

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 19, 2007**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 19, 2007.

Closed Session – City Council Chambers

2:00 p.m. Property

Work Session – City Council Chambers

2:45 p.m. Council questions/comments

3:00 p.m. China Bridge Garage shell space and Swede Alley Plaza discussion

3:45 p.m. Special event parking revenue discussion and direction

4:30 p.m. Park Silly Sunday Market – revised MFL

4:40 p.m. Park Silly Sunday Market – Economic Development Grant

4:50 p.m. Main Street recycling and Old Town trash container issues

5:20 p.m. Recommendation from Joint Transportation Task Force with School District

5:50 p.m. Break

Regular Meeting – City Council Chambers

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT *(any matter of City business not scheduled on agenda)*

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF MARCH 29, 2007 AND APRIL 5, 2007

V CONSENT AGENDA PUBLIC HEARINGS *(items listed will be open for public hearing prior to consideration for adoption or rejection; hearings may also be continued by vote of the Council)*

1. Consideration of an Ordinance approving the Roundabout Subdivision, 300 Deer Valley Loop **(Motion to continue to May 24, 2007)**

2 Consideration of an Ordinance approving the 621 Woodside Avenue Plat Amendment **(motion to continue to May 24, 2007)**

3. Consideration of an Ordinance considering approval of amendments to the Land Management Code of Park City, Utah, to address substantive revisions to Chapter 2.2 Historic Residential (HR-1) District, Chapter 2.23 Community Transition (CT) District, Chapter 3- Parking, Chapter 4- Supplemental Regulations, Chapter 2 Zoning Districts, and Chapter 15 - Definitions.

4. Consideration of an Ordinance approving the 411 Park Avenue Re-plat Plat amendment combining all of Lot 3 and a portion of Lot 3 Block 4, of the Park City Survey, located at 411 Park Avenue, Park City, Utah

5. Consideration of an Ordinance approving the 573 Main Street single-lot subdivision plat amendment, located at 573 Main Street, Park City, Utah

6. Consideration of an Ordinance approving the 436 Main Street Subdivision combining Lot 9, Block 23 of the Park City Survey and the parcel of land adjacent to Swede Alley and east of 436 Main Street, Park City, Utah

VI CONSENT AGENDA *(items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under “Additional Discussion – Agenda Items”)*

1. Ordinance considering approval of amendments to the Land Management Code of Park City, Utah, to address substantive revisions to Chapter 2.2 Historic Residential (HR-1) District, Chapter 2.23 Community Transition (CT) District, Chapter 3- Parking, Chapter 4- Supplemental Regulations, Chapter 2 Zoning Districts, and Chapter 15 - Definitions.

2. Ordinance approving the 411 Park Avenue Re-plat Plat amendment combining all of Lot 3 and a portion of Lot 3 Block 4, of the Park City Survey, located at 411 Park Avenue, Park City, Utah

3. Ordinance approving the 573 Main Street single-lot subdivision plat amendment, located at 573 Main Street, Park City, Utah

4. Ordinance approving the 436 Main Street Subdivision combining Lot 9, Block 23 of the Park City Survey and the parcel of land adjacent to Swede Alley and east of 436 Main Street, Park City, Utah

VII NEW BUSINESS

1. Consideration of adoption of a Resolution approving a letter of intent between Park City Municipal Corporation, Summit County, and Snyderville Basin Water Reclamation District

2. Request to modify the Master Festival License for the Park Silly Sunday Market, including extended street closure times, amplified music, and single event beer license

on lower Main Street from Heber Avenue north to 8th Street from June through October 2007

- (a) Public hearing
- (b) Action

VIII OLD BUSINESS

1. Consideration to proceed with a Conditional Use Permit application for a dog park located at the base of PC Hill

- (a) Continuation of public input
- (b) Direction

2. Continuation of discussion considering an Amendment to Parcel 1 of the Walter Daniels Subdivision, located at 605 Woodside Avenue, Park City, Utah

IX ADDITIONAL DISCUSSION – AGENDA ITEMS

X ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 26, 2006**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, April 26, 2007.

Posted: 04/16/07

See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

April 2007

26 **No meeting**

May 2007

- 3 Budget work session
 Quarterly status report update
 Resolution - green building policy for city buildings – work/action (20)
 Joint venture program update – Bob Kollar 658-9608 (15 min)
 Delivery and loading zones on Main Street discussion and direction – work - 20 minutes – BA
 Recreation needs assessment (45 min) – work
 Proclamation to promote bicycle commuting – Mark Shaerrer
 Invasive Weed Enforcement Discussion
 Resolution designating May 28-June 2, 2007 as National Invasive Weed Awareness Week - Maria Barndt
 Recreation Facility Joint Use Agreement
 Mountain Sky annexation petition application – RM
 Economic development grant action – Silly Sunday Market
- 9 ***Joint meeting with Planning Commission***
 • Historic District
 • Vertical zoning
- 10 **No meeting**
- 17 **Roger gone**
 Closed session
 Budget – work
 SLC/Park City bus service – 30 min – work - KC
 Transportation Strategic Plan Annual Report – work - KC
 Joint work session – Planning Commission – PJP
 • Vertical zoning, Main Street - JW
 Arbor Day Proclamation (May 19)
 Ordinance – 1287 Empire Avenue lot line adjustment – KC
 Ordinance – 528 Main Street plat amendment - KW
- 24 **Roger gone**
 Emergency preparedness – work
 Budget - work
 Ordinance - Municipal Code Title 3, Chapter 3, Campaign Disclosure Amendment - CL
 Ordinance – 621 Woodside Avenue plat amendment – KW
 Continuation Ordinance approving the Roundabout Subdivision, 300 Deer Valley Loop
 Continuation of an Ordinance approving the 621 Woodside Avenue plat amendment - KW
 MOU between Park City and Summit County for Animal Control Services – LE

31 Closed session
Budget

June 2007

7
14 **No meeting**
21
28 Closed session

July 2007

5
12
19 Closed session
26 **No meeting**

August 2007

2
9
16 **No meeting**
23
30 Closed session

September 2007

6
13
20
27 Closed session

Pending Items:

Market analysis – Phases 1 and 2
Trails master plan – work
BID (business improvement district – solid waste)
Naming rights contract
General Plan - Park/Bonanza
Electronic voting
Noise/outdoor decks
Air quality discussion
Resort cities/transit tax – 01/08

Tentative “no meeting” dates:

October 18
November
December 27

City Council Staff Report

Author: Alison Butz
Subject: Downtown Improvements – Phase III Plans
Shell Space
Date: April 19, 2007
Type of Item: Informational



Sustainability
Department

Summary Recommendations:

Discuss the timeline for Downtown Improvements and direct Staff to return with a Real Estate Purchase Contract for the sale of the 2nd floor space (Unit C) to KPCW and a lease to the DABC for the 1st floor space (Unit B) in the Shell Space.

Description:

Topic:

Downtown Improvements

Background:

During the Spring 2003 City Budget review, City Council instructed staff to put together a group that would take a holistic approach to reviewing capital projects needs in the downtown area. Review of these Task Force findings were fully endorsed by the City Council during their Meeting on November 20, 2003. During the Spring 2004 Budget process the "Downtown Projects" received funding. In August 2004 Council authorized staff to enter into the design phase of the Downtown Projects. During a progress update on October 14, 2004, the City Council provided direction to create a permanent, leasable commercial space at the north end of the new parking garage.

The shell space will continue the stepping pattern established at the north end of the new parking garage and provide a link to the town plaza in scale and final streetscape.

Staff last updated the City Council on the Downtown Projects in July 2006. Since that time Staff worked with the architect to finalize design of the 4,535 square foot, two-story building. The building will be located adjacent to the north wall of the new China Bridge parking structure. The proposal is Phase 3 of the Downtown Action Plan and was listed as permanent, leasable commercial space.

Floor	Size (sf)
First – Unit A	915
First – Unit B	1620
Second	2000
Total	4535

The City Council discussed the Shell Space in the context that it would be used as temporary offices for City Hall during the remodel of the Marsac Building. In July 2006, Staff notified Council that other facilities could better accommodate all temporary office space needed for the remodel. Council directed Staff to proceed with schematic design for the Shell Space and indicated that the design should consider the ability to accommodate the DABC's Main Street Liquor Store on the first floor of the building since they need to relocate once the museum's construction begins.

Analysis:

The Marsac Building seismic upgrade is scheduled to begin in February 2008. The scope of the construction project has dictated that the entire building must be completely vacated. Staff always thought if that if the Police Department moved out it would make enough space to meet the City's current needs as well as allow the IT Department to move in due to space constraints at Public Works. Through an analysis of the space, a need to relocate the IT Department to Marsac and a desire to realign space within the building, Staff determined the City needs all available square footage in the Marsac building upon completion of the seismic upgrade. Subsequently, the City would be unable to renew the lease with KPCW for their current space.

Staff and Council have identified support of the local radio station as a community-wide benefit. To that end, Staff recommends proceeding with negotiations for KPCW to purchase the 2nd floor space, which would require the building to be condominiumized. Completion of the construction of the Shell Space could coincide with the timing of the Marsac seismic upgrade and would require KPCW to move only once.

With previous authorization to design one of the 1st floor spaces for the DABC, only Unit A located on the first floor is not designed for a specific tenant. Staff suggests this space be kept as flexible office space so the City retains the ability to solve a number of short-term logistical issues associated with planned projects in the downtown area, including the Marsac Seismic Upgrade (temporarily relocated City offices) and Museum Expansion (Chamber VIS services or Community Oriented Policing). The long term vision for Unit A is to do an RFP for a rental tenant.

Staff anticipates bids for construction to be received in late May and will return to the City Council for approval of the construction contract in early June. Ground breaking is scheduled for June 2007. Staff anticipates that a majority of the surface parking spaces on Swede Alley between 4th and 5th Streets will be fenced off for approximately eight months to accommodate construction staging for the project. Staff is communicating the impacts of the construction to the Main Street merchants and is working on addressing all issues.

Timeline

There are quite a few projects that fall under the title of Downtown Improvements. An estimated timeline is attached. With regards to the Shell Space, construction will begin June 2007 with an estimated completion date of January 2008.

Green Building Policy

Current policy for City construction projects is to allocate four percent of the construction budget for use on green building elements. Staff has incorporated green building elements into the design of the Shell Space based upon the preliminary cost estimates and a substantially complete design.

In order to maximize the best use of the four percent green building allocation and to minimize the necessity to incorporate green elements into a project after its design is substantially complete, Staff will return to Council on May 17th for a more in-depth discussion on the policy implementation and recommendations to achieve the highest green building benefits Citywide from the allocated funds.

Downtown Plaza

Staff is working with the Post Office and is proceeding with efforts to coordinate the Postal Service's need to scale back its operations which could allow a larger plaza. Staff anticipates returning to Council in late summer to outline a public input process for the design of the plaza.

Significant Impacts:

Funding for the Town Plaza and Shell Space projects was initially approved in 2004. CIP #85 (Town Plaza and Shell Space) has a current budget of approximately \$2.9 million. As with most projects, construction costs have increased significantly since 2004, and although sufficient funds are budgeted for construction of the Shell Space, staff will return during the budget process to discuss funding needs for the Plaza. By beginning the construction of the Shell Space in spring 2007, the Swede Alley staging area for realignment of Swede Alley and for the Plaza will be available for construction in 2008.

Department Review:

All applicable departments have reviewed the proposed timeline and report and their comments have been incorporated within the report.

Recommendation:

Discuss the timeline for Downtown Improvements and request Staff return with a REPC for the sale of the 2nd floor space (Unit C) to KPCW and a lease to the DABC for the 1st floor space (Unit B) in the Shell Space.

Attachments:

Exhibit A – Downtown Improvement Timeline

Project	2006							2007												2008														
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec			
Police Station			Construction																															
Shell Space													Construction																					
China Bridge Improvements													Construction												Construction									
Swede Alley Realignment and Utilities																																		
Post Office																								Construction										
Plaza																								Construction										
Museum Expansion																Projected start of Construction																		
Marsac Remodel																						Construction												

Post Office
Plaza

Park Avenue Fire Station

Lease Exp

Potential Thoughts:

1. Move DABC into bottom floor of shell space as soon as it is available
2. Use bottom floor of shell space for temporary Post Office location during construction
3. Use entire shell space for temporary City offices during Marsac construction
4. Use Park Avenue Fire Station for Marsac staff during remodel
5. KPCW moves either to 2nd floor shell space or other location to allow for adequate square footage for all

Projected start of Construction

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Lease Expires

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Projected start of Construction

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Lease Expires

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City Council Staff Report

Author: Brian Andersen, CAPP
Subject: EVENT PARKING REPORT:
SUNDANCE 2007

Date: April 19, 2007
Type of Item: Discussion/Direction



PUBLIC WORKS

Summary Recommendations:

Staff requests Council: 1) approve the continuation of special event parking fees for future major events (Sundance and Art Fest) and, 2) approve the staff-recommended process (including identified guiding principles) to prioritize expenditure of current and future special event parking revenues.

