PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 2, 1996

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, May 2, 1996.

AGENDA

Closed Session

4:00 p.m. Litigation

Work Session

4:30 p.m. Council comments and questions
4:50 p.m. Budget process
Review of regular meeting
5:00 p.m. LMC amendment - outdoor display
5:30 p.m. School Impact Fees
5:35 p.m. Other meeting questions/comments

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

1. PC Youth Coalition

2. Presentation of Resolution recognizing the accomplishments of the Friends of the Animals and the Summit County Animal Shelter Staff and declaring May 4 and 5, 1996 as Pet Adopathon '96 Weekend in Park City, Utah

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 18, 1996

V PUBLIC HEARINGS

1. An Ordinance approving the amendment of portions of Lots 2 and 3, Block 23 of the amended plat of the Park City Survey regarding 408 Main Street, Park City, Utah

2. An Ordinance approving an amendment to the amended Park City Survey, Lots 15, 16, 17 and 18, Block 53 and a portion of vacated Third Street right-of-way, located at 265 and 275 Ontario Avenue, Park City, Utah

3. An Ordinance amending Chapter 7 of the Land Management Code of Park City, Utah to clarify prohibitions on the outdoor display of merchandise and storage and to allow the administrative approval of outdoor dining areas and storage of rental bicycles in the HCB, HRC, GC, HR-2 and RCO Zones

4. Continuation of public hearing on an ordinance repealing Title 12, Sign Code, of the Municipal Code of Park City, Utah and replacing it in its entirety **(a motion to continue to a date uncertain)**

VI CONSENT AGENDA

1. An Ordinance approving the amendment of portions of Lots 2 and 3, Block 23 of the amended plat of the Park City Survey regarding 408 Main Street, Park City, Utah

2. An Ordinance approving an amendment to the amended Park City Survey, Lots 15, 16, 17 and 18, Block 53 and a portion of vacated Third Street right-of-way, located at 265 and 275 Ontario Avenue, Park City, Utah

3. Resolution recognizing the accomplishments of the Friends of the Animals and the Summit County Animal Shelter Staff and declaring May 4 and 5, 1996 as Pet Adopathon '96 Weekend in Park City, Utah

4. Resolution declaring May 2, 1996 as National Day of Prayer in Park City, Utah

VII NEW BUSINESS

Resolution of intent to refund school impact fees and cancel scheduled public meetings on May 8th and May 22nd regarding school impact fees.

VIII OLD BUSINESS

Appeal of Planning Commission approval of February 28, 1996 of the Sweeney Town Run Large Scale MPD

IX ADJOURNMENT

Posted: 04/30/96
*** Reposted: 05/01/96**

* Reposted to add item to work session and NEW BUSINESS item.

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 2, 1996

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

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Eric DeHaan, City Engineer; Pat Putt, Planning and Zoning Administrator; Tom Bakaly, Finance Manager

Absent: Hugh Daniels

1. **Council questions/comments.** Ms. Kerr questioned the effectiveness of City Council hours in the Marsac Building. To date, she has no calls or visitors in the office and feels that people continue to call her at home. Ms. Kerr stated that she is as accessible at home as anywhere and if someone wants to meet with her, she will be happy to make an appointment. Mr. Klingenstein complained about the condition of Lucky John Drive at the intersection of Little Kate and Mr. Gibbs noted that he will check into it. There was discussion about a letter in the Manager's Report from Liz Hoey regarding a conflict of interest of Commissioner Walzer on the Flagstaff annexation. Paul Sincock referred to the 408 Main Street application before Council and his concern that with people building out to Swede Alley that a straight street facade and canyon effect will be created. The City Manager responded that the Planning Commission and the HDC have looked at this issue at various times and the conclusion was treating Swede Alley like an alley and provide entrances from the area but not treat it like Main Street. Mr. Ross pointed out that a high proportion have built out already and a few remain. The Mayor pointed out that when City-owned property is involved, the City has received facade easements and better architectural detail from all sides.

Council advised Jerry Gibbs of graffiti in Prospector and at San Francisco Designs. Roger Harlan discussed the advertising of rental equipment on SR248 and disclosed that he was contacted by Rebecca Champion eager to review the analysis of bus service in Thaynes Canyon. Mr. Harlan commended Leisure Services on its training program which he felt was excellent. Discussion ensued about the Eagle Point Meadows Drive connecting to American Saddler; Eric DeHaan explained that it is being graded and won't be paved in the near future. Myles Rademan announced various upcoming events. The Mayor reported that Tom Welch of the Organizing Committee has committed to visiting with the City Council for six-month updates.

Paul Sincock stated that he understood that Jacobsen at Summit Watch has made arrangements with K-mart to use its parking lot as a satellite lot for its construction workers. Eric DeHaan pointed out that this works for workers but many contractors need their trucks for their tools. Mr. Sincock discussed the practice in large cities where there are tool cribs on-site and felt that satellite parking should be encouraged.

2. **Budget process.** Tom Bakaly explained that Council is in the middle of a two-year budget cycle and distributed a schedule for upcoming budget review.

3. **Review of regular meeting.**

408 Main Street plat amendment. See attached staff report and minutes. Mr. Putt explained that the applicant, Hans Fuegi, has submitted a plat amendment in order to clean up the interior lot lines so he can build an addition on the back of the building. The HDC approved the plan. Upon inspection, some structural problems became evident and more of the building would have to be demolished in order to bring it into compliance with the UBC. Drainage and snow shedding will be addressed. There is agreement preserving the front facade and replacement of the front windows. Ms. Kerr stated that she doesn't have a problem with the plat amendment, but is concerned if there is a change of use and it becomes a restaurant, because of its impact on parking. Brent Gold, counsel for applicant, noted that it is intended to remain a t-shirt shop. Toby Ross stated that this issue can be discussed in conjunction with the parking study.

265 and 275 Ontario Avenue plat amendment. See attached staff report and minutes. The applicant is requesting to clear up lot lines and create two lots for two single family homes.

Amendment to LMC for outdoor display and use. See staff report and minutes or regular meeting. Patt Putt explained that over the past year there has been a "creep" of outdoor display and businesses were contacted that didn't have conditional use permits. Currently the Code provides that no goods are allowed to be displayed outdoors, unless it is determined by the Planning Commission to be in the best interest of the zoning district, however there is no criteria to determine that status. After the enforcement letters were sent regarding violations of outdoor display, the Planning Department began receiving applications for conditional use permits. The Planning Commission directed staff to formulate criteria and handle these requests administratively. Mr. Putt explained that the Planning Commission was comfortable with the display of rental bicycles because of the fact that there is a practical storage problem, but more importantly that the rental bikes are different because they tend to promote alternative modes of transportation along with the resort image of the community. There was also a proposal for 100 square feet under a canopy for outdoor display, but the Planning Commission did not support this because of the blight issue and problems with code enforcement.

Mr. Putt clarified that this amendment does not affect sidewalk sales allowable under the Municipal Code or seasonal plant displays. Mr. Putt discussed input from Mr. Dodgion, Peak Performance, who suggested that a broader range of recreational rentals be allowed to be displayed. In response to a question from Mr. Harlan, Mr. Putt explained that the 100 square foot area provision is deleted from the draft ordinance before Council. Discussion ensued regarding the newspaper vending machines on Main Street. Mr. Putt pointed out that permitted uses like a plant nursery or lumberyard are exempt from this legislation.

School facilities impact fee resolution. Toby Ross explained that this resolution of intent is to refund the collected fees and cancel the scheduled hearings. This is the recommendation of the impact fee task force meeting, but the resolution does not outline how the fees are refunded or to whom. Roger Harlan suggested language changes in Section 1 to encourage the District and County to refund the fees and cancel the scheduled hearings. Chuck Klingenstein recognized the School District's cooperation even though the survey indicated that 33% of those who paid the fees indicated that they should be refunded while 66% felt that the District should keep the fees for facilities. Mr. Klingenstein felt that the anger at the last meeting was misdirected and should have been focused on the state legislature. He added that the issue for him was not just fairness but the potential for a lawsuit. Mr. Sincock noted that given the survey results, people may wish to donate their refund to the Education Foundation and Ms. Kerr suggested that there be a plaque listing donors.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 2, 1996

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, May 2, 1996. Members in attendance were Brad Olch, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Hugh Daniels was excused. Staff present were Toby Ross, City Manager; Pat Putt, Planning and Zoning Administrator; Kirsten Whetstone, Planner; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

1. PC Youth Coalition - Camille Bird, Chairman of the PC Youth Coalition and Brian Gagion, Executive Director, presented Council with a report on planned activities, and invited them to visit the Center.

2. Presentation of Resolution recognizing the accomplishments of the Friends of the Animals and the Summit County Animal Shelter Staff and declaring May 4 and 5, 1996 as Pet Adopathon '96 Weekend in Park City, Utah - The Mayor read the resolution into the record and presented the resolution to Connie Turkington, Director of the Animal Shelter. She thanked Council for the recognition and invited them to participate in the activities planned this weekend. Roger Harlan commented on the high pet adoption rate in San Francisco and hoped that our county was moving in that direction.

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 18, 1996

Roger Harlan, "I move approval of the work session notes and minutes of the meeting of April 18, 1996". Chuck Klingenstein seconded. Motion carried.

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

V PUBLIC HEARINGS

1. An Ordinance approving the amendment of portions of Lots 2 and 3, Block 23 of the amended plat of the Park City Survey regarding 408 Main Street, Park City, Utah - Pat Putt, Planning Director, pointed out that this amendment is intended to clean up the internal property lines at 408 Main Street. This is the site of an historic building that is located between Miletti's and Scrooge's. The interior lot line between #2 and #3 and a metes and bounds parcel, as well as a quit claim deeded piece of ground that is located along the southern property line will be cleared up. Staff believes that

outstanding issues have been mitigated and the benefit of this action includes the accommodation of a remodel of portions of the building which will improve the roof drainage and snow release problems. Also, there will be a facade easement and an agreement to preserve the old stone wall foundation in the basement as well as a masonry vault. Mr. Putt suggested new language for Item 2 relating to removing a retaining wall and preserving the landscaping. Brent Gold, counsel for the applicant, agreed with the language amendment and in response to a question from Roger Harlan, indicated that the current tenant has two addition five year extensions in the lease with no right to sublet. With no further comments or questions, the public hearing was closed.

2. An Ordinance approving an amendment to the amended Park City Survey, Lots 15, 16, 17 and 18, Block 53 and a portion of vacated Third Street right-of-way, located at 265 and 275 Ontario Avenue, Park City, Utah - Mr. Putt explained that this property includes four platted 25' x 75' lots and half of vacated platted Third Street and the purpose of the amendment is to create two single family lots totaling approximately 4,000 square feet . The house size would be approximately 2,300 square feet, plus a 400 square foot garage. There will be a dedication of a 180 square foot strip on the east side of Ontario Avenue to the City. With no comments or questions from Council or the public, the public hearing was closed.

3. An Ordinance amending Chapter 7 of the Land Management Code of Park City, Utah to clarify prohibitions on the outdoor display of merchandise and storage and to allow the administrative approval of outdoor dining areas and storage of rental bicycles in the HCB, HRC, GC, HR-2 and RCO Zones - Pat Putt explained that the proposed amendment attempts to clarify the limitations that currently exist on outdoor display and storage and creates an administrative approval process for outdoor dining areas, and the storage of rental bicycles in the commercial zones. He continued that there were complaints about the creep of outdoor storage in the commercial areas and there was a problem with a current provision for conditional use permits for displays which are allowed "if it is in the best interest of the community". However there is no criteria to define best interest. The Planning Commission recommended that outdoor dining be reviewed through an administrative process. Staff presented the Commission with a proposal which included performance criteria for the outdoor storage of rental bicycles in Old Town and the general commercial zone. There was also a suggestion that merchandise could be displayed in a covered 100 square foot area; this was not supported by the Commission and does not appear in the draft ordinance. There was input on both sides at the public hearing, and the Planning Commission reconsidered the outdoor storage in the general commercial zone primarily because it felt it would result in an enforcement problem and that it would create an opportunity for blight in the community which was not consistent with our resort image. Mr. Putt explained that the ordinance before Council provides for seasonal outdoor display of plant materials and will not affect permitted and conditional uses that allow outdoor storage, i.e., lumber yards and nurseries. The amendment provides for a more streamline process for administratively permitting outdoor dining, establishes criteria for outdoor dining uses and establishes an administrative process for the outdoor storage of rental bicycles. It also helps to clarify the limitations on outdoor display of merchandise. With regard to public input, Mr. Putt noted that the Main Street Merchants Association endorse the amendment and referred to input from David Dodgion, Peak Experience, who complained that other recreational rentals were prohibited. Mr. Putt explained that the primary reason for allowing only rental bikes is that the Planning Commission believed that there is an inherent problem with storage and rental bikes promote alternative forms of transportation. Mr. Putt explained that these provisions appear in four sections of the Code for ease of reference for information in the various zones.

