicant to discuss the proposed revisions in the context of the entire SPMP. Pursuant to the Planning Commission's request, the applicant commissioned a depiction of a version of

revisions to the Creole Gulch and Mid-Station development sites that would be possible if the Town Run and Bridge were approved. The applicant submitted the information to the Planning Commission on September 13, 1995. The information clarified that Planning Commission approval of the Town Run and Bridge would increase the applicant's flexibility to propose rearranging already-approved densities and configurations on other portions of the SPMP.

7. On appeal, all parties agreed to an expanded evidentiary process which allowed the Council to consider information that was not afforded the Planning Commission, including information from the Park City Ski Area (PCSA) regarding the PCSA's operation and development plans, and the appellants' reactions to several options, including Option A: a narrower bridge; Option B: closure of Park Avenue and a bridge over Woodside Avenue; and Option C: development under the present 1986/87 approval.
8. The ski industry has not adopted a consistent standard for proper ski bridge width within an urban environment. Within our own community, the widths of both ski runs and ski bridges vary widely. The proposed Town Bridge would be the first bridge within Park City's historic urban core. It would be accessed by a ski run that, in places, is 22- 25 feet wide.
9. The last 200 feet of the ski run leading up to the proposed Town Bridge is relatively flat (4% grade).
10. The proposed Town Bridge will function as the terminus of a ski run, rather than as an extension of a ski run. As such, in general, skiers should approach and traverse the bridge at a slower rate of speed.
11. Public safety, skier safety, liability, and long-term maintenance are important considerations in designing the ski run and the skier bridge. In part, a ski area can increase skier safety with appropriate design, signage, and staffing during peak periods to regulate skier speed.
12. The proposed Town Bridge primarily benefits the private sector. The Applicant submitted no evidence that the public will use the proposed summer park in a manner disproportionate to the manner the public uses other public spaces associated with large-scale commercial development such as the Summit Watch plaza.
13. Computer-assisted photographs generated to assist the Council on appeal demonstrate that the proposed 40 foot bridge width and the angle at which it is proposed to span Park Avenue create an unpleasant tunnel effect and will, at

times, cast a lengthy shadow over the intersection of Park Avenue and Eight Street. Park City Ski Area testimony that the bridge width should be 40 feet to ensure skier safety or the commercial viability of the amendments was not convincing.

14. A smaller bridge, parallel to current alignment of the Town Lift would reduce the adverse impacts of the proposed bridge and would create a more pleasing urban form.
15. A truss, trestle, or suspension bridge design could lessen the visual impact of the bridge and would obviate the applicant's stated need to place abutments within the Park Avenue right-of-way. Bridge abutments in the City right-of-way pose an undesirable use of City right-of-way and create an unnecessary risk of liability to the City.
16. A smaller bridge, parallel to current alignment of the Town Lift may lower the applicant's project costs.
17. Construction of any bridge and buildings associated with already-approved aspects of this project will effect the character of the surrounding neighborhood. Structures approved through the Small-Scale MPD process should be compatible with the surrounding neighborhood in size, mass, scale, height, and architectural character. Impacts created by the buildings should be mitigated using the Historic District Design Guidelines as a basis for review. The Historic District Design Guidelines may require structures with size, mass, scale, and height well less than the maximum parameters suggested by this and prior approvals. Models and site plans the applicant has submitted in support of the amended MPD have not been evaluated for conformity with Small-Scale MPD nor design review considerations.
18. The Coalition West site was originally master planned for residential uses on the west side of Park Avenue. Without an MPD, the background zoning is for low intensity commercial and resort-related development (HRC) along Park Avenue and for residential uses (HR-1) along Woodside Avenue. The applicant proposed limited commercial uses on the Coalition East and West sites, and proposed to exclude restaurants and bars. Restaurants and bars are also excluded in the proposed changes to the HRC zone currently under review by the Planning Commission. The Planning Commission approved limited commercial uses on the Coalition East and West sites, as circumscribed by proposed, but as yet not adopted, revisions to the HRC zone.
19. As part of the 1987 amendments to the SPMP, the Planning Commission approved the transfer of at least three unit equivalents of residential use to the Coalition

West site, increasing the density from 13 unit equivalents to 16 unit equivalents, using "some" commercial unit equivalents, consistent with the HRC zone, to absorb the additional units within the existing building envelop. The record is unclear how many commercial unit equivalents were intended to be allowed on the Coalition West parcel as a result of the 1987 amendments.