Description:

Topic:

Sundance 2007 Post-Event Parking Report

Background:

As part of the City's overall traffic management plan for Sundance this year (2007), Council authorized staff to implement an event parking management program to include a permit program, delivery management, and increased parking rates. The goals of this program were:

- Reduce auto traffic through parking management and enhanced transit
- Reduce parking demand through imposition of special event fees
- Provide for alternative mode choices (transit & pedestrian)
- Ensure employee permit holders were accommodated
- Improve traffic circulation on Main Street
- Provide better access for Main Street service deliveries and taxi pick up and drop-off.

This was the second year of increased meter rates and guaranteed parking permits and the first for garage fees. For 2006-2007 the approved event rates were:

Event Parking Rates					
	Meter Rate	Permit Fee	Garage Rate	Employee Options	
Art Fest 2006	none	None	\$10	CB lots (No. Marsac, Sandridge)	
Sundance 2006	\$16 for 3 Hours	\$300 - all event	none	\$225 trade up	CB lots (CB 3&4)
Sundance 2007	\$16 for 3 Hours (excludes west side Main St.)	\$300 - all event \$200 – front half \$175 – back half	\$20	\$225 trade up	CB lots (Gateway, No. Marsac, CB S4)

Approximately 8,300 vehicles parked in the paid lots and garage levels during the event. Staff pre-sold approximately 240 guaranteed parking permits: 168 ten day

option (15 were employee permit upgrades), 70 first five day option, and 2 last five day option.

Analysis:

Traffic Flow Improvement

Staff implemented the event parking management plan as part of the overall event traffic management plan. This traffic plan included:

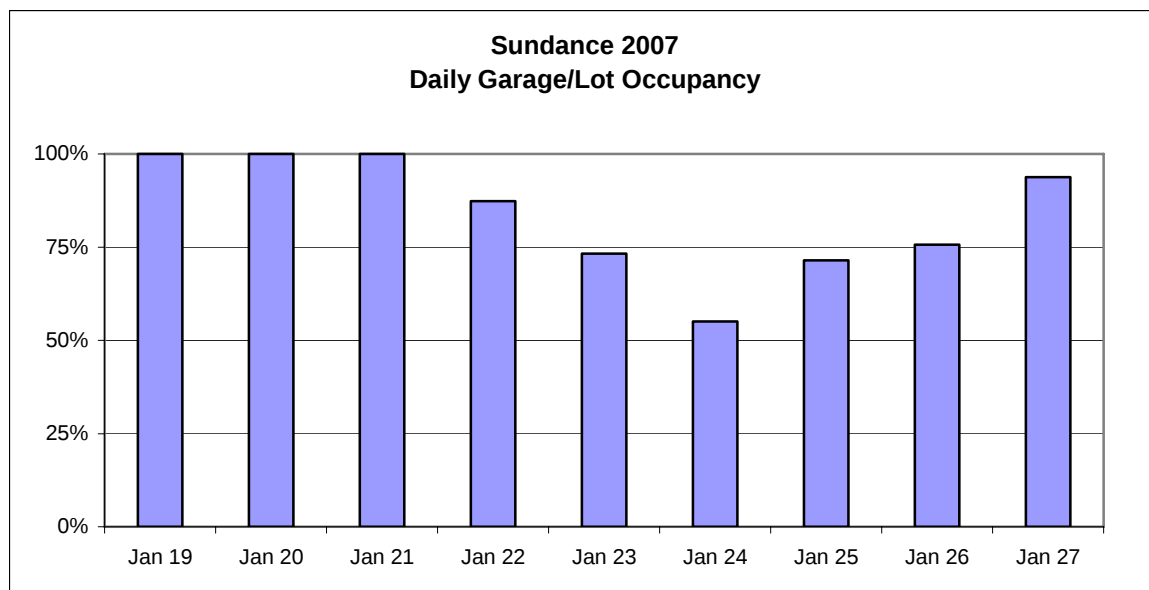
- Enhanced Transit Services
- Enhanced Traffic Management
- Enhanced Parking Management

Staff finds the new garage addition, instatement of parking fees, and dedicated delivery zones are extremely successful and necessary tools for mitigating traffic during special events. These tools accomplish:

- improvement of traffic flow in the Main Street core
- promotion of rideshare and alternative mode choices (transit and walking)
- delivery access improvements
- elimination of trolley service interruptions
- improved EMS response ability.

Positive feedback was received during Staff debrief meetings and meetings with Sundance staff regarding the effect the overall plan had on traffic flow.

The China Bridge garage was full during peak times as evidenced by the following graph:



Parking Fees as a Traffic Management Tool

Staff desires to retain the ability to charge for parking during events. The goal here is not generation of revenue but rather ongoing ability to use this key component of an effective traffic management plan. The value placed on a parking space by charging a fee regulates drive behavior. It is important to determine the appropriate

price point to have the desired effect on traffic behavior. In parking management this balance point is identified as “*performance-based pricing*”, with reduction in traffic circulation the end goal. \$20 per day appears to have achieved the end goal.

Based on the overall effect on traffic patterns, Staff finds the amounts charged for the 2006 Art Festival and 2007 Sundance event appropriate because:

- rate is consistent with meter and permit rates;
- China Bridge garage reached capacity during peak days;
- traffic flow improved;
- bus movements enhanced (attended lots eliminated vehicle log jams waiting to turn into full lots);
- demand for the guaranteed parking permits equaled space supply of 250 and;
- employee permit holders accommodated in reserved lots (in future at park-and-ride).

Staff finds the special event parking fees an effective tool and recommends utilizing these fees in future events for effective traffic management.

Guiding Principles: Revenues and Asset Maintenance

A group from Special Events, Transit and Parking, The Sustainability Team, and Finance and Budget departments developed guiding principles to prioritize expenditure of special event parking revenues within the budget process:

First Guiding Principle - Offset expense impacts created by special events:

1. event parking management (attendants, booths, equipment)
2. enhanced event transit
3. pedestrian control (not covered by bus. license fees)

Second Guiding Principle - Program remaining revenues for:

1. expenses relating to the parking structure
2. improvements in the downtown core consistent with the 2003 Downtown Task Force recommendations.

All recommended uses would directly benefit the downtown core. This was an important component of Staff's guiding principles.

2007 Revenues and Proposed Uses – The amount collected from parking management was within nine percent of Staff's projection in the December 2006 report to Council. A total of \$241,000 was collected from garage, permit, and incremental meter revenues (see attachment A).

Event expenses and proposed uses according to the guiding principles are identified in Attachment A. The proposed uses for 2007 revenues were reviewed and recommended by the team that developed the guiding principles and will be included in the City Manager's recommended budget. Staff recommends programming future revenues (2008 and beyond) using the guiding principles each year as part of the budget process. Staff carefully considered event expense items to eliminate any duplication with business license fees.

Garage Upkeep – Staff plans to conduct a structural and maintenance evaluation of the parking garage in the upcoming year. Staff would like to conduct an evaluation of the parking structure to most cost-effectively maximize the life and usability of the entire structure. This evaluation would identify if structural repairs for old China Bridge are needed as well as explore strategies to most cost-effectively maximize the service life of the entire structure.

Staff finds a logical nexus between using event parking revenues to fund upkeep and improvements for China Bridge and has identified needed items for the garage to maintain a positive customer image and maximize the life of the structure in a cost effective manner. Staff will focus on these key maintenance areas:

- Cleanliness and Aesthetics
- Structural (also includes moisture control and corrosion protection)
- Systems (mechanical, architectural, electrical)
- Signage (wayfinding and regulatory)

Cleanliness and Aesthetics – A clean garage is an inviting garage. Currently, China Bridge is not a clean garage. Consequently, Staff has received several comments about the uncleanness of the garage. Staff recommends purchasing a vacuum sweeper to clean the garage on a weekly basis. Current equipment is too large to fit in the garage and inadequate to clean sufficiently. Benefits of cleaning would include: 1) offering a positive image to Main Street at first and last point of customer contact; 2) visible space striping to allow easier patron parking; and 3) an inviting atmosphere. Existing staff would be used to operate the equipment.

Signage – To better provide visual cues to visitors, installation of exterior public parking signs will be completed in May 2007.

Structural – Maintenance of deck coatings and moisture control (drainage) systems are a key factor in structural longevity. The planned structure evaluation would determine if the current moisture control and corrosion protection systems are adequate and would determine if additional improvements are needed based on a life-cost analysis. Staff is also looking at removing snow in a low impact way which will require alternative equipment.

Systems – Several systems upgrades are needed for old China Bridge. Items that fall within this area are carbon monoxide exhaust systems, fire sprinklers, and lighting. The repair of the stairs in old China Bridge is currently planned within existing budget funding and should be completed this season.

Downtown Projects – Staff would also explore needs for downtown projects consistent with the 2003 Downtown Task force for pedestrian, connectivity, and wayfinding improvements.

Ongoing Sundance Event Management

Event parking management – Staff's recommendation includes continuation of the 2007 parking management plan (see table below). The major component of this effort is labor (lot attendants). For future years attendant booths with electrical power are sorely needed to provide staff safety and revenue control protection. Event rates for subsequent events are recommended in the following table (no change for the 2006 Art Fest and 2007 Sundance programs):

Future Event Parking Rates					
	Meter Rate	Permit Fee	Garage Rate	Employee Options	
Art Fest	None	None	\$10	CB lots (No. Marsac, Sandridge)	
Sundance	\$16 for 3 Hours 1. excludes west side Main	\$300 - all event \$200 – front half	\$20	\$225 trade up	CB lots (Gateway, No. Marsac, CB S4)

Enhanced event transit – Staff's recommendation includes \$50,000 in parking revenues to offset enhanced transit during Sundance in year 2007.

Event pedestrian control – This is provided at key intersections to provide efficient transit service with the benefit of improved pedestrian safety.

Department Review:

This document was reviewed by Public Works; Budget, Debt and Grants; Sustainability Team; Special Events; and Legal Staff.

Alternatives:

- A.** Council authorizes Staff to: 1) continue use of special event parking fees for future major events (Sundance and Art Fest) and, 2) use the process identified in this report to prioritize expenditure of current and future special event parking revenues. This is Staff's recommendation.
- B.** Council could deny the request and could reduce or eliminate the special event parking fees. This would compromise the ability to effectively manage event traffic.
- C.** Council could modify the request and program revenues for other purposes or amend Staff guiding principles.
- D.** Council could choose to direct Staff to pursue other alternatives with regard to event parking management.
- E.** Council could choose to continue the item. Further discussion would need to occur before the budget discussions scheduled for May 2007.

Significant Impacts:

Transit experienced very successful operation during the 2006-07 events. Without the parking fee incentives to carpool and ride transit, not adopting the plan would impact service delivery due to increased traffic in the Main Street core; and traffic mitigation impacts would not have a revenue offset. If Staff's recommendation is not approved, the cost of enhanced transit service would continue to impact the Transit Fund.

Consequences of not taking the recommend actions:

The public would have little incentive to carpool or choose alternative modes (transit, walking). Staff will be challenged to adequately fund any improvements to the parking structure without increasing the contribution from the General Fund. Implementation into the current year budget process will be difficult without clear direction from City Council at the April 19th meeting.

The ability to manage event traffic will be set back without the special event parking fees. Without the tool of event parking management there is no incentive to choose alternative modes of transit or rideshare. Cruising for parking increases traffic and pollution and affects pedestrian safety.

Recommendation:

Council authorizes Staff to: 1) continue use of special event parking fees for future major events (Sundance and Art Fest) and, 2) use the process identified in this report to prioritize expenditure of current and future special event parking revenues. This is Staff's recommendation.