Natalie Malovich stated that she is co-owner of Peak Experience, 875 Iron Horse Drive, which is a ski rental, accessory shop and paddle sport rental. She supports the spirit of the amendment but felt it important to offer alternatives to the summer visitor and is concerned that by just exempting bikes, that we will be missing out on an opportunity to present the community and tourists with another type of recreation they may not be aware of. She felt that kayaks, boating and canoeing are viable recreation opportunities and this is separate than displaying merchandise for sale outside. She proposed an ordinance that would allow them to display rental boats and a broader range of recreational items beyond bicycles. Discussion ensued about more inclusive language and displays being approved by the tenant association. The Mayor pointed out the problem of allowing large sporting good stores with a broad range of equipment outdoor displays, which could promote a lot of clutter. Ms. Malovich suggested limiting displays to rentals and non-motorized equipment. In response to a question from Mr. Sincock about exceptions to the ordinance, Mr. Putt explained that the draft has been written specifically to clear up the present ambiguity in the Code so that applications could be handled administratively and not be heard by the Planning Commission. Ms. Malovich discussed setting up a committee which could deliberate on exceptions to the ordinance. Mr. Putt explained that a Planning Commissioner worked with staff on the criteria and it was never proposed to form an ad hoc committee. The Mayor thanked Ms. Malovich for her input and pointed out that this will not be voted on tonight.

David Belz, Old Town resident, stated that he is not very familiar with this legislation but that Park City is moving toward the homogenizing of the community. He added that sometimes outdoor displays lend character to a place. He feared that this would affect art displays.

Susan Courtney, owner of The Hardware Store, asked the point of going through this if the City already has an ordinance that it is not enforcing. She complained that she has received letters about illegal outdoor displays at her store, while Payless displays merchandise on a year-round basis. She felt that it should be all or nothing. Mr. Putt reiterated the administrative process and the criteria suggested in the amendment and added that enforcement will be more consistent. Ms. Courtney repeated that outdoor display is already addressed in the Code, but not enforced and it should be enforced evenly. Mr. Putt clarified that these uses were prohibited in the Code, but a person could still apply for a conditional use permit and now, there would be clarification on what is not permitted and this should help enforcement. Ms. Courtney asked if she placed her patio furniture on the front porch for employee dining, if that would be allowed.

With no further comments or questions, the public hearing was closed.

4. Continuation of public hearing on an ordinance repealing Title 12, Sign Code, of the Municipal Code of Park City, Utah and replacing it in its entirety **(a motion to continue to a date uncertain)** - The Mayor asked for a motion to continue to a date uncertain. Shauna Kerr, "I so move". Paul Sincock seconded. Motion carried.

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

VI CONSENT AGENDA

Shauna Kerr, "I move approval of Consent Agenda Items 1 through 4, with the amendments to Item 1, 408 Main Street, Condition No. 2 that in the event the landscaping was damaged the applicant would repair the same kind, size and condition of landscaping materials". Roger Harlan seconded. Motion carried.

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

1. An Ordinance approving the amendment of portions of Lots 2 and 3, Block 23 of the amended plat of the Park City Survey regarding 408 Main Street, Park City, Utah - See public hearing and attached staff report.

2. An Ordinance approving an amendment to the amended Park City Survey, Lots 15, 16, 17 and 18, Block 53 and a portion of vacated Third Street right-of-way, located at 265 and 275 Ontario Avenue, Park City, Utah - See public hearing and staff report.

3. Resolution recognizing the accomplishments of the Friends of the Animals and the Summit County Animal Shelter Staff and declaring May 4 and 5, 1996 as Pet Adopathon '96 Weekend in Park City, Utah - See public input and staff report.

4. Resolution declaring May 2, 1996 as National Day of Prayer in Park City, Utah - Staff recommends approval.

VII NEW BUSINESS

Resolution of intent to refund school impact fees and cancel scheduled public meetings on May 8th and May 22nd regarding school impact fees - The City Manager discussed an amendment to Section 2 which Council suggested in work session, which would encourage the District and County to cancel the scheduled hearings. He continued that after the work session, two citizens asked that some language be stricken from Section 1 which would not change the intent of the resolution. Ms. Kerr stated that she is glad that Council is moving on and canceling the meetings. She felt that it was an abusive process and felt that the anger directed toward the District, Council and County Commission was misdirected and that this energy should have been aimed at the state legislature where it was appropriate. Ms. Kerr continued that the only unfairness that has occurred is by the state legislature in terminating the ability to collect school impact fees and the victims are the children that will not have the ability for growth to pay its own way to help fund education, not the people who paid the fee. Ms. Kerr recalled that there was overwhelming support for enacting the school facilities impact fees, and it is ironic that the fees will be refunded. She reiterated that it was the state legislature that "undid" the ability for development to pay its true share just as it has paid its share for water and other services and this was an equity issue of paying for the impact of development on the schools. She suggested that people donate the refund back to the children and celebrate the "heroes" by honoring them with a plaque.

Bill Coleman, resident and businessman, stated that even with the deletion of language in Item 1, there is still a reference to the original ordinance which is creating the confusion of who should get the money back. The City Manager clarified that the ordinance refers to the agreement which preceded the ordinance. The City Attorney explained that the agreement provides that the terminating party determines how the funds will be disposed within its possession and that all parties must abide by the ordinances in effect. A revision to the ordinance will be discussed among the impact fee task force members and brought back to the public by the various jurisdictions.

Bob Richer, resident and businessman, stated that he agreed with Ms. Kerr's comments and the debate about the refund and the appropriateness of the impact fee should be separated. Mr. Richer read his letter into the record, which is attached and made a part of the minutes. Roger Harlan commented that the refund process could be administratively onerous, every scenario could be different, and asked if staff's time should be devoted to this when there is other pending City business. Bob Richer suggested that the easiest administrative approach should be to investigate who wrote the check; the City Manager interjected that the easiest thing to do would be to take applications. Toby Ross continued that in Mr. Richer's situation, Mr. Richer knows what happened, but there is an array of possibilities including contractors, owners, developers, and potential owners all writing checks. Mr. Richer discussed who the burden should fall on for negotiating the refund, and asked if the current owner doesn't request the refund, what happens to the money. He pointed out that out-of-town owners aren't going to be aware of the refund unless contacted. The City Manager explained that the impact fee task force will be formulating a strategy for the refund process which will be rendered to each of the agencies who will then hold hearings. Toby Ross discussed the situation where a developer factors in the cost of the impact fee.

Mark Huber, developer, thanked the Council for making the right decision and taking the time to talk to him at length on this issue. He publicly encouraged the District and Commission to follow the Council's lead. Mr. Huber suggested that there be a committee to make recommendations for an equitable return policy that would allow people who have disputes access to a single group. That way, it wouldn't waste the time of the elected officials who really need to get this matter behind them. He felt that those financially able, should make contributions to the Education Foundation and this may shame people with petty disputes to getting things settled.

David Belz, resident, suggested that when there are disputes, the solution may be to split the refund. He felt that if a decision is made to refund to one group, it will disenfranchise the other.

Shauna Kerr, "<u>I move approval</u>". Chuck Klingenstein seconded. <u>Motion carried</u>.

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

VIII OLD BUSINESS

Appeal of Planning Commission approval of February 28, 1996 of the Sweeney Town Run Large Scale MPD - The Mayor invited the citizen appellants to comment. (It should be noted that the word "citizen(s)" refer to one group of appellants not citizens at large.) Mary Wintzer distributed to Council their compilation of questions that they felt were never answered. She recalled that at the first meeting, they stated that there was a lack of communication which has brought them back to square one. In 1991, citizens pointed out three major drawbacks. Bringing the run down to Park Avenue would ruin the character of Old Town, and there would be a division in the community with closures which would endanger health and safety. This wasn't heard, because here they are once again and although the bridge is different it has inherited those same three problems relayed in 1991. Ms. Wintzer felt that perhaps the developer has received different information than the citizens, and questioned if it is the community's responsibility if the developer made the wrong choice in going ahead before the Planning Commission's decision was rendered and hoped that the process is "on a level field". Ms. Wintzer summarized that questions were asked at the second meeting by the Council and the citizens learned that there were plans for possible home sites and ski runs on the west hillside. They were pleased to learn of this option, although this possibility is not supported by Ron Ivie or Eric DeHaan. Pat Sweeney was able to display better visuals and the "ugly" buildings were not as bad as they had thought. At that meeting, the citizens outlined their concerns, questions, and actions and Paul Sincock presented his options to review.

Pat Sweeney stated that at the last meeting, the citizen appellants said some things that he took personally which were repeated on the radio and newspaper. These remarks were that there were promises relating to the Sweeney Master Plan that he did not keep and that simply is not true. When the Master Plan was approved, they agreed to give the City 109 acres of open space and with this plan it will be up to 110 acres and that hasn't changed. Recently, the Sweeneys deeded the City 42 acres of open space and they have the approval to build upon approximately one acre. This promise was kept. They promised trails which were provided and total about four miles. As a part of the process, they committed to restoring the tram towers and have stabilized the bases of the first several towers and will continue to work on these. Ms. Cone mentioned that they are asking to have one of them moved, and Mr. Sweeney indicated that this is true. He added that sometimes the truth can be construed to make people look bad, but basically they feel that it is worth moving the tower if choosing between skiing to Main Street and having open space there or having the tower moved. They are openly asking if it can be moved and it is part of the application. With regard to the comments about the Buck House being moved, this was an instance were there was an amendment to the Master Plan and he did not feel that this was a dishonorable thing. He strongly felt that everything they have said they would do has been done, unless there was a specific agreement to change the plan with the City and this is important for everyone to understand.

With regard to Mr. Sincock's options and with the use of slides, Mr. Sweeney commented on Option A which is the basic current proposal with a narrower bridge at a slightly different angle. Mr. Sweeney stated that they like it because it is basically the request, although from the Ski Area's perspective, the bridge needs to be 40 feet due to operations, cuing, and the standards in the ski industry for safety. It is difficult for them to violate that since the Ski Area will be "stuck" with it. Even if it were a pedestrian bridge, the same problems with cuing would occur. Mr. Sweeney pointed out that the perspective of the bridge is most visible coming up and down 8th Street, and the width dimension is not an element from the side view. He suggested looking at bridge designs that minimize the side view. The bridge was angled to create the clearance under the bridge required by the City Engineer, and it also safely accommodates skier access to the Caledonian.

Option B appeals to them as it is the plan approved by the Planning Commission five years ago which involves a bridge over Woodside and closing Park Avenue. Mr. Sweeney pointed out, however, that there is the potential for traffic problems on Woodside. It is also their sense that if a bridge isn't acceptable then a bridge with a building under it is less acceptable. He added that from a self-serving perspective, they would receive about the same amount of density, would lose about five unit equivalents, but they like it as their original plan. Mr. Sweeney noted, however, that it puts Ted Larramore "in a hole" and if this option is not okay with Ted, it is not okay for him. If they closed both roads, it would be dramatic but would make that plan work well. It would give skiers and pedestrians preference over motorists, but that is in essence what the Planning Commission approved. In response to a question from Mary Wintzer, Mr. Sweeney described a retaining wall, which may be 20 feet in some places, that would be required with this option. Mr. Sweeney discussed an alternative of lowering the bridge with this option.

Mr. Sweeney discussed Option C which has downloading at the mid-station and discourages people from skiing down. Mr. Sweeney stated that they do not really have a problem with this although they would lose a little density in one area and would be requesting replacing that density in another area, which would probably put them back to where they were before the amendment to the Master Plan. Option C is something that they would not be anxious to do, but would be willing to discuss with the City. Doug Clyde, Park City Ski Area, stated that interestingly enough, this was the original concept for the mid-station. The fundamental difference is that there would be loading in two directions at this location. The concept was that people would ski to the mid-station and download to Main Street. Because of the steepness of the site, there would have to be a fairly large platform to accomplish this. There is limited space for people to get off the lift, take off their skis and get out of the way of the next chair and it was never felt that the lift could operate at full capacity. Some people may opt to ski down, but there are still the same space problems. Mr. Clyde emphasized that because of the steepness of the site, once downloaded in this profile, people are airborne by 15 feet and this is an important consideration in the event of misloading. This is not a bad idea, but the Ski Area would rather not operate that way. Ms. Cone stated that she thought Telluride operates a similar lift; Mr. Clyde was not familiar with that profile.

Through illustration of slides, Mr. Sweeney pointed out how landscaping could break up the massing of structures. He discussed renderings of the perspective from 8th Street and 7th Street of the approved Master Plan, the proposed bridge, and the Caledonian. Mr. Sweeney mentioned that what is proposed is less elevation than approved in the Master Plan. He showed slides of the Master Plan looking up the run and views of the existing proposal with the bridge. David Belz added that where the ski run meets the road should be more natural and defined with boulders and landscaping. In response to a question from a citizen appellant, Mr. Belz continued that the setbacks in the slides are the same as the approved plan, but the computerized renderings emphasize the street edge. Mr. Sweeney explained that in both plans, a ten foot setback is required, consistent with the old Sweeney Master Plan. Mr. Belz continued to show a variety of slides from different perspectives with and without the ski bridge. In response to a question from Ms. Wintzer, Mr. Sweeney indicated that there is more vista from Park Avenue of the hillside with the proposed plan as opposed to the current plan.