20. On August 23, 1990 the City Council rezoned the Coalition East parcel HCB-MPD and the eastern half of the Coalition West parcels to HRC-MPD and the western half of the Coalition West parcels HR-1-MPD. That action completed the legislative actions necessary to validate the 1987 amendments to the SPMP but shed no further light on the designation of allowed uses on the Coalition West parcels.
21. The amended portion of the SPMP that is now on appeal includes an extension of the Town Run to the lift base. The PCSA has further indicated that it will improve the existing Town Run with snow making and grooming if the Town Bridge is constructed. Ski runs (along with snow making and grooming operations for the runs) are conditional uses within the HR-1 and HRC zones.
22. Snow making and grooming can be noisy, intrusive activities and can create road hazards in an urban environment if improperly managed.
23. As part of its review of the proposed Town Run and Bridge revisions to the SPMP, the Planning Commission requested a demonstration of several different types of snow making systems. The demonstration showed that the smallest snow-making guns, which represented the best available technology to quietly make snow, created an acceptable noise level.
24. The Town Run/Bridge project is located in an area of high pedestrian and vehicular activity. Impacts from project construction activity will compound the noise and annoyances suffered by the community.
25. Construction phasing and proper staging can reduce the negative impacts of construction activity on the surrounding neighborhood and on the community as a whole.
26. Once the project is constructed, however, the Town Run, Bridge and Lift should be operated fully, to mitigate traffic impacts generated by surrounding resort uses and to justify the expense and inconvenience of its construction and the associated loss of Woodside Avenue right of way.

27. The 1986 approval of the SPMP included a condition that “as projects are submitted for conditional use approval, the City shall review them for required employee housing in accordance with adopted ordinances in effect at the time of application”. Presently, there are no resolutions or ordinances which require employee housing as mitigation for commercial development. However, staff is in the process of drafting such a resolution. If the Council approves an employee housing ordinance or resolution prior to the date on which the applicant seeks Small-Scale Master Plan approval for the Coalition West site, such ordinance or resolution will have full force and effect and will obligate the applicant to provide employee housing in conformity with the standards set forth in the ordinance or resolution.
28. The proposed plan includes a closure of and fill over Woodside Avenue. In 1991 the applicants commissioned a traffic study to evaluate the impacts of a Woodside Avenue closure. That study indicated minimal traffic disruption as a result of the proposed closure. Traffic patterns and projected build-out have not changed so dramatically from 1991 to render the traffic study invalid.
29. There are significant public utilities within the Woodside Avenue right-of-way.
30. On appeal, the applicant clarified that the proposed amendments to the SPMP decrease the maximum density for the combined Coalition East and West parcels by 5.25 unit equivalents. The applicant proposes a maximum of 9.15 unit equivalents on the Coalition West parcel (of which a maximum of 5.5 unit equivalents are commercial) and an additional 1.6 unit equivalents on the Coalition East parcel.
31. Council deliberated the facts and entered a decision on May 9, 1996 to affirm in part and to reverse in part the Planning Commission’s approval of an amended SPMP. That decision, in pertinent part, further amended the Planning Commission approval to reduce and realign the proposed bridge width to a maximum of 30 feet and included the following Corrected Conditions of Approval:
 1. The proposed bridge structure shall be designed to minimize, to the greatest extent possible, the structure that is necessary to accommodate a skier surface of no more than 25' as measured on a perpendicular plane from the interior wall of the bridge structure. The entire bridge width shall be as narrow as possible, and shall not exceed 30' measured on a perpendicular plane from outside edge to outside edge.