Attachment A

Event Revenues and Asset Maintenance

Event Revenues	<i>2007</i>
Garage	\$166,000
Permits	59,000
Incremental Meter	16,000
Total Event Revenues	\$241,000
Event Operating Expenses	<i>2007</i>
Parking (Lot attendants, signage, booth rental)	\$40,000
Sundance Transit	50,000
Pedestrian Control	6,240
Total Event Expenses	\$96,240
Net Available Funds	\$144,760
Proposed Capital Expenses	<i>2007</i>
Immediate Needs	
Event Booths / Power	\$50,000
Garage cleaning equipment	65,000
Signage	15,000
Structure Evaluation	10,000
Total - Asset Maintenance	\$140,000
Difference Between Net Available Funds and Proposed Expenditures	\$4,760

Expenditures in subsequent years to be determined by Structure Evaluation and in accordance with guiding principles.



City Council Staff Report

Author: Jonathan Weidenhamer
Seth Atkinson
Subject: Economic Development Grant –
Park Silly Sunday Market
Date: April 19, 2007
Type of Item: Direction - Consideration of Award of Economic Development Grant

Sustainability Team

Summary Recommendation – The Economic Development Grant Committee recommends Council provide direction to approve an Economic Development Grant in the amount of \$7,000 to the Park Silly Sunday Market, a Utah based non-profit organization that will be located within Park City, Utah. Due to public notification requirements, should Council support awarding of grant monies, necessary action would occur on May 3, 2007.

Topic: Informational Update & Consideration of Award of Economic Development Grant

Background:

On May 25, 2006, City Council reviewed and approved a budget policy and application process for City administered Economic Development Grants. In any fiscal year the City may award up to \$20,000 in grant monies. To date in FY 2007, \$10,000 has been previously awarded, leaving up to \$10,000 still available.

The Park “Silly” Sunday Market (PSSM) was approved for a Master Festival License on November 30, 2006 and will take place on successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5th for the Arts Festival. The Market is an eco-friendly, open air market that would feature unique and eclectic local and regional arts and crafts, music and performance art, antiques, imports, and one-of-a-kind finds, gourmet foods and a farmers market with fruits and vegetables. The template for this event is similar to that of other such markets in western mountain ski towns. The PSSM has applied for a grant in the amount of \$10,000.

The PSSM submitted a completed application and business plan that was supplied to the Economic Development Program Committee (made up of representatives of the Budget Department (Seth Atkinson), Sustainability Team (Myles Rademan, Patrick Putt, Jonathan Weidenhamer), and Council Liaisons Jim Hier and Marianne Cone. The committee reviewed the application and a summary of the Committee’s recommendations is included below. A complete copy of the application and business plan is attached.

Analysis:

The Economic Development Program Committee (Committee) discussed at length if PSSM was eligible for grant consideration. Per the adopted Grant Policy (Exhibit B), grants are

available for relocation assistance or for New Business Start-up Assistance. This second category is available for assisting a new organization or business with new office set-up costs. Expenses that could be covered through an ED Grant include leased office space costs and fixtures/furnishings/ and equipment related to setting up office space within the City limits. Although the Committee is supportive of sustaining a local start-up business that happened to be in the event business, the Committee generally agreed that the Grant program was not established to subsidize events. However, the Committee has reviewed the application and found that the PSSM meets all of the criteria required for consideration. Of particular note, the success of the Silly Market concept is consistent with the 3 top priority goals of the City's Economic Development Strategic Plan (attached):

- Facilitate the establishment of more "attractions/areas of interest" for both visitors (tourism economy) and residents (population economy).
- Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies.
- Protect, preserve, and promote the historic Main Street downtown area as the heart of the region.

In addition, the PSSM meets the high priority goal of:

- Further diversify the summer tourism initiatives with aggressive efforts to promote a broadened and more active summer season.

Consistent with the intent of the Grant Policy, an award of an Grant would assist the PSSM in start-up costs of operating the Market on Main Street for a minimum of three years. Per the attached business plan and profit and loss estimates, the PSSM has provided a clear description of how the funds will be used to subsidize their one-time start up costs. They have also separated ongoing revenues and expenses to identify a net profit (Attachment A).

The consensus of the Committee recommends a grant of \$7,000 to assist with new business start up costs. The Committee sees a benefit in having the PSSM's representatives attend work session on April 19 to answer any questions the City Council might have. City Council will have final judgment on whether the applicant has met the required criteria, and also what amount to consider awarding. Staff would execute a formal grant contract, in a form approved by the City attorney, should Council authorize the award of grant. A draft of that award is attached.

Significant Impacts:

Criteria #3 of the Grant Policy identifies that funding cannot be used for one-time events, and that organizations must commit to and demonstrate the ability to do business for no less than 3 years. Consistent with the Policy and prior award of Economic Development Grants, upon dissolution of the PSSM prior to three years any remaining funds attributable to the City shall revert to the City in a prorated amount.

Department Review: This application was reviewed by representatives of the Economic Development & Capital projects department, the Economic Development Program Committee, Budget Department, Legal Department and City Manager's Office.

Alternatives:

- A. Provide direction to return at a subsequent meeting to award the Grant as described (Staff recommendation);**
- B. Continue the Item to another date. Provide direction regarding additional information if necessary;
- C. Deny the Request. Direct staff to prepare finding reflecting how the Council determines that the criterion was not met.
- D. Adjust the amount of Grant Award, Provide direction to staff for a revised contract:

Staff Recommendations: The Economic Development Grant Committee recommends Council provide direction to approve an Economic Development Grant in the amount of \$7,000 to the Park Silly Sunday Market, a Utah based non-profit organization that will be located within Park City, Utah. Due to public notification requirements, should Council support awarding of grant monies, necessary action would occur on May 3, 2007.

Attachments:

- Attachment A – PSSM Application and Business Plan
- Attachment B – Grant Policy
- Attachment C – ED Strategic Plan
- Attachment D – Draft Economic Development Grant Contract

Attachment A

Response to Criteria & Business Plan



ED Grant Distribution Criteria: Organizations must meet the following criteria in order to be eligible for an ED Grant:

Criteria #1 – The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan.

- Please refer to the attached Business Plan.

Criteria #2 – The organization must be unique and innovative; with a forecasted ability to generate overnight visitors who would spend dollars within the City's resort offerings.

- Celebrating community, commerce and creativity in an eco-friendly, open-air market is the focus of the Park Silly Sunday Market. The Market is a unique event which will give Parkites and their guests memorable experiences. We are providing and encouraging a convenient getaway for in-state visitors to come to Park City for family-oriented fun. The market will create a desire for overnight stays on Saturday and Sunday nights.
- In the summer of 2006 the Chamber found that retail/ dining was the #1 attraction to Park City. Of these in-state visitors it was also found that shopping on Main Street was the #1 purpose for visiting Park City. The Park Silly Sunday Market will create a convenient family get-away and a low cost mini-vacation where visitors can enjoy the offerings and commerce of the market on our highly popular Main Street.
- To meet this criterion and in order to drive overnight visitation to Park City in its first year the Park Silly Sunday Market has set aside \$9,000 from its existing marketing plan to promote overnight visitation from Salt Lake. The same amount of funding if not more is planned for the same purpose in subsequent years.

Criteria #3 – The organization must be new to Park City or represent a distinctly new enterprise supportive of the current priority Goals of the City's Economic Development Plan. Organizations must

commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for 1-time events.

- In the summer of 2006 Chamber research found over 90% of visitors to Park City stated that they intended to visit Park City again. The Park Silly Sunday Market is intended to become a long-term extension of the Park City Community. With the long-term development of the Park Silly Sunday Market comes a great promotion of the City during its “low-crowd” season, in which our return guest can enjoy year after year.

Criteria #4 – The organization must produce items or provide services that are consistent with the economic element of the City’s General Plan; enhances the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City.

- The Park Silly Sunday Market will provide services that are consistent with the economic element of the City’s General Plan. One such service is the public forum offered by the Park Silly Sunday Market. In order to enhance the well being of the inhabitants of Park City the Park Silly Sunday Market has created a community forum; in which, one free space will be offered to individuals within the following categories: Musician/ Performer, Non-profit Group, Sustainable Issues Group, and Featured Chef. This forum will provide the public space where Parkites and their guest can find peace of mind whether enjoying music, discussing issues, learning new cooking techniques, or discovering what other events Park City has to offer. This service is of a \$6,800 value per season.
- The Park Silly Sunday Market also fulfills the enhancement of prosperity to the city. The City has the ability to profit through the sales tax and revenue from over night hotel guests for years to come.

Criteria #5 – Can forecast and demonstrate at the time of application an ability to achieve direct taxable benefits to the City greater than twice the City’s contribution.

- Over the next three years the Park Silly Sunday Market has the ability to create direct taxable benefits for the City. It is required that more than twice the City’s contribution be generated. Through the sales tax and revenue from overnight guest the Park Silly Sunday Market can generate this amount.
- It is projected that each booth will average \$800 in sales per Sunday. Consequently, the anticipated 80 booths then have the ability to yield \$1,600 every Sunday in sales tax for the City [$\$800 * 80 = \$64,000$ sales] [$\$64,000 * .025$ local sales tax = \$1,600]. This being stated the city then has the ability to collect \$27,000 annually and \$81,600 within the next three years [$\$1,600 * 17$ days = \$27,000 annually] [$\$27,000 * 3$ years = \$81,600].
- This year the Park Silly Sunday Market has set aside \$9,000 to encourage overnight guests from Salt Lake City. The increase of guests is also expected to bring money to the city from the revenue earned.

Criteria #6 – Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence.

- Please refer to the attached Business Plan.

PSSM Business Plan

Preliminary forecast of revenue and expenses

		Modified Revenue
Canopy Sales	75booths @ \$80 x 17 weeks	\$ 102,000.00
Exclusive Water Sales	Only PSSM can sell water	8,500.00
PSSM Merchandise Booth	Eco-friendly bags, T's, hats etc.	10,530.00
Box Donations	Donation box at front entrance's	2,550.00
October Fest Fundraiser	Art sales, admission, liquor sales etc.	14,000.00
	Projected Revenue	\$ 137,580.00
		EXPENSES
Electric		\$ 2,000.00
Bathrooms		1,700.00
City Revenue / Parking Spaces		3,400.00
Media Marketing		21,000.00
Staffing / Admin		65,000.00
Insurance Policy		2,380.00
Waste Mgmt	Working on sponsorship	4,000.00
Music	Working on sponsorship	10,200.00
	Total Projected Expenses	\$ 109,680.00
	Total Projected Revenue	
	Projected Profit	27,900.00
To Be Determined		
Waste Management	Working on sponsorship	
Green Element	Working on sponsorship	
Music	Working on sponsorship	
Beer and Liquor	Beer 17 Sundays, Liquor 4 Sundays	10,200.00
	Total	38,100.00
	Projected Profit with Beer & Liquor Sales	
Start up costs	City funds will be used for	
Buy Barricades / Power Cables		1,500.00
Signage / Banners / Tables		7,100.00
Phone, Fax, Cells, Office supplies		5,200.00
Salt Lake media		9,000.00
	Total	22,800.00

Attachment B

ECONOMIC DEVELOPMENT GRANT POLICY (adopted June 15, 2006)

Annually, the City will allocate \$20,000 to be used towards attracting and promoting new organizations that will fulfill key priority goals of the City's current Economic Development Plan. Funding will be available for relocation and new business start-up costs only.

ED Grant Distribution Criteria: Organizations must meet the following criteria in order to be eligible for an ED Grant:

Criteria #1 – The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan.

Criteria #2 – The organization must be unique and innovative; with a forecasted ability to generate overnight visitors who would spend dollars within the City's resort offerings.

Criteria #3 – The organization must be new to Park City or represent a distinctly new enterprise supportive of the current priority Goals of the City's Economic Development Plan. Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for 1-time events.

Criteria #4 – The organization must produce items or provide services that are consistent with the economic element of the City's General Plan; enhances the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City.

Criteria #5 – Can forecast and demonstrate at the time of application an ability to achieve direct taxable benefits to the City greater than twice the City's contribution.

Criteria #6 – Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence.

The City's Economic Development Program Committee will review all applications and submit a recommendation to City Council, who will have final authority in judging whether an applicant meets these criteria.

Economic Development Grant Fund Appropriations: The City currently allocates economic development funds through the operating budget of the Economic Development & Capital Projects department. Of these funds, no more than \$20,000 per annum will be available for ED Grants.