Jo Scott, citizen appellant, thanked Paul Sincock for offering options to review. She noted that the bridge in Option A is more attractive than the proposed wider bridge and still provides the open space. It is still a bridge and still has the inherent problems of any bridge including aesthetics, traffic, economics and historic. A bridge will divide Old Town and blocks the visual corridor of the area and could become a magnet for graffiti. Closing streets creates traffic, parking problems and safety hazards. Ms. Scott continued that the maintenance of the bridge could be a cost to the taxpayers, and they feel the benefits are private and commercial. The bridge would benefit only a few skiers and not many locals. David Belz disagreed as an Old Town resident. Ms. Scott stated that a bridge hurts the integrity of the Historic District and tourists will notice that. It also sets a precedent for rearranging historic Old Town. They are against this option because "a bridge is a bridge is a bridge".

Mary Wintzer, citizen appellant, stated that they do not recognize Option B as a viable option as it was rejected by the community five years ago and they believe it is illegal to propose now because it is not the subject of either of the appeals before Council.

Marianne Cone discussed Option C and noted that without the bridge or street closure the town maintains its integrity of being a mining town turned ski town. The tramway tower and Silver Queen's house stays in place. She stated that the mid-station works and felt that the downloading could work as the run is intimidating at this location. Because of the large Caledonia building on the east side of the street and in light of the renderings that Mr. Belz has produced, it works to have a bigger building on the west side of the street. The houses that could be on Woodside are attractive and the winter ski access really does stay with the addition of a crosswalk or traffic light on Park Avenue. She felt that this is just as convenient as the Resort Center where there are long distances to walk from the parking lot. Ms. Cone didn't feel that visitors would not anticipate the bridge and summer open space would still exist under the lift, above Woodside Avenue and access to the Sweeney Switchbacks remain. The inherent problems of upkeep, snowmaking, and grooming will not result with this option which is a burden to place on the citizenry. The open space between Park Avenue and Woodside Avenue would be at about a 4% grade and limits uses. She felt that the building on the west side could work and would like to see the sidewalks and landscaping on the drawings as it does make a difference. Ms. Cone stated that they are leaning toward Option C if that is a possibility, and Mr. Sweeney could do this tomorrow if that is what he wanted to do.

The Mayor opened the discussion to the City Council. In response to a question from Paul Sincock about the bridge working at 30 feet, Doug Clyde discussed evaluating the net gain versus the net loss and the opponents just mentioned that "a bridge is a bridge is a bridge". All the negatives that appear there at 20 feet, appear at there at 40 feet. He continued that from the Ski Area's perspective, the difference between 35 feet and 30 feet of skiable width probably doesn't change the bridge experience much, but could have a significant impact on the operation. With regard to Option C and the downloading problem, Mr. Clyde noted that the Ski Area has viewed the Town Lift as a transportation lift principally and people have the opportunity of skiing down to Woodside and walk the balance of the distance. The Ski Area looked at Option C when the lift was installed, and from an operations standpoint, it was decided it was best to let people ski down to Woodside. Mr. Sincock brought up comments about improving the Town Lift alignment to accommodate more ski terrain, and Mr. Clyde responded that the condition to do that is if there is skiing to the bottom of the lift that actually works. Mr. Clyde stressed that even a 20 foot walking bridge is an improvement over the existing condition, but probably doesn't provide sufficient benefit to Mr. Sweeney to give up his density.

Shauna Kerr referred to the potential of improving the Town Lift, and asked to what extent the Ski Area is willing to deal with the impacts of parking demand as she felt it is tied to the impacts of the expansion at the Resort Center. Ms. Kerr noted that she felt things are piecemeal and she doesn't have answers. Mr. Clyde stated that realigning the lift has a fair amount of expense associated with it. He added that in order to get more people using the lift, people would have to be bused there, but the bus routing would have to be changed. Ms. Kerr responded that the bus system operates from the Resort Center. Mr. Clyde clarified that they are not looking for more people to use the Town Lift as a result of the bridge, but describe it as a transportation lift to service a bed base. When the lift was installed it was considered as a link, but because of changes in technology and design, it is contemplated that with the lift being realigned to the top of Payday, people could ski down Payday to the new Bonanza Lift which will start at the Angle Station. The reasons the Ski Area is willing to make improvements are that it cuts about two minutes off the ride and the lift would be useable in storm conditions.

In response to a question from Roger Harlan, Mr. Sweeney explained that the bridge could be a trestle bridge no matter the width, but because of seismic code the trusses would be elevated so that people could ski under them. They are looking at a suspended-stay bridge, which has historic corollaries, and a lighter profile for the bridge. There are many design options that need to be studied in detail. Mr. Sweeney clarified for Mr. Harlan that the bridge proposal was a result of the opposition in 1991 of closing two streets. The City Council approved the Master Plan without road closures and that is all of the detail provided which meant that the ski run could not be brought down in the way it was planned. Mr. Sweeney added that at the same time, the Council approved the balance of the project to be built in a way that resulted in a pedestrian level which exists in the Summit Watch Project above Main Street and exists in their project above Main Street and Park Avenue and the only way to have ski access to the Coalition East Building is to have a bridge or an elevated berm. With regard to Mr. Sincock's concern about ice under the bridge, Mr. Sweeney felt that overpasses are very common and shouldn't be a problem with traffic traveling at 20 mph. With regard to Ms. Kerr's comments about parking, Mr. Sweeney emphasized that the intent has always been that the Town Lift is for pedestrians and this should be stressed in the Chamber's and City's literature. This is a lift that is meant to be used by people staying in Old Town or people using the public transit system; it not meant to attract people to park there and there won't be parking for day skiers.

Chuck Klingenstein stated that his concerns are the unintended consequences of the base expansion, paid parking at the Resort Center, paid parking at the base of the Deer Valley Ski Area, and paid parking in downtown Park City. He felt that people will look for other opportunities to avoid paid parking which places the City in a major parking enforcement program. The projected count is 1,500 to 2,000 in the morning and 1,000 to 1,500 in the afternoon and if the count is larger, maybe the bridge needs to be bigger and he didn't know how to address that here. Mr. Klingenstein stressed that Council doesn't have a master plan for the Ski Area like it did for Deer Valley. At build-out of the Town Lift Area, the Mayor asked how many beds will result. Mr. Clyde responded that the range of 1,500 to 2,000 comes from the Ski Area's best estimate of the number of beds at build-out and adding the variable of Mr. Sweeney's project above. Mr. Clyde added that on a peak day, there is a count of about 900 and most of those originate out of the lower terminals versus the mid-ramp. If the build-out is considered, there are 500 more, and depending on Mr. Sweeney's project, could increase to 2,000. From a planning standpoint, Mr. Clyde pointed out that most of the density has been approved and the Ski Area feels comfortable with that range. Again, Mr. Clyde reiterated that the benefit of the realignment of the lift is adding a storm lift.

In response to a question from Roger Harlan, Mr. Clyde explained that peak hours are used to measure trail congestion and about 70% of the skiers tend to exit the mountain during a peak hour. Within that range, the Drift Trail operates in the range of 1,000 to 2,000 per hour. Roger Harlan pointed out that this cat track is narrow and can be crowded and perhaps the Town Lift Run doesn't need to be as wide as people think. Mr. Clyde responded that there are some parallels, but the main dissimilarity is that when one enters the Drift, you are going uphill from the run and it is very long and constant in width. From the mid-station at the Town Lift, there is a short but steep 35% pitch and an opportunity for some skiers to pick up speed and carry it across the bridge. The combination of those factors, make the Ski Area concerned about the width of the bridge. With no further questions from the Council, the Mayor thanked all who attended the meeting.

Toby Ross stated that what staff needs at the conclusion of next week's meeting is enough direction so that Council can be provided distinct acceptable options to meet the deadline of May 23. He advised Council to come prepared next week to give staff direction; this probably won't involve more input but the appellants need to be prepared to answer questions. Answering a question from Paul Sincock, Mr. Ross indicated that a closed session would not be necessary unless Council's deliberations are compromised by keeping the meeting open.

Eleanor Griffin expressed her disappointment as it is unclear what option Mr. Sweeney will accept and there are many unanswered questions. The Mayor explained that up to this point, the City Council has been taking input and next week Council will discuss all of the questions and provide direction to staff. The Mayor assured Ms. Griffin that her questions are important and Council is moving toward making a decision on May 23. Chuck Klingenstein added that there has been a two year review process by various boards on this project, and would hope that Ms. Griffin would not assume that Council could absorb all of the nuances of the project in one meeting. Paul Sincock felt that the responses from the Ski Area and Mr. Sweeney were pretty clear on the options; Ms. Griffin disagreed and felt that they were ambiguous. Mr. Sincock stated that Council members have not discussed these things among themselves.

Ms. Wintzer reiterated that Option B does not relate to either appeals and if Option B is reconsidered she would feel as if they have been mislead. Ms. Kerr asked Mr. Sweeney if he would eliminate the consideration of Option B so that everyone's energy could be channeled on other viable issues. Mr. Sweeney felt that that should be Council's decision. He noted that every time they come before Council, they get turned down and somebody has some great idea that is pursued another several years. Mr. Sweeney indicated that he does not want to continue to do that and would like to arrive at a conclusion once and for all. Ms. Kerr again pointed out that in the spirit of cooperation, a stipulation to removing an option could assist in moving this appeal to a decision. Mr. Sincock thanked the appellants for commenting on all three options; and although Option B was considered five years ago, this Council and constituency has not heard that dialog and review is not a wasted effort. Mr. Sweeney agreed and felt it important to bring all options to the forefront, and stated that he did not mind spending time on them. Mr. Clyde expressed to Ski Area's willingness to look at any option and stated that the Planning Commission is currently reviewing the Resort

Center expansion. Because of time limits in discussing that project as a part of this appeal, he offered to meet with Council members. David Belz stated that it is important to have public input and up to this point, Council has not invited public comment. He noted that at the Planning Commission hearings, there was support of 2:1 for the ski run and asked when the general public will be able to express its opinions. From a legal standpoint, the City Manager explained that there is no entitlement for the public to comment but the Council could accommodate that but have not yet made that determination. If there is a major deviation from previous considerations, it would probably be appropriate to open discussions and the Council is aware of the public input before the Planning Commission. Mr. Belz offered to provide more computerized renderings at different perspective points on elements the Council would like better illustrated. Mary Wintzer interjected that both appellants agreed on this format to better expedite a decision. She stated that they are prepared to withdraw from the negotiations if Option B is an option.

Kirsten Whetstone, pointed out that the Council has been discussing three options tonight, but there are five including the one that the Planning Commission approved and doing nothing. Jo Scott felt that a public hearing before elected officials like would prompt a better turn-out than a hearing before the Planning Commission and she encouraged Council to consider a hearing.

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. Members in attendance were Mayor Brad Olch, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Hugh Daniels was excused. Staff present was Toby Ross, City Manager. Chuck Klingenstein, "I move to close the meeting to discuss litigation". Paul Sincock seconded. Motion carried. The meeting opened at approximately 4:30 p.m.

The City Council met again in closed session at approximately 5:40 p.m. City Attorney Jodi Hoffman joined the closed session. Shauna Kerr, "I move to close the meeting to discuss litigation". Chuck Klingenstein seconded. Motion carried. The meeting opened at approximately 6 p.m.

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

* * * * * * * * * ** *

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, Deputy City Recorder

RICHER DEVELOPMENT SERVICES, INC.

May 1, 1996

Mayor Brad Olch
Park City Council Members
Summit County Board of County Commissioners
Park City School Board Members

Re: SCHOOL FACILITY IMPACT FEE

Dear Ladies and Gentlemen:

As a former member of the Park City Council, I supported the implementation of the school impact fee. I continue to believe that the fee makes sense for areas growing as rapidly as Park City and the Snyderville basin. Allocating the cost of school infrastructure to those causing the impact is fair. It does not (and has not) affected the affordability of the vast majority of real estate in our area (which is already priced far beyond any national affordability standard) nor has it harmed the viability of our market. Unfortunately, our brethren at the state legislature deemed this to be an inappropriate way to collect revenue for a school system. We tried and we lost.

As to the big question of whether or not the money should be refunded, I believe you have heard plenty of public comment suggesting that those in the effected group think that this is an issue of equity. We all know that life is not fair, but governmental bodies should always strive for equity and fairness in their rules, regulations and taxes. I know that all of you believe this and therefore I conclude that you will do the right thing and refund the money.

The question then becomes who gets the refund. You have made the assumption that these fees are passed on to our purchasers. In my particular case this is not so. My partners and I paid the second home fee on five units in an eighteen-unit project. The building permits for the first phase of ten units and for three units in the second phase were pulled prior to the implementation of the fee. However, we marketed and sold all of our units in the second phase during the same period. The second phase consisted of two different unit types. We priced four of the units at $749,000.00 and we priced four at $699,000.00. The retail prices were the same regardless of whether the fee was imposed. Our retail pricing strategy is based upon hitting a particular price point (a market niche), estimating our costs and determining if the margin is sufficient for us to incur the degree of risk. We absorbed the additional $848.25 per unit for the five units thereby increasing our costs and decreasing our profit margin. We compute our costs on a per project (or phase) basis, not by the unit. If our objective for the second phase is to make a total profit of $100,000.00, we really don't care if we make the profit equally ($12,500.00 per unit) or disproportionately (say, $25,000.00 per unit for four units and zero for the other four). In fact, our actual distribution is much closer to the later than the former.

