

**COUNCIL AGENDA REPORT**

**DATE:** June 8, 1995  
**DEPARTMENT:** Community Development Department  
**AUTHOR:** Kirsten Whetstone  
**TITLE:** Plat Amendment to the American Flag Subdivision, Lots 88 and 89  
**TYPE OF ITEM:** Legislative

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**SUMMARY RECOMMENDATIONS:**

Adopt the ordinance amending the plat at 349 Centennial Circle, specifically Lots 88 and 89 of the American Flag Subdivision, to move the common lot line 10' to the west and parallel to the existing lot line in order to increase the size of Lot 89.

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**DESCRIPTION:****A. Topic.****PROJECT STATISTICS**

|                              |                                                                       |
|------------------------------|-----------------------------------------------------------------------|
| <b>Applicant:</b>            | <b>Paul Weber, Gary B. Francis, Inc.</b>                              |
| <b>Proposal:</b>             | <b>Plat amendment for Lots 88 and 89 of American Flag Subdivision</b> |
| <b>Zoning:</b>               | <b>RD-MPD, Residential Development-Master Planned Development</b>     |
| <b>Adjacent Land Uses:</b>   | <b>Residential</b>                                                    |
| <b>Date of Application:</b>  | <b>April 27, 1995</b>                                                 |
| <b>Project Planner:</b>      | <b>Kirsten A. Whetstone</b>                                           |
| <b>Staff Recommendation:</b> | <b>Approve with condition</b>                                         |

## **B. Background.**

The applicant, Paul Weber, represents the owners, William and Alice Bierer. The Bierers own Lots 88 and 89 American Flag Subdivision. The property is located at 349 Centennial Circle (See Exhibit A). Both lots are currently vacant. The owners would like to build a single family house on Lot 89. A future deck and hot tub on the west side of the house would encroach into the current side yard setback. If the lot line adjustment is approved, Lot 89 would be large enough to accommodate the proposed house plans, including the deck and hot tub, meeting all setbacks (see Exhibit B).

The American Flag Subdivision was approved in September of 1979. Lot 88 is 15,524 sq. ft. and Lot 89 is 14,678 sq. ft. in size. If the plat amendment is approved Lot 88 will be 14,290 sq. ft. and Lot 89 will be 15,912 sq. ft. in size (see Exhibit C). Lots in American Flag Subdivision range in size from several acres to 14,000 sq. ft.

Property owners within 300' and within the affected plat were sent notice of this proposal. The Planning Department has received a few calls from affected property owners asking for more information about the plat amendment, but at this time, no specific concerns have been raised.

## **C. Analysis.**

If this subdivision amendment is approved, one single family house could still be constructed on each lot. There are no maximum floor area requirements recorded with the American Flag Subdivision plat. Setbacks are according to the plat, with 25' front, 12' side, and 15' rear setbacks. The plat amendment does not create substandard building lots. The two lots will be comparable in size to the surrounding lots. It will be feasible to construct houses on these lots that are comparable in size to the neighboring houses.

### **Findings:**

Staff supports this plat amendment as it creates a legal document to describe the adjustment of a lot line by 10'. Staff finds that impacts to the City and surrounding neighborhood are not significant. There will be no change in the density, as no additional lots are created as a result of the amendment. Staff has reviewed the RD-MPD requirements for the American Flag Subdivision and finds that the size of house that will be allowed on the new lots will not be out of scale with houses in the surrounding area.

### **Conclusions of Law:**

1. There is good cause for the amendment as the reconfiguration will prevent encroachment into a setback, no additional lots are created, and the lots that are created are comparable in size to other lots in the American Flag Subdivision.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

**D. Department Review.**

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

**ALTERNATIVES:**

- A. Deny the amendment to the American Flag Subdivision plat thereby retaining the original size of Lots 88 and 89.
- B. Approve the amendment to the American Flag Subdivision plat and allow the new configuration and size of lots 88 and 89.
- C. Continue the item and request evaluation and recommendations from Staff.

**SIGNIFICANT IMPACTS:**

There are no significant impacts resulting from this plat amendment.

**CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:**

If the Council chooses not to approve the plat amendment as proposed, the applicant will retain the right to construct one house on each lot. Each house will have to meet the setbacks as required by the American Flag Subdivision plat.

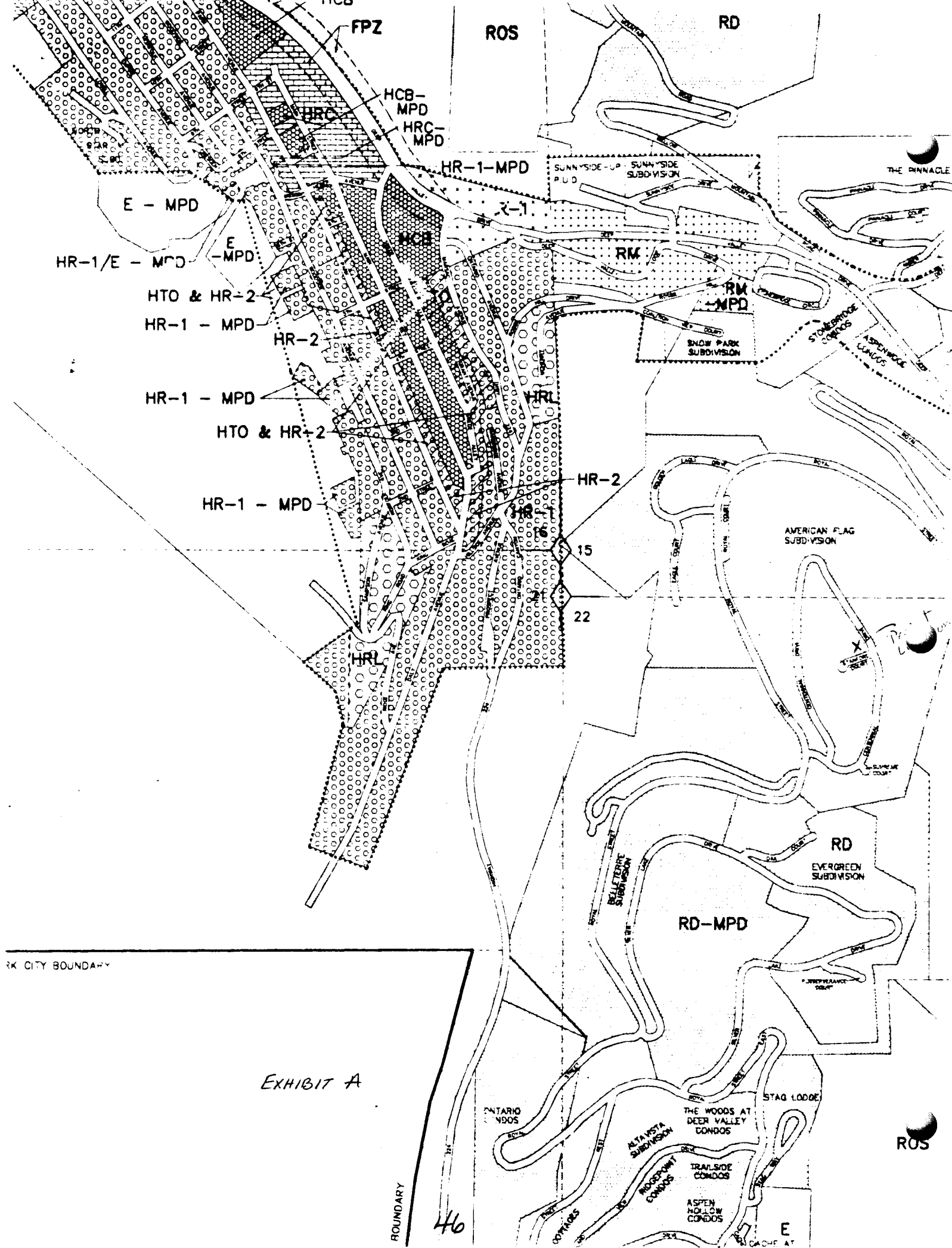
**RECOMMENDATION:**

The Staff recommends that the Council select Alternative B and approve the proposed plat amendment subject to the following condition:

- 1. **Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat.**

**EXHIBITS**

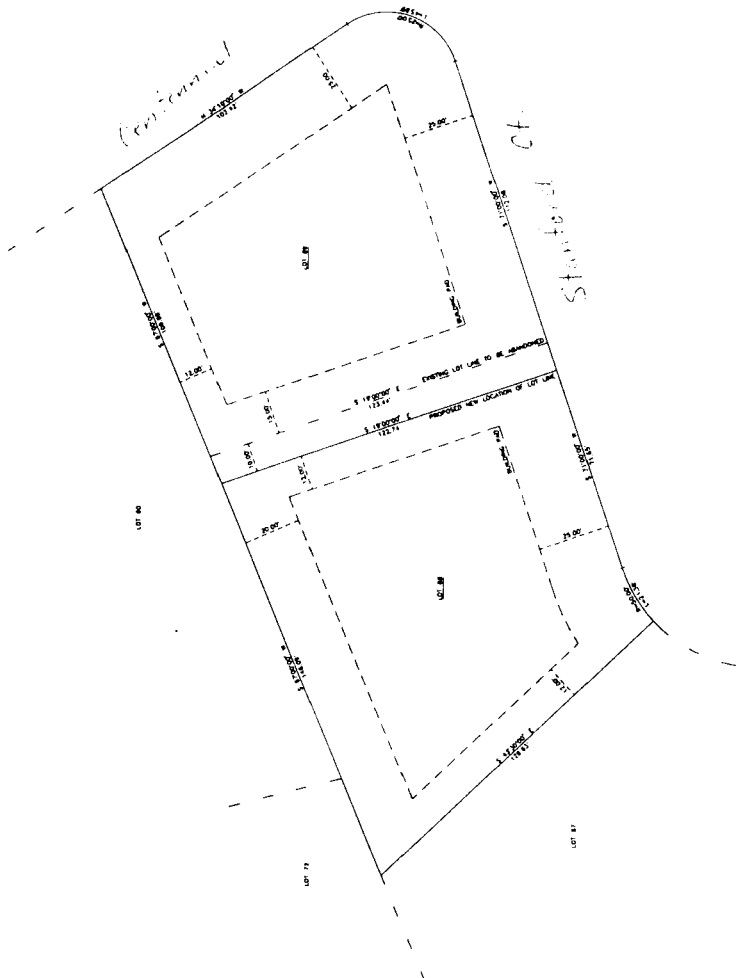
**EXHIBIT A- LOCATION MAP**  
**EXHIBIT B- PROPOSED PLAT AMENDMENT**  
**EXHIBIT C- SQUARE FOOTAGE DIAGRAM**



LOTS 88 AND 89 AMERICAN FLAG SUBDIVISION PLAT AMENDMENT

EXHIBIT B

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NOT TO SCALE

NOTES

|   | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9  | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99  | 100 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |     |

