

TENTATIVE MASTER AGENDA

PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

JUNE 27, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 27, 2002.

AGENDA

Closed Session

2:45 p.m. Property disposition

Work Session

3:15 p.m. Council questions/comments

3:45 p.m. [Traffic calming](#)

4:15 p.m. [Old Town Needs Assessment Study](#)

4:45 p.m. Extended recycling and hazardous waste program - Kevin Callahan

5:00 p.m. Review of regular meeting

[Nutriceutical application](#)

[Water rate fees](#)

[Racquet Club pool](#)

Other consent agenda comments/questions

5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV CONSENT AGENDA PUBLIC HEARINGS

1. [Ordinance approving a plat extension for combining lots in Block 52, Park City Survey, Park City, Utah, located at 128 - 134 Ontario Avenue](#)
2. [Ordinance approving an amended record of survey for Three Kings Condominiums, located at 1420-1585 Three Kings Drive, Park City, Utah](#)
3. [Ordinance approving an amended record of survey plat for Sterlingwood Condominiums, located at 7800 Royal Street East, Park City, Utah](#)
4. [Ordinance approving the amended record of survey for the Royal Plaza Condominiums Subdivision, located at 7620 Royal Street, Park City, Utah](#)
5. [Ordinance approving a two lot subdivision plat for 1550 Lower Iron Horse Loop, Park City, Utah](#)
6. [Ordinance approving an amended record of survey for Stag Lodge located at 8200 Royal Street East, Park City, Utah](#)

7. [Ordinance amending Title 8, Chapter 2, Section 2 of the Criminal Code of the Municipal Code of Park City, regarding the crime of stalking](#)
8. [Ordinance amending Title 13, Chapter 1 of the Water Code, of the Municipal Code of Park City to address the changes in water rate billing](#)

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8. [Ordinance amending Title 13, Chapter 1 of the Water Code, of the Municipal Code of Park City to address the changes in water rate billing](#)
9. [Authorization to staff to execute a letter of intent with Snyderville Basin Special Recreation District for reimbursement of the Round Valley Connector Trail in an amount of \\$20,000](#)
10. [Award of contract to VCBO for engineering and design services for the Racquet Club Pool in the amount of \\$22,500](#)
11. [Memorandum of Understanding between Park City Municipal Corporation and American Skiing Company](#)

VI PUBLIC HEARING

1. [Resolution amending Section 2, Water Fees, of Resolution No. 27-01, and replacing Resolution 27-01 in its entirety](#)
2. [Ordinance amending Section 15-2.14-2 \(b\)\(15\) RDM zone of the Land Management Code - applicant Nutriceutical](#)

VII NEW BUSINESS

1. [Resolution amending Section 2, Water Fees, of Resolution No. 27-01, and replacing Resolution 27-01 in its entirety](#)
2. [Ordinance amending Section 15-2.14-2 \(b\)\(15\) RDM zone of the Land Management Code - applicant Nutriceutical](#)

VIII ADJOURNMENT

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

PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

July 2002 - Toby gone 7/7 - 7/29

- 4 No meeting
- 11 Continuous conservation reserve program - RL
 City Park Master Plan - BJ
 Ordinance - 1765 Sidewinder Drive condo conversion - RM
 Ordinance - April Mountain final subdivision - KW
 Ordinance - 257 McHenry plat amendment - DS
 Ordinance - Block 52 replat - Sandridge Heights plat extension - KL
 Approval of encroachment agreement at 875 Main Street for the Main Street
 pedestrian bridge - ED

18

25

August 2002

- 1
- 8 Toby gone
- 15 No meeting
- 14-18 Summer Tour*
- 22
- 29

DATE: June 27, 2002
DEPARTMENT: Public Works
AUTHOR: Jerry W. Gibbs, P.E., Colin Hilton
TITLE: Neighborhood Traffic Calming Program
TYPE OF ITEM: Discussion

SUMMARY RECOMMENDATIONS: Review a neighborhood traffic calming program and provide direction

DESCRIPTION:

A. Topic: Residential Traffic Calming policy and direction

B. Background: Residents frequently express concerns about the speed and the number of vehicles within residential areas. Traffic in the neighborhoods has been an important issues for at least the last decade. While many traffic problems have been addressed, new areas of concern emerge continually and some long standing issues have no convenient or cost-effective solutions. With traffic increasing every year, concerns about neighborhood traffic will be with us for the foreseeable future. Traffic calming seeks to improve the “liveability” of neighborhoods with techniques to change driver perception.

C. Analysis : The “Lower Park Avenue Design Study completed in 1993 recommended development of a pedestrian friendly traffic calming feature along Park Avenue to encourage traffic to take Deer Valley Drive to Main Street. In 1996 Leigh Scott and Cleary completed a study of both passive (signage) and physical (humps, chokers, medians, chicanes, etc.) traffic calming methodologies. The study was presented to council and the recommendations were:

1. Remove the activity banner at 15th & Park Avenue
2. Modify the signal timing for the south bound turn lane on Park Avenue and coordinate the timing of the lights between Bonanza/Deer Valley and Park Avenue intersections.
3. Reduce the lane widths on the south side of the Park Avenue/Deer Valley/Empire Avenue intersection and install a median.

All of these recommendations were implemented. Traffic counts and speeds were taken both before and after the recommendations were implemented. Results showed approximately 10 to 15% of the traffic had been diverted to Deer Valley Drive and the 85th percentile speed was within the posted speed limit.

In 1999 Fehr and Peers completed a traffic calming study on Holiday Ranch Road, Solamere Drive and Buffalo Bill. Temporary speed humps were installed at each location. Results varied at each location. City staff and the consultant met with the neighborhood to discuss the results and discuss alternatives. The Holiday Ranch and Solamere neighborhoods did not want speed humps due to the noise and other perceived problems. Speeds on Buffalo Bill were only reduced by approximately 1 mph. In this application it was agreed the benefit would be minimal. Their traffic issues were mitigated by UDOT installing the no left turn between 7 and 9 AM on U-248 at Wyatt Earp and Buffalo Bill.

Staff has received inquiries and met with interested neighborhoods to discuss their issues and potential traffic calming opportunities. Speeding and the perceived safety of their family members continues to be a common concern. Residents requested installation of speed hump and expanded police enforcement, immediately and continually. Our previous test program and the county's experience shows speed humps do not always reduce speeds, the location of the installation is problematic and many residents prefer other alternatives to speed humps.

Staff developed a draft of a Neighborhood Traffic Calming Program (NTCP). The program goals and objectives are listed below.

Goals

- ◆ Improve neighborhood quality of life
- ◆ Improve conditions for pedestrians
- ◆ Create safe and attractive streets
- ◆ Reduce accidents
- ◆ Reduce the impact of motorized vehicles within a neighborhood
- ◆ Balance the relationship between the multiple uses and needs of a neighborhood

Objectives

- ◆ Encourage citizen involvement in all phases of neighborhood traffic management activities
- ◆ Achieve slower speeds for motor vehicles
- ◆ Improve the real and perceived safety for non motorized users of the street

- ◆ Incorporate the preference and requirements of the people using the area
- ◆ Promote pedestrian, cycle, and transit use
- ◆ Make efficient use of City resources by prioritizing traffic management requests

The program would provide a process to prioritize requests, develop neighborhood involvement and support, review alternatives and cost, and develop a course of action.

Traffic calming solutions that work in one neighborhood may not work or be appropriate for another neighborhood. Residents concerned about increased vehicle traffic, potential speeding, pedestrian safety, and the safety of their children playing in the streets want immediate results. Citizens request staff to increase speed enforcement, install unwarranted stop signs, and install speed humps. Staff must weigh the availability of resources and the impact to other areas if resources are committed to a particular project.

A successful program needs community support. A neighborhood traffic calming program can:

- ◆ provide an opportunity for residents to participate in solving neighborhood traffic issues;
- ◆ encourage residents to take responsibility for identifying and understanding their unique issues;
- ◆ involve neighborhoods in reviewing solutions, costs, advantages and disadvantages of different alternatives; and
- ◆ demonstrating neighborhood support for a selected solution(s).

Staff provides a copy of the NTCP to interested residents if they are requesting traffic calming solutions. Staff reacts to neighborhood request on a case-by-case basis. If a neighborhood meeting is requested, the city engineer, community support officer and public works director can attend.

Last year the Public Works Department working with Sear Brown installed temporary medians on Holiday Ranch Road to evaluate if speeds would be reduced between 224 and the curve. The results were positive showing a net reduction in the average speeds and top speed. The locations were affected by residents wanting driveway access from both directions. The consultant has recommended a series of three permanent medians be installed. The median concept has the potential to be continued around the corner to Little Kate. Staff will be proceeding with a design for installation of a low maintenance medians acceptable to the neighborhood this summer.

Colin Hilton has been assigned to coordinate this summer's traffic calming activities. Police, Community Development and Public Works departments will be actively involved to assist in this effort. The budget available for traffic calming studies and construction is approximately \$30,000.

D. Department Review: Police, Community Development, Public Works, and OCM&B have been involved in aspects of traffic calming activities.

ALTERNATIVES:

A. Direct staff to continue to respond to traffic calming requests on an informal basis.

B. Formally adopt the Neighborhood Traffic Calming Program and direct staff to form a technical committee to review and prioritize traffic calming requests.

C. Create a citizen task force to review and adopt an NTCP policy and assist staff in reviewing and prioritizing traffic calming requests.

D. Discontinue or reduce traffic calming efforts

E. Do nothing

SIGNIFICANT IMPACTS: Residents often request quick solutions too perceived and real concerns. Quick solution may create unanticipated impacts within the neighborhood, adjoining neighborhoods, and on City resources. The NTCP provides a systematic process that involves the neighborhood and staff working together to find an acceptable solution.

The NTCP provides a prioritization process to allocate limited funds.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Traffic calming implementation can be controversial, expensive, and results will vary depending on location and the type of calming techniques installed. Community support is an important component of a successful traffic calming program.

RECOMMENDATION: Review a neighborhood traffic calming program and provide direction. No formal action is scheduled . No formal action is required for Alternatives A, D, or E. If the Council favors either Alternative B or C staff would return with the appropriate resolution.

DATE: June 27, 2002
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Tom Bakaly, Asst. City Manager and Colin Hilton, Project Manager
TITLE: Old Town Improvement Study (OTIS)
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATION:

Staff is requesting input from City Council on the attached project plan for the Old Town Improvement Study (OTIS).

DESCRIPTION:

A. Topic: Old Town Improvement Study

B. Background:

The concept behind engaging an Old Town Improvement Study (OTIS) stemmed from City Council's desire to evaluate the current state of capital infrastructure needs in Old Town. Several recent requests from neighborhood and business organizations point out the need to properly evaluate and prioritize large capital expenditures.

With increasing requests for unfunded capital improvement projects, this study will allow Council to review more detailed project analysis, cost projections, anticipated time lines, and financing options for targeted capital improvement projects.

Over the past 10 years, several professional studies have been initiated in an effort to analyze Old Town infrastructure needs. In 1993, the City sponsored a Street & Utility Master Plan analysis which kicked off a series of Old Town reconstruction projects. To date, approximately 3/4 of those projects have been completed or addressed. In 1996, a parking and transportation study looked at traffic circulation to Main Street and produced concept drawings of proposed parking structures. That initiated several capital projects, to include those on traffic calming initiatives and the creation of a few surface parking lots. Additionally, a Downtown Revitalization Plan has taken action on bulbouts, trash compactors, and the transit center completion. Remaining work is currently emphasizing a review of parking and sidewalk enhancements.

CIP planning tied to the budget cycle has, over recent years, added a prioritization process that is helpful to review as this study commences. Potential adjustments to the way capital projects are evaluated will prove to be a valuable result of this study.

In January of this year, City Council initiated discussion about starting a new "Old Town Capital Needs Study." Later in May, funds to proceed were approved by the Council.

As outlined in the recent goal setting process for the City, "Improving Historic Park City" remains a current high priority.

C. Analysis:

Several neighborhood and business organizations are eager to move forward with recently discussed capital projects (eg: under grounding utilities and reviewing parking structure options). Taking the time to do this study will allow the City Council and Staff better evaluation measures, such as:

- Improved project cost estimates
- Analysis of scheduling time frames
- A review of current public preferences
- The gathering of professional recommendations
- A review of funding and financing options
- Creation of policies for assessing and implementing capital projects.

The envisioned process to conduct the study would follow the attached project plan.

D. Department Review:

This report has been reviewed by the City Manager, Asst. City Manager, City Engineer, and Public Works Director.

ALTERNATIVES:

A. Review, comment and follow as outlined the attached project plan for OTIS

B. Review, comment, and amend components of the OTIS project plan

C. Do Nothing

SIGNIFICANT IMPACTS:

The study will enhance all interested party's knowledge about the current infrastructure needs and desires within Old Town. Decisions made from the updated analysis will be able to focus Council / Staff time on the numerous projects proposed. Additionally, the study will provide a framework that allows Council and Staff better abilities to respond to requests for additional infrastructure needs.

The budget for the study is currently set at \$200k. Please refer to the attached project plan for a projected breakdown of study costs.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Taking actions towards spending large capital expenditures without properly getting a complete understanding of the infrastructure needs of Old Town would likely create an air of uncertainty and guesswork. Staff time would be stretched and all constituents would not have the knowledge of detailed cost projections and financing options.

RECOMMENDATION:

City Council should evaluate and make suggestions to the process of implementing OTIS. This feedback will allow Staff to move quickly into the first phase of the proposed project plan.

I. Introduction / Expected Results

The Old Town Improvement Study will research, examine, publicly discuss, and prioritize capital needs projects for Park City's Old Town. Recent City Council discussions, staff recommendations, and neighborhood requests for projects exceeding the current capital projects fund, provided the impetus for a City Council recommendation (1-17-02) and approval (5-23-02) of this study.