I understand that the recently passed ordinance No. 11-13-7 repealing the school impact fee states that the "current owner" shall receive any potential refund. If your decision to refund the fee is

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based upon equity, the decision in ordinance No. 11-13-7 to return the money to the current owner throws the equity principle out the window, at least in our case. Those unit owners who, by your assumption, paid the fee don't even know that they paid the fee (because it was not reflected in their price - they paid the same retail price as the other purchasers of similar type units). Not only did we incur the additional cost of the fee but we also had to issue five promissory notes totaling $12,723.75 to ensure that we would sell the units to second home users. I had to sign the notes both personally and as president of RDS, Inc.. Throughout the school impact fee packet distributed by the city, no distinction is drawn between "current owner" or "original owner" or "developer". The only term used is owner. As owner *I had to pay* in order to get the building permit. Why are you drawing the distinction now? What is equitable and fair (if that's what we are trying to achieve)? Shouldn't the money be returned to those who paid it, to those who entered into promissory notes and to those who undertook the burden of dealing with the school impact fee ordinance? Why should someone else realize an unexpected and undeserved windfall at our expense?

Trying to "figure out" the private sector is very difficult. There are thousands of scenarios that could have occurred involving these fees. To assume that all sellers have the luxury of passing additional costs on to buyers flies in the face of reality and the constraints of a competitive free market. Let the buyers and sellers, those who know the truth and reality of their individual situation, negotiate a fair settlement to this problem. Give the money back to those who wrote the check. Don't make sweeping economic judgments that can't possibly be "fair" for each and every case. Let the private sector work this out on its own accord.

Finally, a personal note. I paid the school impact fee (along with my two partners). My property taxes will now increase reflecting your decision to refund the money. If you stick with your decision in ordinance No. 11-13-7, I will not receive any of the school impact fee rebate. I will be double taxed. This is not good. This is not equitable. This is not government at its best. Do the right thing!

Thank you for your time and attention.

Sincerely,

RICHER DEVELOPMENT SERVICES, INC.

Bob Richer

Bob Richer, CRS, GRI

DATE: May 2, 1996
DEPARTMENT: City Manager's Office
AUTHOR: Jan Scott
TITLE: Resolution - Pet Adoptathon '96
TYPE OF ITEM: Public Relations

SUMMARY RECOMMENDATIONS: Adopt a resolution recognizing the accomplishments of the Friends of the Animals and Summit County Animal Shelter Staff and declaring May 4 and 5, 1996 as "Pet Adoptathon '96 Weekend" in Park City, Utah

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DESCRIPTION: It is hoped that this event will encourage people to come and see the new shelter and at the same time to adopt an abandoned pet. The shelter is planning to open from 9 a.m. to 9 p.m. both days. Every hour on the hour, there will be a raffle of one of 24 donated prizes, face-painting for the kids, and a kids' coloring competition with prizes for winners whose work will then hang in the Kimball Art Center. With every adoption, Iams is donating an adoption kit which includes food and guidance information. Susan Humpries from Park City Dog Training will be on hand to help families match up with the perfect pet that best suits their needs and the needs of the prospective pet. They are also inviting back all of the dogs and cats adopted from the shelter to come back and see the staff and collect their "Happy Tail Club" bandanna and bag of Iams food. There will be something for everyone -- free food and beverages, entertainment, and the chance to pet endless kittens and puppies. Other rescue groups are also bringing adoptable pets to the event, and a local veterinarian will be there to offer discounted vaccinations.

They are hoping that the Mayor and City Council find the time to visit the shelter this weekend as they are very appreciative of Park City's support over the years.

RECOMMENDATION: The Friends of the Animals and shelter staff are very enthusiastic about this first-time event and have put a lot of effort into its success. Connie Turkington, the Director at the shelter will be present to accept the resolution. See summary recommendation.

RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF THE FRIENDS OF THE ANIMALS AND SUMMIT COUNTY ANIMAL SHELTER STAFF AND DECLARING MAY 4 AND 5, 1996 AS "PET ADOPTATHON '96 WEEKEND" IN PARK CITY, UTAH

WHEREAS, Friends of the Animals was formed over nine years ago when a group of concerned citizens realized the need to educate people on the responsibilities of pet care, "planned pethood", and the imminent need for improved shelter facilities; and

WHEREAS, members of the Friends of the Animals have grown to over 500 volunteers who have saved thousands of animals from destruction by fostering them in their homes and eventually placing them in adoption homes; and

WHEREAS, Summit County has provided a new, clean and humane shelter in Wanship where the Friends of the Animals work closely with the shelter's professional staff to ensure that new arrivals are tested and vaccinated; and

WHEREAS, May 4 and 5, 1996 is the first time a National Adoption has ever been organized to alert the public of one significant message -- that there are hundreds of abandoned pets who need loving, caring and permanent homes;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that May 4 and May 5, 1996 is hereby declared as:

"PET ADOPTATHON '96 WEEKEND" IN PARK CITY, UTAH

BE IT FURTHER RESOLVED that the Mayor and the City Council encourage the community to participate in the many fun and educational activities to be held at the Wanship shelter which will be open for 24 lifesaving hours on Saturday and Sunday; and to recognize and appreciate the many contributions that the volunteers of the Friends of the Animals make in tandem with the committed staff at the shelter to create a successful team with the worthy goal of prompting an awareness of kindness to pets and a better understanding between animals and man.

PASSED AND ADOPTED this 2nd day of May, 1996.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

PARK CITY
1884

CITY COUNCIL REPORT

DATE:	**April 29, 1996** **(May 2, 1996 Meeting)**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Patrick Putt**
TITLE:	**408 Main Street Plat Amendment**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS: Adopt the Ordinance amending the plat at 408 Main Street.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant:	Hans Fuegi
Location:	408 Main Street
Zoning:	HCB
Adjacent Land Uses:	Commercial
Date of Application:	April 4, 1996
Project Planner:	Patrick Putt

B. Background.

The applicant is the owner of property located at 408 Main Street. The property includes the northerly 16 feet of Lot 2 and the southerly 9 feet of Lot 3, Block 23, of the Amended

Plat of the Park City Survey, as well as a 25' x 50' metes and bounds parcel adjacent to Swede Alley (see attached vicinity map and plat). The applicant's property is located on the east side of Main Street between Mileti's and Cows *(formerly Scrooge's)*. A City pocket park *(the "Scrooge's pocket park")* is located directly south of the applicant's property along Swede Alley.

The purpose of the proposed plat amendment is to remove the common lot lines to permit a remodel of the historic structure and the construction of an addition to the rear of the historic 408 Main Street structure. The addition was approved by the Historic District Commission in September 1995. The remodel/reconstruction of the historic structure was reviewed by HDC in April 1996 *(see attached site plan for the addition)*. The building permit for the addition has not been issued.

C. Analysis

The plat amendment will create one 3125 square foot lot. The applicant's building addition was approved by HDC prior to the recent enactment of the Temporary Zoning Ordinance for the HCB Zone and, therefore, is not subject to the TZO regulations. The TZO limits buildings in the HCB Zone to no more than 2800 square feet of floor area on the main level and a maximum building height of 27 feet. The main level floor area for the existing building and addition is 2796 square feet. The height of the structure is 27 feet at Main Street; however, the building's Swede Alley elevation is 33 feet. No setbacks are required in the HCB Zone. The addition will be set back 1 foot from the rear property line.

The applicant's plat amendment also proposes to incorporate a small strip of deeded land approximately 2 feet in width along the southerly side of the Swede Alley portion of the subdivision, adjacent to the Scrooge's pocket park. *(see proposed plat for the location of this strip of land)*. The deeded strip of land is in the approximate location of a retaining wall and landscaping in the pocket park. The City Engineer requests that the applicant have the strip of land marked in the field so the City can determine its interests, if any, in property. If the strip includes the retaining wall and/or landscaping, the City Engineer recommends that the proposed southerly property line be adjusted on the recorded plat to exclude these improvements. Staff has drafted a condition of approval requiring that the survey and any necessary lot line adjustment be a condition precedent to the recording of the final plat. As part of the reconstruction, the applicant has agreed to grant a facade easement for the Main Street building facade. Staff has drafted a condition of approval specifying that the facade easement be recorded prior to the issuance of the building permit.

D. Department Review.

The City's Staff Review Team and City Attorney's Office have reviewed this application.

ALTERNATIVES

A. Approve the proposed subdivision plat amendment creating one 3125 square foot lot.

B. Deny the subdivision plat amendment and retain the current configuration of the property.

C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS;
Approval of the proposed plat amendment will combine several parcels into one lot. The plat amendment will result in the construction of an addition to the rear of the historic 408 Main Street building which will extend back to Swede Alley.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: If Council denies this request the property owner will not be able to reconstruct the historic structure in compliance with the Uniform Building Code. Denial of this application will also preclude the applicant from constructing the addition to the rear of the existing building because it too would cross a lot line.

PUBLIC INPUT: The property was posted and legal notice sent to all property owners within the affect subdivision and within 300 feet. As of the date of this report, no public input has been received.

RECOMMENDATION:

The Community Development Department recommends approval of the proposed plat amendment subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

2. The proposed plat amendment will combine several pieces of property into one 3125 square foot lot.

3. The overall size of the existing building and addition will be generally compatible in scale with Historic Main Street.

4. Swede Alley is a major entryway to the City's Historic Main Street Commercial District. Maintaining open space in Swede Alley and appropriate architectural detailing on buildings fronting Swede Alley is important to the residents, merchants, and visitors to Park City.

5. Park City Municipal Corporation will determine its interests, if any, in that portion of the Millsite Reservation area east of Block 23, of the Amended Plat of the Park City Survey, which is incorporated into this plat.

6. Maintaining historic building facades on Main Street is important to the residents, merchants, and visitors to Park City. The applicant has agreed to record a facade easement for the Main Street facade for the historic structure located at 408 Main Street prior to the issuance of a building permit.

Conclusions of Law:

1. There is good cause for the amendment.

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

Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.

2. The City Engineer shall determine the City's interest, if any, in the strip of land approximately 2 feet in width along the southerly side of the Swede Alley portion of the subdivision. The applicant shall cause the strip to be marked by a registered Land Surveyor in the State of Utah. If the strip contains and existing retaining wall and/or landscaping, the southerly line shall be adjusted on the recorded plat to exclude these improvements.

3. Execution and Recordation of the plat is a condition precedent to the issuance of a building permit for the addition/remodel.

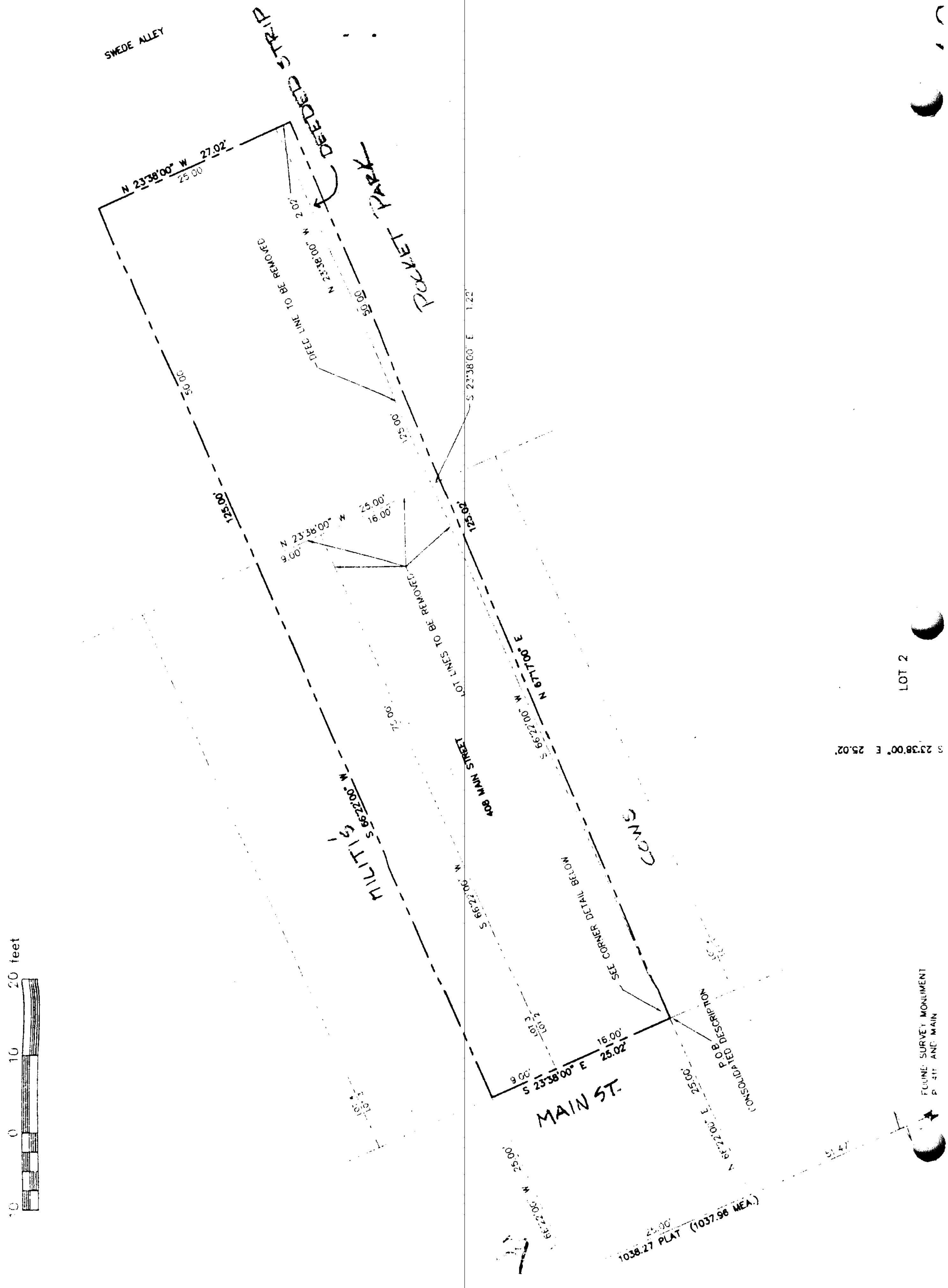
4. Execution and recordation of a facade easement for the Main Street facade of the historic structure located at 408 Main Street is a condition precedent to the recording of the plat