2. No bridge support shall be located within the City right-of-way.
3. The bridge shall be aligned to be parallel with the existing ski lift, to reduce shadowing over the 8th and Park Avenue intersection, to reduce the overall length of the span, and to ensure an adequate line of sight at all relevant intersections.
4. The bridge must be designed to minimize the mass, to reduce the depth of the girders, and to create a visually-interesting and historically-compatible element of the lower Old Town area.
5. An adequately-secured contract, consistent with Deer Valley Bridge agreements, to hold harmless and to indemnify the City for any liability arising from the siting, construction, operation, and maintenance of the bridge is a condition precedent to the issuance of any right of way encroachment permit or Conditional Use Permit to allow construction of the bridge and/or its appurtenances.
6. Applicant must petition to vacate that portion of Woodside Avenue that applicant proposes to fill as an extension of the Town Run. Applicant must submit a satisfactory plan for accessing and protecting public utilities within the Woodside Avenue right-of-way as a condition precedent to public vacation of any portion of Woodside Avenue.
7. Historic District Commission design review and approval of all structures, including the bridge, retaining walls or berms, parking structure and buildings for architectural design, including mass, scale, colors and materials, and for conformance with the Historic District Guidelines, is a condition precedent to building permit issuance.
8. Planning Commission review and approval of a Small-Scale MPD for all structures is a condition precedent to building permit issuance.
9. The maximum allowable building heights shall be 27' in the HR-1 zoned portion of the MPD, measured from natural or finished grade, whichever yields the smaller/shorter structure.

The maximum allowable building heights shall be 35' in the HRC zoned portion of the MPD. Like any permitted use within the zone, the MPD describes maximum heights only. The over-riding requirement for these buildings is that they be compatible in mass and scale with the surrounding neighborhood, including the historic structures on the west side of Park Avenue. To meet the compatibility requirement it may be necessary to reduce the overall height of portions of the structures.

10. No commercial business which generates a high volume of vehicular pick-up and drop-off traffic, nor any bar or restaurant, shall be permitted in the HRC zoned portion of the MPD which is located on the Coalition West parcel. The SPMP shall be modified to include proposed changes to the land use table for the HRC zone, as described on **Table 1**, attached.
11. Parking for all uses shall comply with the requirements of Chapter 13 of the LMC as amended. If specifically approved by the Planning Commission during the Small-Scale MPD process, up to 3 parking spaces may be shared between the Coalition West and East parcels, provided the total number of spaces complies with the Code. If problems arise with day skier parking, the applicant shall implement an on-site parking management plan, approved by the City.
12. Planning Commission approval of a Conditional Use Permit for the ski run from the Mid-Station to the Skier Plaza is a condition precedent to grading, installation of snow making, construction of amenities, or operation of the extended ski run. The Conditional Use Permit, at its minimum, shall restrict snow making and grooming and shall condition use of the run from the Mid-Station to the Skier Plaza as follows:
 - A. Guns shall be located within the ski run easement and shall be spaced approximately 100' apart. Certain weather conditions may warrant spacing the guns closer together to more efficiently make snow. Guns shall be placed and operated to prevent drift onto Park Avenue.

B. The Ski Area shall use the best available technology in quiet snow making equipment. At its maximum, the noise level from an individual gun or combination of guns and typical background noise shall not exceed 85 dBA. Leq, measured 50' horizontally from the base of the gun under steady state operation. Leq is computed over a one hour sample period.

C. The Town Lift, Bridge and extended Town Run shall operate, under normal weather conditions, daily, from December 1 to April 1.

D. No night skiing on the Town Run.

13. Applicant shall execute a comprehensive, perpetual, landscaping, storm water management, maintenance agreement (adequately secured) and a summertime public access easement satisfactory to the City prior to the Planning Commission's issuance of a Conditional Use Permit for the ski run, skier bridge and open spaces.
14. A construction phasing and staging plan satisfactory to the City is a condition precedent to any permit for development of the Coalition West parcel.
15. This amendment to allow the construction on the ski bridge shall lapse to the underlying SPMP if the owner does not submit a small-scale MPD application within 6 months of the date of this action. If the owner obtains Small-Scale MPD approval, this amendment shall lapse to the underlying SPMP if the owner does not commence construction of the bridge within 18 months of the Small-Scale MPD approval. Prior to commencing construction of the bridge, the applicant shall post adequate security, for the benefit of the City, to insure completion of the bridge, and to ensure the provision for the maintenance of general liability insurance with a single limit of no less than \$1 million (1996 PV), with the City named on the policy as an additional insured.