The results are expected to produce:

- 7 A compilation of suggested capital projects for "Old Town."
- 8 A listing of priority projects that are based on an evaluation process that factors anticipated cost, scheduling timeframes, funding sources, public preferences, imminent infrastructure needs, and professional recommendations.
- 9 An analysis on financing options for the prioritized capital projects.
- 10 Additional City policies on evaluation and approval procedures of capital projects

It is anticipated that the results of this study will greatly assist the Staff and Council in preparing the CIP. In order to succeed in doing this, the following scope of work and noted intentions of the study will highlight the proposed process, timetable, and required budget.

II. Scope of Work

In order to provide helpful analysis of the infrastructure needs of Old Town, the Study Project Manager (Colin Hilton) will engage the pricing and specialty services skills of one or more consultants. The following infrastructure components are initially targeted for further pricing/feasibility analysis, with a planned public process that may expand upon it. The envisioned OTIS Study would:

1. Review / cost / prioritize / and investigate financing options for streets, sidewalks, storm drainage, sewer/water utility reconstruction, lighting, and pedestrian friendly enhancements to Old Town.
 - a. Review the 1993 Sear-Brown study of streets / utility master plan – seeking analysis on remaining outlined work from that study.
 - b. Discuss with City Staff (City Engineer, Eric Dehan, Public Works Director – Jerry Gibbs), the Snyderville Basin Water Reclamation District and others, thoughts on absolute needs/suggestions for infrastructure improvements to Old Town.
 - c. Review recent neighborhood requests for "pedestrian friendly" area enhancements.
 - d. List, price, and describe timeframes of the proposed projects
2. Research and review recent parking studies and report on the best suggestions for enhancing parking capacity within the Main Street District.
 - a. Analyze the 1996 Wilbur Smith Associates Transportation and Parking Study and update suggestions as to the most cost effective way to increase parking capacity.

- b. Provide a conceptual set of drawings for a parking facility located just to the north of the China Bridge lot.
 - c. Report on traffic circulation and traffic calming projects that would be helpful in the overall traffic management of the area. Review and analyze recent parking data collected by the PCMC Transportation Dpt.
- 3. Examine and report the anticipated costs to underground electrical / communications utilities in Old Town
 - a. Following the Historic District boundaries, research and provide projected cost estimates to underground electrical and communications utilities within Old Town neighborhoods.
 - b. Review the status of the Upper Park Avenue reconstruction project and the recent requests brought to City Council from UPAPA. Incorporate in whole or in part, suggestions made in formulating street reconstruction project strategies.
- 4. Review requests to study and project costs for additional capital needs projects brought up during the public / constituent review process (outlined below).
- 5. The Project Manager produces a final Study analysis of the recommended capital improvement projects, including details on financing options.
- 6. City Council reviews and offers direction on the next steps

III. Public / Constituent Review Process

Proposing a 2-part public input process for reviewing Old Town Capital Needs.

- 1. First phase – explain and review the scope of the pending project. Obtain feedback through informal neighborhood / business meetings on a listing of capital improvement projects that are felt qualified to get further design, cost analysis, and financing estimates on.
 - a. Look to set-up 2 hour review meetings with each neighborhood community organization and business alliance to discuss and obtain feedback on known capital infrastructure needs.
 - b. Collect and record input.
 - c. Summarize recommendations on which projects are desired to go to a next stage of analysis.
 - d. Review thoughts on how projects would be prioritized and explain how various factors will weigh the decisions to move ahead on.
 - e. Target a period of July into August for this initial phase.
- 2. Compile a listing of recommended projects that are targeted for taking to a next stage of analysis.
- 3. Engage professional resources to assist in projecting infrastructure cost estimates, development of concept or schematic design drawings, and reports on financing options for listed projects.

4. The project manager will then assemble both professional reports, City staff data, and collected public input to generate a listing and analysis of the targeted projects list.
5. A Second Phase of public meetings would then proceed
 - a. The targeted projects with newly generated analysis would then be brought back to the public and private constituencies.
 - b. Cost estimates, financing options, and analysis would be discussed in a followUp 2-hour meeting with the respective neighborhoods and constituent groups.
 - c. Feedback would then be collected and the findings assembled.
6. The final report analysis would then be made available to both the City Council and public at large.

IV. Projected timeline

June 3 – June 21	Develop work plan & proposed budget
June 27	Council work session - seek input on work plan
Mid July to early Aug	Engage first phase of public input
Aug 5	Review bids on professional consultant involvement
Aug 12	Assemble list of targeted projects that are to receive next step analysis
Aug 15	Council Mtg – Review targeted projects list & request contract authorization for professional consulting resources
Aug 15 – Sept 15	Consultant and Staff analysis
Sept 15 – Oct 15	Second phase public input of targeted project figures and analysis - through informal 2-hour meetings with neighborhoods and business associations
Oct 15 – Oct 30	Final analysis and report writing
Nov 1	Target completion date

V. Budget for Study

	Estimated Cost
Consultant assistance in providing analysis / pricing for streets, sidewalks, storm drainage, lighting, landscaping, and utility needs for Old Town.	\$100,000
Consultant assistance in providing analysis / pricing / and concept drawings of a Swede Alley parking structure. Cost estimates and concept drawings of traffic circulation / calming projects.	\$100,000
City Staff expenditures for project management, report writing, cost estimating, and final assembly of OTIS study.	\$100,000
Total Project Study Cost	\$300,000

VI. Recommendations for Next Steps

- Seek input from Council on the proposed work plan and policies to generate in prioritizing capital projects
- Create RFP's for consultant needs per the above timetable

Date: June 27, 2002
Department: Planning Department
Title: Block 52 Replat - six month time extension)
Type Of Item: Legislative

Summary Recommendations: Conduct a Public Hearing, consider public input and Staff's recommendation to extend the approval for a plat amendment transforming fifteen full/partial lots into three lots, located in Block 52, Park City Survey as conditioned.

A. Topic

Applicant: United Park City Mining Co., Kay Calvert, Leslie Miller
Location: 128-134 Ontario Avenue
Proposal: Plat Amendment—15 full/partial lots into 3 lots
Zoning: Historic Residential (HR-L) District
Adjacent Land Uses: Residential, Vacant Residential, Municipal Open Space
Project Planner: Kevin LoPiccolo
Date of Application: May 23, 2002

B. Background

On June 21, 2001, the City Council approved, with conditions, a plat amendment to reconfigure 15 full and partial lots in Block 52 of Park City Survey into 3 new lots of record. The property is 25,777 square feet (.59 acres) and located in the Historic Residential Low-Density (HRL) Zoning District. The applicants also requested that 488 square feet of platted (and undeveloped) Marsac Avenue be vacated and incorporated into the plan.

The property is located on a west-facing slope near the mouth of Ontario Canyon. To the north is the Ivers lots that was approved by the Council and is under construction. The City-owned open space known as the Virginia Claim is uphill to the east. To the south and west across the platted (but undeveloped) Marsac Avenue and First Street are vacant lands owned by the City and United Park City Mining Company. Abandoned railroad spurs, currently used by the public for trails, traverse the northwest portion of the property. The property is moderately steep and is vegetated with a mix of oak, conifers, and ground cover. Development in this area is subject to review under the HR-1 steep slope conditional use permit process. The property also contains the mine waste slurry line connecting the Ontario Mill to Richardson Flats.

The approval expired on June 21, 2001. The applicant has submitted a request to extend the expiration date for an additional six months. The applicant was unable to record the document within the first year due to complications in obtaining an agreement for the driveway extension with the adjacent property owner, Jim Ivers.

Proposal

The applicants propose to combine 15 full and/or partial HRL-zoned lots into three lots of record. Access is proposed by way of an extension of the 12-foot wide private driveway access off of Ontario Avenue through the Ivers Replat subdivision. The proposed

driveway easement for the plat amendment area south of the Ivers Replat is 30 ft. in width. The driveway surface for the proposed paved driveway south of the Ivers Replat will be 20 feet wide. The driveway easement will also serve as a public trail easement connecting to the existing railroad spur.

To accommodate a lower hillside building pad for one of the lots (proposed Lot 3), the applicants have requested a 488 square foot vacation of platted/unbuilt Marsac Avenue. The area of the proposed vacation is adjacent to Lots 6 and 7 of Block 52.

The proposed lot sizes are 12,139 square feet; 5,719 square feet; and 7,919 square feet. A snow storage and slope easement is provided on the downhill side of the driveway easement. From one to three Fire Department stand pipes are proposed as fire protection for the subdivision. The standpipes will be located at the intersection of the private driveway and the Ontario Avenue/Thrill Hill intersection.

C. Recommendation

Staff recommends that the City Council conduct a public hearing, consider Staff's recommendation to adopt the attached ordinance for Block 52 (128-134 Ontario Avenue) and approve the plat based on the following Findings of Fact, Conclusions of Law and Conditions of approval:

Findings of Fact

3. The applicant is requesting a time extension of six months.
4. The applicant received Council approval at their June 21, 2001 meeting.
5. The 25,777 square feet (.59 acre) property is in the HR-L District.
6. The property is located to the south of the Ivers Replat and the 2nd Street right-of-way.
7. The property is currently vacant.
8. The plat amendment reconfigures 15 full and partial HR-L District lots in Block 52 of the Park City Survey into 3 lots of record.
7. Access to the applicants' property is via a proposed extension of a private driveway off of existing Ontario Avenue through the Ivers Replat.
8. The proposed private driveway extension crosses the 2nd Street right-of-way and a portion of platted/unbuilt Marsac Avenue.
9. The 2nd Street and Marsac rights-of-way are an unbuilt City streets.
10. On June 21, 2001, the City Council adopted by Ordinance a Plat

Amendment and Right-Of-Way Vacation.

11. The applicant proposes to dedicate the private driveway easement as a public pedestrian trail easement.

12. The lot sizes and maximum building footprints are:

<u>Lot Size</u>	<u>Maximum Building Footprint</u>	
Lot 1:	12,139 sq. ft.	3,068 sq. ft.
Lot 2:	5,719 sq. ft.	2,078 sq. ft.
Lot 3	7,919 sq. ft.	2,539 sq. ft.

13. The project is located in the Ontario Avenue/Thrill Hill Area. Minimal construction staging area is available in this neighborhood.

14. The physical constraints of the neighborhood including narrow prescriptive easements, unbuilt City rights-of-way on steep slopes, and extensive vegetation limit utility design alternatives for the project.

15. The property is located adjacent to the City-owned Virginia Claim open space.

16. The final plat is currently being prepared for recordation.

17. The applicant stipulates to all approved conditions of approval.

Conclusions of Law

1. There is good cause for the amendment and the extension.

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

3. The proposal is consistent with both the Park City Land Management Code Chapter 2.1 and Chapter 15 and State subdivision requirements.

Conditions of Approval

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Execution of a private driveway easement in a form and manner acceptable to the City Engineer and City Attorney is a condition precedent to plat recordation.
3. An acceptable utility plan shall be submitted to and approved by the City Engineer. The power, phone, and cable TV lines may be overhead. A financial guarantee for the installation of public improvements is required.
3. The applicant shall dedicate 488 square feet of the subject property adjacent to the City-owned Virginia claim to the City for open space purposes.
4. This approval shall expire on December 21, 2002, unless this plat amendment is recorded prior to that date.
5. All Standard Project Conditions shall apply.
6. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.
7. Modified 13-d fire sprinklers are required in each dwelling.

EXHIBITS:

- Exhibit A - Site Plan
- Exhibit B - Proposed Plat
- Exhibit C - Letter of Request From Applicant
- Exhibit D - City Council Minutes from June 21, 2001
- Exhibit E - Draft Ordinance

**AN ORDINANCE AUTHORIZING AN EXTENSION TO RECORD
BLOCK 52, PARK CITY SURVEY PLAT AMENDMENT TO COMBINE 15 FULL
LOTS AND PARTIAL LOTS INTO 3 LOTS OF, LOCATED AT 128 -134
ONTARIO AVENUE, PARK CITY, UTAH APPROVED BY ORDINANCE NO.
02-**

WHEREAS, the owners of all of Lots 1,2,3, in Block 52 of the Park City Survey , have petitioned the City Council for approval of a revision to the final plat and received approval of a final subdivision plat on June 27, 2001; and

WHEREAS, the owners of the property have petitioned the City Council for an extension to record the subdivision plat.

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

SECTION 1. FINDINGS OF FACT

1. The applicant is requesting a time extension of six months.
2. The applicant received Council approval at their June 21, 2001 meeting.
3. The 25,777 square feet (.59 acre) property is in the HR-L District.
4. The property is located to the south of the Ivers Replat and the 2nd Street right-of-way.
5. The property is currently vacant.
6. The plat amendment reconfigures 15 full and partial HR-L District lots in Block 52 of the Park City Survey into 3 lots of record.
7. Access to the applicants' property is via a proposed extension of a private driveway off of existing Ontario Avenue through the Ivers Replat.
8. The proposed private driveway extension crosses the 2nd Street right-of way and a portion of platted/unbuilt Marsac Avenue.
9. The 2nd Street and Marsac rights-of-way are an unbuilt City streets.
10. On June 21, 2001, the City Council adopted by Ordinance a Plat Amendment and Right-Of-Way Vacation.
11. The applicant proposes to dedicate the private driveway easement as a

public pedestrian trail easement.

12. The lot sizes and maximum building footprints are:

<u>Lot Size</u>	<u>Maximum Building Footprint</u>	
Lot 1:	12,139 sq. ft.	3,068 sq. ft.
Lot 2:	5,719 sq. ft.	2,078 sq. ft.
Lot 3	7,919 sq. ft.	2,539 sq. ft.

13. The project is located in the Ontario Avenue/Thrill Hill Area. Minimal construction staging area is available in this neighborhood.

14. The physical constraints of the neighborhood including narrow prescriptive easements, unbuilt City rights-of-way on steep slopes, and extensive vegetation limit utility design alternatives for the project.