5. All Standard Project Conditions shall apply.

Exhibits:

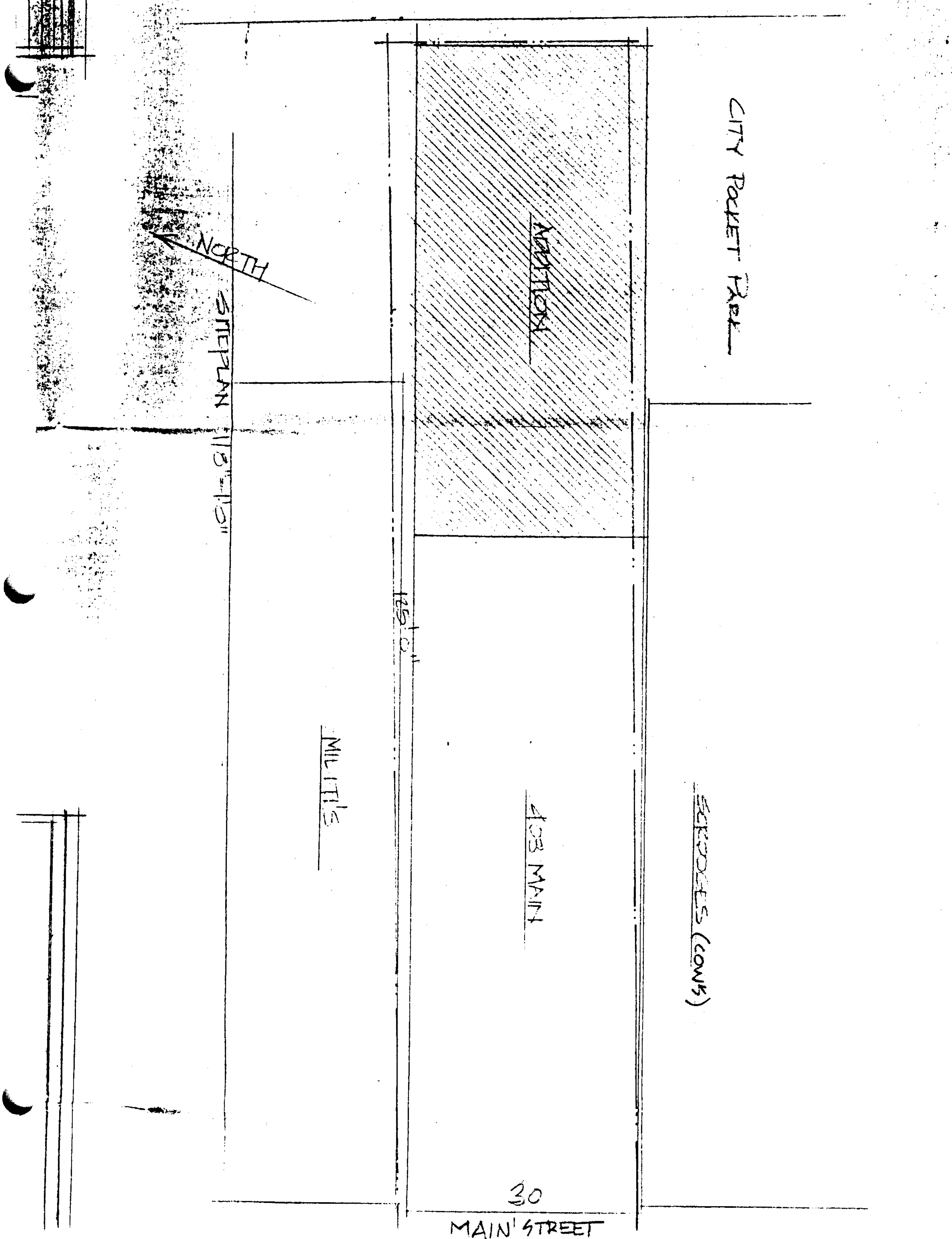
Exhibit A: Proposed Plat
Exhibit B: Site Plan For Addition
Exhibit C: Proposed Ordinance

EXHIBIT A



SWEDE ALLEY
DEEDED STRIP
POCKET PARK
N 23°38'00" W 27.02'
25.00'
N 23°38'00" W 2.02'
DEED LINE TO BE REMOVED
50.00'
125.00'
S 23°38'00" E 1.22'
125.02'
N 23°38'00" W 25.00' 16.00' 9.00'
LOT LINES TO BE REMOVED
N 67°17'00" E
S 66°22'00" W
408 MAIN STREET
75.00'
S 66°22'00" W
MILLITIS
CONE
SEE CORNER DETAIL BELOW
LOT 3
LOT 2
16.00'
25.02'
9.00'
S 23°38'00" E
MAIN ST.
P.O.B. CONSOLIDATED DESCRIPTION
25.00'
LOT 2
S 23°38'00" E 25.02'
FOUND SURVEY MONUMENT
1038.27 PLAT (1037.96 MEA.)
20 feet
10
0

"EXHIBIT B"



SWEDE ALLEY
CITY POCKET PARK
NORTH
SITE PLAN 1/8" = 1'0"
ADDITION
125'0"
MILITI'S
403 MAIN
(CONS)
30
MAIN STREET

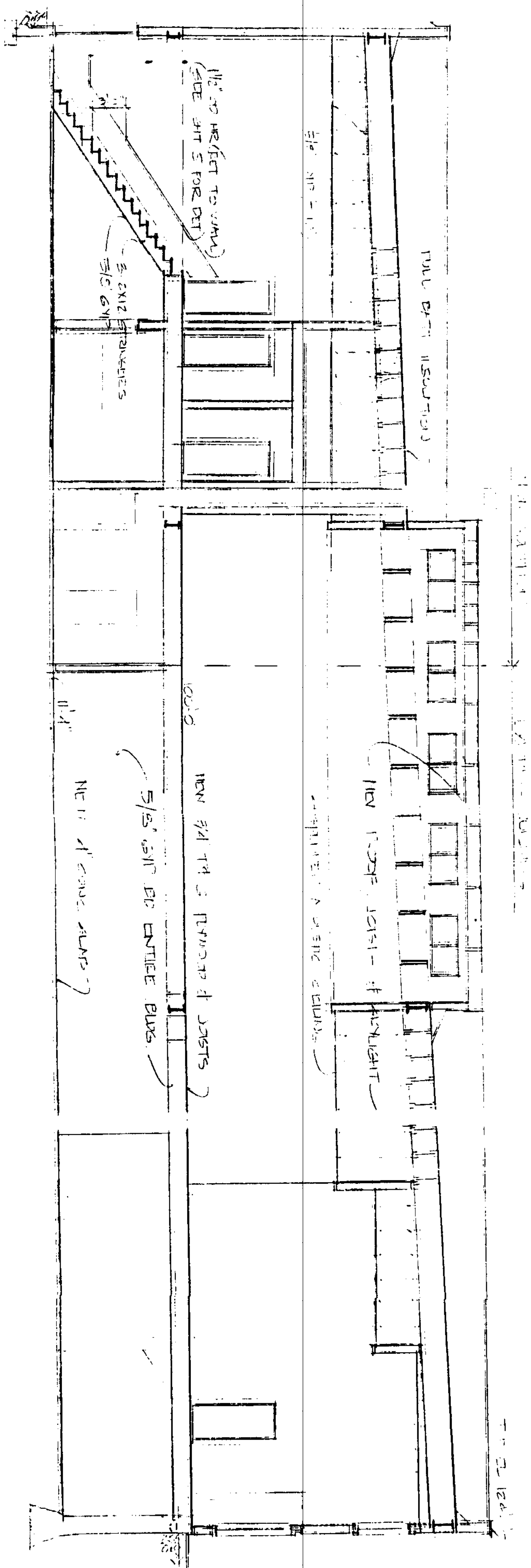


EXHIBIT "B_2"
PROPOSED BUILDING SECTION

Ordinance No. 96-

AN ORDINANCE APPROVING AN AMENDMENT TO THE AMENDED PARK CITY SURVEY, PORTIONS OF LOTS 2 AND 3, BLOCK 23, TO BE KNOWN AS THE FUEGI RESUBDIVISION, LOCATED AT 408 MAIN STREET, PARK CITY, UTAH

WHEREAS, the owner of the property known as Lots 2 and 3, Block 23 of the amended Park City Survey, has petitioned the City Council for approval of an amendment to the amended Park City Survey; and

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

WHEREAS, the City Council held a public hearing on May 2, 1996 to receive public input on the proposed amendment;

WHEREAS, Park City Municipal Corporation will determine its interests, if any, in that portion of the Millsite Reservation area east of Block 23, of the Amended Plat of the Park City Survey, which is incorporated into this plat;

WHEREAS, maintaining historic building facades on Main Street is important to the residents, merchants, and visitors to Park City. The applicant has agreed to record a facade easement for the Main Street facade for the historic structure located at 408 Main Street prior to the issuance of a building permit; 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:

1. There is good cause for the amendment.

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

SECTION 2. PLAT APPROVAL. The plat amendment for Lots 2 and 3, Block 23 of the Amended Park City Survey is approved as shown on the attached Exhibit A with the following condition:

1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.

2. The City Engineer shall determine the City's interest, if any, in the strip of land approximately 2 feet in width along the southerly side of the Swede Alley portion of the subdivision. The applicant shall cause the strip to be marked by a registered Land Surveyor in the State of Utah. If the strip contains and existing retaining wall and/or landscaping, the southerly line shall be adjusted on the recorded plat to exclude these improvements.

3. Execution and Recordation of the plat is a condition precedent to the issuance of a building permit for the addition.

4. Execution and recordation of a facade easement for the Main Street facade of the historic structure located at 408 Main Street is a condition precedent to the recording of the plat

5. All Standard Project Conditions shall apply.

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

PASSED AND ADOPTED this 2nd day of May, 1996.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, Deputy City Recorder

Approved as to form:

____

Mark D. Harrington, Assistant City Attorney

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE:	**April 29, 1996** **(May 2, 1996 Meeting)**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Patrick Putt**
TITLE:	**The 265/275 Ontario Avenue Plat Amendment *(Park City Survey, Block 53, Lots 15-18 Plat Amendment)***
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS: Adopt an ordinance amending the Park City Survey at 265 and 275 Ontario Avenue to combine Lots 15-18, Block 53 and a portion of vacated Third Street. The plat amendment will combine four (4) 25' x 75' platted lots and a portion of vacated Third Street into two (2) single family lots.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant:	Mark Dickens and Jamie Thomas
Location:	265 and 275 Ontario Avenue
Zoning:	HR-1
Adjacent Land Uses:	Residential
Application Completed:	January 5, 1996
Project Planner:	Patrick Putt

B. Background.

The applicants own Lots 15-18, Block 53 of the Park City Survey, including the southerly one-half *(15 feet)* of vacated platted Third Street (see Exhibit A). The vacation of the portion of Third Street adjacent to Lots 15-18 occurred in September 1977. The property is located in the HR-1 Zone and is approximately 8150 square feet in area. The site is currently vacant. The Ontario Avenue right-of-way bisects the extreme eastern edge of the property. The easterly (upper) 2/3 of the site slopes downhill from Ontario Avenue. The westerly (lower) 1/3 of the site along Marsac Avenue is extremely steep. The properties immediately adjacent to the north and south are developed with multiple-unit residential structures.

The applicants are seeking approval to eliminate the interior lots lines and reconfigure the site to create two 32.5 foot wide, approximately 4000 square foot single-family lots running between Ontario and Marsac Avenues.

On March 27, 1996, the Planning Commission voted to forward to City Council a positive recommendation to approve the proposed plat amendment.

C. Analysis

The Community Development Department finds this application to be consistent with the City's subdivision regulations and compatible with the existing neighborhood and Historic District. Although amending the plat will allow for two lots that are larger than the typical 25' x 75' Old Town lots, this proposal will create lot and one-half building sites. The City encourages lot and one-half combinations within the Historic District because the wider lots provide larger building setbacks, greater site area for parking, snow storage, and landscaping; and allow better opportunities for architectural variation on the street-side facades.