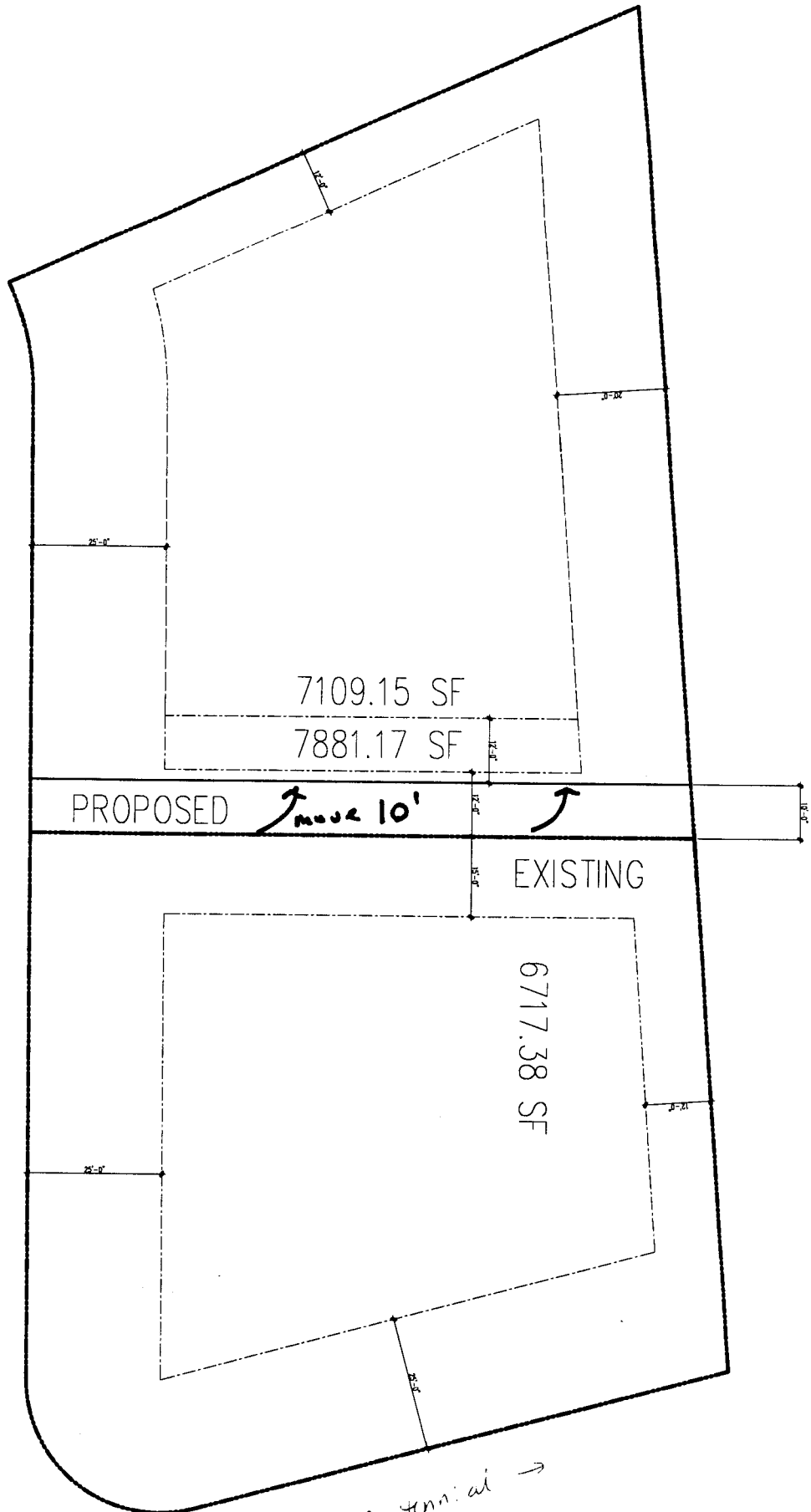
**SURVEYOR'S CERTIFICATE**

I, JOHN J. HARRIS, COUNTY CLERK, being duly sworn, depose and say that the foregoing is a true and correct copy of the original record of the said instrument, as the same appears from the records of the County of San Diego, State of California, and that the same is a true and correct copy of the original record of the said instrument, as the same appears from the records of the County of San Diego, State of California, and that the same is a true and correct copy of the original record of the said instrument, as the same appears from the records of the County of San Diego, State of California.

**LEGAL DESCRIPTION**

Lot 1 of Block 1 of Subdivision 1 of Section 11 and 12 of Township 1 North, Range 1 East, San Diego Meridian, and containing 1.00 acre, more or less, situated in the County of San Diego, State of California.

|                                                                      |  |                                                                       |  |                                                                                  |  |                                                                                  |  |                                                                        |  |                                                                                      |  |                                       |  |
|----------------------------------------------------------------------|--|-----------------------------------------------------------------------|--|----------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------|--|------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------|--|---------------------------------------|--|
| CITY COUNCIL                                                         |  | CITY ENGINEER                                                         |  | CITY PLANNING COMMISSION                                                         |  | CITY ATTORNEY                                                                    |  | SNYDERVILLE BASIN SEWER<br>IMPROVEMENT DISTRICT                        |  | RECEIVED                                                                             |  | COUNTY RECORDS                        |  |
| APPROVED BY THE PARK CITY COUNCIL ON<br>THIS _____ DAY OF _____ 1995 |  | APPROVED BY THE PARK CITY ENGINEER ON<br>THIS _____ DAY OF _____ 1995 |  | APPROVED BY THE PARK CITY PLANNING COMMISSION<br>ON THIS _____ DAY OF _____ 1995 |  | APPROVED AS TO FORM BY THE PARK CITY ATTORNEY ON THIS<br>_____ DAY OF _____ 1995 |  | APPROVED AND ACCEPTED BY S.B.S.I.D. ON<br>THIS _____ DAY OF _____ 1995 |  | STATE OF UTAH<br>COUNTY OF SUMMIT<br>RECORDED AND INDEXED AT THE<br>REQUEST OF _____ |  | DATE _____<br>TIME _____<br>FEE _____ |  |
| MAJOR _____                                                          |  | CITY ENGINEER _____                                                   |  | CHAIRMAN _____                                                                   |  | CITY ATTORNEY _____                                                              |  | AUTHORIZED AGENT FOR S.B.S.I.D. _____                                  |  | DATE _____                                                                           |  | COUNTY RECORDS                        |  |
| CITY RECORDS _____                                                   |  |                                                                       |  |                                                                                  |  |                                                                                  |  |                                                                        |  | JAN 17 1995                                                                          |  |                                       |  |



SCALE: = 1" = 30' **PROPOSED**

APR 7 1995

EXHIBIT C

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Centennial →

**Ordinance No. 95-**

**AN ORDINANCE APPROVING AN AMENDMENT TO THE  
AMERICAN FLAG SUBDIVISION, LOTS 88 AND 89,  
LOCATED AT 349 CENTENNIAL CIRCLE  
PARK CITY, UTAH**

WHEREAS, the owners of the property known as Lots 88 and 89 of the American Flag Subdivision have petitioned the City Council for approval of an amendment to the American Flag Subdivision plat;

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

WHEREAS, the City Council held a public hearing on June 8, 1995 to receive input on the proposed amendment; and

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

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

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

**SECTION 2. PLAT APPROVAL.** The amendment to the American Flag Subdivision plat, Lots 88 and 89, is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation the City Attorney and City Engineer shall review and approve the final plat.
2. All conditions of approval of the American Flag Subdivision shall remain in full force and effect.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 8th day of June, 1995.

PARK CITY MUNICIPAL CORPORATION

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Mayor Bradley A. Olch

Attest:

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Janet M. Scott, Deputy City Recorder

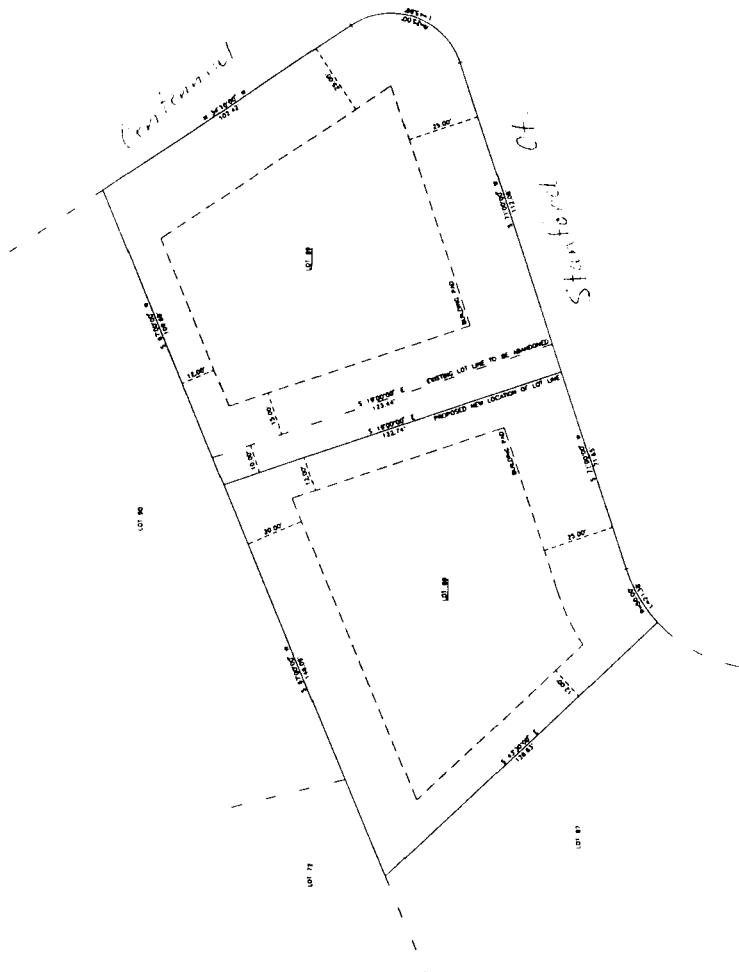
Approved as to form:

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Mark D. Harrington, Assistant City Attorney

# FLAT AIVILINDIVILINI

LOTS 88 AND 89 AMERICAN FLAG SUBDIVISION PLAT AMENDMENT



NOT TO SCALE

NOTES:  
1. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY OF UTAH AND HAS FOUND NO OTHER RECORDS AFFECTING THIS SURVEY.

**SURVEYOR'S CERTIFICATE**  
I, the undersigned, being a duly qualified and licensed Surveyor under the laws of the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original survey records on file in my office, and that the same have been compared with the original records and found to be correct.