16. Prior to construction commencing in any existing City right-of-way, the Main Street connection to Deer Valley Drive shall be, constructed, operational, and dedicated to the City.
 17. Employee housing shall be provided consistent with conditions of approval for the Sweeney Large-Scale MPD; and shall be addressed in detail prior to approval of a Small-Scale MPD; and shall meet the standards of any resolutions or ordinances in effect at the time of submittal of any Small-Scale MPD.
 18. The Conditional Use Permit for the ski run extension shall include provisions for pedestrian access across the ski run where Woodside Avenue and Crescent Walkway now exist. The Crescent Walkway shall be preserved.
 19. A Certificate of Appropriateness for Demolition (CAD) is a condition precedent to the demolition or relocation of the house at 721 Woodside Ave. and the historic tram tower which sits in the proposed Seventh Street right-of-way. If the HDC awards a CAD(s), the applicant shall relocate the structure(s) within the historic district. If the HDC does not award a CAD for the historic tram tower, the applicant will realign the Seventh Street right of way, to City standards, prior to petitioning to vacate Woodside Avenue.
 20. Favorable City Council action is a condition precedent to rezone and re-plat the ROS parcels contemplated by the proposed MPD amendments.
 21. All previous conditions of the SPMP shall continue to apply, unless specifically amended herein.
 22. All Park City Standard Project Conditions and standard setbacks for each zone apply.
32. On June 8, 1996, Council reviewed proposed findings of fact, conclusions of law and Corrected Conditions of Approval, modified the proposed findings, entertained new concepts for an amended SPMP and took argument from the appellants. At that time, representatives of the Park City Ski Area stated that the PCSA would not operate a bridge with a skier surface width of less than 32 feet.

Pat Sweeney stated that he preferred a denial of the Town Bridge concept in its entirety, to an approval with a maximum bridge width of 30 feet.

CONCLUSIONS OF LAW

1. The Planning Commission erred in describing the Town Run and Bridge proposal as unrelated to the remainder of the MPD. However, because the Planning Commission actively reviewed the Town Run and Bridge in the context of the entire SPMP, and because additional revisions to the SPMP are contingent on Planning Commission action, the Planning Commission's error is harmless, and has been remedied by Finding of Fact Number 3 on appeal.
2. The Planning Commission erred in approving the Town Bridge with a forty foot wide span and an unnecessarily-skewed alignment. The Planning Commission failed to consider how such a bridge would create an unacceptable risk to the health, safety, and welfare of the general public. The Nine Citizens' appeal is hereby granted to the extent that it is remedied by Corrected Conditions of Approval in these respects.
3. The applicant is not entitled to Small-Scale MPD or design approval at this level (Large-Scale MPD) of development review.
4. Subject to Corrected Conditions of Approval, the proposed revisions would be in substantial conformance with the Comprehensive Plan and the Land Management Code.
5. In all remaining respects, the Planning Commission properly approved the subject amendments to the SPMP.
6. A Special Improvement District (SID) is not an appropriate method to finance and construct or maintain the bridge or to maintain open space areas within the project.
7. Based exclusively on the Park City Ski Area's representations, and on Pat Sweeney's request for denial, the applicant's proposed SPMP amendments are hereby **DENIED in their entirety.**

Dated this 18th day of July, 1996

Park City Municipal Corporation

Bradley A. Olch, Mayor

Attest:

Anita Sheldon, City Recorder

Approved as to form:

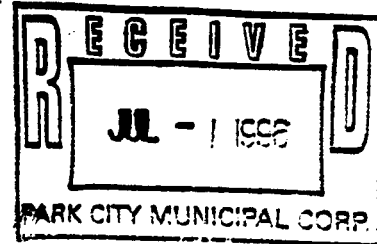
Jodi Hoffman, City Attorney

EXHIBIT "B"

Quitting Time Ltd.
P.O. Box 2429
Park City, Utah 84060
801-649-7077 / FAX 801-649-6215

June 28, 1996

Park City Council
P.O. Box 1480
Park City, Utah 84060



Dear Council:

This letter is the appellant's request for reconsideration of the City Council's recent denial of the Town Run. The applicant, the newly formed Old Town Park and Trails Coalition, and a broad range of Park City residents encourage the City Council to overturn the project denial in favor of an approval based on the conditions and findings of fact upon which they were previously prepared to approve.