Under the current F.A.R.s, the proposed lots would permit two houses up to approximately 2300 square feet in size *(not including an additional 400 square feet for a garage)*. The Department finds that the resulting building masses will be compatible with the Historic District and will appear somewhat smaller than the adjacent multi-unit buildings due to the HR-1 setbacks *(30 feet total front and rear; 10 feet total side yards)* and the 27 foot maximum height requirements.

Access to the lots is to be off of Ontario Avenue. The City Engineer has requested that a 10 foot wide snow storage easement along Ontario Avenue and a note prohibiting any access off of Marsac Avenue be added to the plat. The applicants have agreed to this condition. The snow storage easement and plat note are condition precedents to the recording of the plat.

Landscaping improvements from a residence at 301 Ontario Avenue encroach onto the northeast corner of the applicants' property. The applicants have agreed to resolve the encroachment to the satisfaction of the City Attorney prior to recording the amended plat.

Due to the emergency vehicle access limitations of Ontario Avenue, the Building Official has requested that a note be added to the plat specifying that the wood shingle roofs are prohibited and the houses be constructed with fire sprinkler systems. The applicants have agreed to the is condition. This plat note is a condition precedent to recording the plat.

A small sliver *(180 sq. ft.)* of the applicants' property is located directly east of Ontario Avenue. The applicants have agreed to dedicate the sliver to the City as public right-of-way. The area of the sliver will be added to the overall square footage of the lots for purposes of calculating the allowed floor area ratios.

D. Department Review.

The Planning, Building, Engineering, and Legal Departments have reviewed this application and find it acceptable with the Finds of Fact, Conclusions of Law, and Conditions of Approval attached.

ALTERNATIVES

A. Forward a positive recommendation to the City Council to approve the proposed plat amendment thereby allowing the reconfiguration of the property. *Staff Recommendation*

B. Forward a recommendation to the City Council to deny the proposed amendment and retain the current lot configuration.

C. Continue the item and request additional evaluation from the Staff.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Should the Council decide to deny the request, the applicant will retain the right to pursue development of the four lots as presently platted subject to all City ordinances, codes and guidelines.

PUBLIC INPUT:

The property was posted and legal notice was sent to all property owners within the affected subdivision plat. As of the date of this report, Staff has received several inquiries regarding this application, however, no opposition has been received.

RECOMMENDATION:

The Community Development Department recommends that City Council approve the attached ordinance to amend plat for subject property as set forth in the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact:

1. The proposed plat amendment will eliminate the potential of up to four building sites and create two single-family lots.

2. The proposed lots meet the standards for buildable lots in the HR-1 District.

3. Staff has evaluated the neighborhood and finds that a range of building sizes exists in the immediate vicinity of the property. The adjacent structures to the north and south of the property are large multiple-unit residences. Two new structures of up to 2300 square feet in size on the subject property are compatible with context of the immediate area, therefore, the impacts to the neighborhood and Historic District are not significant.

4. The applicants have agreed to add a plat note specifying that wood shingle roofs are prohibited and the houses be constructed with fire sprinkler systems.

5. The applicants have agreed to dedicate 10 foot wide snow storage easements on the property along Ontario and Marsac Avenues.

6. The applicants have agreed to add a plat note prohibiting any access off of Marsac Avenue.

7. Landscaping improvements from a residence at 301 Ontario Avenue encroach onto the northeast corner of the applicants' property. The applicants have agreed to resolve the encroachment to the satisfaction of the City Attorney prior to recording the amended plat.

8. A small sliver *(180 sq. ft.)* of the applicants' property is located directly east of Ontario Avenue. The applicants have agreed to dedicate the sliver to the City as public right-of-way. The area of the sliver will be added to the overall square footage of the lots for purposes of calculating the allowed floor area ratios.

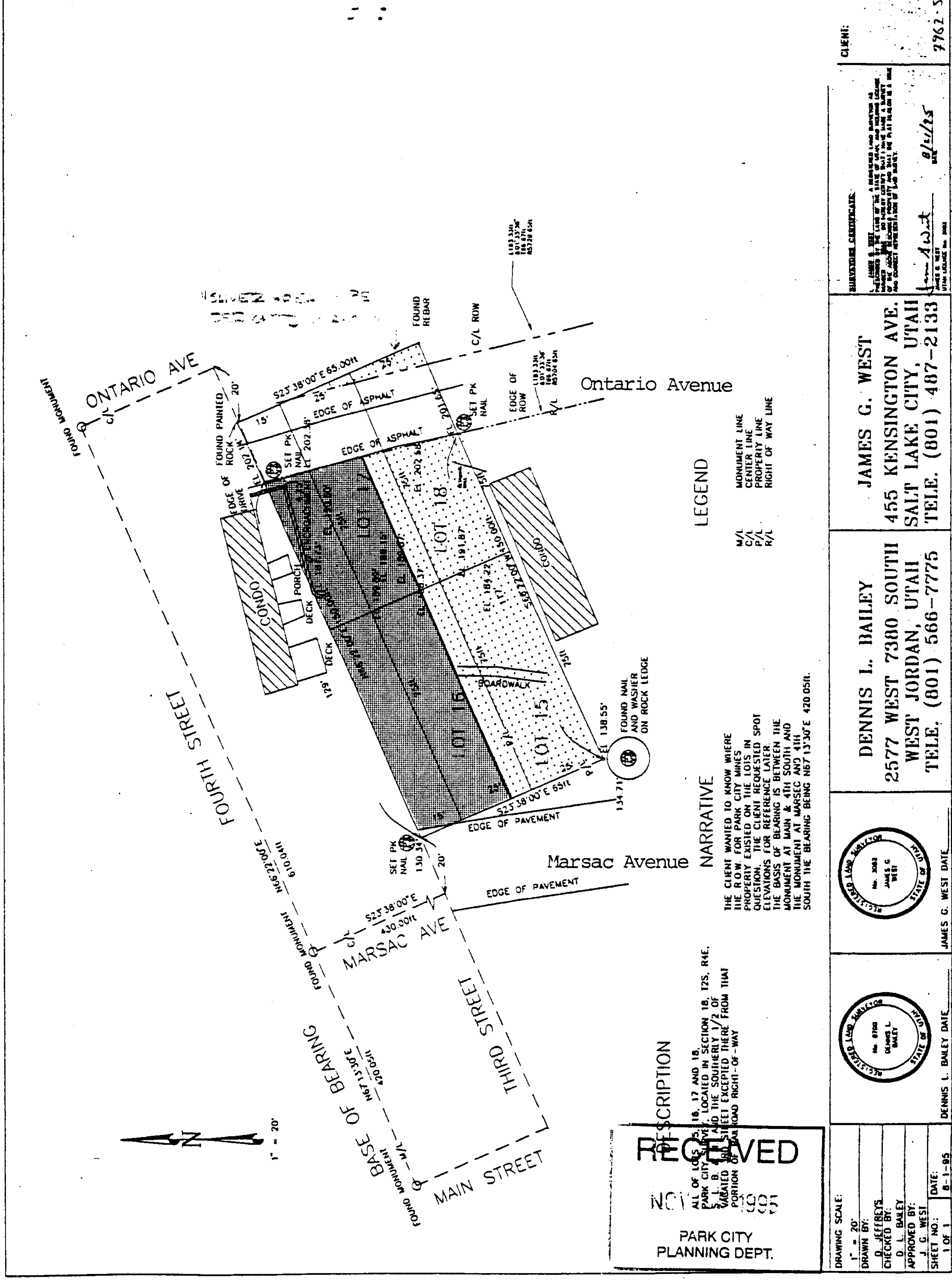
Conclusions of Law:

1. There is good cause for the amendment.

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

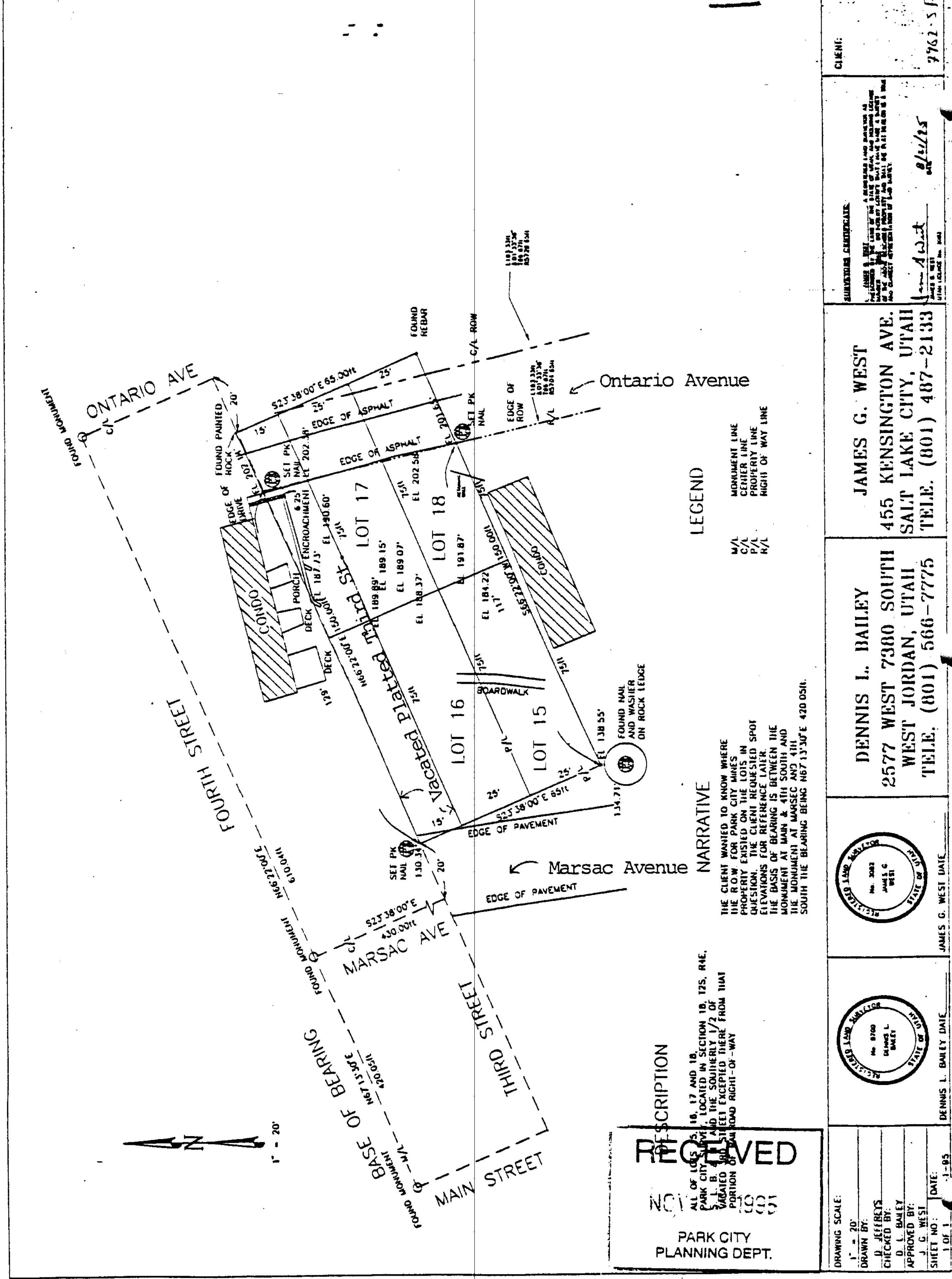
Attachment A

PROPOSED PLAT



ATTACHMENT 8

CURRENT PLAT



Conditions of Approval:

1. The City Engineer and City Attorney's approval of the form and substance of the amended plat is a condition precedent prior to recording the plat.

2. All Standard Project Conditions shall apply.

3. The addition of a plat note specifying that wood shingle roofs are prohibited and the houses are to be constructed with fire sprinkler systems is a condition precedent to recording the plat.

4. Ten (10) foot wide snow-storage easements on the property along Ontario and Marsac Avenues shall be dedicated on the plat.