**LEGAL DESCRIPTION**  
The above described land is situated in the County of Utah, State of Utah, and is more particularly described as follows: ...

|                                                                                                                                       |                         |                                                                                    |                                                                                                    |                                                                              |                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| DATE<br>1995                                                                                                                          | COUNTY RECORDER<br>1995 | CITY ATTORNEY<br>APPROVED AS TO FORM BY THE MAJORITY ATTORNEY ON THIS DATE OF 1995 | CITY PLANNING COMMISSION<br>APPROVED BY THE MAJORITY CITY PLANNING COMMISSION ON THIS DATE OF 1995 | CITY ENGINEER<br>APPROVED BY THE MAJORITY CITY ENGINEER ON THIS DATE OF 1995 | CITY COUNCIL<br>APPROVED BY THE MAJORITY CITY COUNCIL ON THIS DATE OF 1995 |
| SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT<br>APPROVED AND ACCEPTED BY \$85.00 ON THIS DATE OF 1995<br>AUTHORIZED AGENT FOR \$85.00 |                         |                                                                                    |                                                                                                    |                                                                              |                                                                            |

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EXHIBIT A



## COUNCIL AGENDA REPORT

DATE: May 25, 1995  
DEPARTMENT: Community Development Department  
AUTHOR: Nora Seltenrich  
TITLE: Bristlecone Subdivision  
TYPE OF ITEM: Legislative

### SUMMARY RECOMMENDATIONS: Conditional Approval

#### DESCRIPTION:

##### A. Topic.

#### PROJECT STATISTICS:

|                       |                                          |
|-----------------------|------------------------------------------|
| Applicant:            | Kevin Ludlow for Bristlecone Development |
| Location:             | Formerly know as Fawngrove Phase III     |
| Zoning:               | RD-MPD                                   |
| Adjacent Land Uses:   | Open Space, Multifamily residential      |
| Date of Application:  | May 10, 1995                             |
| Project Planner:      | Nora Seltenrich                          |
| Staff Recommendation: | Approve with conditions                  |

##### B. Background.

The Planning Commission approved the Bristlecone MPD on April 27, 1995. As a condition of that approval, the applicant was required to file a formal subdivision plat splitting the Bristlecone parcel off from the balance of the Fawngrove parcel.

Originally, this parcel was shown as expandable area for the Fawngrove development. The parcel was not developed as a part of Fawngrove and was sold to new owners. This process formalizes that land division which occurred by transfer of title only.

The Bristlecone MPD is to be developed as a separate MPD, not associated with Fawngrove in any way. Bristlecone will have their own Declaration and Covenants and

will not be under the Fawngrove Condominium Declaration and Covenants.

**C. Analysis**

The City Engineer and City Attorney have reviewed the plat and have recommended some minor modifications prior to recordation.

**D. Department Review.**

The Staff has reviewed this and finds it to be formalization of an existing subdivision.

**ALTERNATIVES**

- A. Approve the request for final subdivision plat.**
- B. Deny the request and require the applicant to develop Bristlecone as Phase III of Fawngrove.**
- C. Continue and request for additional information.**

**RECOMMENDATION:**

Staff recommends approval of the proposed final plat with the following findings, conclusions and conditions:

**Findings:**

1. Fawngrove Phase III was never developed as a part of the Fawngrove project.
2. The expandable area previously referred to as Phase III was sold off separately from the Fawngrove project.
3. The parcel has density as designated in the Deer Valley MPD.
4. The proposed Bristlecone MPD is to be developed as a separate and distinct project.

**Conclusions of Law:**

1. This subdivision is required under the provisions of Chapter 15 of the Land Management Code.
2. This in no way grants approval of the condominium plat for the Bristlecone project, it merely formally and legally divides the parcel from the Fawngrove project.
3. The subdivision is not detrimental to the health, safety and welfare of the citizens of Park City.

**Conditions:**

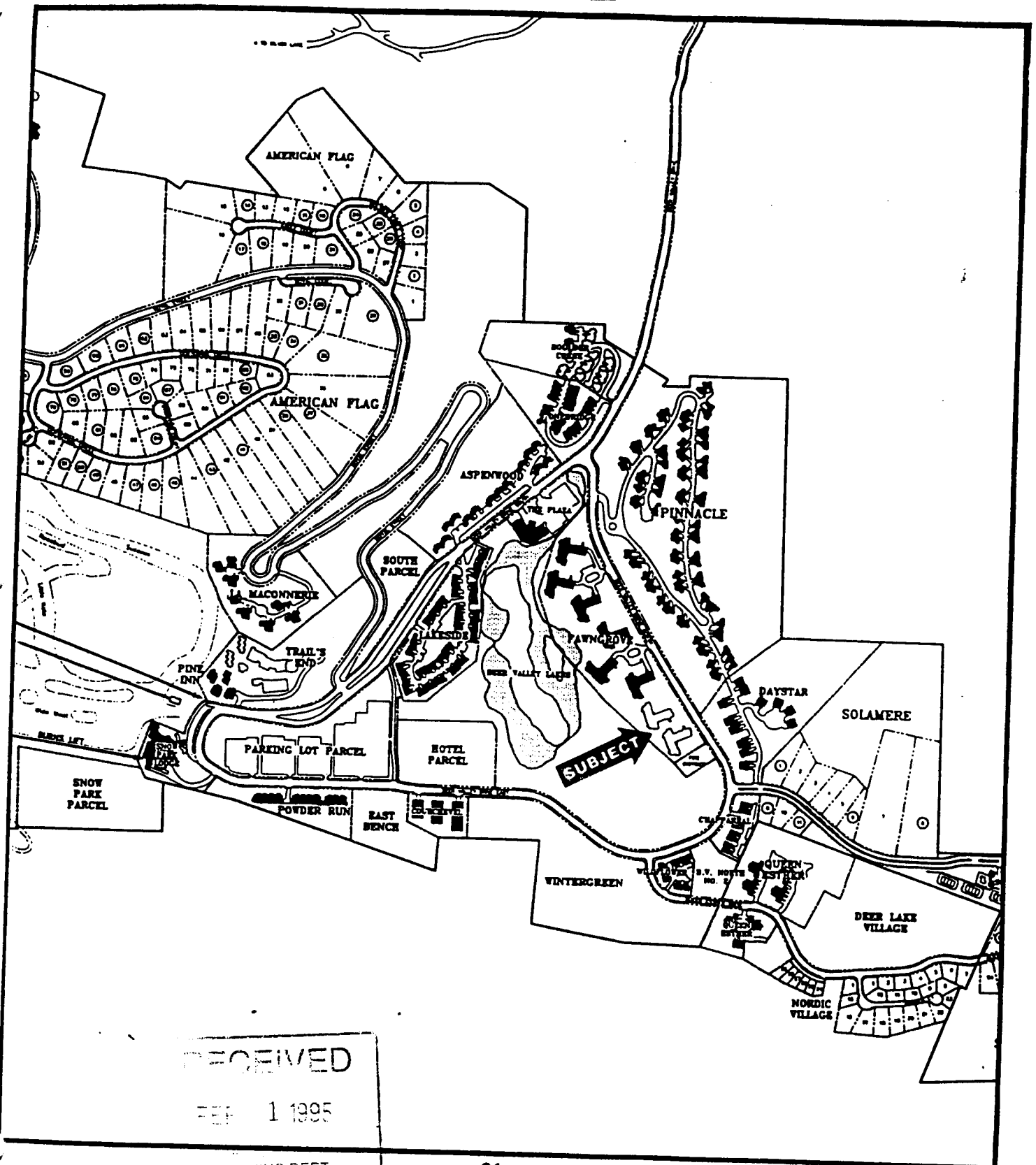
1. The City Attorney and City Engineer shall be required to review and approve the subdivision plat and required Title Report.

**Attachments**

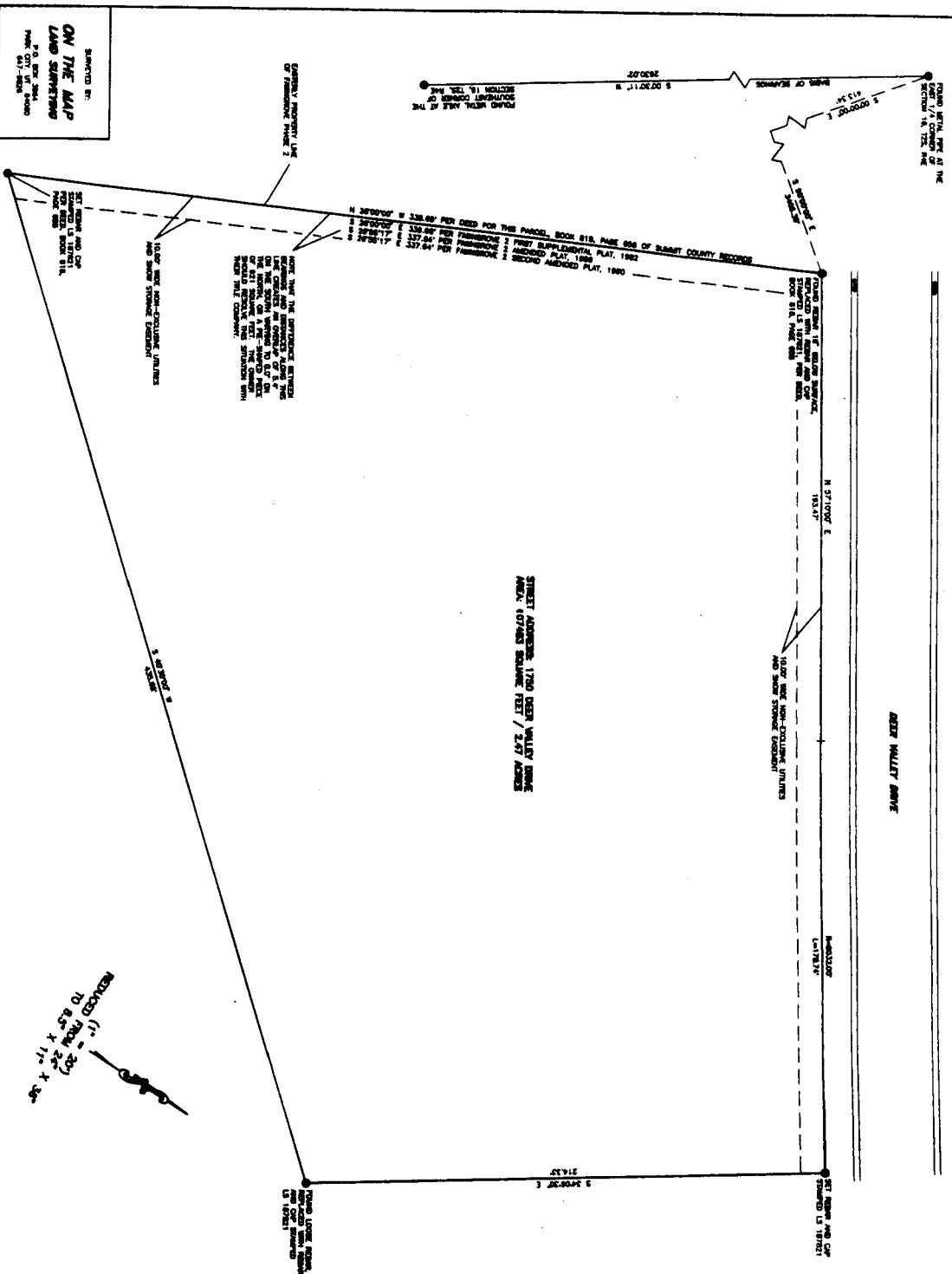
Exhibit A: Location Map

Exhibit B: Ordinance and Plat

SNOW PARK MAP



RECORD OF SURVEY  
PARCEL IN SECTION 15, T2S, R4E, SUBRA  
BRISTLECONE OF DEER VALLEY



**OWNER'S CONSENT TO RECORD**  
I, the undersigned, being the owner of the above described land, do hereby consent to the recording of this plat, and I do hereby certify that the same is a true and correct copy of the original survey.

WITNESSED BY ME, THE OWNER, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

**ACKNOWLEDGEMENT**

County of \_\_\_\_\_ State of \_\_\_\_\_  
I, the undersigned, being the owner of the above described land, do hereby acknowledge the recording of this plat, and I do hereby certify that the same is a true and correct copy of the original survey.