Unspent fund balances at the end of a year will not be carried forward to future years.

ED Grant Categories: ED Grants will be placed in two potential categories:

(1) Business Relocation Assistance – This category of grants will be available for assisting an organization with relocation and new office set-up costs. Expenses that could be covered through an

ED Grant include moving costs, leased space costs, and fixtures/furnishings/ and equipment related to setting up office space within the City limits.

(2) New Business Start-up Assistance - This category of grants will be available for assisting a new organization or business with new office set-up costs. Expenses that could be covered through an ED Grant include leased office space costs and fixtures/furnishings/ and equipment related to setting up office space within the City limits.

Application Process: Application forms may be downloaded from the City's www.parkcity.org website or available for pick-up within the Economic Development Office of City Hall. Funds are available throughout the City's fiscal year on a budget available basis.

Award Process: The disbursement of the ED Grants shall be administered pursuant to applications and criteria established by the Economic Development Department, and awarded by the City Council consistent with this policy and upon the determination that the appropriation is necessary and appropriate to accomplish the economic goals of the City.

ED Grants funds will be appropriated through processes separate from the biennial Special Service Contract and ongoing Rent Contribution and Historic Preservation process.

The Economic Development Program Committee will review all applications and forward a recommendation to City Council for authorization. All potential awards of grants will be publicly noticed 14 days ahead of a City Council action.

Nothing in this policy shall create a binding contract or obligation of the City. Individual ED Grant Contracts may vary from contract to contract at the discretion of the City Council. Any award of a contract is valid only for the term specified therein and shall not constitute a promise of future award. The City reserves the right to reject any and all proposals, and to waive any technical deficiency at its sole discretion. Members of the City Council, the Economic Development Program Committee, and any advisory board, Task Force or special committee with the power to make recommendations regarding ED Contracts are ineligible to apply for such Contracts. City Departments are also ineligible to apply for ED Contracts. All submittals shall be public records in accordance with government records regulations ("GRAMA") unless otherwise designated by the applicant pursuant to UCA Section 63-2-308, as amended.

Park City Municipal Corporation – Economic Development Plan

As of: 8/29/2006

VISION

To provide long-term economic health for the greater Park City region through a proper balance of tourism initiatives and sustainable community desires for those that live in and visit the area. As a guiding principle, all economic development initiatives will consistently strive to sustain a vibrant multi-seasonal destination resort community.

GOALS (FY2006-FY-2007)

Top Priority

- Facilitate the establishment of more "attraction's stream of interest" for both visitors (tourism economy) and residents (population economy).
- Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies.
- Protect, preserve, and promote the historic Main Street downtown area as the heart of the region.

High Priority

- Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities.
- Proactively target business sectors that will fill voids left by departing companies or for smart redevelopment reasons.
- Improve upon an already busy winter tourism season with efforts to maximize its full potential.
- Lengthen the tourism season to eight busy months a year. (4.5 winter/3.5 summer).
- Further diversify the summer tourism initiatives with aggressive efforts to promote a broadened and more active summer season.

STRATEGIES

Existing City Resources

- Strategy 1: Work towards a balanced transportation and pedestrian infrastructure plan throughout Park City
- Strategy 2: Add recreation space and facilities for attracting more tourists and visitors
- Strategy 3: Improve the use of parking events
- Strategy 4: Update the Land Management Code to match priority goals of the economic development plan
- Strategy 5: Promote smart development at the Quins Junction area

City Has Participatory Role

- Strategy 6: Attract more festivals and events – winter & summer
- Strategy 7: Provide ways to sustain existing events
- Strategy 8: Provide additional Recreation Opportunities as Attractions
- Strategy 9: Provide more passive recreation tourism attractions
- Strategy 10: Extend visitor days / fill beds
- Strategy 11: Enhance existing attractions
- Strategy 12: Create a cultural alliance
- Strategy 13: Promote Redevelopment within Park City
- Strategy 14: Retention and development of existing businesses
- Strategy 15: Make Park City more inviting and "User Friendly" for organizations to throw events and for attendees to enjoy them

No Current City Resources to Accomplish

- Strategy 16: Develop a private foundation (i.e., Vail Valley Foundation) for events, festivals and performing arts underwriting
- Strategy 17: Target more Wisatch front (day visitors)
- Strategy 18: Apply the tag line "User Friendly" to projects and marketing programs geared towards showing how easy and fun it is to live and visit Park City

City's Role Unclear

- Strategy 19: Provide greater participatory attractions
- Strategy 20: Promote greater diversity of the commercial mix
- Strategy 21: Strengthen the existing Commercial Mix (City-Wide)
- Strategy 22: Develop additional funding and marketing sources for events
- Strategy 23: Promote locally owned, independent businesses
- Strategy 24: Promote community (social) sustainable community goals such as affordable housing
- Strategy 25: Promote environments / sustainable community goals such as renewable energy sources
- Strategy 26: Promote attractions and a commercial mix that encourages use by local residents

PROJECTS/PROGRAMS

Top Priority Projects

1. Downtown Capital Projects
 - a. Downtown Plaza
 - b. Pedestrian Improvements
2. Market Analysis/Needs Assessment
3. Prospector/Bonanza Redevelopment Plan (G. Plan Updates)

High Priority Projects

- High Altitude Training Center
- Interconnect
- Smart Messaging signs for parking information / events
- Improved Wayfinding Signage / Info Boards
- Assist in finding a tenant for the Main Street Mall
- Continue building trail network infrastructure
- Develop Park-to-Ride lots
- Assist PC businesses on retention & development initiatives
- Monitor commercial mix in Main Street Shorefronts



Exhibit D
DRAFT
Economic Development Grant Contract



**ECONOMIC DEVELOPMENT GRANT CONTRACT BETWEEN
THE P ARK SILLY SUNDAY MARKET AND PARK CITY MUNICIPAL CORPORATION**

THIS AGREEMENT is made and entered into this 19th day of April, 2007, by and between **Park Silly Sunday Market** and hereinafter referred to as "Market") and **PARK CITY MUNICIPAL CORPORATION** (hereinafter "City").

WITNESSETH:

WHEREAS, as part of the budget process, the City Council appropriates Economic Development funds to contract with organizations who meet the economic development grant program requirements outlined by the City's Budget Policy; and

WHEREAS, organizations must meet certain criteria in order to be eligible for an Economic Development Grant Contract; and

WHEREAS, applicants are eligible to apply for an Economic Development Grant Contract year round, the City will award Contracts through an application process administered by the Economic Development Grant Program Committee; and

WHEREAS, pursuant to Section 10-8-2(1)(e) of the Utah Code Annotated and after public hearing, the City Council authorizes the provision of City services/facilities herein to a non-profit entity, regardless of the consideration Park City receives in return; and

WHEREAS, pursuant to Sections 10-8-2 and 10-2-84 of the Utah Code Annotated, the City Council hereby finds that the provision of City funds herein is consistent with the Park City General Plan, and provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City; and

WHEREAS, notwithstanding the recitals above, the City desires to provide grant funds in exchange for positive economic impact benefit at least equal to the current fair market value to the City's contribution; and

WHEREAS, the Economic Development Grant program committee evaluated and approved the Economic Development grant request by the Market for assistance towards business start-up costs.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth, the sufficiency of which is hereby acknowledged, that parties agree as follows:

ARTICLE I
TERM AND ALLOCATION

The Market shall have an Economic Development Grant contract with a term of three years. The City will allocate the full grant amount upon execution by both parties.

TOTAL amount available for allocation: \$7,000

ARTICLE II
SERVICES TO THE COMMUNITY

In exchange for the City's contribution, the Center agrees to:

- Operate the Market on successive Sundays during June, July, August, September, and October; with the exception of Arts Festival.
- Provide a Market that is: eco-friendly, feature local and regional arts and crafts, music and performance art, antiques, imports, foods fruits and vegetables.
- Provide a Market that provides an attraction to Main Street for locals and visitors
- Provide a Market and accompanying marketing plan to promote overnight visitation from the region including the Wasatch Front Valley.
- Provide the following "community forum element" spaces for free:
 - o At least two spaces weekly to a non-profit group
 - o At least one sustainable community issue/educational group

Both parties agree that the above services provided to the community represent a good faith exchange of current fair market value for the City's contribution.

ARTICLE III
HOLD HARMLESS/NO AGENCY

The Market agrees to defend, indemnify, and hold harmless City, its officers, agents, and employees from and against all losses and expenses, including costs and attorney's fees, resulting from any injury, including death, to any person or damages to property of others arising out of the acts or omissions of the Market in the performance of work under this agreement. The Market is an independent entity and nothing herein shall be construed to create any agency, nor employee relationship with the City.

ARTICLE IV
DISSOLUTION

On dissolution of the organization or project prior to three years any remaining funds attributable to the City shall revert to the City in a prorated amount.

ARTICLE V
RECORD KEEPING/AUDIT

The Market agrees to keep accurate books and records of expenditures related to its operation. The City or its independent auditor reserves the right to conduct its own audit of books and

records at reasonable times and places during ordinary business hours. If the grant money has not been used as agreed herein, the City shall be entitled to a full or partial refund of the grant.

ARTICLE VI
AMENDMENT

This Agreement may be amended with the approval of the City Council and The Center. This Agreement may not be amended, except by an instrument in writing signed on behalf of each of the parties hereto.

ARTICLE VII
EFFECTIVE DATE

The effective date of this Agreement is the date first written above.

PARK CITY MUNICIPAL CORPORATION

Thomas B. Bakaly, City Manager

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

The Park Silly Sunday Market

Kimberly Kuehn, Executive Director

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this day of , 2006, before me, the undersigned notary, personally appeared Kimberly Kuehn, personally known to me/proved to me through identification documents allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he signed it voluntarily for its stated purpose as Executive Director of the Park Silly Sunday Market, a non-profit corporation.

Notary Public

City Council Staff Report



DATE: April 19th, 2007
DEPARTMENT: Public Works
AUTHOR: Kent Cashel, Deputy Public Works Director
TITLE: PCSD-PCMC Joint Transportation Task Force Recommendations
TYPE OF ITEM: Discussion & Authorization

SUMMARY RECOMMENDATION:

Staff requests that Council review this report and attachments and authorize the Mayor to execute the attached Transportation Letter of Intent.

DESCRIPTION

A. Background

In mid -January 2007, the Park City School Board and Park City Council agreed to form a Joint Transportation Task Force to research and make recommendations on how to:

- Improve pedestrian safety and reduce the traffic impacts of students going to and from the High School.
- Address neighborhood impacts of parking shortages at Park City High School.
- Improve traffic flow along SR 248 between Wyatt Earp Drive and Bonanza Drive.
- Improve school access from Lucky John Drive

Task Force Members were as follows:

- | | |
|--------------------|--|
| • David Chaplin | Park City School Board |
| • Vern Christensen | Park City School Board |
| • Jim Hier | PCMC Council Member |
| • Roger Harlan | PCMC Council Member |
| • Hilary Hays | Principal, Park City High |
| • Steve Oliver | Park City School District, Director Support Services |
| • Eric Dehaan | Park City Engineer |
| • Jon Weidenhamer | Park City Sustainability Team |
| • Kent Cashel | Park City Deputy Public Works Director |

B. Analysis

Task Force Objectives

The task force held its first meeting on February 8th, 2007. At this meeting the task force adopted the following objectives for its efforts.

- Improve pedestrian safety
- Reduce pedestrian impacts on SR-248 traffic flow
- Encourage use of pedestrian-bike modes
- Reduce auto trips on SR-248 (Bonanza – Wyatt Earp Drive)
- Reduce turning movements on SR-248 (Bonanza – Wyatt Earp Drive)
- Mitigate High School parking shortage
- Reduce off campus parking
- Reduce J-Walking on SR-248
- Reduce automotive emissions through reduction in auto trips and mileage
- Improve transit access and convenience

Task Force Strategy

To achieve these objectives the task force determined to explore a full range of alternatives in the following five categories:

- Pedestrian
- Interior Campus Roads
- Parking
- Transit
- Education-Incentive and Enforcement Programs

Task Force Process

The task force utilized the following approach in determining its recommendations:

1. Gather data and other information that improves the task force's understanding of each transportation issue.
2. Develop a set of alternative approaches to address each issue.
3. Analyze each alternative approach for its benefits, impacts, challenges and costs.
4. Select the best alternatives using the above analysis.