15. The property is located adjacent to the City-owned Virginia Claim open space.

16. The final plat is currently being prepared for recordation.

17. The applicant stipulates to all approved conditions of approval.

ECTION 2. CONCLUSIONS OF LAW:

1. There is good cause for the amendment and the extension.

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

3. The proposal is consistent with both the Park City Land Management Code Chapter 2.1 and Chapter 15 and State subdivision requirements.

ECTION 3. CONDITIONS OF APPROVAL:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Execution of a private driveway easement in a form and manner acceptable to the City Engineer and City Attorney is a condition precedent to plat recordation.
3. An acceptable utility plan shall be submitted to and approved by the City Engineer. The power, phone, and cable TV lines may be overhead. A financial guarantee for the installation of public improvements is required.
3. The applicant shall dedicate 488 square feet of the subject property adjacent to the City-owned Virginia claim to the City for open space purposes.
4. This approval shall expire on December 21, 2002, unless this plat amendment is recorded prior to that date.
5. All Standard Project Conditions shall apply.
6. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.
7. Modified 13-d fire sprinklers are required in each dwelling.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 27 day of June, 2002.

DATE: June 27, 2002
DEPARTMENT: Planning
AUTHOR: Brooks T. Robinson
TITLE: Bonanza Place
TYPE OF ITEM: Subdivision

SUMMARY RECOMMENDATIONS Conduct a public hearing, consider any public input, and consider staff's recommendation to approve the subdivision as conditioned or amended.

DESCRIPTION

A. Topic

Owners Ralph Evans
Location 1550 Lower Iron Horse Loop
Zoning Light Industrial (LI) and Estate (E). Sensitive Lands Overlay on the Estate portion.
Adjacent Land Uses Fireside condos, Deer Valley lodging offices, Wintzer industrial park.
Reason for Review Subdivisions require Planning Commission review and City Council approval.

7. Background

The property is a metes and bounds parcel located in the southeast quarter of section nine, township two south, range four east. It is irregular in shape and 2.04 acres in size and contains two zoning districts, LI and E. The property is bordered by Bonanza Drive to the west, Lower Iron Horse Loop to the north, Fireside condos and another vacant parcel to the east and vacant land to the south. Upper Iron Horse Loop, a private road, bisects the property and divides the LI zone from the Estate zone. The site is steeply sloping.

The Planning Commission denied a previous Master Planned Development application for an office building. The City Council granted the applicant's appeal of the Commission

denial of the MPD. This MPD was for However, the MPD expired because a building permit was not obtained within one year's time. A separate subdivision request was heard by the Commission on February 9, 2000. The Commission forwarded a positive recommendation to the Council and the Council approved the subdivision. However, that plat was never recorded and the Council approval became void. This subdivision application is exactly the same as the previous request. However, Mr. Evans now has the property under contract, whereas previously he was the architect for the project.

The Planning Commission opened the public hearing and continued the discussion on May 22, 2002 to June 12th in order to discuss with the City Engineer the multitude of projects along Bonanza Drive and their cumulative effect on traffic. During the regular meeting of June 12, 2002 the Planning Commission forwarded a positive recommendation to the City Council.

8. Analysis

Staff has reviewed the proposed plat in accordance with the regulations regarding subdivisions. One of the Conditions of Approval for the original MPD was that the open space be designated as unbuildable. On the proposed plat, this would be lot 2. Due to the Estate zoning with the Sensitive Lands Overlay on lot 2, the steep slopes, and the size of lot 2 (less than the 3 acre minimum for Estate zone), staff recommends that lot 2 be designated as unbuildable open space.

9. Department Review

This project has undergone an interdepartmental review. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code prior to recordation.

10. Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No public input has been received by the time of this report.

ALTERNATIVES

- A. The City Council may approve the subdivision with the conditions stated, or modify the conditions, or
- B. The City Council may deny the subdivision and direct staff to prepare findings supporting this recommendation, or
- C. The City Council may continue the discussion to a later date.

SIGNIFICANT IMPACTS

There are no significant impacts by approving this subdivision. A metes and bounds parcel will be formalized into two lots of record with platted easements.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

The parcel will remain as a metes and bounds parcel.

RECOMMENDATION

The staff recommends that the Planning Commission forward a positive recommendation to the City Council for subdivision based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The subdivision project known as the Bonanza Place is located on the east side of Bonanza Drive at Iron Horse Loop and is zoned both Light Industrial and Estate with the Sensitive Lands Overlay on the Estate portion.
2. The property is a metes and bounds parcel. The proposed subdivision consists of 2 lots.
3. A Master Planned Development for the parcel was approved by the City Council on December 16, 1999. The approval subsequently expired due to failure to obtain a building permit within one year's time.
4. The Board of Adjustment approved a variance to the front setbacks to 20 feet along Bonanza Drive.
5. A sideyard setback of 10 feet applies along Lower Iron Horse Loop.
6. The Planning Commission held a public hearing and forwarded a positive recommendation from the regular meeting of June 12, 2002.

Conclusions of Law

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

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. All Standard Project Conditions of Approval apply to this project.
3. The recordation of a subdivision plat for the project site is required prior to the issuance of a building permit.
4. The subdivision plat will denote lot 2 as unbuildable open space.

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

EXHIBITS

Exhibit A - Location Map

Exhibit B - Proposed Plat

AN ORDINANCE APPROVING A TWO LOT SUBDIVISION PLAT FOR 1550 LOWER
IRON HORSE LOOP, PARK CITY, UTAH.

WHEREAS, the owners of the metes and bounds parcel located at 1550 Lower Iron Horse
Loop have petitioned the City Council for approval of a final plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 22 and June 12,
2002, to receive input on the proposed subdivision plat;

WHEREAS, the Planning Commission, on June 12, 2002, forwarded a positive
recommendation to the City Council; and,

WHEREAS, on June 27, 2002, the City Council held a public hearing to receive input on
the proposed subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the subdivision plat.

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

SECTION 1. APPROVAL. The Bonanza Place subdivision plat is hereby approved as shown
in Exhibit A subject to the following Findings of Facts, Conclusions of Law, and
Conditions of Approval:

Findings of Fact:

1. The subdivision project known as the Bonanza Place is located on the east side of Bonanza Drive at Iron Horse Loop and is zoned both Light Industrial and Estate with the Sensitive Lands Overlay on the Estate portion.
2. The property is a metes and bounds parcel. The proposed subdivision consists of 2 lots.
3. A Master Planned Development for the parcel was approved by the City Council on December 16, 1999. The approval subsequently expired due to failure to obtain a building permit within one year's time.
4. The Board of Adjustment approved a variance to the front setbacks to 20 feet along Bonanza Drive.
5. A sideyard setback of 10 feet applies along Lower Iron Horse Loop.
6. The Planning Commission held a public hearing and forwarded a positive recommendation from the regular meeting of June 12, 2002.

Conclusions of Law

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

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. All Standard Project Conditions of Approval apply to this project.
3. The recordation of a subdivision plat for the project site is required prior to the issuance of a building permit.
4. The subdivision plat will denote lot 2 as unbuildable open space.
5. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 27th day of June, 2002.

DATE: June 24, 2002

DEPARTMENT: Legal

AUTHOR: Mark Harrington, City Attorney

TITLE: Amendment to Title 8 of the MCPC to adopt changes to the city criminal charge of stalking

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Conduct a public hearing and approve the Ordinance as prepared by staff.

DESCRIPTION

A. Topic:

Criminal Code- stalking.

B. Background:

In the course of a recent case investigation, it was discovered that the City's stalking ordinance does not match changes made to the state statute. The state code section was last amended in 2001.

C. Analysis:

The new language allows the charge of stalking in circumstances where fear of bodily injury or emotional distress is alleged due solely to visual or physical proximity, absent an accompanying verbal or written threat. The old language required the course of

conduct to include a “credible threat.” The new language broadens the circumstances in which a course of conduct could be considered stalking.

D. Department Review:

This matter has been reviewed by the Legal Department.

ALTERNATIVES

- A. **Approve the Ordinance:** The Council may approve Ordinance as proposed. This is the recommended action.
- B. **Do Not Approve:** The Council may decide against approving the Ordinance. Council should provide staff with direction on how to otherwise handle these matters.
- C. **Modify the Ordinance:** The Council could decide to revise either the Ordinance.

SIGNIFICANT IMPACTS:

The proposal broadens the protections offered to potential victims by the Ordinance.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The existing language will remain in place and be enforced accordingly.

RECOMMENDATION:

Staff recommends that the Council conduct a public hearing and approve the Ordinance.

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY, TITLE 8,
CHAPTER 2, CRIMINAL CODE, STALKING

WHEREAS, Utah state criminal law concerning stalking has been updated; and

WHEREAS, Amendments made to the Utah Code Annotated (U.C.A.), Title 76, Section 76-5-106.5 (2001) requires an update of Title 8, Chapter 2, Section 8-2-2 of the Municipal Code of Park City to ensure compliance with state standards; and

WHEREAS, Text changes to Title 8 are mainly changes to ensure compliance with the updated language in the Utah Code;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
PARK CITY, UTAH THAT:

SECTION I. Municipal Code Title 8, Chapter 2, Section 8-2-2 is hereby deleted and replaced by amended Title 8, Chapter 1, Section 8-2-2 attached hereto as Exhibit A.

SECTION II. EFFECTIVE DATE. This ordinance shall become effective upon publication.

ASSESSED AND ADOPTED this 27th day of June, 2002.

EXHIBIT A

8- 2-2. CRIME OF STALKING.

~~As used in this section “harasses” means a knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy or disturb the person. “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however, short, evidencing a continuity of purpose but serving no legitimate purpose. Constitutionally protected activity is not included within the meaning of “course of conduct”. The course of conduct must cause a reasonable person to suffer severe emotional distress.~~

~~A person is guilty of stalking who repeatedly follows or harasses another person within Park City and makes a credible threat in a course of conduct against that person with the intent of placing that person in reasonable fear of bodily injury, harm to that person’s family members, or damage to property of that person or another.~~

11. As used in this section:

- (1) “Course of conduct” means repeatedly maintaining a visual or physical proximity to a person or repeatedly conveying verbal or written threats or threats implied by conduct or a combination thereof directed at or toward a person;
- (2) “Immediate family” means a spouse, parent, child, sibling, or any other person who regularly resides in the household or who regularly resided in the household within the prior six months;
- (3) “Repeatedly” means on two or more occasions.

12. A person is guilty of stalking who:

- (1) intentionally or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person:
 - (a) to fear bodily injury to himself or a member of his immediate family; or
 - (b) to suffer emotional distress to himself or a member of his immediate family.

- (2) has knowledge or should have knowledge that the specific person:
 - (a) will be placed in reasonable fear of bodily injury to himself or a member of his immediate family; or
 - (b) will suffer emotional distress or a member of his immediate family will suffer emotional distress; and
- (3) whose conduct:
 - (a) induces fear in the specific person of bodily injury to himself or a member of his immediate family; or
 - (b) causes emotional distress in the specific person or member of his immediate family.
- (C) A person is also guilty of stalking who intentionally or knowingly violates a stalking injunction issued pursuant to U.C.A. Title 77, Chapter 3a, Stalking Injunctions, or intentionally or knowingly violates a permanent criminal stalking injunction.

DATE: June 27, 2002
DEPARTMENT: Planning Department
AUTHOR: Brooks T. Robinson
TITLE: Amendment to Record of Survey - Stag Lodge
Condominiums
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION: Conduct a public hearing, consider public input, and consider staff's recommendation to approve as conditioned or amended.

(8) Topic

Applicant: Stag Lodge Homeowner's Association
Applicant's Representative: James R. Blakesley
Project Address: 8200 Royal Street East
Zoning: Residential Development as part of the Deer Valley
Master Planned Development (RD-MPD)
Adjacent Land Uses: Residential, Ski runs
Reason for Review: Amendments to Records of Survey require Planning
Commission review and City Council approval.

(9) Background

Some additions and alterations have been made, and some are anticipated, to the deck areas and other spaces under the existing roofs at the Stag Lodge Condominiums. The existing decks are classified as Limited Common areas and the other spaces proposed are Common. Consistent with the Condominium Ownership Act, Staff has prohibited any conversions to private ownership of these Limited Common and Common areas without an amendment to the record of survey to allow these conversions.

At this time the Homeowners Association proposes to amend the existing condominium record of survey plat to allow the portions of existing decks that are under Limited Common ownership to be converted to "Private Ownership", and to create additional expansion areas from Common area which may be subsequently enclosed at the discretion of the individual owner subject to HOA approval.

The Planning Commission heard this application at its regular meeting on June 12, 2002, and forwards a positive recommendation to the City Council.

(10) Analysis

The Private Ownership expansions will add approximately 200-300 square feet to each unit. No additional bedrooms will be created, and the additional square footage does not create a demand for new parking. With a full build-out of the Private areas, the open space required will still be well above 60%. In all cases, a certified survey

will be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations. A Condition of Approval will reflect this.

(11) Department Review

This project has gone through an interdepartmental review. At such time as a final record of survey plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with State law and the Land Management Code prior to recordation.

(12) Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also placed in the Park Record. No public input has been received by the time of this report.

ALTERNATIVES

- A. The City Council may approve the amended record of survey with the conditions stated, or modify the conditions, or
- B. The City Council may deny the amended record of survey and direct staff to prepare findings supporting this recommendation, or
- C. The City Council may continue the discussion to a later date.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts from this amended Record of Survey.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

Failure to amend the Record of Survey will prohibit unit owners from converting Limited Common and Common areas to Private areas and expanding units.