WITNESSED BY ME, THE OWNER, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

**RECORDING CERTIFICATE**

I, the undersigned, being the owner of the above described land, do hereby certify that the same is a true and correct copy of the original survey.

**NOTES**  
1. The bearing of the line between the land of the owner and the land of the owner is as shown.  
2. The distance of the line between the land of the owner and the land of the owner is as shown.  
3. The area of the land of the owner is as shown.  
4. The area of the land of the owner is as shown.  
5. The area of the land of the owner is as shown.  
6. The area of the land of the owner is as shown.  
7. The area of the land of the owner is as shown.  
8. The area of the land of the owner is as shown.  
9. The area of the land of the owner is as shown.  
10. The area of the land of the owner is as shown.

DUPLICATE

|                                                                                                                                                          |  |                                                                                                                 |  |                                                                                                                                       |  |                                                                                                                 |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------|--|
| <b>CITY COUNCIL</b><br>APPROVED BY THE PARK CITY COUNCIL ON _____ DAY OF _____, 19____.<br>CITY RECORDS _____                                            |  | <b>CITY ENGINEER</b><br>APPROVED BY THE PARK CITY ENGINEER ON _____ DAY OF _____, 19____.<br>CITY RECORDS _____ |  | <b>CITY PLANNING COMMISSION</b><br>APPROVED BY THE PARK CITY PLANNING COMMISSION ON _____ DAY OF _____, 19____.<br>CITY RECORDS _____ |  | <b>CITY ATTORNEY</b><br>APPROVED BY THE PARK CITY ATTORNEY ON _____ DAY OF _____, 19____.<br>CITY RECORDS _____ |  |
| <b>SANDERVILLE BASIN SEWER IMPROVEMENT DISTRICT</b><br>APPROVED AND ACCEPTED BY STATE ON _____ DAY OF _____, 19____.<br>AUTHORIZED AGENT FOR STATE _____ |  |                                                                                                                 |  | <b>RECORDED</b><br>DATE _____ TIME _____<br>COUNTY OF _____ STATE OF _____<br>COUNTY RECORDS _____                                    |  |                                                                                                                 |  |

**AN ORDINANCE APPROVING A SUBDIVISION PLAT  
CREATING THE BRISTLECONE PARCEL  
IN PARK CITY, UTAH**

WHEREAS, Fawngrove Phase III was never developed as a part of the Fawngrove project; and

WHEREAS, the expandable area previously referred to as Phase III was sold off separately from the Fawngrove project; and

WHEREAS, the parcel has density as designated in the Deer Valley MPD; and

WHEREAS, the proposed Bristlecone MPD is to be developed as a separate and distinct project; and

WHEREAS, on May 24, 1995, the Planning Commission approved the plat:

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

**SECTION 1. Conclusions of Law:**

1. This subdivision is required under the provisions of Chapter 15 of the Land Management Code.
2. This in no way grants approval of the condominium plat for the Bristlecone project, it merely formally and legally divides the parcel from the Fawngrove project.
3. The subdivision is not detrimental to the health, safety and welfare of the citizens of Park City.

**SECTION 2. PLAT APPROVAL:** The Bristlecone plat is hereby approved with the following condition:

1. The City Attorney and City Engineer shall be required to review and approve the subdivision plat and required Title Report prior to plat recordation.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect immediately.

PASSED AND ADOPTED this 8th day of June, 1995.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

\_\_\_\_\_  
Anita Sheldon, City Recorder

Approved as to form:

\_\_\_\_\_  
Mark D. Harrington, Asst. City Attorney



## COUNCIL AGENDA REPORT

**DATE:** June 8, 1995  
**DEPARTMENT:** Planning Department  
**AUTHOR:** Stephen R. Call  
**TITLE:** Double Eagle P.U.D - 7900 Royal Street East  
**TYPE OF ITEM:** Phase II final plat

### SUMMARY RECOMMENDATIONS:

Receive public testimony and take action on the final plat for Double Eagle P.U.D. Phase II. Staff recommends approval of the Phase II plat.

### DESCRIPTION:

#### A. Topic.

Project Name: DOUBLE EAGLE AT SILVER LAKE PHASE II  
Applicant: A C Development, Inc.  
Location: 7900 Royal Street East  
Zoning: RD-MPD  
Adjacent Land Uses: Multi-family condominiums and ROS  
Date of Application: April 10, 1995  
Project Planner: Stephen R. Call  
Staff Recommendation: Approve with conditions.

#### B. Background.

On March 24, 1993 the Planning Commission forwarded a positive recommendation to the City Council on Double Eagle, an 18-unit Master Planned Development with conditions (see EXHIBIT B). The final plat for Phase I was recorded on April 6, 1994. Phase I included 10 units. The applicant is now proposing to complete the second and final phase. Phase II includes 8 units as approved by the Commissioners in March of 1993.

The final plat for phase II of Double Eagle was reviewed and a positive recommendation was forwarded by the Planning Commission on May 24, 1995.

**C. Analysis**

Double Eagle At Silver Lake Phase II is consistent with the original March 24, 1993 Planning Commission approval. All Conditions of Approval per EXHIBIT B still apply.

The landscape plan and public trails (along Royal Street East) have been approved.

**D. Department and Planning Commission Review.**

The Community Development Department and the City Attorney's office have reviewed this application. On May 25, 1995, the Planning Commission reviewed and approved the final plat with conditions.

**ALTERNATIVES**

- A. Approve the Double Eagle P.U.D. Phase II plat with conditions.**
- B. Continue the item for further discussion and input.**

**PUBLIC NOTICE AND COMMENTS:**

Notices were sent to all property owners within 300 feet of the project, including all Double Eagle Phase I property owners.

At the time of this report no comments have been received in opposition to this application.

**RECOMMENDATION:**

The staff recommends that the City Council conduct a public hearing and, if no additional information or testimony is received or presented that requires modifications, that they then approve the Double Eagle P.U.D. Phase II final plat with the following conditions:

1. Prior to plat recordation, the final plat and CC & R's shall be reviewed and approved by the City Engineer and City Attorney. The final plat shall reflect the designated utility and roadway easements as reviewed and approved by the City Engineer. The final plat shall also incorporate all the Final Conditions of Approval per Planning Commission Approval of March 24, 1993.
2. Prior to issuance of final Certificate of Occupancy, the developer shall repair and revegetate all related off site disturbance to the satisfaction of the Park City Community Development Department.

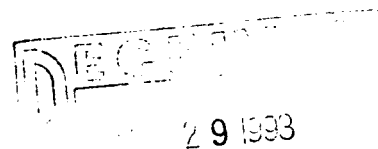
**EXHIBITS:**

**EXHIBIT A: Location Map**

**EXHIBIT B: Final Conditions of Approval per 3/24/93 Planning Commission**

**EXHIBIT C: Ordinance and final plat**

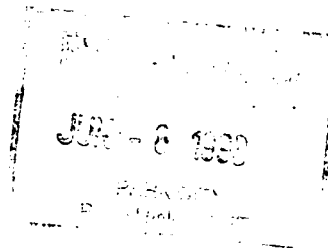




Department of Community Development  
Engineering • Building Inspection • Planning

March 25, 1993

Jeff Graham  
Jack Johnson Company  
1910 Prospector Avenue, Suite 200  
Park City, UT 84060



NOTICE OF PLANNING COMMISSION ACTION

Project Name: Double Eagle

Project Description: Approval of a 18-Unit Master Planned Development

Date of Meeting: March 24, 1993

Action Taken By Planning Commission: APPROVED

Conditions of Approval:

1. All standard conditions of approval apply.
2. All fire safety concerns specified by the Park City Fire Marshall must be addressed and resolved prior to building permit issuance or plat approval, whichever comes first.
3. A trails plan shall have been approved prior to plat recordation or building permit issuance, whichever comes first.
4. A final landscape plan shall be approved prior to plat recordation or building permit issuance, whichever comes first.
5. A security for public improvements and 125% of landscape costs, including trails, shall be posted prior to plat recordation.
6. A final limits of disturbance plan shall be approved by the Community Development Department prior to plat recordation or building permit issuance, whichever comes first. The plan shall include limits of disturbance for utilities as well as general construction.
7. Final design, materials, and color palette shall be approved

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**EXHIBIT B**

by the staff prior to issuance of building permits.

8. The entry sign must receive a sign permit and comply with the Sign Code.
9. A financial guarantee for site restoration shall be required prior to issuance of any permits for construction if any permits are issued before plat recordation.
10. The height of the structures shall be no greater than 30 feet to the midpoint of the roof and 35 feet to the peak.

Date of Expiration: March 24, 1994

Susan Lykes  
Susan Lykes  
Planner II

3/26/93  
Date

ACKNOWLEDGEMENT

I, the undersigned, hereby acknowledge the conditions by which the project referred to above was approved.

Jeffrey H. Gabe

Date 6/7/93

NO CONSTRUCTION SHALL BE PERMITTED UNTIL A SIGNED COPY OF THIS LETTER, SIGNIFYING CONSENT TO THE CONDITIONS OUTLINED ABOVE, HAS BEEN RETURNED TO THE PLANNING DEPARTMENT.

Ordinance No. 95-\_\_\_\_\_

**AN ORDINANCE APPROVING THE FINAL PLAT  
FOR DOUBLE EAGLE P.U.D. PHASE II, LOCATED AT 7900 ROYAL STREET EAST  
PARK CITY, UTAH**

WHEREAS, the owners of the property known as Double Eagle at Silver Lake Phase II petitioned the Planning Commission for approval of the final plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing to receive input on the proposed plat on May 24, 1995; and

WHEREAS, on May 24, 1995, the Planning Commission approved the final plat attached hereto as Attachment A;

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

**SECTION 1. CONCLUSIONS OF LAW.** The City Council concludes that it is in the best interest of Park City to approve the final plat and neither the public nor any person will be materially injured by the proposed plat..

**SECTION 2. PLAT APPROVAL.** The final plat is approved as shown on Attachment A with the following conditions:

1. Prior to plat recordation, the final plat and the Declaration of Protective Covenants shall be reviewed and approved by the City Engineer and City Attorney. The final plat shall reflect the designated utility easements as reviewed and approved by the City Engineer and the Final Conditions of Approval as approved by the Planning Commission on March 24, 1993.
2. Prior to issuance of final Certificate of Occupancy, the developer shall repair and revegetate all related off-site disturbance to the satisfaction of the Park City community Development Department.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall take effect immediately.