Data Gathering

The task force gathered information from the following sources:

1. Parking and Circulation Master Plan for Park City High School, Prepared by Interplan Co. in October 2006.
2. Pedestrian counts.
3. Parking demand and supply calculations for the high school.
4. High School student enrollment records.
5. Physical observation of traffic along SR-248.

Alternative Approaches

After gathering the benefits, impact, challenges and costs associated with each of the alternatives the task force grouped the alternatives in three packages. Each of the alternatives packages represents a different approach to addressing the pedestrian, parking and transit objectives adopted by the task force at the onset of the study.

The table contained below presents the three packages, their projects, and their associated costs.

Alternative Packages

Elements	Alternative Package		
	A	B	C
Pedestrian			
Hawk Beacon	● \$125,000		● \$125,000
Tunnel\Overpass		● \$3,000,000	
Pedestrian Barriers		● \$72,000	● \$72,000
Campus Road			
Lucky John - Teacher Parking Lot			
Lucky John - Student Parking Lot		● \$44,000	● \$44,000
Lucky John to Mcpolin Parking Lot			
Lucky John to Comstock			
North Forty Road to Comstock			
Parking			
North Lot (New Construction) - 120 spaces			● \$300,000
LDS Ward Lot - 160 spaces	● \$30,000		
Lucky John South Side Street Parking			
Parking Restrictions and Enforcement		● \$320,000	
Lucky John Dropoff ¹	● \$98,500		
Transit			
High School Bus Stop-Pullout & Shelter	● \$100,000	● \$100,000	● \$100,000
Comstock Bus Stop Pullout and Shelter	● \$50,000	● \$50,000	● \$50,000
Programs			
Parking Permit	TBD	TBD	TBD
Car Pooling Incentive	TBD	TBD	TBD
Transit to School Marketing Program	TBD	TBD	TBD
Transit To School Incentive Program	TBD	TBD	TBD
Walk-Bike Incentive Program	TBD	TBD	TBD
Transportation Letter Of Intent	● \$0	● \$0	● \$0
Transit - School Schedule Alignment	TBD	TBD	TBD
Estimated Cost	\$403,500	\$3,586,000	\$691,000

Notes

1. Assumes Construction of Pullout Alternative A, Alternatives cost range from \$98,500 - \$192,230

Once these packages were assembled the task force made a determination which of the alternatives packages achieved the study objectives in the most cost efficient manner. After reviewing the alternatives packages the task force recommended Alternatives Package A.

Task Force Recommendations

The task force researched and developed recommended solutions for the above issues. Those recommendations are as follows:

1. Jointly finance and construct the following capital projects:

Lucky John Path Lighting:

This project will light the pedestrian path from the LDS church lot to the newly constructed drop-off loop on the north side of the high school. This lighting project is a critical component of the use of the LDS church lot to mitigate the High School parking shortage.

Lucky John Drop-off

This project will provide a safer and more efficient drop-off zone at the site of the temporary drop-off (behind the High School baseball diamond on Lucky John Dr.).. The drop-off will include a pullout, parking and improved bus stop. This project will allow Park Meadows families to avoid SR-248 when dropping and picking up their children.

Hawk Beacon on SR 248

The HAWK Beacon is a pedestrian activated signal that works much like a standard traffic signal. Once a pedestrian activates the signal it will turn yellow then red stopping traffic. The controller is programmable so that this will occur only after a certain amount of time has passed. This will bunch pedestrians and allow them to cross as a group rather than one after another which now occurs at the crosswalk.

This signal will improve pedestrian safety and reduce the traffic related impacts of students utilizing the SR-248 crosswalk.

High School & Comstock Bus Pullout and Shelter

This project will provide a safer and more comfortable place for students using public transit to board and alight from buses. The pullout will allow buses to stop out of traffic lanes. The new location will be nearer to the crosswalk and will improve access to pedestrian paths to the High School.

Comstock Bus Pullout and Shelter

This project will provide a safer and more comfortable place for students using public transit to board and alight from buses. The pullout will allow buses to stop out of traffic lanes. The new location will greatly improve pedestrian access for young students going to and from the middle and elementary schools.

2. Cost Sharing

The task force recommends that both parties share equally in the cost of the recommended projects. The instruments, methods and timing of this cost sharing will be determined and agreed upon by both parties prior to beginning construction.

Some of the task force recommended projects were also recommended by the walkability study and transit development plans. Funding for these projects will be forwarded by the CIP committee and included in the City Manager's Recommended Budget. No additional project requests or appropriations will be required to meet City's recommended cost share of \$201,750.

3. Execute a Letter of Intent

The task force recommends that both parties execute a Transportation Letter of Intent. This document will formalize the Parties' intent to cooperate on addressing transportation issues in and around the schools.

4. Ongoing Cooperation on Transportation Issues

These capital projects represent only one component of an effective transportation plan. The task force should continue to meet to monitor capital project effectiveness and to research and develop programs to educate and motivate students and parents to:

- Reduce vehicle trips by walking, biking or use of public transit.
- Park in appropriate lots.
- Utilize formal pedestrian crossings on SR-248.

A copy of the full task force report will be provided to Council if more detailed information is desired.

The timing of construction of the recommended projects will be driven by the high school construction project and required UDOT approvals (HAWK beacon and bus pullouts). The initial timeline includes the construction of the Lucky John drop-off and Lucky John lighting projects to be completed during the summer and fall of 2007. The bus pullouts will be scheduled as soon is practical following UDOT approvals, potentially during the summer of 2007. UDOT and FHWA approval of the HAWK beacon will take some time and effort. If approved, the signal will most likely be installed in summer 2008.

C. Department Review

This report has been reviewed by The City Manager's Office, The City Attorney's Office, The Office of Budget, Debt and Grants, The City Engineer and the The Sustainability Team. All of these group's comments are integrated into this report.

ALTERNATIVES

A. Approve The Recommendation.

Staff requests that Council review this report and attachments and authorize the Mayor to execute the attached Transportation Letter of Intent.

B. Ammend The Recommendation

Council could direct Staff to amend language in the Letter of Intent. This is not staff's recommendation.

- C. Deny The Recommendation.**
Council could deny Staff's request.
- D. Defer the item to a later date.**
Council could defer to a later date.
- E. Do Nothing.**
Council could do nothing.

SIGNIFICANT IMPACTS

Failure to engage the school in cooperatively addressing parking, pedestrian and other transportation issues in and around the schools will likely result in significant program costs for the City . In particular these costs will result from required neighborhood parking regulation and enforcement programs as well as traffic management programs. The long term costs of these programs would far exceed the one time capital expenditures recommended by the task force.

RECOMMENDATION

Staff requests that Council review this report and attachments and authorize the Mayor to execute the attached Transportation Letter of Intent.

Attached:
Recommended Project Location Graphic
Letter of Intent

Park City School District and Park City Municipal Corporation Transportation Letter of Intent

This Letter of Intent is made and entered into this ____ day of _____ 2007, by and between Park City School District (PCSD) and Park City Municipal Corporation (PCMC) (jointly referred to herein as the Parties).

Purpose. The purpose of this letter of intent is to clarify the understanding of PCSD and PCMC regarding cooperative transportation and pedestrian safety management efforts along SR 248 from Wyatt Earp Dr. to Sidewinder Drive and along Lucky John Dr between Monitor Dr and Little Kate. PCSD and PCMC agree to use their best efforts to adhere to the agreements, concepts, and ideas set forth in this letter of intent. These agreements, concepts and ideas are not binding on the parties.

Whereas, the safety of our community's students are high priorities for both Parties; and

Whereas, community collaboration and partnerships are high priorities for both Parties; and

Whereas, both Parties recognize that pedestrian safety and traffic congestion along SR-248 are community issues that require community collaboration; and

Whereas, both parties recognize and acknowledge that on campus parking at the Park City High School is inadequate to meet student and faculty needs. Both parties also recognize the safety, traffic, and neighborhood impacts that result when students seek off-campus parking in the neighborhoods around the school; and

Whereas, it is the intention of both Parties to communicate, interact, and cooperate in good faith to address transportation and pedestrian issues within the Treasure Mountain Middle School\Mcpolin Elementary School\Park City High School campus, along SR-248, and along Lucky John Drive; and

Therefore, the Parties agree to work cooperatively to finance and construct the projects described in this letter of intent, and to continue to work cooperatively to address transportation issues:

1. **Lucky John Drop-off**

The PCSD will design and construct a student drop-off zone. This improvement will be located at the existing drop-off zone (near the backstop of the baseball field northeast of the High School). This improvement will adhere to the following requirements:

- a. Drop-off area will be separated from Lucky John Dr by a xeriscaped island.
- b. Grades, drainage, and necessary landscape improvements will be addressed.
- c. A 10' by 10' concrete pad will be poured for a City Bus Stop.
- d. Create parking to the west of drop-off to accommodate 5-15 vehicles

- e. PCSD and PCMC in an effort to ensure safety of the children, convenience for user groups and to mitigate the concerns of surrounding neighborhood will jointly seek public input from stakeholders including, but not limited to: One (1) PCSD Board Meeting and One (1) PCMC City Council meeting.
- f. PCSD agrees to provide reasonable maintenance and snow removal within the drop-off and parking area.
- g. PCMC agrees to maintain occasional Police presence in the area.
- h. Project to be completed before the 2007-08 school session commences.

2. High School and SR-248 Bus Pullout

The PCSD will design and construct a bus pullout on SR-248 at the Park City High School. This improvement will adhere to the following requirements:

- a. Bus stop will include a paved bus pullout.
- b. Grades, drainage, and necessary landscape improvements will be addressed.
- c. A 16'by 16' concrete pad will be poured for the placement of PCMC standard bus shelter.
- d. Project will include a hard surface pedestrian path to connect the front of bus pad to existing pedestrian path behind shelter. Pedestrian pathway will meet or exceed all ADA requirements for accessibility.
- e. PCMC agrees to provide reasonable maintenance and snow removal within the bus pullout, and shelter.

3. Hawk Beacon at SR-248 Crosswalk

Both PCSD and PCMC understand and acknowledge that the HAWK beacon is not yet an approved control device within the Manual of Uniform Traffic Control Devices (MUTCD) and will require Utah Department Of Transportation (UDOT) approval. PCMC and PCSD will seek UDOT approval for the installation of a Hawk Beacon at the SR-248 High School crosswalk. Upon UDOT approval the parties will purchase and install UDOT approved signal and required control equipment and wiring.

4. Lucky John Path Lighting

The Parties will design and install street lighting along the existing pedestrian pathway on the south side of Lucky John from the east side of the church lot to west side of High School drop-off (located on north side of high school):

- a. Lighting will be designed and installed by PCMC.
- b. Project to be completed before October 2007.

5. SR-248 and Comstock Bus Pullout

The parties will design and construct a bus pullout in the westbound lane on SR-248 at Comstock Drive. This improvement will adhere to the following requirements:

- a. Bus stop will include a paved bus pullout sufficient to allow a bus to safely stop outside traffic lanes.
- b. Grades, drainage, and necessary landscape improvements will be addressed.
- c. A 16' by 16' concrete pad will be poured for the placement of PCMC standard bus shelter.
- d. PCMC will provide and install City standard shelter.
- e. Project will include a hard surface pedestrian path to connect the front of bus pad to existing pedestrian path behind shelter. Pedestrian pathway must meet or exceed all ADA requirements for accessibility.
- f. The Parties will obtain all required Utah Department of Transportation approvals.
- g. PCMC agrees to provide reasonable maintenance and snow removal within the bus pullout, and shelter.

6. Project Finance and Cost Sharing

The parties agree to share equally in the costs of completing the projects identified in Exhibit A. The instruments, methods and timing of this cost sharing will be determined and agreed upon by the parties prior to commencing project construction.

7. Parking Shortage and Use of LDS Church Parking Lot

Both parties recognize and acknowledge that Park City High School does not have adequate on-campus parking to accommodate all student and faculty cars. To mitigate this on-campus parking shortage the PCSD has negotiated an informal agreement with the LDS church to allow students to park in the church lot located at Lucky John Dr and Monitor Dr. If at any time in the future this parking becomes unavailable for student use PCSD agrees to secure or construct sufficient replacement parking to mitigate the on-campus parking shortage.

8. High School Student Parking Permits

PCSD agrees to make parking passes available to all students of legal driving age and will not implement permit restrictions or set fees at a level that unreasonably motivates students to seek parking in the neighborhoods around the school campus.