RECOMMENDATION

The staff recommends that the City Council conduct a public hearing, consider any input, and approve the amended Record of Survey based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The condominium project known as the Stag Lodge Phases One through Four is located at 8200 Royal Street East and is zoned RD-MPD.
2. The existing decks are situated in areas classified as Limited Common area. Other areas being converted to Private are currently Common.
3. Consistent with the Condominium Ownership Act, Staff has prohibited any conversions to private ownership of these Limited Common and Common areas without an amendment to the record of survey to allow these conversions.
4. The proposed amended record of survey changes the type of ownership of Limited Common and Common areas to private ownership.
5. The consent of 66.66% or more of the Unit Owners is required and has been obtained.
6. This application is to amend sheets 2, 3, 4, 5, and 6 (of 6) of Phase One, sheets 2, 3, 4, and 5 (of 5) of Phase Two, sheets 2, 3, and 4 (of 4) of Phase Three, and sheets 2 and 3 (of 3) of Phase Four of the Stag Lodge Record of Survey. Sheet 1 of each Phase shall remain intact.
7. The expansion of the Private areas will add approximately 200-300 square feet to each unit.
8. No additional bedrooms will be created, and the additional square footage does not create a demand for new parking.
9. If the Private areas are enclosed, more than 60% of open space for the entire project will still be maintained.

Conclusions of Law:

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

Conditions of Approval:

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

2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void.
3. All other conditions of approval of the Stag Lodge Phases One through Four project continue to apply.
4. In all cases, a certified survey will be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations.
5. Converted Private area cannot be used to create a lockout unit.

EXHIBITS

Exhibit A - Location Map

Exhibit B - Amended Record of Survey Phase I-IV, excluding page 1 in each Phase.

AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY FOR STAG
LODGE LOCATED AT 8200 ROYAL STREET EAST, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 8200 Royal Street East have petitioned the City Council for approval of an amended Record of Survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 12, 2002, to receive input on the proposed record of survey plat;

WHEREAS, the Planning Commission, on June 12, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 27, 2002, the City Council held a public hearing and approved the proposed record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey plat.

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

SECTION 1. APPROVAL. The Record of Survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

6. The condominium project known as the Stag Lodge Phases One through Four is located at 8200 Royal Street East and is zoned RD-MPD.

7. The existing decks are situated in areas classified as Limited Common area. Other areas being converted to Private are currently Common.
8. Consistent with the Condominium Ownership Act, Staff has prohibited any conversions to private ownership of these Limited Common and Common areas without an amendment to the record of survey to allow these conversions.
9. The proposed amended record of survey changes the type of ownership of Limited Common and Common areas to private ownership.
10. The consent of 66.66% or more of the Unit Owners is required and has been obtained.
11. This application is to amend sheets 2, 3, 4, 5, and 6 (of 6) of Phase One, sheets 2, 3, 4, and 5 (of 5) of Phase Two, sheets 2, 3, and 4 (of 4) of Phase Three, and sheets 2 and 3 (of 3) of Phase Four of the Stag Lodge Record of Survey. Sheet 1 of each Phase shall remain intact.
12. The expansion of the Private areas will add approximately 200-300 square feet to each unit.
13. No additional bedrooms will be created, and the additional square footage does not create a demand for new parking.
14. If the Private areas are enclosed, more than 60% of open space for the entire project will still be maintained.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void.
3. All other conditions of approval of the Stag Lodge Phases One through Four project continue to apply.
4. In all cases, a certified survey will be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations.
5. Converted Private area cannot be used to create a lockout unit.

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

PASSED AND ADOPTED this 6th day of June, 2002.

DATE: June 27, 2002
DEPARTMENT: Public Works
AUTHOR: Jerry Gibbs
TITLE: Water User Rates
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Adopt the recommended revisions to the structure for water user rates and meter charges to generate 10% more revenue.

DESCRIPTION:

- A. Topic. Water user fees.
- B. Background. The water user rate structure is divided into summer conservation (May through September) and the remainder of the year. The current rate category has a flat rate based on meter size and a consumption rate per 1000 gallons. The structure incorporates increasing block rates during the summer for residential and irrigation usage to provide an incentive to conserve water. In an increasing block rate system, as consumption increases through the blocks, the price per unit of water increases. Peak day water use during the summer determines the amount demand required from our combined water sources. The City regulations alternate day watering to reduce the peak day demand. The City Council has expressed interest in a rate structure that discourages summer water use.
- C. Analysis- In the previous two meetings water rate alternatives were discussed. Comments were received from multi-family units with separate irrigation meters expressing concern they were paying more for irrigation water per unit than a comparable single-family resident.

A revised table was presented last week with expanded ranges and a two block approach.

Other user rates were adjusted and the impact to irrigation users were reduced. The Council directed that the top block rate for single family accounts begin at 80,000 gallons per month (instead of 100,000 gpm). That change is incorporated in Table 3.

Table 1 illustrates the City's current rate structure effective July 1, 2001.

TABLE 1 Current Water User Rates by Block		
		Existing
al	al K gal K gal K gal O K gal K gal	-0- \$1.51 \$1.82 \$2.30 \$2.73 \$3.20
Lodging al	al K gal K gal K gal K gal	-0- \$1.51 \$1.82 \$2.30 \$2.73
	al K gal K gal K gal O K gal K gal	-0- \$1.51 \$1.82 \$2.06 \$2.06 \$2.32
esidential	al gal	-0- \$1.66
cial (near around)	al gal	-0- \$1.66

Table 2 illustrates the current and staff recommended changes to the base rate.

TABLE 2 BASE RATES			
	ter size	Current (includes 5 K)	Proposed
ential SF	3/4	\$15.75	\$10.00

	1	\$18.90	\$13.50
	1 ½	\$22.05	\$16.00
ential	¾	\$15.75	\$10.00
o & Lodging	1	\$18.90	\$13.50
	1 ½	\$22.05	\$16.00
on	¾	\$22.05	\$13.00
	1	\$31.50	\$22.00
	1 ½	\$56.70	\$47.00
	2	\$107.10	\$98.00
	3	\$264.60	\$255.00
	4	\$472.50	\$463.00
	6	\$882.00	\$873.00
	8	\$1,512	\$1503.00

Table 3 shows the staff recommended blocks and increases for each range associated to a block by meter size.

TABLE 3 PROPOSED BLOCK/RANGE CHANGES Summer Rate (June thru September)				
	Block 1 \$1.25/k-gal	Block 2 \$2.00/k-gal	Block 3 \$3.25/k-gal	Block 4 \$5.00/k-gal
Single Family/Condo ¾" to 1 ½"	Gal	K Gal	0 K Gal	0 K Gal
Multi-Family				

1 1/2"	K Gal	0 K Gal	00 K Gal	00 K Gal
2"	K Gal	0 K Gal	20 K Gal	20 K Gal
3"	K Gal	0 K Gal	40 K Gal	40 K Gal
4"	0 K Gal	00 K Gal	000 K Gal	000 K Gal
6"	K Gal	00 K Gal	200 K Gal	200 K Gal
Irrigation 3/4"		K Gal	6 K Gal	
1"		K Gal	0 K Gal	
1 1/2"		K Gal	85 K Gal	
2"		K Gal	00 K Gal	
3"		K Gal	00 K Gal	
4"		K Gal	35 K Gal	
6"		5 K Gal	865 K Gal	
Commercial all year	per 1000 gallons			
Other users between October and May	per 1000 gallons			

The change to reduce the base rate and charge for each 1000 gallons of use requires a change to Title 13, Chapter 1 , Section 1 and Section 2 of the Municipal Code. The other recommended change is to look at the water rate structure at least every three years instead of every five years.

The current code allows the City Manager to provide administrative relief up to a twenty percent (20%) reduction in any water billing following application to and recommendation by the Public Works Director in cases of hardship or unusual circumstances. Staff believes that this provision can address equity problems that result from the new rate structure.

Department Review. The user fees have been reviewed by the City Manager, OCMB, and Public Works.

ALTERNATIVES:

- A. Adopt the resolution for the proposed rate structure in Tables 2 & 3 and the associated ordinance elimination the 5000 gallon use as part of the base rate.
- B. Modify the proposed rate structure and adopt the resolution and the associated ordinance elimination the 5000 gallon use as part of the base rate.
- C. Adopt a resolution retaining the current structure and increasing each block and base rate by 10%.
- D. Do Nothing.

SIGNIFICANT IMPACTS: Revenues are estimated to increase by approximately 10% (\$300,000). Much of the revenue increase is being generated by block 4. If water consumption is reduced because of the \$5 per 1000 gallons charge, revenues could be affected. Starting block 4 at 80,000 gallons per month should reduce the possibility that the new structure would generate less than a 10% increase. A rate review next year may be necessary to adjust for revenue changes.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The current rate structure could be increased by 10% at the base rate and each user block. Multi-family Irrigation accounts have argued that the single-family connection is given more water in their first irrigation block on a per unit basis. While the proposed rate does not satisfy their concern if does recognize the difference and shifts more of the impact of the rate increase to single family users.

RECOMMENDATION:

Adopt a resolution to increase revenues by changing the water base rate (Table 2) and user blocks (Table 3) based on:

- A. size and capacity of the meter;
- B. reducing the base meter charge;
- C. eliminating the 5000 gallon allotment in the base meter charge;
- D. charging for each 1000 gallon of water use; and
- E. using an expanded two block system for dedicated irrigation meters.

**RESOLUTION AMENDING SECTION 2, WATER FEES
OF RESOLUTION NO. 27-01, AND REPLACING
RESOLUTION 27-01 IN ITS ENTIRETY**

WHEREAS it is necessary to update the water fee resolution to reflect the changing costs of performing services; and

WHEREAS, a public hearing was held on June 27, 2002, to receive public comments on the user fee increases,

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

SECTION 1. AMENDMENT. Section 2.4 of Resolution 27-01 is hereby amended as outlined in Exhibit A, and Resolution No. 27-01 is hereby replaced in its entirety.

SECTION 2. EFFECTIVE DATE. This resolution shall take effect upon adoption.
PASSED AND ADOPTED this 27th day of June, 2002.

EXHIBIT A
PARK CITY FEE SCHEDULE
(REVISED JUNE 27, 2002)

SECTION 2. WATER FEES

2.1 Water Development Fees Water Development Fees are now located in the Park City Municipal Code, Title 11, Section 13.

2.2 Water Connection Fees/Fire Standby Fees Water Connection and Fire Standby Fees are now located in the Park City Municipal Code, Title 11, Section 13.

2.3 Water Meter Fees

Size	Fee	
	9	0
	5	5
	4	5

2.4 MONTHLY WATER METERED SERVICES FEE SCHEDULE:

2.4.1 Base Rates

Individually Metered Residential (single-family, condo, townhouse)

meter size	Monthly Base/Demand Charge	
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1/8 x 3/4"	\$15.75	\$10.00
"	\$18.90	\$13.50
1/2 "	\$22.05	\$16.00

Other than **Individually metered Residential** ~~Single Family Dwellings~~

meter Size	Monthly Base/Demand Charge	
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	1/4"	\$ 22.05	<u>\$13.00</u>
	"	31.95	<u>\$22.00</u>
	1/2"	56.70	<u>\$47.00</u>
	"	107.10	<u>\$98.00</u>
	"	264.60	<u>\$255.00</u>
	"	472.50	<u>\$463.00</u>
	"	882.00	<u>\$873.00</u>
	"	1512.00	<u>\$1503.00</u>

Construction Meter	\$52.50	\$58.00
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Construction water will be charged at the rate of ~~\$2.10/1000 gal.~~ \$2.30 per 1000 gal.

2.4.2 Water Consumption Rates All water delivered through each meter serving commercial customers all year and all other customers between October 1 and May 31 of each year ~~in excess of 5,000 gallons per meter per month~~ shall be charged at the rate of ~~\$1.66~~ \$1.75 per thousand gallons.

2.4.3 Water Conservation Rates ~~All water delivered through each meter serving single family residential customers between June 1 and September 30 of each year shall be billed the following rates:~~

~~,001 to 10,000 gallons ————— \$1.51 per 1,000 gallons~~

~~0,001 to 20,000 gallons ————— \$1.82 per 1,000 gallons~~

~~0,001 to 40,000 gallons ————— \$2.30 per 1,000 gallons~~

~~0,001 to 100,000 gallons ————— \$2.73 — per
1,000 gallons~~

~~ver 100,000 gallons ————— \$3.20
per 1,000 gallons~~

~~All water delivered through each meter serving multi-family residential and landscape irrigation customers in excess of 5,000 gallons per meter per month between June 1 and September 30 of each year shall be billed at the following rates:~~

~~0,001 to 10,000 gallons ————— \$1.51 per 1,000 gallons~~

~~0,001 to 20,000 gallons ————— \$1.82 per 1,000 gallons~~

~~0,001 to 100,000 gallons ————— \$2.06 per 1,000 gallons~~

~~ver 100,000 gallons ————— \$2.32 per 1,000 gallons~~

All water delivered through each meter serving single family residential, multi-family residential and landscape irrigation customers per month between June 1 and September 30 of each year shall be billed at the following rates:

	Block 1 \$1.25/k-gal	Block 2 \$2.00/k-gal	Block 3 \$3.25/k-gal	Block 4 \$5.00/k-gal
Single Family/Condo 3/4" to 1.5"	0-5,000 Gal	5,001- 30,000 Gal	30,001 -80,000 Gal	Over 80,000 Gal
Multi-Family 3/4"				
1"	0-10,000 Gal	10,001-36,000 Gal	36,001-80,000 Gal	Over 80,000 Gal
1.5"	0-17,000 Gal	17,001-57,000 Gal	57,001-120,000 Gal	Over 120,000 Gal
2"	0-30,000 Gal	30,001-100,000 Gal	100,001-200,000 Gal	Over 200,000 Gal
3"	0-48,000 Gal	48,001-160,000 Gal	160,001-320,000 Gal	Over 320,000 Gal
4"	0-96,000 Gal	96,001-320,000 Gal	320,001-640,000 Gal	Over 640,000 Gal
6"	0-150,000 Gal	150,001-500,000 Gal	500,001-1,000,000 Gal	Over 1,000,000 Gal
	0-180,000 Gal	180,001-600,000 Gal	600,001-1,200,000 Gal	Over 1,200,000 Gal
Irrigation 3/4"		0-56,000 Gal	Over 56,000 Gal	
1"		0-90,000 Gal	Over 90,000 Gal	
1.5"		0-185,000 Gal	Over 185,000 Gal	
2"		0-300,000 Gal	Over 300,000 Gal	
3"		0-600,000 Gal	Over 600,000 Gal	
4"		0-935,000 Gal	Over 935,000 Gal	
			Over 1,865,000 Gal	

6"		0-1,865,000 Gal		
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2.5 Water Violation Penalties

\$ 50.00	first violation
100.00	second violation
200.00	third violation
400.00	fourth violation
500.00	for the fifth violation and for each subsequent violation within that calendar year.