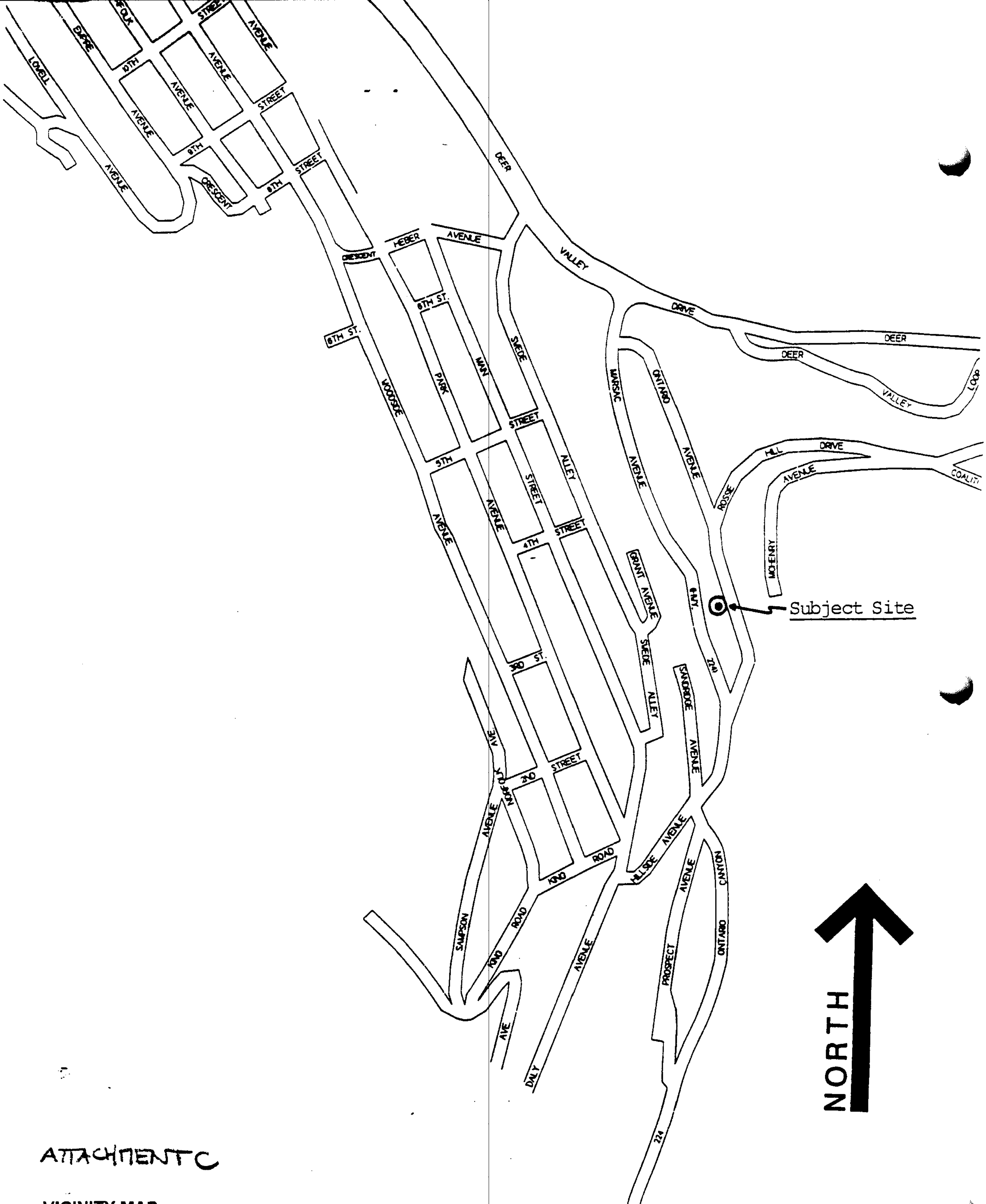
5. The addition of a plat note prohibiting any access off of Marsac Avenue is a condition precedent to recording the plat.

6. The applicants' resolution of the landscaping improvements encroaching onto the northeast corner of the applicants' property is a condition precedent to recording the plat. Resolution of this matter shall in a manner satisfactory to the City Attorney.

7. The applicants shall dedicate the remnant portion of the property located directly east of Ontario Avenue as public right-of-way on the plat.

ATTACHMENTS:

Attachment A- Amended Plat
Attachment B - Existing Plat
Attachment C- Location Map
Attachment D- Ordinance



ATTACHMENT C

VICINITY MAP

Ordinance No. 96-

AN ORDINANCE APPROVING AN AMENDMENT TO THE AMENDED PARK CITY SURVEY, LOTS 15, 16, 17 AND 18, BLOCK 53 AND A PORTION OF VACATED THIRD STREET RIGHT-OF-WAY, TO BE KNOWN AS THE 265/275 ONTARIO AVENUE PLAT AMENDMENT, LOCATED AT 265 AND 275 ONTARIO AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property known as Lots 15, 16, 17, 18, Block 53 of the amended Park City Survey and a portion of vacated Third Street Right-of-Way, have petitioned the City Council for approval of an amendment to the amended Park City Survey; and

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

WHEREAS, the Planning Commission held a public hearing on March 27, 1996 to receive public input on the proposed plat amendment and forwarded a positive recommendation to City Council ;

WHEREAS, the City Council held a public hearing on May 2, 1996 to receive public 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 of the amended Park City Survey plat for Lots 15, 16, 17, 18, Block 53 of the amended Park City Survey and a portion of vacated Third Street Right-of-Way is approved as shown on the attached Attachment A with the following condition:

1. The City Engineer and City Attorney's approval of the form and substance of the amended plat is a condition precedent prior to recording the plat.

2. All Standard Project Conditions shall apply.

3. The addition of a plat note specifying that wood shingle roofs are prohibited and the houses are to be constructed with fire sprinkler systems is a condition precedent to recording the plat.

4. Ten (10) foot wide snow-storage easements on the property along Ontario and Marsac Avenues shall be dedicated on the plat.

5. The addition of a plat note prohibiting any access off of Marsac Avenue is a condition precedent to recording the plat.

6. The applicants' resolution of the landscaping improvements encroaching onto the northeast corner of the applicants' property is a condition precedent to recording the plat. Resolution of this matter shall in a manner satisfactory to the City Attorney.

7. The applicants shall dedicate the remnant portion of the property located directly east of Ontario Avenue as public right-of-way on the plat.

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

PASSED AND ADOPTED this 2nd day of May, 1996.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, Deputy City Recorder

Approved as to form:

____

Mark D. Harrington, Assistant City Attorney

PARK CITY
1884

CITY COUNCIL REPORT

DATE: **April 29, 1996**
(May 2, 1996 Meeting)

DEPARTMENT: **Planning Department**

AUTHOR: **Patrick Putt**

TITLE: **Land Management Code amendments related to the outdoor display of goods and uses.**

TYPE OF ITEM: **Legislative**

SUMMARY RECOMMENDATIONS: The Community Development Department recommends that the City Council adopt the attached ordinance amending the *Land Management Code*.

BACKGROUND AND DISCUSSION:

The Community Development Department has prepared an amendment to the *Land Management Code* clarifying limitations on the outdoor display of merchandise and storage. The amendment also creates an administrative approval process for outdoor dining areas and storage of rental bicycles in the commercial zoning districts. The impetus for the proposed Code amendment comes as a result of several conditional use permit applications to the Planning Commission for outdoor dining areas, and outdoor display of rental bicycles and merchandise, including lawn furniture, salt, and firewood. The increase in outdoor display related conditional use permit applications are a result of code enforcement activities which have occurred over the past year.

The *Land Management Code* does not permit the display of merchandise in commercial zones outside of an enclosed building except for outdoor dining with a conditional use permit approval. Temporary outdoor displays for sidewalk sales, Christmas tree, pumpkin, and seasonal plant sales are permitted under the *Title 4 of Park City Municipal Code* and are permitted by the Finance Department through the business licensing process. No changes to the existing provisions for temporary outdoor displays for sidewalk sales, Christmas tree, pumpkin, and seasonal plant sales are proposed.

Although the display of merchandise outside of an enclosed building is not permitted in commercial zones, the *Land Management Code* contains a caveat which states that "the Planning Commission may permit outdoor uses which it determines are in the best interest" of the zoning district. However, no specific criteria are set forth to determine what constitutes the "best interest" of the zoning districts. Outdoor dining areas are typically approved by the Planning Commission. However, the conditional use permit requires a public hearing before the Planning Commission which often means applicants wait several months to be scheduled on an agenda.

At the October 11, 1995 work session, the Planning Commission reviewed this issue and directed staff to draft changes that would:

* establish an administrative process for outdoor dining areas and specific criteria for the approval of such uses;

* require food, beverage and cigarette vending machines to be placed within enclosed buildings;

* permit the outdoor display of rental bicycles and possibly other types of goods subject to specific criteria.

At the February 14, 1996 work session, the Planning Commission discussed a proposal from Staff that:

* allowed for Staff approval of outdoor dining areas subject to compliance with performance standards related to seating location, outdoor furniture, pedestrian circulation, hours of operation, parking, prohibition on outdoor speakers, signage and lighting;

* allowed for Staff approval of outdoor storage of rental bicycles subject to compliance with performance criteria related to storage location, landscaping and pedestrian impacts, signage and lighting; and

* allowed for the 100 square feet of outdoor display of merchandise in the General Commercial (GC) Zone.

The Planning Commission supported the concept of the administrative approval process for outdoor dining and permitting outdoor storage of rental bicycles. The Commission stated that the storage of rental bikes should be considered because of inherent storage problems, as well as the fact that bicycles promote alternative forms of transportation and enhance the outdoor-recreation image of the community. The Commissioners reexamined the concept of permitting other types of outdoor storage. The Commission member's expressed a concern that allowing items such as lawn furniture, clay pots, bags of salt, firewood, and other types of general merchandise would create visual blight that is inconsistent with the community's resort image and result in code enforcement problems. The Commission emphasized that it found no problem with the existing *Municipal Code* provision for seasonal plant sales or display of Christmas trees and pumpkins and had no interest in recommending changes related to those activities.

A public hearing was held concerning the attached draft ordinance at the March 13, 1996 Planning Commission meeting. Although not present at the hearing, the Main Street Merchants Association forwarded a resolution supporting the LMC amendment. No public input was received at the hearing. The Commission voted unanimously to forward a positive recommendation to City Council to amend the Code as proposed.

DEPARTMENT REVIEW:

The City's Staff Review Team and City Attorney's Office have reviewed this application.

ALTERNATIVES

A. Approve the attached ordinance amending the *Land Management Code* as presented.

B. Modify the attached ordinance amending the *Land Management Code* with specific direction.

C. Continue this matter pending further discussion and input.

SIGNIFICANT IMPACTS;

The proposed *Land Management Code* amendment:

* maintains the present *Park City Municipal Code* provisions which permit temporary outdoor displays for sidewalk sales, Christmas tree, pumpkin, and seasonal plant sales are proposed;

* establishes a faster, more-streamline process issuing outdoor dining permits;

* defines up-front criteria for outdoor dining uses;

* establishes an administrative process for the outdoor storage of rental bicycles

subject to compliance with specific performance standards; and

* clarifies the limitations on outdoor display of merchandise and storage which will help provide a greater degree of predictability in the code enforcement process.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If Council determines not to adopt the proposed *Land Management Code* amendment, outdoor dining uses will continue to be reviewed by the Planning Commission through the conditional use permit process. The Planning Commission will also continue to review conditional use permit applications for the outdoor display and storage of all types of merchandise with no specific approval criteria.

PUBLIC INPUT:

Notice of the proposed amendment was published pursuant to the *Land Management Code* and State Statute requirements. Staff received only one response. David Dodgion, of Peak Experience, submitted a letter which states that he has no objections to the recommendation to permit the storage of rental bicycles. However, he suggests that the outdoor storage of other recreational equipment such as kayaks should also be permitted. Staff met with Mr. Dodgion and explained the distinction the Planning Commission has made between the storage of rental bicycles and other types of outdoor display and encouraged him to attend the Council's public hearing on this matter.

RECOMMENDATION:

The Community Development Department recommends that the City Council adopt the attached ordinance amending the *Land Management Code*.

ATTACHMENTS:

Attachment A: Draft Ordinance
Attachment B: David Dodgion 3/25/96 Letter

ORDINANCE NO. 96-

AN ORDINANCE AMENDING CHAPTER 7 OF THE LAND MANAGEMENT CODE OF PARK CITY, UTAH TO CLARIFY PROHIBITIONS ON THE OUTDOOR DISPLAY OF MERCHANDISE AND STORAGE AND TO ALLOW THE ADMINISTRATIVE APPROVAL OF OUTDOOR DINING AREAS AND STORAGE OF RENTAL BICYCLES IN THE HCB, HRC, HR-2, AND RCO ZONES.

WHEREAS, the Land Management Code places limitations on the outdoor display of merchandise, outdoor storage and outdoor dining uses; and

WHEREAS, the City Council finds that it is in the public interest to regulate the outdoor display of merchandise, outdoor storage, and outdoor dining uses in certain pedestrian-oriented commercial districts in order to reduce visual clutter, protect and preserve the unique aesthetic character of the City, and enhance the community's economic viability; and

WHEREAS, public hearings were duly held before the Planning Commission on March 13, 1996, and before the City Council on May 2, 1996; and

WHEREAS, public notice and opportunity to comment were provided, pursuant to the Land Management Code; and

WHEREAS, the City Council finds and determines that, subject to certain criteria, outdoor dining uses can enhance the pedestrian appeal and vitality of certain commercial areas; and

WHEREAS, the City Council finds and determines that, subject to certain criteria, the outdoor storage of rental bicycles promotes alternative modes of transportation and strengthens the outdoor recreation character of the City; and

WHEREAS, the City Council finds the proposed amendments in the best interest of the residents of Park City;

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

SECTION I. FINDINGS.

The above-recitals are hereby incorporated herein as findings.

SECTION II. AMENDMENT.