9. Ongoing Cooperation on Transportation Issues

Both parties recognize the necessity and value of an ongoing partnership to address transit and transportation issues. PCSD and PCMC agree to continue to meet to monitor and improve the effectiveness of their joint efforts under this letter of intent.

IN WITNESS WHEREOF, the parties have duly executed this Letter of Intent the day and year written above.

PARK CITY SCHOOL DISTRICT

Park City School District School Board

Attest:

Park City School District

Approved as to form:

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibit A

Project	Estimated Cost
Lucky John Lighting	\$30,000
Lucky John Dropoff	\$98,500
Comstock Bus Pullout	\$50,000
Park City High School Bus Pullout	\$100,000
HAWK Beacon	\$125,000
Totals	\$403,500

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 29, 2007**

Present: Mayor Dana Williams/ Council members Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier and Joe Kernan

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kent Cashel, Deputy Public Works Director; Jonathan Weidenhamer, Project Manager; Gary Hill, Budget Manager; Ken Fisher, Recreation Manager

1. Council questions/comments. Roger Harlan reported that the School District Joint Task Force continued to meet. Candace Erickson commended the Recreation Roundtable Group (City, School District, and Snyderville Basin Recreation) for finalizing a three-party agreement clarifying use of facilities. Jim Hier had attended the Leadership meeting, as well as the HMBA, Park City Heights, and Interagency Task Force meetings. Park City Heights Task Force will present an update to Council on April 5th.

2. Bonanza Drive traffic study. Kent Cashel, Deputy Public Works Director, referred to Council's adoption of the Transportation Strategic Plan and discussions about the interdependency of transportation decisions that would be coming before them. The Bonanza Drive reconstruction and waterline project represents the first major decision based on those transportation elements and he wanted to highlight the challenges that project poses and relate it to the walkability study that will be discussed later in the meeting.

The Bonanza Drive reconstruction is driven partially by age of the road, but primarily because of the need to install a larger water line to provide water to areas in Flagstaff Mountain and provide redundancy for the Main Street area water system. The project will take approximately four months and will present significant disruption to vehicular and pedestrian traffic, as well as businesses along Bonanza Drive. Staff has been meeting for over a year to develop plans to minimize the impacts and engage business owners so they are ready for the project.

Because Staff did not possess a solid understanding of current and future traffic conditions along Bonanza Drive, and given the significant impacts on businesses, pedestrians and vehicles, they engaged Interplan Co. to conduct an evaluation of vehicular capacity needs. The study looked at current conditions and provides an idea of how it will function as the area builds out. Roughly, 80 percent of the traffic is through traffic with Bonanza serving as a main arterial for people coming and going to Main Street, Deer Valley Resort and Park City Mountain Resort. Intersections are becoming challenged because there are not many breaks in traffic. We need to keep traffic moving but also need to consider how we control cross traffic and don't want to redirect drivers to other problem areas.

With that in context, Mr. Cashel explained the Walkability/Bikeability Study identifies Bonanza as a major pedestrian arterial and includes a set of recommendations for improving safety and convenience through the corridor. He emphasized that the studies were completed independently and did not consider impacts on the other issues. He stressed that Bonanza was a difficult corridor and Staff needs to balance needs for utilities, pedestrians and bicycle traffic, and vehicular traffic.

As a result, he explained that Staff recommended a four-step process: 1) Council determines which issues it chooses to address; 2) Council communicates desired funding levels; 3) CIP Committee weighs projects against funding, timing, traffic flow, project challenges; and 4) Staff recommends implementation and funding schedule as component of CIP Budget in May.

Marianne Cone and Joe Kernan supported a look at alternatives to address the cross traffic and pedestrian issues. Jim Hier clarified that Staff was requesting process approval so they can develop options to consider during the CIP process. Council members all concurred with the process proposed in the Staff Report.

Cindy Matsumoto, Bonanza Drive business owner, summarized her understanding of the project that would occur in 2009 for a four-month period.

Carol Potter, Mountain Trails Foundation, supported the idea of including walkable issues.

3. Walkability discussion and public input. Jon Weidenhamer, Project Manager, Gary Hill, Budget and Grants Manager, and Landmark team members Mark Vlasic and Andrea Olsen were present.

Jon Weidenhamer explained that Landmark had completed their professional recommendations and identified potential levels of services; provided options on capital projects and operations and maintenance levels of service; and, provided cost efficiency analysis and comparisons with other cities. He emphasized that Landmark identified issues and developed project alternatives; but most importantly, they identified the issues that we need to solve. For example, instead of recommending an overpass, underpass, or Hawk Beacon Signal on Kearns, the issue that needs to be resolved is getting to the schools safely. Based on the project goals (safety, efficiency, enhancing local connectivity, and enhancing regional connectivity) the issues were ranked and placed into five tiers. Tiers 1 and 2 include highest ranked issues and Tiers 3 through 5 contain projects that were less representative of the study's goals. Tiers were then grouped into Levels of Service based on issues, recommended projects and project costs.

Mr. Weidenhamer explained that the Level of Service (LOS) 1 related to historical spending over the past ten years which was \$867,800, most of which was spent on recreational trails. Landmark's recommendation is LOS 2, which includes Tiers 1 and 2. LOS 3 adds "easy" and inexpensive projects from Tiers 3-5. LOS 4-5 increase

incrementally and include the most expensive projects, i.e., grade separation of bicycles and pedestrians, overpasses, underpasses, etc.

Gary Hill, Budget Manager, referred to the matrix in the staff report that illustrated impacts on other City projects, utility and environmental challenges, timing and funding, staffing impacts, and impacts on private property. Levels of Service 4, 5 and 6 will require additional funding or revenue sources such as bonding or tax increases.

Mr. Hill stressed the success of Park City's walkability depends on how well we are able to maintain the infrastructure. We need to ensure that existing trail infrastructure is maintained, and that new improvements are taken care of into the future. For example, historic trails maintenance has been about \$40,000 per year; only \$10,000 of which was budgeted for trails overlay and the balance was borrowed from pavement management funds. In order to maintain new improvements listed in the Landmark recommendation would require additional funding of \$44,000 per year. The report includes a table identifying annual operations and maintenance associated with Levels of Service.

Mr. Hill emphasized that the walkability study was neither designed as a traffic calming study nor a timeline for implementation of the projects. It is important to understand the interdependent nature with other projects and rely upon the CIP Committee, Staff, and outside consultants if necessary, to compare and understand them. Therefore, Staff requests that Council identify a Level of Service, which will provide a starting point for the budget process. Staff will consider the walkability-recommended solutions from Landmark with traffic and transportation, funding, timing with other City projects and will return to talk about the projects as components of the budget. He pointed out that ultimate solutions may differ from Landmark's recommendation and Council will have the ultimate say on those solutions.

Mayor Williams thanked the consultants for their efforts and patience and requested discussion from Council members.

Jim Hier clarified that Council was selecting Level of Service as opposed to considering dollar amounts represented in the tables. Mr. Hill concurred and reiterated that provided Staff a sense of the order of magnitude and general direction for issues and potential solutions.

Mr. Hier preferred Level of Service 3, which addresses major issues plus "easy" projects in Tiers 3-5. He favored developing solutions, issues and analysis for the CIP Committee to consider, including how many people are being served so we have a cost benefit analysis. He would like to separate the projects that will require significant investment, such as Kearns and Bonanza, and establish an internal team to explore tools to fund a solution beyond General Fund or bonding. Grants, special service district, cost sharing are tools to help fund a deeper solution and the problems warrant continuing analysis and study.

Candace Erickson concurred and suggested they run simultaneously. Solving some of the pedestrian issues in the two locations will help traffic.

Roger Harlan also preferred Level 3. He felt the public would understand they have options as we look into the future if we start with the smaller issues.

Marianne Cone agreed and felt some of the “fixes” in Level 3 could improve connectivity. She stated we should not design one more road without being sure it worked for everyone, not just vehicles.

Joe Kernan appreciated the efforts to improve connectivity and provide safer routes to schools. He commented on the community’s past willingness to support spending to improve the community and expressed comfort considering projects up to \$3,000,000. Because the larger items are more likely to be related to children, he supported connections between neighborhoods and schools and was willing to consider larger expenses in those areas. He asked for alternatives related to timing so they could consider options on what could be accomplished in future years and he liked the idea of bonding for those amenities

Mayor Williams summarized unanimous agreement for Level of Service 3. Bonanza and Kearns will require time, effort and funding and must be addressed soon. He applauded the Prospector Neighborhood for identifying and addressing some of their issues. He expressed concern about solutions that require taking people’s front yards.

Jim Hier noted the School District Task Force was also addressing the high school crossing, traffic and transportation issues. He emphasized the expectation to provide a line item budget for trails maintenance as part of Council’s LOS recommendation.

City Attorney Mark Harrington clarified that the CIP budget process would prepare a variety of recommendations regarding operation and maintenance. Further, comments on page eight of the report regarding dangerous situations are citizen comments and are neither technical conclusions by the consultant nor the Risk Management Department. Risk Management will evaluate O&M issues, which may result in some funding movement as well.

Mr. Hill summarized that Staff has a list of projects that can be tackled immediately as part of the CIP budget process. In addition, Staff will work concurrently on how to begin addressing Kearns, Bonanza, and other issues that might not be addressed immediately. They will have a plan for issues to be addressed through O&M. These can be discussed during the budget process.

Jim Barth stated he is Park City official serving in capacity of Planning Commissioner, however he is speaking in personal capacity as a resident at 2025 Lucky John Drive. He is opposed to items 12 & 108 specifically providing for a 5’ wide concrete sidewalk for the entire length of Little Kate Road and Lucky John Drive. Based on his review of the proposal, such a sidewalk would have negative impact on his property and home.

To construct this urban concrete sidewalk, numerous 20-30 year old trees and other foliage in front of his home would have to be removed. He questioned why the City would consider such a large expenditure that would benefit so few people. He suggested a new sidewalk on Little Kate terminating at the intersection of Little Kate and Monitor Drive at the Racquet Club would be less intrusive, less expensive, and would provide a direct link to Monitor Drive sidewalk system. He wondered why this approach had not been provided.

Carol Potter, Mountain Trails Foundation, encouraged making active transportation a routine part of our community and our lives.

Michael Robert Watson referred to his guest editorial in the *Park Record* that promoted painted, signed bike lanes as economical ways to promote cycling so our guest visitors will know it is way we live and they will want to come back here.

Stacey Dymalski, Park Meadows resident, thanked Staff and the consultants for their work and appreciated the extensive public input process. Focusing on the level of service and allowing that to dictate the budget means a lot to her. She preferred to have Council consider the most expensive options for getting people across Hwy. 248 and felt eliminating one of the crossings would help traffic. Referring to the LDS Seminary crossing, she suggested talking to the LDS Church to see if they would contribute to the costs. Although there are many people in favor of a sidewalk on Little Kate, there are some who aren't and she suggested it should be placed to a vote. She wanted to be sure that the outcome provided a solution for the majority of people who need or want it.

Referring to lessons learned from the I-80 bridge at Kimball Junction, Roger Harlan cautioned that public officials have a fiduciary responsibility to use taxpayer money wisely. They need to have a level of assurance that the solution, and ensuing disruption, would in fact solve a particular problem. Ms. Dymalski suggested it would be wise to take formal counts of foot traffic crossing Hwy 248.

Shirin Spangenberg, Prospector resident, thanked the group. She believed an underpass would be more realistic than a bridge and asked Council to consider it because it provides safety for kids and keeps traffic moving. As a citizen, she wanted to take accountability and help with whatever it takes to accomplish this.

4. Dog park discussion and public input. Recreation Manager Ken Fisher explained the Recreation Advisory Board had presented a desire to create a dog park at the PC Hill on the North 40 fields during their visioning report to Council. One of the contingencies was the creation of a user group to be responsible for maintenance, upkeep and amenities that went into the park. At that time, Council was supportive of using Neighborhood Parks money for fencing.

Mr. Fisher reported the user group has met on a monthly basis and has requested a change to Council's direction. They would like the City to perform trash removal maintenance and would rely on users of the facility to clean the grounds. In exchange,

they would raise funds for doggie bags, signage, and future amenities. The group is seeks direction as to whether Council wishes this to go forward, and that they support the location. The next step would be obtaining a Conditional use Permit for the site through Planning Commission.

Mayor Williams requested public input.