The appellant would like to apologize for his part in the emotional meeting which led to the unfortunate action now being appealed. With emotions running high, we understand how our words were taken as an ultimatum. We hope the Council will feel as we do that the final decision on this matter should be based on the best long term interests of the City, not the emotions which appeared to motivate everyone's words, decisions and actions at the last meeting. Clearly we have all invested much-to-much work to let this exciting opportunity end with the Council's last action.

We would have made this request for reconsideration sooner, however, we felt it prudent to first meet with the property owners who would have to financially participate in the project. After our recent meeting, the Old Town Park and Trails Coalition was formed and we are now optimistic any unresolved funding details can be satisfactorily addressed over the next several months. We wanted the City Council to act on our request knowing that those in the immediate area are committed to and pledge their emotional and financial support for the Town Run.

Therefore, Quitting Time respectfully requests that you reconsider your decision on the Town Run. We suggest the following language for your consideration which we feel meets our common objectives.

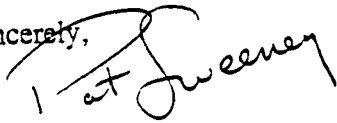
1. The proposed bridge shall be designed to minimize, to the greatest extent possible, the structure that is necessary to accommodate a safe skier experience. The entire bridge solid platform width shall be as narrow as possible, and shall not exceed 30' measured on a perpendicular plane from outside edge to outside edge. The bridge shall run parallel to the lift line and shall have open railing.
10. No bar or restaurant, shall be permitted in the HRC zoned portion of the MPD which is located on the Coalition West parcel. The Coalition West HRC land uses shall be restricted

as follows: Retail uses shall be limited to those uses generally associated with the accommodation of hotel guests and other tourism related businesses and shall be oriented primarily to the neighborhood pedestrian accessible bedbase, such as but not limited to an antique store, art gallery, museum or supply store, bakery, camera shop, candy store, clothing store, florist, gifts and sundries, pharmacy or drug store, sporting goods store, ski storage and repair, variety store.

15. This amendment to allow the construction of the ski bridge shall lapse to the underlying SPMP, if the owner does not submit a small-scale application within 6 months of the Approval Date. If Small-Scale MPD Approval is obtained, this Amendment shall lapse to the underlying SPMP if the owner does not commence construction of the bridge within 18 months of Approval. Prior to commencing construction of the bridge, the applicant shall post adequate security, for the benefit of the City, to ensure completion of the bridge, and to ensure the provision for the maintenance of general liability insurance with a single limit of no less than \$1 million (1996 PV), with the City named on the policy as an additional insured.
19. The historic tram tower shall be preserved as provided in the currently approved SPMP at its approximate height, location, and alignment. The 721 Woodside House shall be restored at its approximate location.

We appreciate your consideration of the above suggestions and look forward to meeting with you. There remain many details to be resolved, but we are convinced all parties, including the City, can work together to make the Town Run a reality. Thank you for considering our request and for working with us towards this end.

Sincerely,



Patrick J. Sweeney
President of MPE Inc., General Partner Quitting Time Ltd.

OLD TOWN PARK AND TRAILS COALITION

PO Box 681087

Park City, Utah 84068

801-649-9339

June 30, 1996

The City Council and Citizens of Park City

445 Marsac

Park City, Utah 84060

645-5000

To the Park City Council and Citizens of Park City,

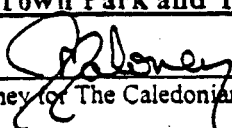
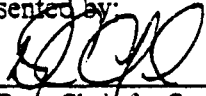
Recent events concerning the proposed Town Lift Ski Bridge has forged a Coalition between area property owners and concerned citizens. The importance of this issue and the need to act now or forever miss this opportunity has instilled a sense of urgency amongst all involved. As a first response, a non-profit organization called The Old Town Park and Trails Coalition was officially established at the Coalition's first meeting on the 28th day of June, 1996.