2.6 Water Service Reinstatement Fee

100 fee for meter shut off because of non-payment of account.

2.7 Water Service Call Fee \$50 fee per service call

2.8 Water Meter Testing Fee \$50

AN ORDINANCE AMENDING SECTION 13.1.1 AND SECTION 13.1.2 OF THE WATER CODE, OF THE MUNICIPAL CODE OF PARK CITY TO ADDRESS CHANGES IN WATER RATE BILLING

HEREAS, the City is amending its water fee resolution and it is necessary to update the Water Code to reflect the changes and keep the two consistent; and

HEREAS, the City Council finds it is in the best interest of the City to better address equity and conservation in the billing structure.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

SECTION I. AMENDMENT. Title 13, Chapter 1 , Section 1 and Section 2 of the Municipal Code of Park City is hereby amended as follows:

TITLE 13 - WATER CODE

CHAPTER 1 - CITY WATER SERVICE

13- 1- 1. METERED SERVICE.

A base ~~/demand charge~~ rate ~~must be paid for~~ will be charged to all water connections according to the size of the meter in use. The base ~~/demand charges~~ rate for all meter sizes shall be established by resolution. All water used from the City water system for household, domestic, irrigation, commercial, industrial, ~~fire flows~~ or any other use shall be metered, and water paid for according to the quantity used. A ~~base/demand charge must be paid for all water connections according to the size of the meter in use. The base/demand charges for all meter sizes shall be established by resolution.~~

~~The base/demand charge shall entitle the water customer to **service**. the use of up to 5,000 gallons per month, per meter (and not per units served through that meter), excluding fire flow, without additional charge. All water delivered through each meter serving commercial customers in excess of 5,000 gallons per meter per month shall be charged at a rate as established by resolution. All water delivered to all other customers between October 1 and May 31 of each year in excess of 5,000 gallons per meter per month shall be charged at a rate as established by resolution. There shall be no right of carry-over from month to month if fewer than 5,000 gallons are used, so that each month is billed independently as far as the base/demand charge is applied. Unoccupied structures will be billed the base/demand charge applicable to set by resolution for the that meter used in the structure unless a service disconnect request has been received by the Water Department. When an oversized meter is required for fire sprinklers, the base charge will be adjusted downward to reflect the meter size that would have been used for the culinary and irrigation demand.~~

13- 1- 2. WATER CONSERVATION RATES.

All water delivered through each meter serving **individually metered residential (single family, condo, townhouse)** and through each meter serving multi-family residential and landscape irrigation customers ~~residential customers in excess of 5,000 gallons per meter per month~~ between June 1 and September 30 of each year shall be billed at the rate established by resolution.

~~All water delivered through each meter serving multi-family residential and landscape irrigation customers in excess of 5,000 gallons per meter per month between June 1 and September 30 of each year shall be billed at the rate established by resolution.~~

The water conservation rates established by this Title said resolution are based on the City's cost of providing water service, which cost may change. ~~The rate set forth in both Sections 1 and 2 may be adjusted administratively by the City Manager to reflect the actual cost of service to the City upon recommendation by the Public Works Director. Administrative adjustments shall be reviewed by the City Council at **least every** three year intervals beginning in **May 2003** May 1993, and may be ratified, modified or rescinded. The City Manager may provide administrative relief up to a twenty percent~~

(20%) reduction in any water billing following application to and recommendation by the Public Works Director in cases of hardship or unusual circumstances.

SECTION II. EFFECTIVE DATE. This ordinance shall become effective upon publication, or July 1, 2002 whichever is earlier.

PASSED AND ADOPTED this 27th day of June, 2002.

DATE: 6/27/02
DEPARTMENT: OCMB
AUTHOR: Matt Twombly
TITLE: Authorization to staff to enter into an agreement with Snyder-ville
Basin Special Recreation District to construct the Round
Valley Connector Trail
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATION: Staff recommends authorization to enter into an agreement through a letter of intent to reimburse the Snyder-ville Basin Special Recreation District (SBSRD) for the construction of the Round Valley Connector Trail in an amount of \$20,000.

DESCRIPTION

- A. **Topic** Authorization to enter into an agreement through a letter of intent, in a form to be approved by the Legal Department (draft letter attached) to reimburse the Snyder-ville Basin Special Recreation District (SBSRD) for the construction of the Round Valley Connector Trail in an amount of \$20,000.
- B. **Background** Council has placed joint planning and cooperation with other jurisdictions as a high priority. Through the development of trails in the Snyder-ville Basin, City staff has worked closely with the SBSRD and Mountain Trails Foundation. In 2001, the SBSRD with the support and sponsorship of the City and the Mountain Trails Foundation, applied for and received a Summit County Restaurant Tax Grant in the amount of \$10,000 for the project. Staff pledged support for the project where a portion of the project is within the City boundary and connects to City trails.

The plans and specifications for the project were developed jointly by City staff, the SBSRD staff and the Mountain Trails Foundation Executive Director. The project briefly entails constructing a paved trail from the Old County Landfill Road near the Rail Trail through the underpass, along the SR-248 ROW to the Old Highway at the National Ability Center/Round Valley driveway. The entire trail is within the UDOT Right of Way, where the District has entered into an agreement with UDOT for the construction and maintenance of the trail.

C. Analysis The District advertised the project to bidders for 14 days prior to bid opening. There were four additive alternatives for the project. Additive Alternate #1 is for asphalt paving of a section of the trail at the pedestrian underpass and the Additive Alternate #2 is for paving the entire trail, Additive Alternate #3 is for a shortened trail, and Additive Alternate #4 is for paving the shorter trail. There were two bidders on the project. The low bidder for the project is Granite Construction with a base bid of \$49,499 and \$19,499 for additive alternate #2, paving the entire trail. The next low bid is by Weyher Construction.

The SBSRD Board discussed this item at their June 19, 2002 meeting and voted to award the bid to Granite Construction for the Base Bid and Additive Alternate #2 Paving of the entire trail, in the amount of \$68,998. \$10,000 of the project will be funded by the Restaurant Tax Grant, \$20,000 will be funded by the SBSRD, and \$18,998 by the Mountain Trails Foundation and staff is recommending that Council authorize the remaining \$20,000 for the project from the Trails Master Plan CIP account.

4) D. Department Review Office of Capital Management and Budget, City Managers Office.

ALTERNATIVES

A. Approve the Request Authorize staff to enter into an agreement through a letter of intent to reimburse the Snyderville Basin Special Recreation District for the construction of the Round Valley Connector Trail in the amount of \$20,000.

B. Modify the Request.

C. Deny the Request.

D. Continue the Item.

SIGNIFICANT IMPACTS There is approximately \$710,000 in the Trails Master Plan Capital Improvement Account.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION By not cooperating with the District on this project may jeopardize future joint planning or collaborative efforts.

RECOMMENDATION Staff recommends that the City Council authorize staff to enter into an agreement through a letter of intent to reimburse the Snyderville Basin Special Recreation District for the construction of the Round Valley Connector Trail in the amount of \$20,000.

DATE: June 27, 2002
DEPARTMENT: Leisure Services
AUTHOR: Bob Johnston and Kathy Kelly
TITLE: Selection of Recreation Pool Architect
TYPE OF ITEM: Administrative- Architect & Design Agreement

SUMMARY RECOMMENDATION: The City Council should authorize the City Manager to enter into a service provider contract (attached) in a form approved by the City Attorney's Office for an amount of \$22,800. This amount will cover design and engineering of a multi-purpose recreation pool.

DESCRIPTION:

A. Topic: Service provider contract for new recreation pool.

B. Background: The "recreation pool" at the Racquet Club was constructed in the early 1970's. This pool is currently maintenance intensive and no longer serves Park City's current programming needs. The Park City Council has authorized \$300,000 for the design and construction of a new multi-purpose recreation pool.

C. Analysis: Through a formal RFP process in which the City noticed the public through the Park Record and the Salt Lake Tribune, a staff team consisting of Bob Johnston, Tom Bakaly, Kathy Kelly, and Parks Recreation Beautification Board Chair Dean Schulman has recommended the firm of VCBO for the design and engineering of the pool. Qualification requirements as stated in the RFP were: A list of similar projects and drawings, resumes of team members, a statement of services and products the team intended to provide, and list of references.

The City received five proposals which were ranked according to the criteria below on a scale of 1-10. The overall scores represent the average rankings in each category.

(Criteria are: the variety, creativity and scope of the services the team intends to offer; the demonstrated professional experience of the team; the cost of the services to be provided; the general attitude, ability, and willingness of the team to cooperate and fulfill City requirements; overall content of the proposal and compliance with the request for proposal; past customer service history.

Rankings:

- (4) VCBO
- (5) EDA
- (6) GSBS
- (7) MD
- (8) Sand-strom

The City's primary consultant contact with the firm will be Niels Valentiner, AIA, Principal-in-charge.

SCOPE:

VCBO will provide the following services to Park City Municipal:

1. Final design and engineering of entire project, including construction drawings.
2. Develop a project schedule.
3. Prepare an estimated cost of the entire project.
4. Assist in the selection and oversight of the construction company.
5. Develop and prepare bid documents.

Time line:

1. Final design and engineering begin July 1, 2002 and complete by August 1, 2002.
2. Construction begins immediately after Labor Day, 2002, and is substantially completed by October 15, 2002. Plastering would be done in the spring 2003, with an opening pool date of Memorial Day, 2003.

Fee for Services: VCBO would receive a fee of \$22,800.

D. Department Review: This staff report has been reviewed by the City Manager's Office, Capital Management and Budget Office, Leisure Services Department, and the Legal Department.

ALTERNATIVES:

- A. **Approve the Request:** City Council could approve the award of contract with VCBO for design and engineering of the pool.
- B. **Reject all Bids:** City Council could reject all bids and ask staff to perform another selection process.
- C. **Deny the Request:** City Council could deny the request to award a contract to VCBO and not construct a pool at this time.
- D. **Do Nothing:** Same as denying the request

SIGNIFICANT IMPACTS:

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The proposed time line is very aggressive. Any delay in the awarding of this service provider contract would mean that the pool construction could not begin this fall. Programming for 2003 would remain an uncertainty, due to the condition of the pool.

RECOMMENDATION: The City Council should authorize the City Manager to enter into a service provider contract in a form approved by the City Attorney's Office with VCBO.

**PARK CITY MUNICIPAL CORPORATION SERVICE PROVIDER/
PROFESSIONAL SERVICES AGREEMENT**

HIS AGREEMENT is made and entered into in duplicate this ____ day of June, 2002, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and political subdivision of the State of Utah ("City"), and VCBO, having a street address of 534 South 600 East, Salt Lake City, Utah 84102 ("Service Provider").

ITNESSETH:

HEREAS, the City desires to have certain services and tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

HEREAS, sufficient City resources are not available to provide such services; and

HEREAS, the Service Provider represents that the Service Provider is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

OW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

1. SCOPE OF SERVICES.

The Service Provider shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Service Provider responsibilities throughout this Agreement and as set forth in the "Scope of Services" attached hereto as "Exhibit A" and incorporated herein (the "Project"). The total fee for the Project shall not exceed Twenty Two Thousand Eight Hundred Dollars (\$22,800).

2. TERM.

The term of this Agreement shall commence on July 1, 2002 and terminate on June 30, 2003.

3. COMPENSATION AND METHOD OF PAYMENT.

. Payments for services provided hereunder shall be made monthly following the performance of such services.

. No payment shall be made for any service rendered by the Service Provider except for services identified and set forth in this Agreement.

. For all “extra” work the City requires, the City shall pay the Service Provider for work performed under this Agreement according to the schedule attached hereto as “Exhibit B,” or if none is attached, as subsequently agreed to by both parties in writing.

. The Service Provider shall submit to the City Manager or his designee on forms approved by the City Attorney’s office, an invoice for services rendered during the pay period. The City shall make payment to the Service Provider within thirty (30) days thereafter. Requests for more rapid payment will be considered if a discount is offered for early payment. Interest shall accrue at a rate of six percent (6%) per annum for services remaining unpaid for thirty (30) days or more.

. The Service Provider reserves the right to suspend or terminate work and this Agreement if any unpaid account exceeds sixty (60) days.

4. REPORTS AND INSPECTIONS.

. The Service Provider, at such times and in such forms as the City may require, shall furnish the City such statements, records, reports, data, and information as the City may request pertaining to matters covered by this Agreement.

. The Service Provider shall at any time during normal business hours and as often as the City may deem necessary, make available for examination of all its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the City or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The City may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the Service Provider’s activities, which relate directly or indirectly, to this Agreement.

5. INDEPENDENT CONTRACTOR RELATIONSHIP.

. The parties intend that an independent Service Provider/City relationship will be created by this Agreement. No agent, employee, or representative of the Service Provider shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Service Provider are not entitled to any of the benefits the City provides for its employees. The Service Provider will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.

. In the performance of the services herein contemplated the Service Provider is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the City and shall be subject to the City's general rights of inspection and review to secure the satisfactory completion thereof.

6. SERVICE PROVIDER EMPLOYEE/AGENTS.

The City may at its sole discretion require the Service Provider to remove an employee(s), agent(s), or representative(s) from employment on this Project. The Service Provider may, however, employ that (those) individuals(s) on other non-City related projects.

7. HOLD HARMLESS INDEMNIFICATION.

. The Service Provider shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Service Provider's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Service Provider; and provided further, that nothing herein shall require the Service Provider to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Service Provider expressly agrees that the indemnification provided herein constitutes the Service Provider's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Service Provider claims or recovers compensation from the City for a loss or injury that Service

Provider would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.

. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

8. INSURANCE.

The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees, or subcontractors. The Service Provider shall provide a Certificate of Insurance evidencing:

. General Liability insurance written on an occurrence basis with limits no less than one million dollars (\$1,000,000);

. Automobile Liability insurance with limits no less than five hundred thousand dollars (\$500,000) combined single limit per accident for bodily injury and property damage.

. Professional Liability (Errors and Omissions) insurance written on an occurrence basis with limits no less than one half million dollars (\$500,000) combined single limit per occurrence.

. Workers Compensation insurance written on an occurrence basis with limits no less than one half million dollars (\$500,000) combined single limit per occurrence.

. The City shall be named as an additional insured on the General and Automobile insurance policies, as respect to work performed by or on behalf of the Service Provider and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The Certificate of insurance shall warrant that the City shall receive thirty (30) days advance notice of cancellation. The City reserves the right to request certified copies of any required policies.

- . The Service Provider's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suite is brought, except with respect to the limits of the insurer's liability.

9. TREATMENT OF ASSETS.

Title to all property furnished by the City shall remain in the name of the City and the City shall become the owner of the work product and other documents, if any, prepared by the Service Provider pursuant to this Agreement (contingent on City's performance hereunder).

10. COMPLIANCE WITH LAWS.

- . The Service Provider, in the performance of this Agreement, shall comply with all applicable federal, state or local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

- . The Service Provider specifically agrees to pay any applicable fees or charges which may be due on account of this Agreement.

11. NONDISCRIMINATION.

- . The City is an equal opportunity employer.

- . In the performance of this Agreement, the Service Provider will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Service Provider shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The Service Provider shall take

such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

. The Service Provider will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Service Provider shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

12. ASSIGNMENTS/SUBCONTRACTING.

. Service Provider shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the City, and it is further agreed that said consent must be sought in writing by the Service Provider not less than thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment.

. Any work or services assigned hereunder shall be subject to each provision of this Agreement and property bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines.

. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.

13. CHANGES.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

14. MAINTENANCE AND INSPECTION OF RECORDS.

. The Service Provider shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject to all reasonable times to inspection, review, or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

. The Service Provider shall retain all books, records, documents and other material relevant to this Agreement for six (6) years after its expiration. The Service Provider agrees that the City or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

15. POLITICAL ACTIVITY PROHIBITED.

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

16. PROHIBITED INTEREST.

No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

17. MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS.

. All work proposed by the Service Provider is based on current government ordinances and fees in effect as of the date of this Agreement.

. Any changes to current government ordinances and fees which affect the scope or cost of the services proposed may be billed as an “extra” pursuant to Paragraph 3(C), or deleted from the scope, at the option of the City.

. The City shall make provision for access to the property and/or project and adjacent properties, if necessary for performing the services herein.

. In the event that bids for construction of this project exceed Service

Provider's probable cost estimate by more than ten percent (10%), Service Provider will, at the City's option, assist the City with rebidding the project or modifying the project to reduce the cost at no additional cost to the City.

18. TERMINATION.

. Either party may terminate this Agreement, in whole or in part, at any time, by at least thirty (30) days written notice to the other party. The Service Provider shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Service Provider shall promptly submit a termination claim to the City. If the Service Provider has any property in its possession belonging to the City, the Service Provider will account for the same, and dispose of it in a manner directed by the City.

. If the Service Provider fails to perform in the manner called for in this Agreement, or if the Service Provider fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within three (3) days written notice thereof, the City may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the Service Provider setting forth the manner in which the Service Provider is in default. The Service Provider will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

. The Parties agree that City's ability to undertake this Project, including this design Agreement and subsequent facility construction, is subject to City's ability to acquire any/all permits as may be required by law, including but not limited to building permits and a conditional use permit. In the event that City is unable to acquire such required permits, the Parties agree that City may terminate this Agreement pursuant to Paragraph 18(a) herein.

19. NOTICE.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

20. ATTORNEYS FEES AND COSTS.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief

to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

21. JURISDICTION AND VENUE.

. This Agreement has been and shall be construed as having been made and delivered with the state of Utah, and it is agreed by each party hereto that this Agreement shall be governed by laws of the state of Utah, both as to interpretation and performance.

. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

22. SEVERABILITY.

. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

. If it should appear that any provision hereof is in conflict with any statutory provision of the state of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.

23. ENTIRE AGREEMENT.

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representatives or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first herein above written.

EXHIBIT A

SCOPE OF SERVICES

The overall objective of this services Agreement is for Architect to design and engineer a multi-purpose recreation pool. This pool will be located at the Park City Racquet Club, 1200 Little Kate Road, Park City, Utah. Scope of services is as follows:

- . Design and engineer the entire project, including construction drawings.
- . Develop a project schedule.
- . Prepare an estimated cost of the entire project.
- . Assist in the selection and oversight of construction company.
- . Develop and prepare bid documents.

The project objectives are as follows:

Services to be provided as per the VCBO document “Proposal to Design and Engineer a Multi-Purpose Recreation Pool for Park City Municipal Corporation”, dated June 19, 2002.

DEPARTMENT: Office of Capital Management & Budget
AUTHOR: Tom Bakaly, Assistant City Manager
TITLE: American Skiing Company Corporate Headquarters Relocation
DATE: June 27, 2002
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION: City Council should adopt the attached Memorandum of Understanding (MOU) between the City and American Skiing Company (ASC) in a form approved by the City Attorney.

DESCRIPTION:

A. Topic: American Skiing Company Corporate Headquarters Relocation

B. Background: Over the last year, the City Council and staff have placed a greater emphasis on economic development efforts. High priority goals for City Council in 2002 include Multi Seasonal Resort (Economic Development Policy) and Improve Historic Park City (Enhanced Vitality of Main Street). Pursuant to those goals, Staff has been meeting with representatives from the American Skiing Company (ASC - Owner of the Canyons) regarding the possible relocation of their corporate headquarters from Maine to Park City.

ASC has signed a 5 year lease with the Gateway Office Building located on Swede Alley and Heber Avenue. ASC has also received a grant from the State of Utah that will help make the move possible.

C. Analysis: The following is a summary of the MOU.

Gateway Parking: ASC and Park City agree that ASC will receive 5 reserved and free spaces on the City's floor of the Gateway.

Regional Transportation: ASC and the City agree that ASC can use the City's expertise in securing federal assistance for their proposed intermodal center at the Canyons Resort.

Water: Because water is not delivered by the City to the Canyons, there is not a direct contribution that can be made by the City. If an opportunity arises and if the other water providers agree, ASC and the City agree to improving the efficiency of the City's water system by expanding and interconnecting with the Canyons. This action requires cooperation from Mountain Regional and Summit Water.

Tenant Improvement Facilitation and Fee Waiver: ASC has complied with all City building requirements and their tenant improvements have been made.

D. Department Review: This report has been reviewed by the City Manager's Office, the City Attorney and Kent Cashel, Assistant Public Works Director. Kent Cashel has raised some concerns about who has responsibility for towing vehicles that park in ASC's dedicated spots. Council could add language to the MOU stating that the City or ASC will have the responsibility. As it is currently written in the MOU, the City would have responsibility for

that enforcement. Staff has also spoken with the Deer Valley and Park City resorts about this issue.

ALTERNATIVES:

- 1) Council could approve the MOU with ASC.
- 2) Council could modify the MOU with ASC.
- 3) Council could chose not to adopt the MOU.

SIGNIFICANT IMPACTS:

According to ASC's application to the State for incentive funds, the relocation would involve 46 employees, most at an executive level. ASC estimates that the annual salary for the 46 employees will be roughly \$6 million. ASC estimates that their work force could grow to 80 employees within the next five years. The value of the 5 free parking spaces is roughly \$5,400 per year and funds from the City's economic development account will be annually transferred to the parking fund to make up for that revenue shortfall.

Naturally, the City would directly benefit from taxes (property & sales) if ASC located to Park City. The direct benefits are difficult to quantify, but do exist. Indirect benefits would take the form of enhanced regional cooperation and ski resort coordination. It would be advantageous on several levels to have all three ski resorts (or their parent companies) headquartered in Park City. Main Street and the Gateway Building would benefit immensely from such a major office tenant.

When weighing the benefits of ASC relocating to Park City against possible incentives, the City should be cognizant of the reaction from the community.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The purpose of the Memorandum of Understanding would be to establish an enhanced relationship with American Skiing Company (ASC). ASC has decided to relocate to the Gateway in part due an enhanced relationship with the City. If the City did not approve the MOU, that relationship would be impacted.

RECOMMENDATION: City Council should adopt the attached Memorandum of Understanding (MOU) between the City and American Skiing Company (ASC) in a form approved by the City Attorney.

Date: June 27, 2002
Department: Community Development Department & OCMB
Title: 2260 Park Avenue
Type of Item: Legislative/Amendment to RDM Zone

Summary Recommendation: Staff Recommends that the City Council either uphold or overturn the Planning Commission's negative recommendation for an amendment to the Land Management Code (RDM zone Purpose Statement (C)). If Council overturns the Planning Commission's action, then Council should delete number 8 found in Section 15-2.14.2 (B) (15), to allow general office use as a Master Planned Development for property located at 2260 Park Avenue. If the Council decides to overturn the Commission's recommendation and approve the applicant's request, staff has included a draft Ordinance supporting the zone change amendment.

A. Topic

Applicant: Nutraceutical Corporation
Location: 2260 Park Avenue
Proposal: To amend the current CUP and RDM Purpose Statement (C)
and delete number 8 found in Section 15-2.14.2 (B) (15), and
allow general office use as a Master Planned Development
Zoning: Residential Development-Medium Density (RDM)
Adjacent Land uses: Radisson Hotel, Offices, Residential
Project Planner: Kevin LoPiccolo
Date of Application: April 11, 2002

B. Background Information

This application was reviewed at the May 8 and 22, 2002 Planning Commission meetings. The initial hearing was to consider a change of use from the existing hotel (Brookfield Inn) to general office use within the RDM zone by Conditional Use Permit.

At the May 8th meeting the Commission considered and a majority (4-3) responded favorably to the request to allow Nutracuetical Corporation to occupy the existing hotel site at 2260 Park Avenue, provided that the applicant comply with the Land Management Code, and request an amendment to the RDM zone which by right does not allow general office use as a primary land use.

At the May 22, 2002 meeting, the majority of the Commissioners present were supportive with allowing general office use as a primary use in the RDM zone, but in order to allow such a use, the applicant would need to pursue and request that the Planning Commission forward a positive recommendation to the City Council to eliminate number 8 in Section 15-2.14-2 (B)(15), and modify the Purpose Statement (C) of the RDM zone found in the Land Management Code. Footnote number 8 reads as follows:

Allowed only as a secondary or support use to the primary development or use and intended as a convenience for residents or occupants of adjacent residential developments.

At the June 12 2002 meeting, two of the Commissioners in the majority from the previous two meetings were not in attendance, possibly altering the final outcome for a support of the applicant and a positive recommendation to the Council. The majority of the Commission members present at the June 12 meeting did not support the applicant's request to modify the RDM zone to allow General Office use as a primary use. After the applicant formally requested a continuance and the Chair restated the continuance request, the Commission formally denied Staff's recommendation and the request to modify the RDM zone on a 3-1 vote. The Chair did not vote because there was not a tie.

The following are the reasons why the majority of the Commissioners present at the June 12, 2002 meeting is forwarding a negative recommendation to the City Council:

- The RDM zone is intended to be residential with subordinate commercial type uses, not uses that are more intense.
- General Office would generate an increase of traffic off Jupiter View Drive, adjacent to the Park View Condominiums.
- Net increase of parking by 29 spaces over the minimum code requirement for office use. Commission members felt that the increase in parking relating to office use (albeit underground) will result in a greater intensification, and, therefore, would be incompatible with the neighboring developments.
- Commission members present felt that the General Plan supported in greater detail resort related uses versus office type uses.
- Commission members felt that along the City's Entry Corridor, general office was too intense of a use, creating a greater amount of traffic onto Hwy. 224.

On May 8, 2002 and May 22, 2002, Planning Commissioners (including the Chair) felt that the applicant's request was consistent with the General Plan. Some of the Planning Commissioners in support of the application stated that given the increase of hotel rooms of late, losing 42 rooms was not in their opinion overly significant.

The RDM zone consists of the area along Highway 224 from the Radisson Hotel to the Top Stop gasoline station, and along Highway 248 from Aspen Villas to Silver Meadows Estates. There is currently one vacant RDM lot available which is adjacent to the Post Office and is owned by the City. At the June 12, 2002 meeting, even the dissenting vote (Commissioner Erickson) expressed concern about the use of that lot changing to commercial. The Commission discussed ways in which commercial use could be tied only to redevelopment if the current zone restrictions were changed. The neighborhood/RDM District is a mix of residential, office, and hotel uses.

C. Analysis

The subject property is located in the RDM zone. General office is listed as Conditional Use Permit, subject to a Master Planned Development and allowed only as a secondary

or support use to the primary development or use and intended as a convenience for residents or occupants of adjacent or adjoining residential developments.

The RDM District was established in part, to minimize commercial/strip commercial uses along the entry corridor. Uses in the RDM District are intended to be residential and/or resort oriented. Currently, commercial/office uses are only allowed as a subordinate use to a residential or resort use. The neighborhood/RDM District is a mix of residential, office, and hotel uses. The proposed LMC Amendment will not, in staff's opinion, significantly alter the character of the neighborhood; however it will reinforce a commercial entry corridor, not specifically in keeping within the original intent of the RDM District. At the May 8, 22, and June 12, 2002 meetings, the Commission present stated it may support the proposed LMC Amendments, provided office use generated limited client, service, and delivery traffic and maintained the intent of the Frontage Protection Zone regulations.