Charlie Sturgis commented that benefiting the greater population of dog owners would be great, as opposed to the negative actions that have been taken against dog owners.

Greg Schirf, property owner, expressed concern about fencing two acres of pristine open space housing wildlife and scenery. Even though he is a dog owner, he would never use it.

Beth Mahon, property owner, travels with pets and has chosen to no longer visit dog parks because of aggressive dogs and litter issues. They already have soccer fields at the North 40, but adding a dog park would increase traffic impacts. They enjoy the wildlife and propose placing the dog park somewhere where it will not impact their neighborhood.

Valine Quinn, Park Meadows resident, spoke of her enjoyment viewing the fox, deer and sand hill cranes. A dog park along the creek will affect wildlife, as well as the people who use the area for recreation. It will also bring people closer to the schoolchildren. She believed it should be placed in another location that will have less impact on residents, wildlife and the environment.

Rich Wyman stated his son, Ian, started this process two years ago after visiting a dog park in Florida. This process has been going on for four years and they have considered numerous sites. He stressed there was community support for a dog park and explained their planning efforts. Phase 1 is a fence that will be rustic and natural looking. Phase 2 involves fund raisers to secure funding for park amenities. He talked about the therapeutic value of providing an area where people could experience the companionship and presence of dogs. He added that animal control, police, Mountain Trails Foundation and Friends of the Animals all supported the park.

Tony Mahan, resident, suggested placing the dog park near the barn where it won't bother people. He did not want it located in a residential neighborhood.

Troy Stevens, President, Summit County Friends of Animals, spoke in favor of dog parks. He had visited many that were used by responsible people that were successful because of the rules. He believed it would be an asset for the community and noted there was a buffer between the location and residential properties.

Roz Cohn, resident, agreed that we need dog parks, but not in residential areas. She doubted that having a dog park meant that everyone would then leash their dogs. She

suggested the field near the Library, or designating hours when dogs in City Park could be unleashed.

Charlie Sturgis agreed he would not like a dog park in his backyard and encouraged the investigation of other areas.

Margie Slusser, Friends of Dog Park Committee, explained her interest in having fenced area where her small dog can play off-leash. The committee has good intentions and doesn't want disharmony in the community, but they do want to find a location in the City.

Dawn Butters, nearby resident, expressed fear of impacts on the neighborhood and inviting people to come to an area so near the schools. She felt the area should be open to everyone, not just dogs.

Dena Fleming, Park Meadows, felt the community needed to work together to find the right location for a dog park. As a board member and as a citizen she was open to investigating and considering all areas.

Kathy King, Friends of Animals board member, took the comments to heart and asked the people who organized against it to help the committee determine where a dog park should be located.

Charlene Brewster, board member, Summit County Friends of Animals, recalled similar arguments to putting a skateboard park in City Park and that has turned out to be a successful amenity. She explained that animal control laws are set by Summit County, which is a ranching community. Dogs are not allowed off-leash unless they are on their property or in a designated fenced-in area, which this would be. She emphasized this would be controlled by a Conditional use Permit, which could be revoked if there were problems. She requested a try.

Gayla Baggett, resident in the neighborhood, commented on the serene setting and didn't believe that people would want to be boxed up in one space when they could be walking around. She researched dog parks on the internet and found that most were located in industrial areas, not in areas of multi-million dollar homes.

Hearing no further comment, Mayor Williams closed the hearing.

Marianne Cone asked if this was a proper use for that open space. Attorney Harrington clarified that the Planning Commission would determine whether a Conditional Use Permit was appropriate or not. Council's direction does not affect the subsequent process.

Ken Fisher explained the fencing would be split-rail with wire mesh, similar to the field fencing at Quinn's.

Roger Harlan asked about the City's exposure if something were to happen to a dog in the dog park. Attorney Harrington indicated liability of the municipality was negligible assuming we do everything correctly.

Candace Erickson asked whether the Planning Commission would consider wildlife migration. Attorney Harrington stated the Cup criteria dealt with environmental and wildlife impacts.

Jim Hier advised Dawn Buttars he had forwarded her e-mail to Council. He commented on potential sites and explained some were restricted by conservation easements while others were in residential areas. He wants to move forward, but prefers re-looking at potential sites and analyzing pros and cons of each. He also wanted to have a target for the friends group who would monitor the dog park to ensure they have funding to support it. His personal concept would be making Round Valley "leash free".

Candace Erickson sits on the Recreation Advisory Board and stated they had looked at every piece of property within the City Limits and had talked with the County. It seems that every property has limitations. They continue to look for locations so they can accommodate this segment of the community who wants to have a place for their dogs to run free.

Council directed the group to return in three weeks with an analysis of potential spots, within the City Limits.

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 29, 2007**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at 6:30 p.m. at the Marsac Municipal Building on Thursday, March 29, 2007. Members in attendance were Dane Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier and Joe Kernan. Staff present included Tom Bakaly, City Manager; Mark Harrington, City Attorney, Katie Cattan, Planner; Ray Milliner, Planner

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that UPCM and Royal Street with Deer Valley are customers.

Marianne Cone had received hand-written letter from resident on Upper Park Avenue complaining about garbage cans being left out. She felt it was time to revisit the issue and find a solution to this ongoing problem. Manager Tom Bakaly indicated they would add it to the solid waste discussion on April 19th.

III PUBLIC INPUT (*any matter of City business not scheduled on agenda*)

Noxious Weeds - Mindy Wheeler, chair of Summit County Cooperative Weed Management Area, distributed handouts illustrating what the noxious weeds we have in this area are capable of doing. CWMA received funding to conduct a weed survey and she illustrated areas where noxious weeds are located within the City limits. She referred to construction disturbance in Empire Canyon, Flagstaff area, and stated one way the noxious weeds come in is through heavy equipment. They are also imported with fill soil. She stressed that education and enforcement were important factors of weed management plans and suggested that developers be required to have weed management plans. Council members requested that the Building Department consider elements in construction mitigation plans. Manager Bakaly confirmed they wished to add this to the Building Department's work plan and agreed to discuss the topic at a work session where they would discuss enforcement, and the costs of enforcement.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 15, 2007

Candace Erickson, "I move approval of the Work Session Notes and Minutes of March 25, as submitted". Marianne Cone seconded. Motion was approved unanimously.

V CONSENT AGENDA PUBLIC HEARINGS (*items listed will be open for public hearing prior to consideration for adoption or rejection; hearings may also be continued by vote of the Council*)

1. Consideration of an Ordinance approving the Sundance Cottages lot combination creating two lots of record located at 1450 and 1460 Park Avenue, Park City, Utah -

Planner Katie Cattan and applicant Don Bloxom addressed Council. The request is to create two lots of record from two metes and bounds parcels with an historic home on each. The centerline will be moved to create two equal dimension lots. Mayor Williams opened the public hearing and receiving no input, closed the hearing. Marianne Cone asked how far the houses sit from the sidewalk. Mr. Bloxom indicated the houses currently sit 25 feet back, but would be moved forward so additions can be placed to the rear and be connected via enclosed walkways.

2. Consideration of an Ordinance approving the Parcel B-2 Empire Village Subdivision - Principal Planner Brooks Robinson stated this would amend the Empire Village Subdivision to create three lots of record: Lot A is the day lodge; Lot B is JSSD's Daly West head frame; and Lot C will be the Montage Resort and Spa. Mayor Williams opened the public hearing. Receiving no input, he closed the hearing.

3. Consideration of denial of a request to amend Parcel 1 of the Walter Daniels Subdivision - Mayor Williams disclosed an ex parte communication between Kevin King and himself. Planner Ray Milliner explained the request was to amend Parcel 1 of the Walter Daniels Subdivision into two lots; lot 1 would be 5,281 square feet and lot 2 would be 1,880 square feet. There is an existing historic home on the property and the applicant proposes to remove an existing garage and restore the historic home at a smaller scale and then create a driveway to the larger lot in the rear where they would construct a separate single-family home in the rear. The size of the larger lot allows a duplex as a conditional use.

Per the Staff Report, Staff and Planning Commission recommended denial of the request because the subdivision would create an increase in density that would be incompatible with the neighborhood. Mr. Milliner explained the Walter Daniels Subdivision was created to clean up problems and encroachments there were created by the multiple lots. This parcel and two lots were combined into one to accommodate the existing historic house. If this application is approved, Staff's finding is that it will increase density because there will be two lots, with one large enough to accommodate a duplex. The other finding is that the applicant does not have sufficient street frontage along Woodside because of the LMC requirement for a minimum 25 foot lot width. As proposed, Lot 2 is only 16 feet wide. Other adjacent streets are unbuilt.

Mr. Milliner requested that if Council adopted the staff recommendation, they change Conclusion of Law 3 to state "the public **will** be materially injured by the proposed plat amendment".

Mark Kozak, attorney for the applicant, stated he would be address what he needed to make his record and would turn it over to the applicant to discuss the proposal. From a legal perspective, he stated the report says a lot, but says nothing, and the test for whether the denial will be upheld is whether it is supported by fact. His sense from reading this report is a sentiment of "because I said so"; and, while it sounds legalistic, it fails the substantial fact test.

Lawrence Meadows, applicant, explained he wanted to restore the smithy's house to its original shape and form, moving the mass to the back, so it will be about 1,300 square feet. He would build a new 4,800 square foot structure that will be separated by about 30 feet of open space. He sees his proposal as a positive and disagrees with Staff's determination of lot width and asserts he has 50 feet of frontage on Norfolk, which is shown in the Streets Master Plan as a platted street. He feels the decision is arbitrary and stresses they are doing a very positive thing. He and Kevin King take pride in their work, and their designs, and are trying to create a better situation that now exists.

Kevin King, architect, stated they originally proposed an accessory apartment, but because the definition was so stringent they pursued this design. He asserted that during Planning Commission discussions, Evan Russak liked the idea of protecting the integrity of the structure, but it must be done in a way that allows the historic structure to stay recognizable. He stated that Commissioner Pettit favored keeping integrity in historic structure and was pleased with that part of the proposal. Finally, he said Commissioner O'Hara wanted to explore ways to expand the definition because he wanted to protect the use and liked the unique application.

Lawrence Meadows explained they ultimately requested a plat amendment because the accessory apartment definition was so stringent. He suggested the guesthouse definition was a perfect alternative; however, the definition restricted it to a one-acre lot. They feel very strongly about their concept and there were multiple ways to achieve it.

Mr. Kozak emphasized the value of their product and noted the trend to save small historic structures. He stated this was not a Conditional Use Application that introduces the subjective elements of mass, size, and spacing, and asked if anyone could tell him the criteria for approval of a subdivision application.

City Attorney Mark Harrington stated it was listed in the Chapter 15 of the Land Management Code. To that point, he asked Planner Milliner whether an existing structure to the north had non-compliant setbacks. Because he did not have a scale, he was unable to determine whether it was at the setback or encroached into it. Mr. Harrington explained the intent of the original subdivision was to minimize encroachments. He asked whether the proposed subdivision would respect setbacks.

Lawrence Meadows state the front house would be three feet from the property line, and the new house would comply with a five foot setback on a 50 foot wide lot.

Because the size of the larger lot would allow a duplex, Candace Erickson asked whether a plat note would serve to prohibit it. Mr. Meadows stated they would prefer that. Mr. Kozak indicated it had never been proposed by Staff. Planner Milliner explained that plat notes could be removed in the future, and the intent would not be achieved; therefore, Staff prefers to not use plat notes.

Mayor Williams clarified that the Planning Commission vote to deny the application was unanimous. He opened the public hearing.

Don Bloxom, local designer, commented he had gone through a similar process on the plat amendment he had presented earlier. He stated it was an issue of definitions; two buildings, touching or not, are deed restricted together are, in essence, a duplex. He created a twenty-foot separation, attached the units via foundation work, and met the letter of the law. He felt Mr. Meadows was trying to create something nice and treating it as a deed restricted duplex might have been a better approach

Mayor Williams closed the public hearing.

Jim Hier stated that like and dislike were not criteria for making Land Management Code decisions and if something doesn't comply with the Code as interpreted by Staff, it doesn't comply. He didn't disagree that they needed to review some definitions, particularly regarding Old Town, but did not see a compelling reason to differ from the Planning Commission's conclusion on this parcel.