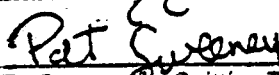
Our group's mission is to provide organizational and financial support for the improvement, maintenance and promotion of the Town Lift Ski Bridge and Old Town Park. At our first meeting, substantive logistical support and funding commitments were made by those in attendance. We want the City Council to know our group is enthusiastically committed to this effort and if the project is reconsidered and subsequently approved, we are optimistic this unique and exciting opportunity can and will become a reality.

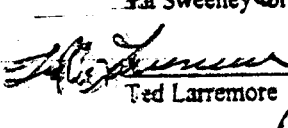
In this, our first public statement, we want to urge the City Council to reconsider its last action on the proposed ski bridge and to approve the project with the conditions you earlier appeared ready to accept. As we sense you already feel, and as the attached article exemplifies; It is important for Park City to always strive for excellence. This is imperative not only for the safety and enjoyment of our many guests, but for all who call Park City home. We implore you; do not let the emotions of the last meeting be the final word in determining this project's fate.

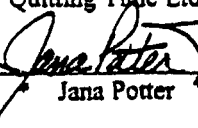
Thank you for reconsidering this important decision,

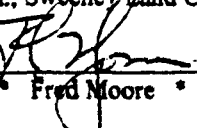
The Old Town Park and Trails Coalition as represented by:

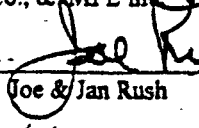
 
Jack Mahoney for The Caledonian, Town Lift Condos, et al. * Doug Clyde for Greater Park City Company

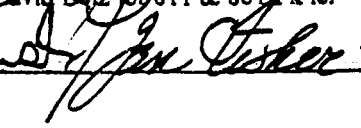
 
Pat Sweeney for Quitting Time Ltd., Sweeney Band Co., & MPE Inc. * David Balz for 811 & 801 Pk. Co.

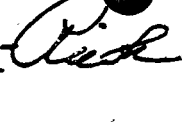
 Ted Larremore

 Jana Potter

 Fred Moore

 Joe & Jan Rush

 John Fisher

 Rick

Colorado Ski Resort Lifts the Veil On a Standard-Setting Makeover

THE ASSOCIATED PRESS

VAIL, Colo. — Vail resort, North America's most popular ski resort, and its sister, Beaver Creek, are spending \$150 million this year on a huge makeover that sets a new standard for their competitors throughout the West.

"That's more than most ski resorts are worth," marveled Mike Shimkonis, spokesman for Telluride Ski Area.

"It raises the bar for all of us," said Jerry Blann, president of the Jackson Hole, Wyo., ski resort.

Major improvements include a huge new base area and high-speed chair at Goldenpeak at the eastern end of Vail and a high-speed gondola at the Lionshead area in the west.

A new lift will connect Beaver Creek with Arrowhead resort, permitting European-style village-to-village skiing. Alongside the lift, a ski village will be built at Bachelor Gulch.

Many improvements will center on après ski, an increasingly important lure in a stagnant skier market. These include a new members-only club on Vail Mountain, and a performing arts center and ice rink at Beaver Creek.

Ski expansion plans often meet

resistance from local governments that are concerned about the side effects of growth, but not in Vail.

Last year, the resort worked out a growth agreement with the Vail town government. "We're totally excited about it," said Susan Connelly, town community development director.

There has been a growing sense that Vail expanded too fast, and that its aging facilities cannot keep up with the number of skiers, or meet their expectations.

"It's a direct response to [requests] to clean up the congestion in the morning," said Bob Kunkel, the resort's head of marketing. He said commercials ask, "Why go to ski areas to sit on lifts?"