PASSED AND ADOPTED this 8th day of June, 1995.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

\_\_\_\_\_  
Janet M. Scott, Deputy City Recorder

Approved as to form:

\_\_\_\_\_  
Mark D. Harrington, Asst. City Attorney

RECEIVED

MAY 13 1995

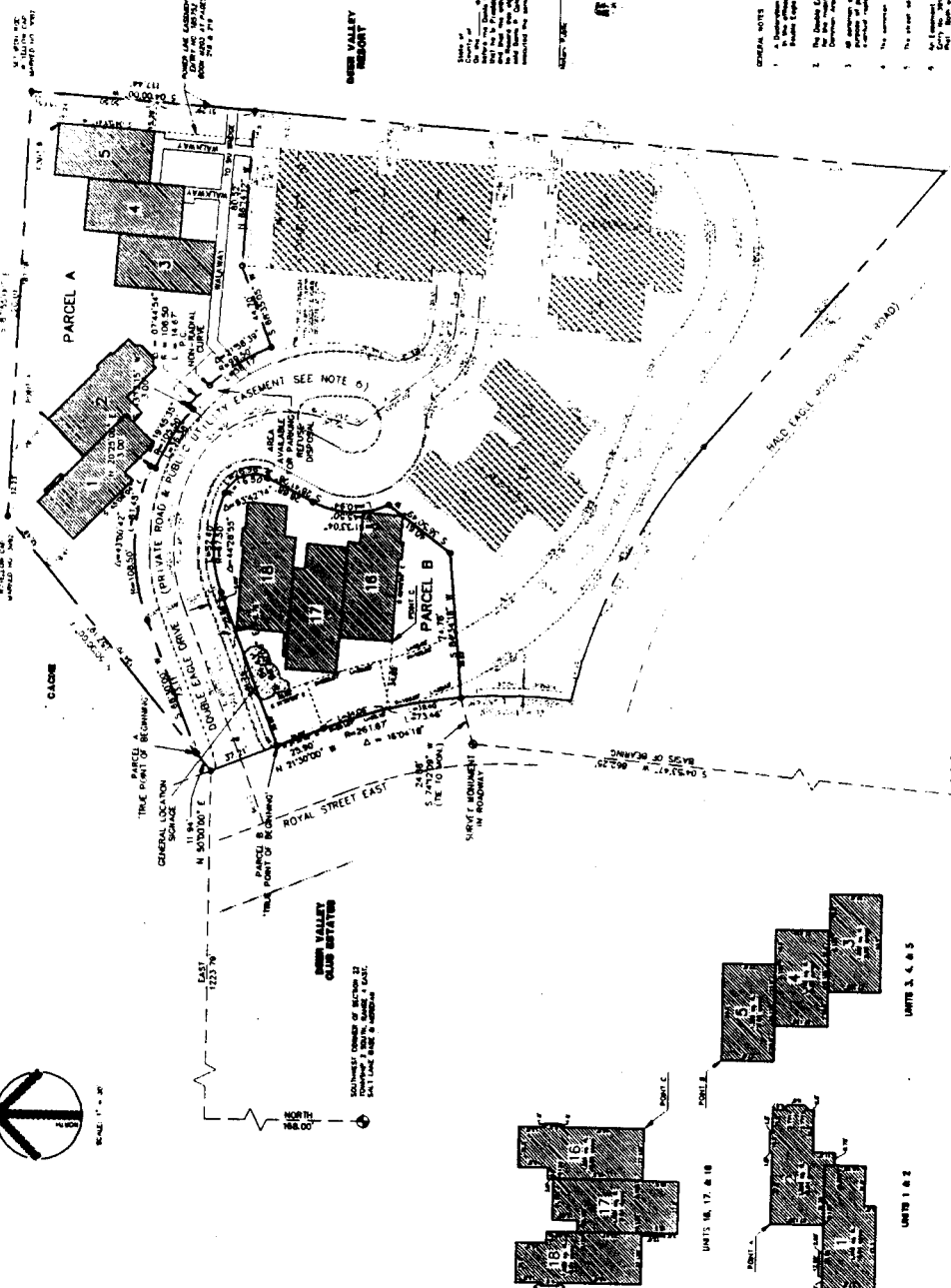
CITY  
PLANNING DEPT

# DOUBLE EAGLE AT SILVER LAKE PHASE II AN EXPANDED PLANNED UNIT DEVELOPMENT

LOCATED WITHIN SECTION 22, TOWNSHIP 33N, RANGE 11E, SHERIDAN CO., WY.



SCALE 1" = 20'



DOUBLE EAGLE DRIVE IS A PRIVATE ROAD AND IS INTENDED ALWAYS TO REMAIN A PRIVATE ROAD. MAINTENANCE COSTS WILL BE BORNE BY THE HOMEOWNERS ASSOCIATION.

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF  
CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
A.D. 19\_\_\_\_ AT WHICH TIME THIS  
PLANS OF SURVEY WAS APPROVED

CITY ENGINEER

APPROVED AND ACCEPTED BY THE  
CITY ENGINEERING DEPARTMENT  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
A.D. 19\_\_\_\_

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE  
CITY PLANNING COMMISSION ON THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_  
A.D. 19\_\_\_\_

SEWER DISTRICT APPROVAL

REVIEWED ON \_\_\_\_\_ DAY OF \_\_\_\_\_  
BASIN SEWER IMPROVEMENT DISTRICT  
STANDARDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
A.D. 19\_\_\_\_

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_  
A.D. 19\_\_\_\_

RECORDED

FILED IN \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_

THE JACK  
JOHNSON  
COMPANY

1910 Pennsylvania Avenue, Suite 100, Silver Lake, Idaho  
(800) 845-4000 • (208) 845-1830

ATTACHEMENT A  
Plat 66



## COUNCIL AGENDA REPORT

**DATE:** June 1, 1995  
**DEPARTMENT:** Leisure Services  
**AUTHOR:** Bob Johnston  
**TITLE:** Resolution Amending School Fields Master Plan  
**TYPE OF ITEM:** Adopt Resolution

---

**SUMMARY RECOMMENDATION:** Adopt resolution to amend School Fields Master Plan.

---

### DESCRIPTION:

**A. Topic:** Resolution amending School Fields Master Plan.

**B. Background:** In 1991, the Park City City Council adopted the "City/School Fields Master Plan." The purpose of the plan is to make recommendations that will guide the development of new facilities. These recommendations are intended to maximize the usefulness of the property without creating undue impacts upon the neighborhood or the property itself. Recommended changes to the plan are required to comply with the following process.

1. Changes initiated by staff (City or School)
2. Notification of changes to Council or Board.
3. Changes reviewed by Parks, Recreation, Beautification Advisory Board during publicly noticed meeting, followed my recommendation to City Council.
4. Changes approved or denied by City Council after a noticed public hearing.

**C. Analysis:** The area being proposed for change is area #1 as described in the plan. Exhibit "A" attached, represents the original approved fields layout for area #1. Attachment "B" represents the proposed changes.

The changes are being proposed for two reasons. First, the proposed layout better accommodates the plans for the new high school expansion. Second, the new location of the little league field allows for that facility to be depressed (lowered in elevation) accommodating the elementary schools request for open play area near the same elevation as the school.

**C. Department Review:** The proposed changes have been reviewed by the Parks Department, Recreation Services and Public Affairs. School District Administration has also reviewed and endorsed the plan.

The Parks, Recreation, Beautification Advisory Board held a public hearing regarding the proposed changes and is recommending the Council adopt the new layout provided minor modifications are made. See attached Parks, Recreation Beautification Advisory Board minutes. Those changes have been incorporated in the plan and will be presented in more detail during the presentation.

**RECOMMENDATION:** Adopt resolution amending School Fields Master Plan during the meeting on June 8, 1995.

**RESOLUTION AMENDING THE SCHOOL FIELDS MASTER PLAN  
DEVELOPED BY THE PARK CITY SCHOOL DISTRICT AND  
PARK CITY MUNICIPAL CORPORATION**

WHEREAS, the Park City Council adopted Resolution No. 38-91 on December 19, 1991, adopting and transmitting the tentative construction schedule for the school fields to the Park City School District and describing a process for continuing discussion of recreation and fields needs; and

WHEREAS, the Park City Council adopted Resolution No. 15-92 on April 30, 1992, adopting a School Fields Master Plan; and

WHEREAS, compliance with the required process for amendments to the School Fields Master Plan has been accomplished as the Parks, Recreation, and Beautification Board held a public hearing on May 17, 1995 and has rendered a positive recommendation to the City Council regarding the proposed changes; and

WHEREAS, a public hearing was held before the City Council at its regularly scheduled meeting of June 1, 1995; and

WHEREAS, the City Council finds it in the best interest of the community to amend the Master Plan which is intended to maximize the usefulness of the property without creating undue impacts upon the neighborhood or the property itself;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Park City Utah that:

**SECTION 1. AMENDMENT TO THE FIELDS MASTER PLAN ADOPTED.**

The City Council finds that the proposed amendment better accommodates the plans for the new high school expansion and that the relocation of the little league field provides an improved open play area for the elementary schools' use. The revisions are illustrated on Exhibit A, attached hereto, which is hereby adopted as an amendment to the Fields Master Plan.

**SECTION 2. EFFECTIVE DATE.** This Resolution shall become effective upon adoption of the amendment by the City Council and the Park City School District.

PASSED AND ADOPTED this 8th day of June, 1995.

PARK CITY MUNICIPAL CORPORATION

---

Mayor Bradley A. Olch

Attest:

---

Janet M. Scott, Deputy City Recorder

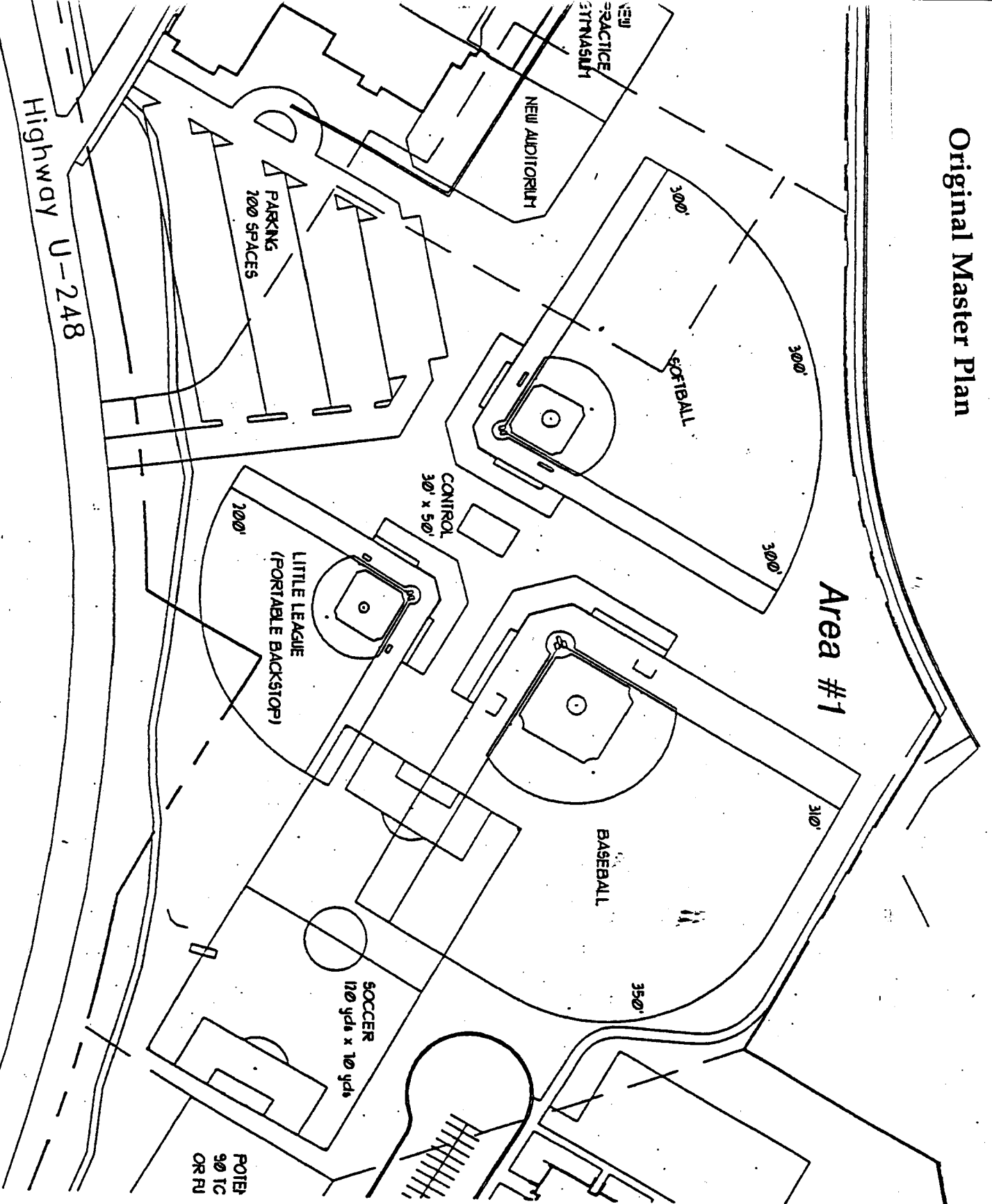
Approved as to form:

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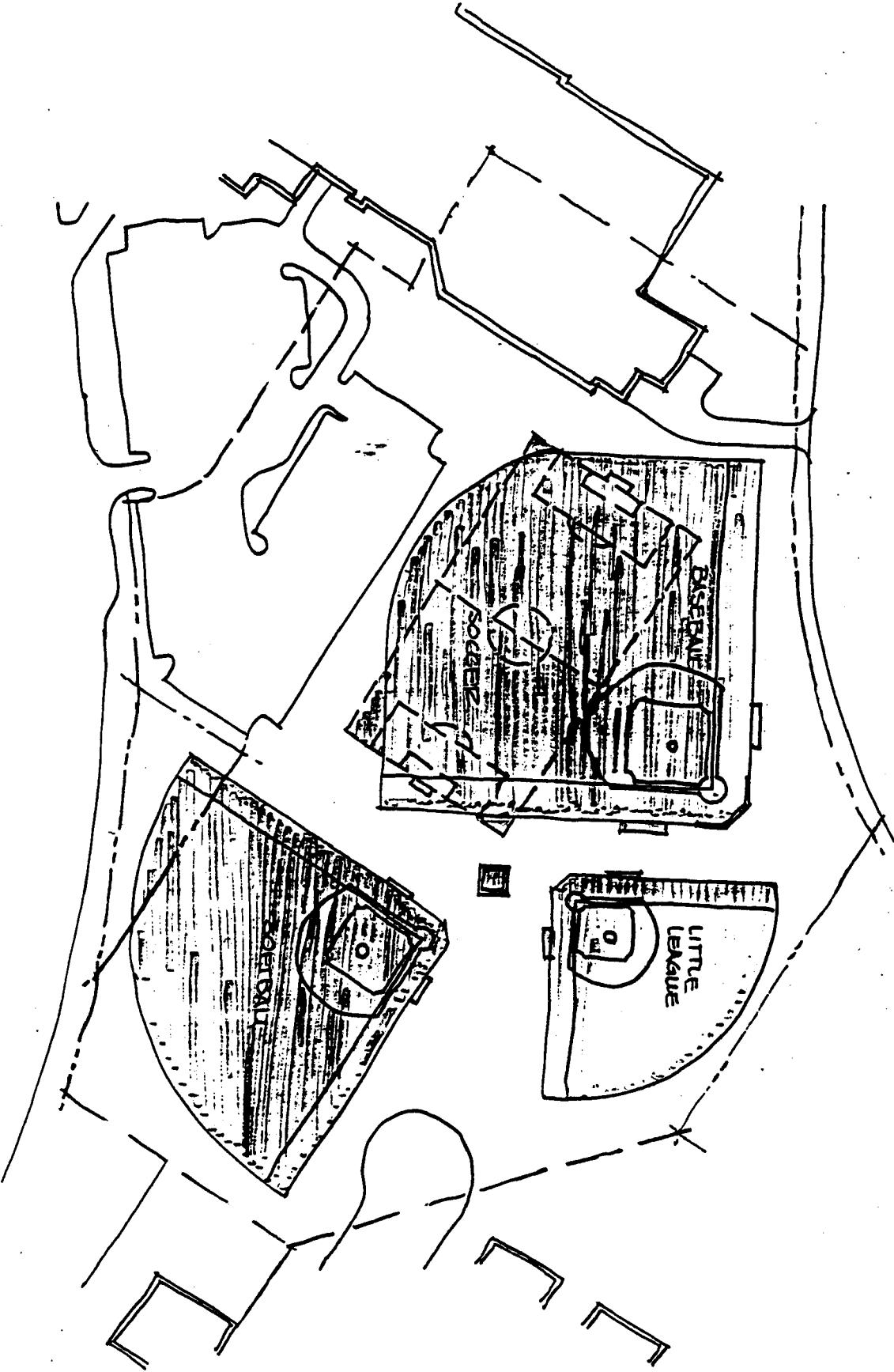
Mark D. Harrington, Asst. City Attorney

# Original Master Plan

## Area #1



Area #1 - Proposed Changes



## **COUNCIL AGENDA REPORT**

**DATE:** June 8, 1995  
**DEPARTMENT:** Planning Department  
**AUTHOR:** Kirsten Whetstone  
**TITLE:** Deer Valley Drive Subdivision -Final Plat  
**TYPE OF ITEM:** Legislative

---

### **SUMMARY RECOMMENDATIONS:**

Approve the proposed subdivision of land, known as the Deer Valley Drive Subdivision Plat, located at 1245 and 1283 Deer Valley Drive.

---

### **DESCRIPTION:**

**A.    Topic**

|                      |                                            |
|----------------------|--------------------------------------------|
| Project Name:        | 1245 & 1283 Deer Valley Drive Subdivision  |
| Applicant:           | Michael Martin, 1283 Associates, L.C.      |
| Location:            | 1245 & 1283 Deer Valley Drive              |
| Proposal:            | Two Lot Subdivision                        |
| Zoning:              | GC in the Frontage Protection Zone         |
| Adjacent Land Uses:  | Park City Shop, Vacant, Parks, Residential |
| Date of Application: | March 23, 1995                             |

**B. Background**

Presently the properties located at 1245 and 1283 Deer Valley Drive are commonly owned. There is an existing office/bank building located at 1283, known as the Lewis Wolcott & Dornbush Building. The property at 1245 is currently vacant. In January of 1995 the Planning Commission granted Conditional Use Permit ( CUP) approval for a 13,000 square foot office building at 1245 Deer Valley Drive. This building has not been constructed at this time. The two buildings will not be commonly owned and therefore the current owner has submitted an application for a subdivision plat to create two separate parcels of land.

There is currently one access drive onto Deer Valley Drive. No additional curb cuts were approved with the recently approved 1245 Deer Valley Drive CUP for the office building. The intent of this subdivision plat is to maintain the single curb cut for both lots. An access easement is shown on the plat to allow shared use of the one access drive. A parking and maintenance agreement will also be recorded at the time of plat recordation to address shared parking and maintenance of the site. This agreement will also recognize that no additional curb cuts will be allowed onto Deer Valley Drive. Utility and public access easements are dedicated on the plat for existing utility laterals and the public sidewalk/bike path .

The property owners within 300' of the plat were sent notice of this proposal. As of May 18, 1995 no public comment has been received.

On May 24, 1995 the Planning Commission approved a motion to forward a positive recommendation of approval to the City Council with conditions as stated below.

**C. Analysis**

With proposed conditions of approval, the subdivision plat is in conformance with the Park City Land Management Code and is consistent with previous Conditional Use Permits for the property. The proposal consists of a two lot subdivision plat of approximately 1.75 acres. The property is currently unplatted. The proposed subdivision plat does not alter the existing or approved buildings, parking lot or landscaping. The common lot line is proposed to be drawn down the middle of the parking lot drive aisle. All required setbacks, parking requirements, building square footage, and conditions of CUP approval for each building will continue to be met. The subdivision plan is consistent with the previously approved site plans.

The landscape plan is currently being reviewed by the Planning Department. Conditions of the CUP, related to landscaping, shall continue to apply.

No additional curb cuts onto Deer Valley Drive will be allowed. The applicant has agreed to add a note to the plat stating this condition. The access drive and portions of the parking lot will be used by occupants of both buildings, therefore, an access easement is dedicated on the subdivision plat. Staff is requesting, as a condition of approval, that the applicant record a shared parking agreement at the County, prior to plat recordation. Staff is also requesting that a maintenance agreement be recorded prior to plat recordation to address maintenance of commonly used areas, including parking

lot and landscaped areas.

Utility and public access easements are being dedicated to provide easements for utility laterals and public sidewalk/bike paths.

Lighting for both buildings shall meet the City's lighting ordinance as described in Section 9.5 (i) of the Land Management Code. Conditions of approval for the 1245 Deer Valley Drive CUP address lighting for the proposed building. Staff is recommending a condition of approval that exterior lighting at the existing building at 1283 Deer Valley Drive be brought into conformance with the City's lighting ordinance as described above. The applicant has agreed to work with staff to bring the lighting into conformance.

**D. Department Review**

The Community Development Department and City Attorney's Office have reviewed this proposal for compliance with the City's Land Management Code and the State of Utah Subdivision Laws.

**ALTERNATIVES:**

- A. Approve the subdivision thereby allowing each building to be located on a separately owned parcel with shared access.
- B. Deny the subdivision retaining the originally proposed configuration of one lot for both buildings thereby requiring a condominium plat for separate building ownership.
- C. Continue the item and request further evaluation and recommendations from Staff.

**SIGNIFICANT IMPACTS:**

The proposal results in a subdivision plat which allows individual ownership of each building, the underlying land, and associated parking and landscaping. Approval of the subdivision does not significantly impact the land use, landscaping, or parking configuration.

**CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:**

Denying the proposal would necessitate a condominium plat in order to sell the buildings to two separate owners. This result would not impact the City, but only the financial concerns of the property and building owners.

**RECOMMENDATION:**

Staff recommends that the City Council select alternative A approve the **1245 and 1283 Deer Valley Drive Subdivision** based on the following:

Findings of Fact:

1. On October 13, 1994, the Park City Council approved an amendment to the Land Management Code to address exterior lighting (Section 9.5 (i)).
2. Subdivision plat requests are reviewed for conformance with the Land Management Code including, but not limited to, the following items: parking, landscaping, setbacks, lot size and configuration, access, utilities, and lighting.
3. The existing exterior lighting at 1283 Deer Valley Drive, does not meet requirements of the City's lighting ordinance.
4. On May 24, 1995 the Park City Planning Commission approved a motion to forward a positive recommendation of approval to the City Council.