The Purpose Statement for the RDM District (Land Management Code, Section 15-2.14-1) currently reads as follows:

The purpose of the Residential Development Medium Density (RDM) District is to:

- (A) allow continuation of medium density residential and resort related housing in the newer residential areas of Park City;
- (B) encourage the clustering of residential units to preserve Open Space, minimize site disturbance and impacts of development, and minimize the cost of construction and municipal services;
- (C) allow commercial and recreational activities that are compatible with residential neighborhoods;
- (D) allow development in accordance with the Sensitive Lands Ordinance;
- (E) provide opportunities for variation in architectural design and housing types;

(F) promote pedestrian connections within development and between adjacent areas; and

(G) minimize impacts of the automobile on architectural design.

To allow the proposed change to the Land Management Code, Chapter 2.14 (RDM District), the City Council would need to overturn the Commissions negative recommendation, and make a determination that the change is consistent with this stated purpose, or amend the purpose statement to be consistent with the proposed change. The applicant would then to return to the Planning Commission for a MPD once the zone allowed primary use.

Another option for Council would be to remand the issue back to the Planning Commission for consideration at a meeting when all 7 Planning Commissioners were present. The problem with that strategy is that June 28, 2002 is the date that the applicant has stated that he must buy or not buy the note on the property. If he does not buy the note, according to the applicant, the bank will own the property. If Council remanded the issue back to the Planning Commission, it is unclear whether the applicant would hope for an approval and buy the note. The issue would still need to return to Council for approval of the LMC, but may include language that addresses too much office space in the entry corridor.

There has been some speculation that the hotel will be purchased at that point and operated as a hotel.

The following is a rewrite to the RDM zone that was presented to the Commission. The Commission did not act upon this language change due to the reasons that were stated earlier in the report.

The recommended change to Chapter 2.14, Purpose Statement (C) RDM District would read as follows:

(allow limited traffic generated businesses and recreational activities that are compatible with residential neighborhoods)

Delete Section 15-2.14-2 (B)(15) number 8 and allow general office as a primary use, subject to provisions of LMC Chapter 10, Master Planned Development.

If the Council decided to accept the above language, or, if the Council would like to see the language modified, staff has prepared the following:

Residential Development - Medium (RDM) District

Section 15-2.14-1. Purpose Statement as seen by the Planning Commission at their June 12, 2002 meeting would remain the same.

Section 15-2.14-2 (B) Conditional Uses. Number 15, footnote 8 would be deleted with footnote 11 that reads:

General Offices are only permitted with an approved Master Planned Development and may only be approved as the redevelopment of an existing building. In addition to meeting the necessary criteria in the Land Management Code, Chapter 6: MPD's, the Planning Commission must find that:

- 4) The redevelopment of an existing building to a General Office use will substantially advance the objectives of Economic Element of the General Plan or other more-specific neighborhood plans than would a residential/or resort related development.
- 5) Has minimized/eliminated any potential detrimental impact on the resort and/or resort-residential character of the RDM District and the Frontage Protection Zone through careful planning and conditions of approval.
- 6) Will not result in an intensification of use incompatible with neighboring developments.
- 7) Substantial increase in the existing trip generations or service and deliveries.

Fiscal Impact

The Office of Capital Management & Budget has prepared a summary of how sales tax is collected in the City (Exhibit "F") and an analysis of tax implications on whether a hotel user versus a professional office impacts the tax base of Park City. Please refer to (Exhibit "G "). In short, the best option would be to retain the use of the property as a hotel and have

Nutraceutical keep its offices in town. With office space vacancy rates in Park City at over 50% it would not be good to lose a large employer. The applicant has stated that if he cannot buy the Brookfield Inn, he will have to move his offices out of town because he wants to own his own building. It should also be noted that the Brookfield Inn is currently not in operation and is not generating sales tax. The entryway corridor property is showing signs of vacancy.

When strictly comparing economic benefit of office or lodging use for the Brookfield Inn property (which already has both uses within 300 feet) operational lodging generates more revenue. In conjunction with Council goals, Staff is developing economic development policies and goals for the City. In the absence of formal economic development policies and a General Plan that speaks to the benefits of both resort use and a well-rounded economic base, Staff recommends that Council consider decisions such as this one on a case-by-case basis. A key question, especially given the anticipated completion of the Golf course Hotel, is if and when the Brookfield property will be operated as a hotel if Council does not allow office use as a primary use in the RDM zone. Unfortunately, we do not know the answer to that question. We don't want to get in the habit of diminishing our bed base, but we don't want it sitting vacant in our entry corridor either.

D. Department Review

The City's Staff Review Team has reviewed this application. The main issues that arose were being consistent with the Land Management Code and General Plan, and use of a general office in the RDM zone. By making a positive recommendation for the Nutraceutical application to the Planning Commission, Staff found the application to be consistent with the above mentioned documents. Staff is confident that the land use issues can be mitigated with the proposed ordinance language. The City Manager's Office has also reviewed this report.

E. Public Input

Property owners within 300 feet of the subject property were notified on April 23, 2002.

The property was properly posted and legally noticed, and as of the writing of this Staff Report, there have been no responses.

F. Summary and Recommendation

The Community Development Department and Office of Capital Management and Budget recommend that the City Council take public input and discuss whether to uphold the Planning Commissions recommendation to Council, or overturn the Commissions recommendation and adopt an Ordinance amending Chapter 2.14, Section 15-2.14-1 (C) of the Purpose Statement to read “allow limited traffic generated businesses and recreational activities that are compatible with residential neighborhoods,” and delete number 8 in Section 15-2.14-2 (B) (15) but add an additional footnote #(11) as described in the draft Ordinance attached as Exhibit “H ”).

G. Exhibits

- A. Vicinity Map
- B. Site Plan
- C. Revised RDM Zone
- D. Planning Commission minutes from May 8, May 22, & June 12, 2002
- E. Letter from Applicant
- F. Sales Tax Summary
- G. Fiscal Analysis
- H. Ordinance approving the LMC revisions to Chapters 2.14

AN ORDINANCE APPROVING AN AMENDMENT TO THE LAND MANAGEMENT CODE
AMENDING THE RESIDENTIAL DEVELOPMENT - MEDIUM DENSITY (RDM)
DISTRICT APPROVING A ZONE CHANGE AMENDMENT TO CHAPTER 2.14,
SECTION 15-2.14, PURPOSE STATEMENT(C) AND SECTION 15-2.14(B)
CONDITIONAL USE NUMBER (15) ELIMINATING FOOTNOTE NUMBER 8 AND
SUPPLEMENTING WITH FOOTNOTE NUMBER 11, LOCATED AT 2260 PARK
AVENUE

WHEREAS, protecting the health, safety, and welfare of the Park City community and preserving the integrity in residential areas of the Residential Development-Medium Density (RDM) District are values of the community and identified goals of the City Council; and

WHEREAS, the Planning Commission duly noticed and conducted several public hearings at its regularly scheduled meetings, including May 8, May 22 and June 12, 2002.

WHEREAS, the Planning Commission duly noticed and conducted several public hearings at its regularly scheduled meetings, on May 8, 22 and June 12, 2002 and forwarded to City Council a negative recommendation on Chapter 2.14, Section 15-2.14(C) and 15-22.14(B);

WHEREAS, the Planning Commission forwarded a negative recommendation to the City Council on the re-zone amendment to the Residential Development - Medium Density (RDM) District located at 2260 Park Avenue as described below.

WHEREAS, the City Council duly noticed and conducted public hearings at its regularly scheduled meetings on June 27, 2002 and finds it in the best interest of the residents of Park City, Utah to amend the RDM district and rezone the specified property at 2260 Park Avenue;

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

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

WHEREAS, the City Council duly noticed and conducted public hearings at its regularly scheduled meetings on June 27, 2002; and

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

SECTION 1. AMENDMENT TO CHAPTER 2.14 OF THE LAND MANAGEMENT CODE.

Chapter 2.14, Section Section 15-2.14(C) and 15-2.14(B); is hereby deleted and replaced by LMC Title 15, Chapter 2.14 attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.14 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 2.14 shall be defined in accordance with the LMC, Title 15, Chapter 2.14.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

DATE: July 27, 2002
DEPARTMENT: Planning Department
TITLE: Amendment to Record of Survey - Three Kings Condominiums
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION: Conduct a public hearing, consider public input, and consider staff's recommendation to approve as conditioned or amended.

(6) Topic

Applicant: Three Kings Condominium Association
Applicant's Representative: James R. Blakesley / Dick Weber
Project Address: 1420-1585 Three Kings Drive
Zoning: RD - MPD
Adjacent Land Uses: Residential, Open Space, Golf Course
Project Planner: Jonathan Weidenhamer

(7) Background

Many different additions and alterations have been made to the deck and patio areas at the Three Kings Condominiums since the inception of the project in 1971. The existing decks and patios are not indicated on the site plan (sheet 1) of the existing condominium record of survey plat but are situated in areas classified as common area(Exhibit B - Site Plan/ Open Space Exhibit). Consequently, the site plan is lacking in sufficient detail to accurately describe all the existing improvements made to these areas. Consistent with the Condominium Ownership Act, Staff has prohibited any further conversions to private ownership of these common areas without an amendment to the record of survey to allow these conversions.

The Homeowners Association proposes to amend the existing condominium record of survey plat to allow the portions of existing decks and patios that are under common ownership to be converted to "Private Ownership" and subsequently enclosed at the discretion of the individual owner subject to HOA approval (Exhibit C).

The Planning Commission heard this application at its regular meeting on June 12, 2002, and forwards a positive recommendation to the City Council.

(8) Analysis

The existing units vary in size and average approximately 1,250s.f.. The conversions of all deck areas to private ownership will add approximately 225 s.f. to each unit resulting in an average of 1,475 s.f. for each unit. The parking requirement for multi-unit dwellings

stipulates that any unit between 1,000 - 2,499 s.f. requires two parking spaces per dwelling. The additional square footage does not trigger the need for expanded parking.

The amendment will result in a minor change in the open space requirement. If the convertible space for each unit is privatized, 73% open space will still be maintained (Exhibit B). The condominium association has submitted to the City for review amended CC&R's. They have also provided confirmation of a home owners vote exceeding 2/3 majority to support this application (Exhibit D). In all cases, a certified survey will be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations. A Condition of Approval will reflect this.

(9) Department Review

This project has gone through an interdepartmental review team. There are no outstanding issues. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code prior to recordation.

(10) Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also placed in the Park Record. No public input has been received by the time of this report.

SIGNIFICANT IMPACTS

Failure to amend the Record of Survey will prohibit unit owners from converting common decks and patios into private area.

RECOMMENDATION

The staff recommends that the City Council Conduct a public hearing, consider any public input, and consider staff's recommendation to approve as conditioned or amended.

Findings of Fact:

1. The Planning Commission heard this application at its regular meeting on June 12, 2002, and forwards a positive recommendation to the City Council.
2. The condominium project known as the Three Kings Condominiums is located at 1420-1585 Three Kings Drive and is zoned RD-MPD.
3. Many different additions and alterations have been made to the deck and patio areas at the Three Kings Condos since the inception of the project in 1971.
4. The existing decks and patios are not indicated on the site plan (sheet 1) of the existing condominium record of survey plat but are situated in areas classified as common area.

5. Consistent with the Condominium Ownership Act, Staff has prohibited any further conversions to private ownership of these common areas without an amendment to the record of survey to allow these conversions.
6. The proposed amended record of survey changes the type of ownership of common deck and patio areas to private ownership.
7. A vote of 66.66% or more for approval of the amendment was received by the members of the Homeowners Association. A letter confirming this vote has been received by the Planning Department.
8. This application is to amend sheets 2,3,4, and 5 of the Three Kings Condominiums. Sheet 1 shall remain intact.
9. The existing decks and patios are not indicated on the site plan (sheet 1) of the existing condominium record of survey plat but are situated in areas classified as common area. Consequently, the site plan is lacking in sufficient detail to accurately describe all the existing improvements made to these areas.
10. The existing units vary in size and average approximately 1,250s.f.. The conversions of common area to private ownership will add approximately 225 s.f. to each unit resulting in an average of 1,475 s.f. for each unit.
11. The parking requirement for multi-unit dwellings stipulates that any unit between 1,000 - 2,499 s.f. requires two parking spaces per dwelling. The additional square footage does not trigger the need for expanded parking.
12. If the deck and patio area for each unit is privatized, 73% open space for the entire project will still be maintained.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Three Kings Condominiums project continue to apply.

4. In all cases where necessary in the opinion of the Community Development Department, a certified survey will be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations.
5. Converted Private area cannot be used to create a lockout unit.

EXHIBITS

Exhibit A - Location Map

Exhibit B - Site Plan / Open Space Exhibit

Exhibit C - Amended Record of Survey (sheets 2-5)

Exhibit D - Confirmation of Homeowners vote

Exhibit E - Ordinance

AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY FOR THREE KINGS
CONDOMINIUMS, LOCATED AT 1420-1585 THREE KINGS DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1420-1585 Three Kings have petitioned the
City Council for approval of an amended Record of Survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 12, 2002, to receive input
on the proposed record of survey plat;

WHEREAS, the Planning Commission, on June 12, 2002, forwarded a positive recommendation
to the City Council; and,

WHEREAS, on June 27, 2002, the City Council held a public hearing and approved the
proposed record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey plat.

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

SECTION 1. APPROVAL. The Record of Survey plat as shown in Exhibit A is approved subject
to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

6. The Planning Commission heard this application at its regular meeting on June 12, 2002,
and forwards a positive recommendation to the City Council.