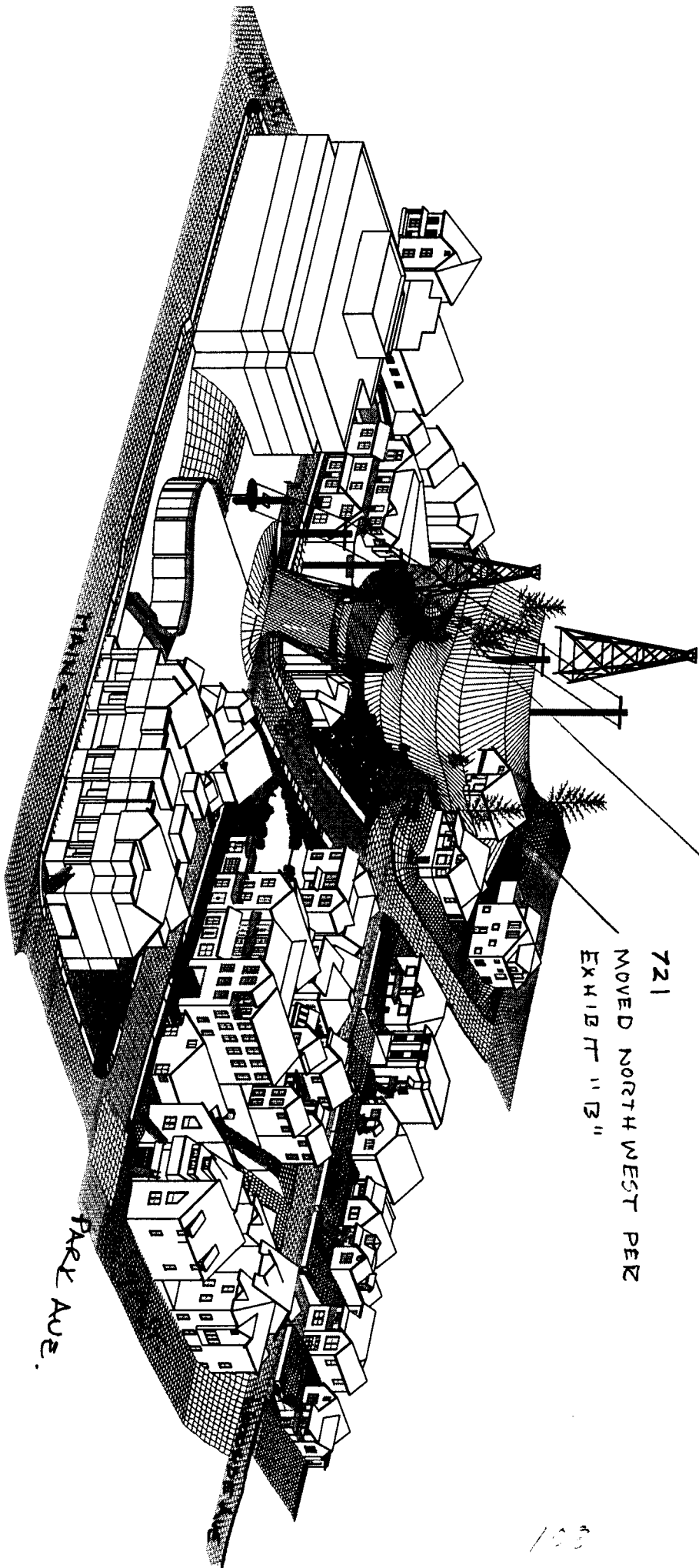
The resort isn't ready to announce its 1996-97 lift prices, but they could rise to \$50. Last season Vail charged \$48 while Aspen and Deer Valley in Utah broke the \$50 barrier. Vail plans to continue offering discounts for advance ticket purchases.

Vail Associates President Andy Daly also is optimistic the resort will get approval soon to add 1,000 acres of lift-served back bowl terrain, as well as 1,000 acres of terrain skiers can reach by hiking.

EXHIBIT "A"

ROAD MOVED NORTH
PER EXHIBIT "B"

721
MOVED NORTH WEST PER
EXHIBIT "B"



LARREMORE
PROPOSED RELOCATION of 721 WOODSIDE

EXHIBIT
"B"