Conclusions of Law:

1. There is good cause for the subdivision plat.
2. Neither the public or any person will be materially injured by the proposed plat.
3. The subdivision plat is consistent with previously approved site plans for this property.
4. The subdivision plat is in conformance with the Land Management Code, with the exception of the existing exterior lighting at 1283 Deer Valley Drive.
5. Impacts of exterior lighting have been mitigated through a condition requiring that exterior lighting meet the requirements of the Land Management Code (Section 9.5 (i)).

Conditions of Approval:

1. Prior to plat recordation the City Council, City Attorney, and City Engineer shall have reviewed and approved the final plat and the landscaping, maintenance, and parking agreement.
2. Prior to plat recordation, all existing exterior lighting shall be brought into conformance with the City's lighting ordinance described in Section 9.5(i).
3. All previous conditions of the Conditional Use Permits approved on July 7, 1994 and July 27, 1994 for 1283 Deer Valley Drive and on January 25, 1994 for 1245 Deer Valley Drive, shall remain in full force and effect.
4. Standard Conditions of Approval shall apply.

**EXHIBITS**

EXHIBIT A- LOCATION MAP

EXHIBIT B- EXISTING CONDITIONS

EXHIBIT C- PROPOSED PLAT



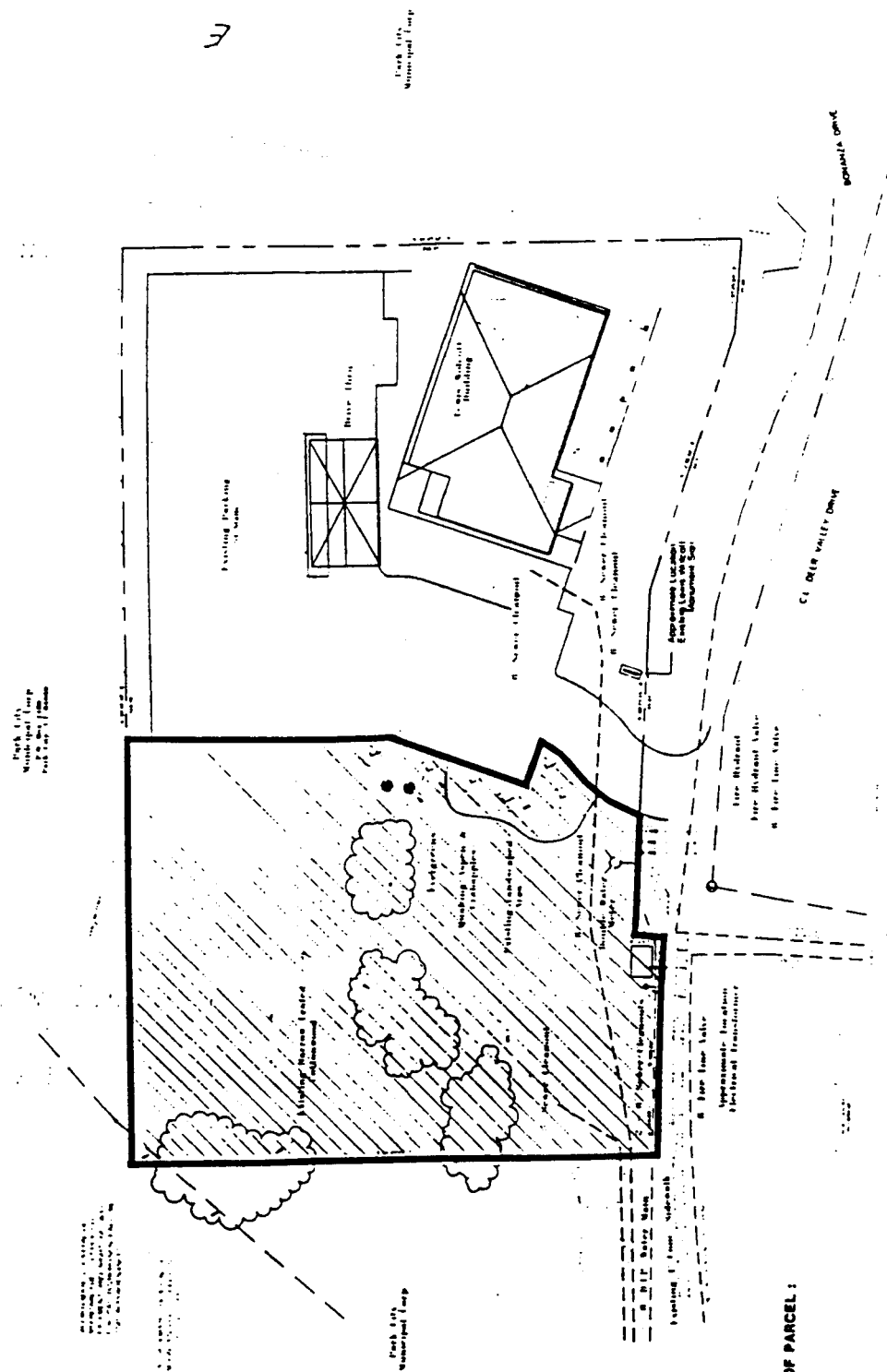
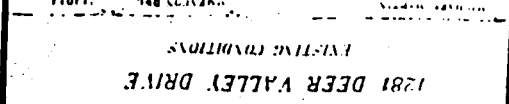
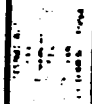
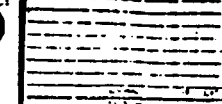
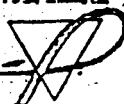


EXHIBIT B

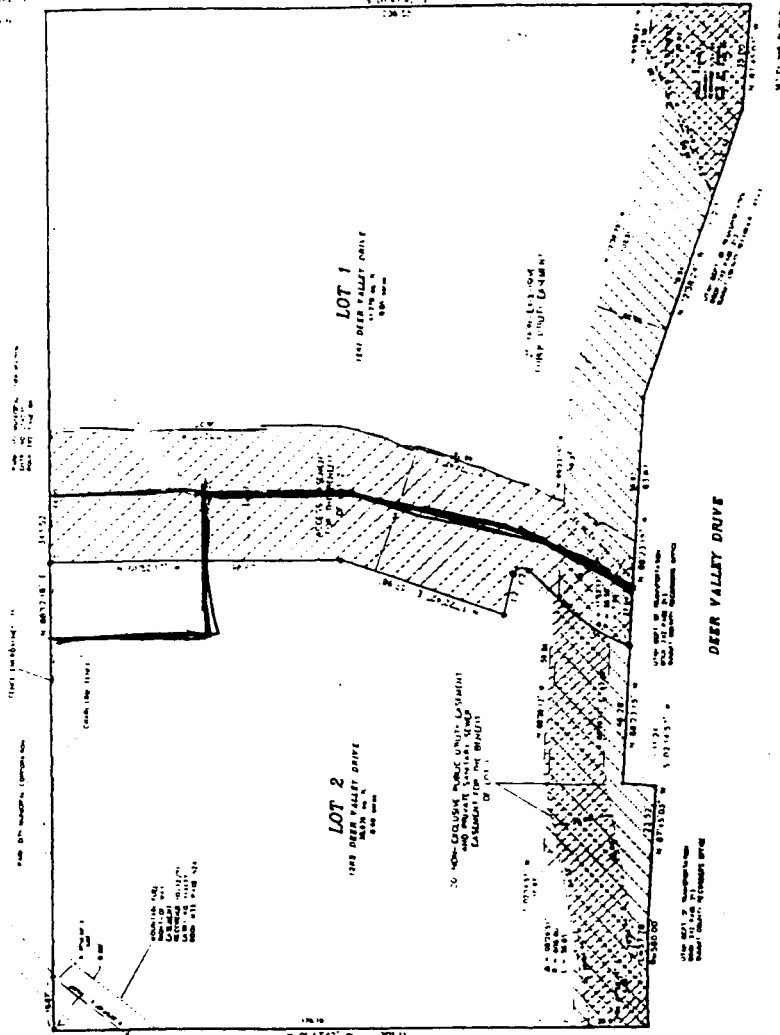
APPROXIMATE AREA OF PARCEL :  
30,137 SQ. FT.

SCALE: 1-20

**NORTH**

MAY 12 1996

DEER VALLEY DRIVE SUBDIVISION  
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN  
SUMMIT COUNTY, UTAH



LOT 1  
1.00 DEER VALLEY DRIVE  
1.00 DEER VALLEY DRIVE  
1.00 DEER VALLEY DRIVE

LOT 2  
1.00 DEER VALLEY DRIVE  
1.00 DEER VALLEY DRIVE  
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DEER VALLEY DRIVE

- 1. THE 1.00 DEER VALLEY DRIVE
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EXHIBIT C

|                                                                                                                                                                 |                                                                                                                                                               |                                                                                                                                                                         |                                                                                                                                                                                |                                                                                                 |                                                                                     |                                                           |                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <b>CITY COUNCIL APPROVAL</b><br>PRESENTED TO THE BOARD OF<br>CITY COUNCIL THIS _____ DAY OF _____<br>RECORD OF SUBMITTAL WAS APPROVED<br>BY _____<br>DATE _____ | <b>CITY ENGINEER</b><br>APPROVED AND ACCEPTED BY THE<br>CITY ENGINEERING DEPARTMENT<br>ON THIS _____ DAY OF _____<br>A.D. 19____<br>BY _____<br>CITY ENGINEER | <b>CITY PLANNING COMMISSION</b><br>APPROVED AND ACCEPTED BY THE<br>CITY PLANNING COMMISSION ON THIS<br>DAY OF _____ A.D. 19____<br>BY _____<br>CITY PLANNING COMMISSION | <b>SEWER DISTRICT APPROVAL</b><br>REVIEWED FOR CONFORMANCE TO SALT LAKE<br>SEWER DISTRICT STANDARDS<br>ON THIS _____ DAY OF _____<br>A.D. 19____<br>BY _____<br>SEWER DISTRICT | <b>APPROVAL AS TO FORM</b><br>APPROVED AS TO FORM BY THIS<br>DATE _____ A.D. 19____<br>BY _____ | <b>RECORDED</b><br>RECORDED AT THE REQUEST OF<br>DATE _____ A.D. 19____<br>BY _____ | <b>COPY: RETURN</b><br>DATE _____ A.D. 19____<br>BY _____ | <b>P&amp;S</b><br>PARK CITY SURVEYING<br>P.O. BOX 100<br>PARK CITY, UTAH 84302<br>(801) 466-1010 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------|

**Ordinance No. 95-**

**AN ORDINANCE APPROVING THE DEER VALLEY DRIVE  
SUBDIVISION, LOTS 1 AND 2,  
LOCATED AT 1245 AND 1283 DEER VALLEY DRIVE  
PARK CITY, UTAH**

WHEREAS, the owners of the property known as Deer Valley Drive Subdivision have petitioned the Planning Commission for approval of a final subdivision plat; and

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

WHEREAS, on May 24, 1995 the Planning Commission held a public hearing and approved the final plat attached hereto as Exhibit A; and

WHEREAS, the City Council considered the subdivision plat at a regularly scheduled meeting on June 8, 1995; and

WHEREAS, it is in the best interest of Park City, Utah to approve the final plat, known as the Deer Valley Drive Subdivision plat;

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

**SECTION 1. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the subdivision plat and that neither the public nor any person will be materially injured by the proposed plat. The subdivision plat is in conformance with the Land Management Code. Impacts of exterior lighting have been mitigated through a condition of approval requiring that exterior lighting meet requirements of the Land Management Code (Section 9.5 (i)).