7. The condominium project known as the Three Kings Condominiums is located at 1420-1585 Three Kings Drive and is zoned RD-MPD.
8. Many different additions and alterations have been made to the deck and patio areas at the Three Kings Condos since the inception of the project in 1971.
9. The existing decks and patios are not indicated on the site plan (sheet 1) of the existing condominium record of survey plat but are situated in areas classified as common area.
10. Consistent with the Condominium Ownership Act, Staff has prohibited any further conversions to private ownership of these common areas without an amendment to the record of survey to allow these conversions.
11. The proposed amended record of survey changes the type of ownership of common deck and patio areas to private ownership.
12. A vote of 66.66% or more for approval of the amendment was received by the members of the Homeowners Association. A letter confirming this vote has been received by the Planning Department.
13. This application is to amend sheets 2,3,4, and 5 of the Three Kings Condominiums. Sheet 1 shall remain intact.
14. The existing decks and patios are not indicated on the site plan (sheet 1) of the existing condominium record of survey plat but are situated in areas classified as common area. Consequently, the site plan is lacking in sufficient detail to accurately describe all the existing improvements made to these areas.
15. The existing units vary in size and average approximately 1,250s.f.. The conversions of common area to private ownership will add approximately 225 s.f. to each unit resulting in an average of 1,475 s.f. for each unit.
16. The parking requirement for multi-unit dwellings stipulates that any unit between 1,000 - 2,499 s.f. requires two parking spaces per dwelling. The additional square footage does not trigger the need for expanded parking.
17. If the deck and patio area for each unit is privatized, 73% open space for the entire project will still be maintained.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Three Kings Condominiums project continue to apply.
4. In all cases where necessary in the opinion of the Community Development Department, a certified survey will be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations.
5. Converted Private area cannot be used to create a lockout unit.

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

PASSED AND ADOPTED this 27th day of June, 2002.

DATE: July 27, 2002
DEPARTMENT: Planning Department
TITLE: Amendment to Record of Survey -Sterlingwood Condominiums
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION: Conduct a public hearing, consider public input, and consider staff's recommendation to approve as conditioned or amended.

(11) Topic

Applicant: Sterlingwood Condominium Homeowners Association
Applicant's Representative: Brent Gold
Project Address: 7800 Royal Street East
Zoning: RD - MPD
Adjacent Land Uses Residential condominium, Open Space (ski run), Silver Lake Lodge

Project Planner Jonathan Weidenhamer

(12) Background

Sterlingwood Condominiums consist of four different typical unit floor plans. This application is to amend the floor plan for units 10 - 15. The existing deck area for these units are indicated on the existing condominium record of survey plat as "Limited Common" area on the main level and "Common Area" on the lower and upper levels(Exhibit B - Existing Record of Survey). Consistent with the Condominium Ownership Act, Staff has prohibited any further conversions to private ownership of these common areas without an amendment to the record of survey to allow these conversions.

At this time the Homeowners Association proposes to amend the existing condominium record of survey plat to allow the common deck area at the upper level and the limited common deck at the main level to be converted to "Convertible Space" and subsequently converted to private ownership at the discretion of the individual owner subject to HOA approval. This application also proposes to amend the record of survey plat to allow the common deck area on the lower level to be converted directly to private ownership (Exhibit C - First Amended Record of Survey for Sterlingwood).

The Planning Commission heard this application at its regular meeting on June 12, 2002, and forwards a positive recommendation to the City Council.

(13) Analysis

This process allows an administrative process by which an individual unit owner can change "convertible" area to private ownership with homeowners association approval. The value in this type of process prevents excess cost and time processing individual record of survey amendments for each deck enclosure.

The existing units are 2,618 s.f.. The conversions of all deck areas to private ownership will add 400 square feet to each unit resulting in 3,018 s.f. for each unit. The parking requirement for multi-unit dwellings stipulates that any unit over 2,500 s.f. requires three parking spaces. Each unit addressed in this application can provide at least four on-site parking spaces.

Prior to approval, the condominium association will submit amended CC&R's to the City for review. They have provided confirmation of a home owners vote exceeding 2/3 majority to support this application (Exhibit D). In all cases, a certified survey will be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations. A Condition of Approval will reflect this.

(14) Department Review

This project has gone through an interdepartmental review team. There are no outstanding issues. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code prior to recordation.

(15) Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also placed in the Park Record. No public input has been received by the time of this report.

SIGNIFICANT IMPACTS

Failure to amend the Record of Survey will prohibit unit owners from converting common and limited common decks and patios into private area.

RECOMMENDATION

The staff recommends that the City Council Conduct a public hearing, consider any public input, and consider staff's recommendation to approve as conditioned or amended.

Findings of Fact:

1. The Planning Commission heard this application at its regular meeting on June 12, 2002, and forwards a positive recommendation to the City Council.
2. Sterlingwood Condominiums consist of four different typical unit floor plans. This application is to amend the floor plan for units 10 - 15.
3. The existing deck area for units 10 - 15 are indicated on the existing condominium record of survey plat as "Limited Common" area on the main level and "Common Area" on the lower and upper levels.

4. Consistent with the Condominium Ownership Act, Staff has prohibited any further conversions to private ownership of these common areas without an amendment to the record of survey to allow these conversions.
5. At this time the applicant proposes to amend the existing condominium record of survey plat to allow the existing common deck area at the upper level and the existing limited common deck at the main level to be converted to “Convertible Space” and subsequently converted to private ownership at the discretion of the individual owner subject to HOA approval.
6. This application also proposes to amend the record of survey plat to allow the common deck area on the lower level to be converted directly to private ownership.
7. The existing units are 2,618 s.f.. The conversions of all deck areas to private ownership will add 400 square feet to each unit resulting in 3,018 s.f. for each unit.
8. The parking requirement for multi-unit dwellings stipulates that any unit over 2,500 s.f. requires three parking spaces. Each unit addressed in this application can provide at least four on-site parking spaces.
9. The applicant has provided confirmation of a home owners vote exceeding 2 / 3 majority to support this application.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey and declaration of condominium for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year’s time, this approval and the plat will be void.
3. All other conditions of approval of the Sterlingwood Condominiums project continue to apply.
4. Converted Private area cannot be used to create a lockout unit.
5. A note shall be added to the plat outlining the administrative process whereby building permits may be issued to unit owners desiring to construct additions in the convertible space created by this plat. The plat note shall provide that no building permits shall be issued for unit additions within the convertible space unless and until: (1) The Park City Community Development Department (CDD) has received a copy of the recorded Notice of Conversion described as plat note number 5; (2) The CDD has reviewed the application for compliance with any underlying Conditional Use Permit, Master Planned Development, or other conditions of approval; and (3) Notice of the application has been

sent to all Sterlingwood unit owners stating that anyone objecting to the application may file written objection within ten days of the date of notice. Anyone filing such objection shall be entitled to an administrative hearing before the CDD director.

EXHIBITS

Exhibit A - Location Map

Exhibit B - Ordinance

Exhibit C - First Amended Record of Survey for Sterlingwood

Exhibit D - Confirmation of Homeowners vote

AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY FOR STERLINGWOOD
CONDOMINIUMS LOCATED AT 7800 ROYAL STREET EAST, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 7800 Royal Street East have petitioned the
City Council for approval of an amended Record of Survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 12, 2002, to receive input
on the proposed record of survey plat;

WHEREAS, the Planning Commission, on June 12, 2002, forwarded a positive recommendation
to the City Council; and,

WHEREAS, on June 27, 2002, the City Council held a public hearing and approved the
proposed record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey plat.

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

SECTION 1. APPROVAL. The Record of Survey plat as shown in Exhibit A is approved subject
to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

6. The Planning Commission heard this application at its regular meeting on June 12, 2002,
and forwards a positive recommendation to the City Council.

7. Sterlingwood Condominiums consist of four different typical unit floor plans. This application is to amend the floor plan for units 10 - 15.
8. The existing deck area for units 10 - 15 are indicated on the existing condominium record of survey plat as "Limited Common" area on the main level and "Common Area" on the lower and upper levels.
9. Consistent with the Condominium Ownership Act, Staff has prohibited any further conversions to private ownership of these common areas without an amendment to the record of survey to allow these conversions.
10. At this time the applicant proposes to amend the existing condominium record of survey plat to allow the existing common deck area at the upper level and the existing limited common deck at the main level to be converted to "Convertible Space" and subsequently converted to private ownership at the discretion of the individual owner subject to HOA approval.
11. This application also proposes to amend the record of survey plat to allow the common deck area on the lower level to be converted directly to private ownership.
12. The existing units are 2,618 s.f.. The conversions of all deck areas to private ownership will add 400 square feet to each unit resulting in 3,018 s.f. for each unit.
13. The parking requirement for multi-unit dwellings stipulates that any unit over 2,500 s.f. requires three parking spaces. Each unit addressed in this application can provide at least four on-site parking spaces.
14. The applicant has provided confirmation of a home owners vote exceeding 2/3 majority to support this application.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey and declaration of condominium for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Sterlingwood Condominiums project continue to apply.
4. Converted Private area cannot be used to create a lockout unit.
5. A note shall be added to the plat outlining the administrative process whereby building permits may be issued to unit owners desiring to construct additions in the convertible space created by this plat. The plat note shall provide that no building permits shall be issued for unit additions within the

convertible space unless and until: (1) The Park City Community Development Department (CDD) has received a copy of the recorded Notice of Conversion described as plat note number 5; (2) The CDD has reviewed the application for compliance with any underlying Conditional Use Permit, Master Planned Development, or other conditions of approval; and (3) Notice of the application has been sent to all Sterlingwood unit owners stating that anyone objecting to the application may file written objection within ten days of the date of notice. Anyone filing such objection shall be entitled to an administrative hearing before the CDD director.

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

PASSED AND ADOPTED this 27th day of June, 2002.

Date: June 27, 2002
Department: Planning Department
Title: Amendment to Record of Survey - Cole Sport at Silver Lake Village (Royal Plaza)
Type Of Item: Legislative

Summary Recommendation: Staff recommends that City Council approve the proposed amendment to the Record of Survey to Royal Plaza Condominiums, pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval.

(16) Topic

Applicant: Gary Cole - Cole Sport
Project Address: 7620 Royal Street
Zoning: RD - MPD
Adjacent Land Uses: Residential, Commercial, Deer Valley Ski Resort
Project Planner: Kevin LoPiccolo
Date of Application: April 26, 2002

(17) Background

This proposal is to amend the plat of Royal Plaza Condominiums to convert a portion of the presently platted common area of the project to private area for an addition to existing unit 101 (Cole Sport). The area proposed to be converted from common area and added to unit 101 consists of approximately 1,048 square feet (Exhibit A). The space presently serves as circulation to the entrance of the existing Cole Sport store.

The Planning Commission at their May 22, 2002 meeting reviewed this application request and forwarded a positive recommendation to the City Council.

Deer Valley has sent out ballots to the homeowners of the Royal Plaza seeking approval of this common area conversion at the June 13, 2002, the owners of Royal Street Condominiums voted 100% in support to allow Cole Sport conversion of a portion of the presently platted common area of the project to private area for an expansion to unit 101 (Cole Sport).

History

Royal Plaza is on Lot A of the Silver Lake Village No.1 Subdivision. Per the plat and the Deer Valley Special Exception Permit, the lot was approved for seven residential units and 14,400 square feet of commercial. The residential was developed under the LMC unit equivalent formula as 9 one bedroom units, 2 two bedroom units and 2 three bedroom units. A total of 15,757 square feet of office, commercial, meeting and support space was built of which 1,406 square feet qualified as support meeting space under the LMC 5%, leaving 13,264 square feet counted

against the 14,400 square feet approval for a difference of 1,136 square feet (Exhibit C, Eighth Amended). The proposed expansion is 1,048 square feet. Deer Valley has unused 7,259 square feet of commercial space in the Silver Lake Community.

(18) Analysis

The proposed expansion of 1,048 square feet to Cole Sport will primarily be used for additional storage for their current operation. The net increase of floor area will not constitute sales area.

Staff has determined that sufficient parking exists to accommodate the proposed expansion. The existing parking garage is equitably owned by Royal Plaza, Mt.Cervin and Deer Valley. The parking garage contains 168 spaces apportioned by easements to Royal Plaza (58 spaces), Mt.Cervin (35 spaces) and Deer Valley Resort (75 Spaces). The Royal Plaza spaces are based on 15 spaces for the residential units (1 per unit for the 9 one bedroom units and 1.5 per unit for the 4 two and three bedroom units) and 43 spaces for the 14,400 plat allotted commercial space (14,400 at 3 spaces per thousand square feet) for a total of 58 spaces.

The 168 spaces in the Silver Lake garage are not designated by plat to individual units or stores. In practice, there is 1 space per residential unit designated as reserved by sign area and the balance of the parking is operated with a parking sticker program for tenants and a charge for non tenants users unless those users obtain a validation.

Department Review

This project has gone through an interdepartmental review team. There are no outstanding issues, but the Building Official will need to address with the applicant the required building separation between the expansion of Cole Sport and the adjacent plaza area. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code prior to recordation.

(19) Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also placed in the Park Record. No public input has been received by the time of this report.

Significant Impacts

Denial of applicant's proposal to amend the Record of Survey will prohibit unit 101 owner (Cole Sport) from converting common area to private area which to accommodate expansion of the unit.

Recommendation

The staff recommends that the City Council approve the amended record of survey based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. Cole Sport is located in unit 101 of the Royal Plaza Condominiums at Silver Lake Village. The area is zoned RD-MPD.
2. The proposed amended record of survey allows for the conversion of common area to private area.
3. A total of 1048 square feet of common area is to be converted to private area. The new private area will be added to unit 101.
4. The applicant has received 100% of the unit owners approval.
5. The State Condominium Act requires 2/3 unit owner approval.
6. The expansion will be used for additional storage area for Cole Sport.
7. There is sufficient parking to accommodate the proposed expansion.
8. Deer Valley contains 168 parking spaces apportioned by easements to Royal Plaza, Mt.Cervin.
9. The Planning Commission forwarded a positive recommendation to the City Council at their May 22, 2002 meeting.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey and declaration of condominium for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. The applicant's proposal to construct a 1,048 square foot addition will require a Building Permit and approval from the Planning Department.

Exhibits

Exhibit A - Location Map

Exhibit B - Site Plan

Exhibit C - Proposed Amended Record of Survey

Exhibit D - Royal Street HOA Minutes

Exhibit E - Planning Commission Minutes

Exhibit E - Draft Ordinance