Chapter 7 of the Land Management Code is amended to read as follows:

7.2.5 (A) **HISTORIC COMMERCIAL BUSINESS DISTRICT: ~~USES~~ GOODS TO BE WITHIN ENCLOSED BUILDING**. ~~All uses, except outdoor dining shall be conducted within a completely enclosed building except that the Planning Commission may permit limited outdoor uses which it determines are in the best interest of the Historic Commercial Business District. All storage shall be within a completely enclosed building~~. Unless expressly allowed in this district as a permitted or conditional use, all display of goods, including food, beverage and cigarette vending machines, shall be within a completely enclosed building. This section does not preclude temporary sales in conjunction with a master festival, sidewalk sales, or seasonal plant sales as permitted under Title 4 of the Municipal Code.

7.2.5 (B) **HISTORIC COMMERCIAL BUSINESS DISTRICT: USES TO BE WITHIN AN ENCLOSED BUILDING.** Unless expressly allowed in this district as a permitted or conditional use, all uses shall be within a completely enclosed building. The following outdoor uses may be permitted by the Community Development Department upon the issuance of an administrative permit:

(a) Outdoor Dining: Outdoor Dining may be permitted in the Historic Commercial Business District subject to all requirements of this code, including:

1. The area of the proposed seating is located on private property and not on public rights-of-way, nor in areas of required parking.

2. The proposed seating area does not impede pedestrian circulation.

3. The proposed furniture is compatible with the streetscape.

4. No additional signage is installed.

5. No outdoor speakers are installed.

6. Outdoor dining areas shall not be used after 10:00 p.m.

7. Outdoor grills and/or beverage service stations may be permitted subject to the following criteria:

I. The use is located on private property

II. The use is for no service other than the sale of food or beverages in a form suited for immediate consumption.

III. The use is compatible with the aesthetics, site design, and architectural character of the neighborhood.

IV. The use complies with all applicable Uniform Building Code and Health Code regulations.

(b) Outdoor Storage of Rental Bicycles: The outdoor storage of rental bicycles may be permitted in the Historic Commercial Business District subject to all requirements of this code, including:

1. The area of the proposed bicycle storage is located on private property and not on public rights-of-way, areas of required parking or landscaping.

2. Bicycles may be hung on historic buildings if sufficient site area is not available, provided the such display does not destroy or alter the historic fabric of the structure.

3. No additional signage is installed.

7.3.10 (A) **HISTORIC RECREATION COMMERCIAL DISTRICT: ~~USES~~ GOODS TO BE WITHIN ENCLOSED BUILDING**. ~~All land uses, whether conditional or permitted, are to be located within a fully enclosed building, with the exception of the operation of approved ski lifts. The Planning Commission may authorize the extension of the allowable uses into outside areas when it finds that the development of the outdoor use is in the best interest of the HRC Zone, and does not adversely impact adjoining properties due to noise, light or visual conditions.~~ Unless expressly allowed in this district as a permitted or conditional use, all goods, including food, beverage and cigarette vending machines, shall be within a completely enclosed building. This section does not apply to ski lifts and does not preclude temporary sales in conjunction with a master festival, sidewalk sales, or seasonal plant sales as permitted under Title 4 of the Municipal Code.

7.3.10 (B) **HISTORIC RECREATION COMMERCIAL DISTRICT: USES TO BE WITHIN AN ENCLOSED BUILDING.** Unless expressly allowed in this district as a permitted or conditional use, all uses shall be within a completely enclosed building. The following outdoor uses may be permitted by the Community Development Department upon the issuance of an administrative permit:

(a) Outdoor Dining: Outdoor Dining may be permitted in the Historic Recreation Commercial District subject to all requirements of this code, including:

1. The area of the proposed seating is located on private property and not

on public rights-of-way, nor in areas of required parking.

2. The proposed seating area does not impede pedestrian circulation.

3. The proposed furniture is compatible with the streetscape.

4. No additional signage is installed.

5. No outdoor speakers are installed.

6. Outdoor dining areas shall not be used after 10:00 p.m.

7. Outdoor grills and/or beverage service stations may be permitted subject to the following criteria:

I. The use is located on private property

II. The use is for no service other than the sale of food or beverages in a form suited for immediate consumption.

III. The use compatible with the aesthetics, site design, and architectural character of the neighborhood.

IV. The use complies with all applicable Uniform Building Code and Health Code regulations.

(b) Outdoor Storage of Rental Bicycles: The outdoor storage of rental bicycles may be permitted in the Historic Recreation Commercial District subject to all requirements of this code, including:

1. The area of the proposed bicycle storage is located on private property and not on public rights-of-way, areas of required parking or landscaping.

2. Bicycles may be hung on historic buildings if sufficient site area is not available, provided the such display does not destroy or alter the historic fabric of the structure.

3. No additional signage is installed.

7.9.5 (A) **GENERAL COMMERCIAL DISTRICT: ~~USES~~ GOODS TO BE WITHIN ENCLOSED BUILDING**. ~~All uses, except outdoor dining shall be conducted within a completely enclosed building except that the Planning Commission may permit limited outdoor uses which it determines are in the best interest of the General Commercial (GC) District. All storage shall be within a completely~~

~~enclosed building~~. Unless expressly allowed in this district as a permitted or conditional use, all goods, including food, beverage and cigarette vending machines, shall be within a completely enclosed building. This section does not preclude temporary sales in conjunction with a master festival, sidewalk sales, or seasonal plant sales as permitted under Title 4 of the Municipal Code.

7.9.5 (B) **GENERAL COMMERCIAL: USES TO BE WITHIN AN ENCLOSED BUILDING.** Unless expressly allowed in this district as a permitted or conditional use, all uses shall be within a completely enclosed building. The following outdoor uses may be permitted by the Community Development Department upon the issuance of an administrative permit:

(a) Outdoor Dining: Outdoor Dining may be permitted in the General Commercial District subject to all requirements of this code, including:

1. The area of the proposed seating is located on private property and not on public rights-of-way, nor in areas of required parking.

2. The proposed seating area does not impede pedestrian circulation.

3. The proposed furniture is compatible with the streetscape.

4. No additional signage is installed.

5. No outdoor speakers are installed.

6. Outdoor dining areas shall not be used after 10:00 p.m.

7. Outdoor grills and/or beverage service stations may be permitted subject to the following criteria:

I. The use is located on private property

II. The use is for no service other than the sale of food or beverages in a form suited for immediate consumption.

III. The use compatible with the aesthetics, site design, and architectural character of the neighborhood.

IV. The use complies with all applicable Uniform Building Code and Health Code regulations.

(b) Outdoor Storage of Rental Bicycles: The outdoor storage of rental bicycles may be permitted in the General Commercial District subject to all requirements of this code, including:

1. The area of the proposed bicycle storage is located on private property and not on public rights-of-way, areas of required parking or landscaping.

2. Bicycles may be hung on historic buildings if sufficient site area is not available, provided the such display does not destroy or alter the historic fabric of the structure.

3. No additional signage is installed.

7.17.7 (A) **HISTORIC RESIDENTIAL - LOW INTENSITY COMMERCIAL OVERLAY (HR-2) DISTRICT: ~~USES~~ GOODS TO BE WITHIN ENCLOSED BUILDING**. ~~All uses, except outdoor dining shall be conducted within a completely enclosed building except that the Planning Commission may permit limited outdoor uses which it determines are in the best interest of the Historic District. All storage shall be within a completely enclosed building.~~ Unless expressly allowed in this district as a permitted or conditional use, all goods, including food, beverage and cigarette vending machines, shall be within a completely enclosed building. This section does not preclude temporary sales in conjunction with a master festival, sidewalk sales, or seasonal plant sales as permitted under Title 4 of the Municipal Code.

7.17.17 (B) **HISTORIC RESIDENTIAL - LOW INTENSITY COMMERCIAL OVERLAY (HR-2) DISTRICT: USES TO BE WITHIN AN ENCLOSED BUILDING.** Unless expressly allowed in this district as a permitted or conditional use, all uses shall be within a completely enclosed building. The following outdoor uses may be permitted by the Community Development Department upon the issuance of an administrative permit:

(a) Outdoor Dining: Outdoor Dining may be permitted in the HR-2 District subject to all requirements of this code, including:

1. The area of the proposed seating is located on private property and not on public rights-of-way, nor in areas of required parking.

2. The proposed seating area does not impede pedestrian circulation.

3. The proposed furniture is compatible with the streetscape.

4. No additional signage is installed.

5. No outdoor speakers are installed.

6. Outdoor dining areas shall not be used after 10:00 p.m.

7. Outdoor grills and/or beverage service stations may be permitted

subject to the following criteria:

I. The use is located on private property

II. The use is for no service other than the sale of food or beverages in a form suited for immediate consumption.

III. The use compatible with the aesthetics, site design, and architectural character of the neighborhood.

IV. The use complies with all applicable Uniform Building Code and Health Code regulations.

(b) Outdoor Storage of Rental Bicycles: The outdoor storage of rental bicycles may be permitted in the HR-2 District subject to all requirements of this code, including:

1. The area of the proposed bicycle storage is located on private property and not on public rights-of-way, areas of required parking or landscaping.

2. Bicycles may be hung on historic buildings if sufficient site area is not available, provided the such display does not destroy or alter the historic fabric of the structure.

3. No additional signage is installed.

7.18.3 (m) **REGIONAL COMMERCIAL OVERLAY ZONE (RCO): CRITERIA:** ~~Outdoor storage and display of merchandise is not permitted except as allowed for temporary sales under Ordinance No. 82-27.~~

1. Goods To Be Within an Enclosed Building: Unless expressly allowed in this district as a permitted or conditional use, all goods, including food, beverage and cigarette vending machines, shall be within a completely enclosed building. This section does not preclude temporary sales in conjunction with a master festival, sidewalk sales, or seasonal plant sales as permitted under Title 4 of the Municipal Code.

2. Uses To Be Within an Enclosed Building: Unless expressly allowed in this distirct as a permitted or conditional use, all uses shall be within a completely enclosed building. The following outdoor uses may be permitted by the Community Development Department upon the issuance of an administrative permit:

(a) Outdoor Dining: Outdoor Dining may be permitted in the RCO District subject to all requirements of this code, including:

1. The area of the proposed seating is located on private property and not on public rights-of-way, nor in areas of required parking.

2. The proposed seating area does not impede pedestrian circulation.

3. The proposed furniture is compatible with the streetscape.

4. No additional signage is installed.

5. No outdoor speakers are installed.

6. Outdoor dining areas shall not be used after 10:00 p.m.

7. Outdoor grills and/or beverage service stations may be permitted subject to the following criteria:

   I. The use is located on private property

   II. The use is for no service other than the sale of food or beverages in a form suited for immediate consumption.

   III. The use compatible with the aesthetics, site design, and architectural character of the neighborhood.

   IV. The use complies with all applicable Uniform Building Code and Health Code regulations.

(b) Outdoor Storage of Rental Bicycles: The outdoor storage of rental bicycles may be permitted in the RCO District subject to all requirements of this code, including:

1. The area of the proposed bicycle storage is located on private property and not on public rights-of-way, areas of required parking or landscaping.

2. Bicycles may be hung on historic buildings if sufficient site area is not available, provided the such display does not destroy or alter the historic fabric of the structure.

3. No additional signage is installed.

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

PASSED AND ADOPTED this _____day of ____________, 1996

Park City Municipal Corporation

____
Bradley A. Olch, Mayor

Attestation by:

____
Anita Sheldon, City Recorder

Approved as to Form:

____
Mark D. Harrington, Assistant City Attorney

PEAK EXPERIENCE
PARK CITY, UTAH

March 25, 1996

Patrick Putt
Park City Planning Department
445 Marsac Ave.
Park City, UT 84060

RE: Proposed amendments to Land Management Code

Dear Mr. Putt:

I have reviewed the proposed amendments for the April 4th meeting of the Planning Commission, in particular, the provisions allowing rental bicycles to be stored outdoors. While I have no objections to this recommendation, I do not feel that it addresses the questions I discussed with you last Fall.

As you may remember, Peak Experience is a ski rental and paddlesports shop on Iron Horse Drive. Last summer we displayed several kayaks in front of our store and were told that this was in conflict with the Park City Code. As requested, we stopped doing so. I then talked with you about ways to deal with this problem. In our discussion, you mentioned that you felt that such a display was in keeping with the recreational atmosphere of Park City and that an exception to the Code may be allowed. It appears that rental bicycles may be granted an exception but that kayaks or other recreational equipment have not been addressed. While I understand that broadening the exception to include all recreational equipment may be problematic, I am requesting that language be added to the current recommendation that would allow us to display our kayaks. Perhaps limiting the display or "storage" to 2 or 3 boats would address any concerns about the appearance. Please let me know if this proposal is acceptable.

Thank you for your assistance. If I can be of any further help in this matter, please do not hesitate to contact me.

Sincerely,

David Dodgion
President, Peak Experience

FILE: I DID NOT MEET W/ MR. DODGION LAST FALL AS STATED. HE SPOKE W/ TOMMY YOUNGBLOOD.
PJP 4.5.96

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PARK CITY
PLANNING DEPT

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COUNCIL AGENDA REPORT

DATE: April 25, 1996
DEPARTMENT: Planning Department
AUTHOR: Janice Lew
TITLE: Revisions to Title 12 of the Park City Municipal Code

SUMMARY RECOMMENDATIONS:
The staff requests City Council continue discussion on this item to allow staff adequate time to address the concerns expressed during the April 18 meeting.