**SECTION 2. PLAT APPROVAL.** The Deer Valley Drive Subdivision plat, for 1245 and 1283 Deer Valley Drive, Lots 1 and 2, is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation the City Attorney and City Engineer shall review and approve the final plat and the landscaping, maintenance, and parking agreement.
2. Prior to plat recordation, all existing exterior lighting shall be brought into conformance with the City's lighting ordinance as described in Section 9.5 (i) of the Land Management Code.

3. All previous conditions of approval of the Conditional Use Permits approved on July 7, 1994 and July 27, 1994 for 1283 Deer Valley Drive and on January 25, 1994 for 1245 Deer Valley Drive, shall remain in full force and effect.
4. Standard Conditions of Approval apply.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 8th day of June, 1995.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Mayor Bradley A. Olch

Attest:

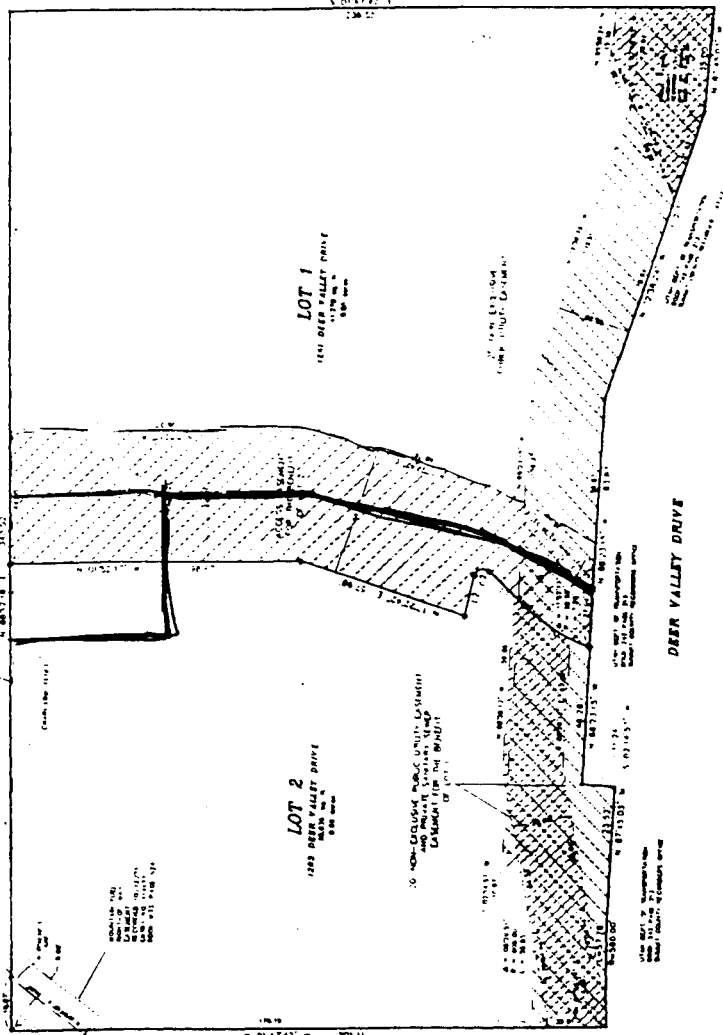
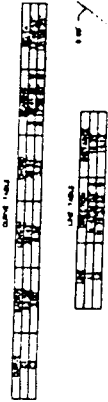
\_\_\_\_\_  
Janet M. Scott, Deputy City Recorder

Approved as to form:

\_\_\_\_\_  
Mark D. Harrington, Assistant City Attorney

MAY 12 1996

DEER VALLEY DRIVE SUBDIVISION  
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN,  
SUMMIT COUNTY, UTAH



- REMARKS:
- 1. TOTAL LOT AREA: 1.00 AC.
  - 2. TOTAL LOT AREA: 1.00 AC.
  - 3. TOTAL LOT AREA: 1.00 AC.

NOTES:  
1. THE SUBDIVISION IS SHOWN ON THE PLAT AS TWO LOTS, LOT 1 AND LOT 2. LOT 1 IS 1.00 AC. AND LOT 2 IS 1.00 AC. THE TOTAL AREA OF THE SUBDIVISION IS 2.00 AC.

**CITY COUNCIL APPROVAL**  
PRESENTED TO THE BOARD OF  
CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AT WHICH TIME THIS  
RECORD OF SURVEY WAS APPROVED  
WATOR \_\_\_\_\_  
CITY RECORDER

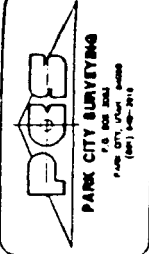
**CITY ENGINEER**  
APPROVED AND ACCEPTED BY THE  
CITY ENGINEERING DEPT.  
WENT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
CITY ENGINEER

**CITY PLANNING COMMISSION**  
APPROVED AND ACCEPTED BY THE  
CITY PLANNING COMMISSION ON THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
CITY PLANNING COMMISSION

**SEWER DISTRICT APPROVAL**  
REVIEWED FOR CONFORMANCE TO SOUTHERN  
UTAH SEWER AGENCY DESIGN STANDARDS  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
SEWER DISTRICT

**APPROVAL AS TO FORM**  
REVIEWED FOR CONFORMANCE TO THE  
RECORDING ACT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
APPROVAL AS TO FORM

**RECORDED**  
RECORDED AT THE RECORDING  
OFFICE OF THE COUNTY RECORDER  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
COUNTY RECORDER



**PARK CITY SURVEYING**  
1000 N. 1000 E.  
SALT LAKE CITY, UT 84143  
(801) 975-1111



## COUNCIL AGENDA REPORT

**DATE:** June 5, 1995  
**DEPARTMENT:** Administration  
**AUTHOR:** Toby Ross  
**TITLE:** 1465 Park Avenue - Land Purchase  
**TYPE OF ITEM:** Legislative

---

### SUMMARY RECOMMENDATIONS:

Authorize: 1) purchase of the parcel at 1465 Park Avenue; 2) marketing of the RDA parcel north of Heber Avenue; and 3) negotiations with Town Lift on development of an employee housing project on the Park Avenue site.

---

### DESCRIPTION:

#### PROJECT STATISTICS

**Location:** West side of Park Avenue between 14th and 15th  
**Zoning:** Residential Development Medium Density - RDM  
**Acreage:** .23 acres  
**Adjacent Uses:** Multi-family residential

**A. TOPIC** Through negotiations, Park City has obtained an option to purchase a residentially-zoned parcel on Park Avenue for \$225,000. This option expires on June 16. The Council must determine whether or not to exercise that option.

**B. BACKGROUND** The developers of the Town Lift Project (now Summit Watch) are obligated to construct employee housing (without any profit for the developer) if the City provides an appropriate site. The City had originally hoped to use the RDA parcel north of Heber Avenue as a site for employee housing, but problems with access, location and size severely limit its utility.

Staff has worked with the developers of Poison Creek Mercantile (Poison Creek) for several months on employee housing in the proposed mixed-use project at the foot of Swede Alley. Early design efforts looked promising but the economics proved unattractive. They would still like to acquire the parcel, but not for employee housing.

When Poison Creek discovered that the project was not feasible for employee housing, they began looking for sites that would be more suitable to trade for the RDA site. They located a parcel at 1465 Park Avenue that had just fallen out of escrow. This property is zoned RDM, Residential Medium Density. The option to purchase this property for \$225,000, which was extended several times, has been acquired by the City for \$5000 ( plus \$2000 committed earlier) non-refundable earnest money. The option expires on June 16 and cannot be extended.

Consideration of this proposed purchase is consistent with the City's Housing Action Plan and the Council's goal of *Diverse Housing Opportunities*.

**C. ANALYSIS** When staff members became aware of the availability of the Park Avenue site, we notified the developer of Town Lift (Town Lift) that we wanted him to pursue an employee housing project on the site. He immediately began his assessment process. Since then, he has evaluated the site and authorized an expedited design process. His architect has prepared preliminary designs for eight, two-bedroom residential units on the site. The Planning Department has reviewed the project and found it consistent with zoning requirements. As designed, the project requires no exceptional approvals. An independent general contractor estimated the development costs of the project including parking. The contractor believes that he could build high quality units in an excellent location for substantially less than the market rate for the units. Town Lift has met with a local banker and is encouraged about the prospects of securing necessary financing. Based on the information we have received to this point, it appears that the project can be made feasible with some minor modifications and some assistance from the City consistent with the Council's policies on affordable housing.

Several issues remain to be resolved including: the source of fund for the initial acquisition of the Park Avenue Parcel; sale of the RDA parcel to offset some of the acquisition costs; a formal loan commitment for an employee housing project; and final authorization to purchase and sell the Park Avenue site.

**D. Department Review.** This issue has been reviewed by the Community Development and Legal Departments.

## **ALTERNATIVES**

**A. APPROVE THE PURCHASE.** Authorize the City Manager to: 1) purchase of the parcel at 1465 Park Avenue for \$225,000 plus usual settlement costs; 2) market the RDA parcel north of Heber Avenue at a minimum price of \$70,000; and 3) begin negotiations with Town Lift on development of an employee housing project on the site. With authorization from the Council, staff would exercise the option to purchase the land and commence the process of selling the RDA

parcel and inducing development of the employee housing. Any proposed sale of the RDA or Park Avenue parcels would return to the Council for final approval.

B. **LET THE OPTION EXPIRE.** While this proposal is consistent with the recently enacted Housing Action Plan and revised Housing Policy it is not required by them. The Council is free to not exercise the option.

C. **MODIFY THE APPROACH.** The Council could suggest or approve modified approach such as buying the Park Avenue parcel but not selling the RDA parcel or the converse.

**SIGNIFICANT IMPACTS:** If the City Council takes the recommended action, the City would spend \$225,000 to purchase the Park Avenue parcel with the prospect that it would recover some or all of the investment and possibly get a small employee housing project. The close feasibility of an employee housing project indicates a market for reselling the property.

Staff would also begin the process of selling the RDA parcel to reduce the City's net out-of-pocket expenses. The adjacent property owners are the only likely buyers. The City could retain the parcel as a trail side amenity. Final decision on the RDA parcel is not required now.

The employee housing project probably cannot afford to pay the full cost of the land initially and will require fee waivers or other support equal to about \$5,000 per unit. Since Town Lift cannot profit from the construction of the employee housing, the City could be reimbursed for all costs including the price of the land and fee waivers. That reimbursement may be deferred for many years.

**CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:** If the City Council lets the option expire, the City would lose \$7,000 in earnest money and the immediate opportunity to purchase the parcel for \$225,000. The owners of the parcel have a backup offer that may or may not be exercised. If parcel isn't sold, the City may have another chance to buy it site but with no assurance of price.

**RECOMMENDATIONS:** The Council should authorize the City Manager to: 1) purchase of the parcel at 1465 Park Avenue for \$225,000 plus usual settlement costs acquisition to be used for employee housing or resold in the event housing proves infeasible.; 2) market the RDA parcel north of Heber Avenue at a minimum price of \$70,000; and 3) begin negotiations with Town Lift on development of an employee housing project on the Park avenue site.