Roger Harlan requested clarification of the Code as it relates to duplexes. Planner Milliner explained the Code defined a duplex as a building with two dwelling units, or "a" building. The International Building Code provides further direction on how a building is connected, i.e., a foundation, or a walkway or breezeway. As proposed, the design has a stand-alone, historic single family home and a new, stand-alone single family structure in the rear, and does not meet the duplex definition per the Land Management Code.

Marianne Cone asked if the houses would qualify as one dwelling if were connected. Planner Milliner responded it would theoretically; Staff would have to review it.

Mr. Meadows explained they had submitted a design showing a carport connection between the two structures, but Staff wanted to deduct the footprint of the connection from the square footage of the house. He could not afford to lose that much footprint for an exterior connection.

City Attorney Harrington explained that gets to the original intent of what he referred to about setbacks. We may need a continuance because in order to better understand the issue very factually. They have heard conclusory comments that the Staff Report does not include facts to support the conclusions. They haven't heard competing facts. The presumption is that the original approval of this re-subdivision is valid and met the zone and code. Essentially it reverts back to the original layout of the unplatted lot at the rear and how much the front property line moves, which is about 20 feet from the original location. The original intent of these replats was to allow for smaller additions to the rear of the historic structures and not have competing density at the rear.

Marianne Cone wanted to review Planning Commission minutes before making a decision. She did not know what the applicants were referencing in their quotes from Planning Commissioners. Mr. Harrington explained the comments were not regarding this particular application, they were regarding another issue in terms of accessory apartments. He stated it was appropriate to review the minutes so they are viewed in

the context of individual comments represented. He also requested additional clarification on some setback issues.

Marianne Cone, "I move to continue consideration of denial of a request to amend Parcel 1 of the Walter Daniels Subdivision until April 19, 2007". Candace Erickson seconded. The motion carried unanimously.

VI CONSENT AGENDA *(items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")*

Joe Kernan, "I move we approve Consent Agenda Items 1 and 2." Marianne Cone seconded. Motion unanimously carried.

1. Ordinance approving the Sundance Cottages lot combination creating two lots of record located at 1450 and 1460 Park Avenue, Park City, Utah – See staff report and public hearing.

2. Ordinance approving the Parcel B-2 Empire Village Subdivision – See staff report and public hearing.

3. Decision on denial of a request to amend Lot 1 of Walter Daniels Subdivision, 605 Woodside – See staff report and public hearing during the public hearing.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

Council members discussed wording on agendas used to explain the Consent Agenda Public Hearings.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council adjourned at 7:25 p.m.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at 3:00 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier and Joe Kernan. Staff present was Tom Bakaly, City Manager, Mark Harrington, City Attorney, and Tom Daley, Assistant City Attorney. Roger Harlan, "I move to close the meeting to discuss property". Marianne Cone seconded. Motion carried unanimously. The meeting opened at 3:30 p.m. Jim Hier, "I move to open the meeting." Marianne Cone seconded. Motion carried unanimously.

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

Prepared by Sharon Bauman, Analyst II

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 5, 2007**

Present: Mayor Dana Williams, Council members Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier and Joe Kernan. Planning Commission members Jack Thomas, Evan Russak, Mark Sletten and Charlie Wintzer. Historic Preservation Board member Ken Martz.

Patrick Putt, Planning Director, Jonathan Weidenhamer, Project Manager.

1. Old Town Plat Amendments – Planning Director Pat Putt explained that City Council, Planning Commission, and Historic Preservation Board held a joint work session on February 8, 2007 to discuss a number of Old Town issues.

Staff wishes to confirm direction from that meeting and requests discussion on the “how and when”. They received a number of tasks ranging from moving forward with adoption of the Secretary of Interior Standards for Rehabilitation for the Main Street Historic District; completing the final draft of the historic building inventory; developing a stakeholders group to consider topics which include defining what historic integrity means, base density for Old Town large parcels in conjunction with plat amendments, building mass and scale, access and steep slope conditional use criteria; and, more specific plat amendment criteria for Old Town. Other tasks included initiating ongoing training with the Historic Preservation Board and Staff. He reported that Staff has begun training with HPB members, Dina Blaes has been fine tuning the historic inventory document, and the Sustainability Team has developed a budget request for funding to complete the Historic District Guidelines update.

Staff has heard concerns about whether or existing tools will help to solve the problems and issues the Planning Commission and City Council are currently experiencing. Therefore, Staff’s concern is whether to continue working forward as directed in February, or whether there are “low-hanging fruit” that Staff should address immediately by amending codes or policies. The timeframe for a stakeholders group to work through issues is approximately six to eight months. The alternative approach, addressing issues through ordinance, would take two months or longer. Under either scenario, the seven questions listed in the staff report are answered; however, one is more holistic and the other is a more fragmented, issue specific approach. His concern is that Old Town is very complex and fixing one component could have implications for other issues.

Charlie Wintzer believed they need to review the Subdivision Ordinance, which was written for large subdivisions. They need to address what is occurring in Old Town. He stressed they needed a training session to hone their tools and become more aggressive.

Mark Sletten encouraged a holistic approach. Old Town has been evolving and maturing since the 1970's and they need to consider the whole, not just parts.

Jack Thomas desired a macro look and felt they should consider reducing square footage, height, and talked about damage to Old Town from the mass and size of additions and new construction.

Evan Russack felt they should use a two-step approach and address issues such as plat amendments, steep slope criteria immediately, and wait six to eight months for the macro review.

Mayor Williams commented on beautiful homes on the hillside that were completely incongruous with Old Town as well as the historic structure across the street that seems to have been lost in the remodel. Because the flavor of Old Town is being chipped away, it is time to step back and decide what we want to accomplish because the threat to historic structures is growing.

Ken Martz commented on numerous new homes on 25' wide lots, which are of good architectural quality, but lack landscaping and streetscape appeal. Mass, scale and demolition are the most important, and complex, issues. Historic houses face heavy restrictions, whereas one can build whatever fits on empty lots.

Candace Erickson did not believe we had to change Old Town so everyone can live there. She would rather keep it small. Some of the additions have been larger than the houses themselves and they have completely lost the flavor. She would no longer allow lot combinations and added that additions should complement the location where they exist.

Marianne Cone asked if there were way to separate new additions to historic houses so the old home stayed old. Patrick Putt explained there are a number to ways to connect historic buildings and control the spatial relationship between the new addition and the existing home.

Jim Hier expressed concern about height on steep lots and suggested creating a methodology to restrict square footage so they can't increase size by stepping up the lot. Currently, given a steep enough lot, one can have a building that steps up ad infinitum.

Roger Harlan emphasized they could not control the escalating price of real estate which drives a lot of what they are discussing. To the degree they can take the appropriate time necessary, in mid-stream, to keep from losing the enjoyment, integrity and delight that Old Town brings he is willing to face the public criticism that might ensue.

Manager Tom Bakaly suggested they review Items 1-7 in the Staff Report to determine which of the items they would like Staff to do more quickly and discuss what the impacts would be.

Mayor Williams requested public input before providing direction.

Peter Barnes, local designer, state they needed to separate myth from reality. A 6,000 square foot house cannot be created on two combined lots. It is important to understand how the numbers work in the built environment. Various groups have had these discussions before and as we are living in the most restrictive regulatory environment that we have ever had in Park City, and you do not like the result, it seems the regulations are the problem and should be reviewed. Quoting Einstein, he said the world will not evolve past its current state of crisis by using the same method of thinking that created the crisis in the first place. We need to think more deeply.

Mike Sweeney, HMBA, requested that they have an opportunity to participate in the stakeholder group. He preferred a holistic approach as opposed to putting band aids on things that may not correct the problems.

Regina White, resident, owns a large metes and bounds parcel with a small historic house. She would like to subdivide, and sell one lot so she can afford to preserve her historic home and expressed concern that this would prevent her from doing that.

Charlie Wintzer commented that currently when people request a subdivision, the Planning Commission has no idea of the ultimate plans for the property. They don't have the tools to look at massing of units.

Mayor Williams commented on large homes on the periphery of Old Town and asked if they were from metes and bounds parcels as opposed to being subdivided lots. Patrick Putt explained that every case has a different story; some came from lots that were created through Treasure Hill MPD which had specific parameters that Planning Commission and Council put on a number years ago; Northstar lots are atypical HR-1 lots subject to HR-1 requirements; others are by-products of lot combinations and some contain structures built under maximum building footprint, height and setbacks; some are products of late 80's, early 90's MPDs; and some date back to the 70's and 80's when height limits were taller.

Ken Martz commented it begins with a small sign noticing a plat amendment hearing, and leads to a lengthy building process. Adjacent homeowners only receive notice of the plat amendment. He felt there should be a combined process, with notification of what is going on, so neighbors have a say in the whole process.

Tom Peek, Old Town property owner, believed Peter Barnes made good points. He hears more complaints about single homes on 25' lots than the bigger homes on combined lots. Although we don't see many lot combinations, you end up with less square footage than you would with two single family homes. He suggested taking an

inventory to identify what is good and what is bad. He, too, would like to be involved in the stakeholder process.

Steve Deckert, Daly Avenue resident, commented that the Sensitive Lands Ordinance was not applied to the historic district, because it would have rendered all remaining lots in Old Town unbuildable. He believes the Land Management Code Subdivision Ordinance already provides tools for the Planning Commission to rein in and reduce densities more than they have been doing. Training sessions and support from the Legal Department is a good idea.

Gordon Strachan, Old Town resident and business owner, suggested they begin knowing what will happen later when a plat amendment comes through. He referred to the three lots near his home and Bad Ass Coffee where three huge buildings, designed by a well-respected, talented architect, are being constructed. He urged protection of other parts of Old Town and encouraged them to use the tools they have now. He touched on Item 8 and commented it had become a mall selling “villages” that are being built in around Park City. He urged the group to protect what has been a wonderful, beautiful main Street.

Mayor Williams encouraged taking a visual survey to identify projects, both good and not good, and understand how the Code and tools they already have work.

Jim Hier stated they are concerned with plat amendments and subsequent development, but they can't link the two. If they were presented as master planned developments, they could attach design and construction to the approval. Attorney Harrington responded they would look into it, but it was important to balance our controls with what the State Legislature asks municipalities to focus on. The key is further defining standards so applicants know what they can get when they look at the Code.

Patrick Putt summarized possible courses of action. Points raised in the discussion were looking at building size, mass and scale; developing building height and plat amendment criteria for Old Town; and providing training and education on existing tools; and, steep slope criteria. The first course of action would be to direct Staff to immediately begin to initiate Land Management Code revisions to address those. Another idea was to evaluate the built environment so the group can better understand how big these buildings are, when they were built, and the provisions of the Land Management Code in effect when they were built. He asked if the group wanted to initiate amendments or review the visual tour of LMC history, both of which would be in advance of creating a stakeholders group.

Jim Hier felt it was important to review Steep Slope Conditional Use Permit criteria.

Mayor Williams preferred to become better educated through a visual look and learn what the LMC has produced over the years, rather than requesting Land Management Code changes right.

Mr. Putt felt it would be a valuable exercise and would help separate myth from reality. Comparing houses built under a certain set of regulations, with a certain set of tools, and comparing them would be a fundamental step.

Manager Bakaly clarified that this is similar to strategies employed in the stakeholders function. Some of the group favored immediate Code changes and he wanted to ensure that Staff was not missing any expectations by taking the time to prepare this study. He clarified that Staff would return within a month for another joint discussion with Planning Commission and City Council to review existing tools and apply them to practical examples particularly in the areas of steep slopes and plats. This will involve high focus from Staff and they will not be working on ordinance changes during this period of time.

2. Main Street Vertical Zoning - Mayor Williams explained this item refers to regulation of real estate offices on Main Street, which has been a concern because linear square footage has been converting into offices on Main Street.

Project Manager Jonathan Weidenhamer explained that in 2002 and 2006, Staff had brought updates to Council on mixed uses on Main Street. In 2002, 11% were office use and 82% were restaurant and retail. In 2006, offices had decreased to 8% and 91% were restaurant and retail. At that time, there was a consensus that the threat was more perceived than real and Staff was directed to monitor uses as they proceeded with a market analysis.

The market analysis will be a two-phase approach providing first an inventory of the types of businesses, and based on sales tax revenues, what types of businesses are more successful than others. The second phase will involve a comparison to other resort communities and their mix of businesses. This information will provide a basis for Council to discuss the efficiency of our mix and to discuss whether we want to look at something else. Park-Bonanza updates will also help shape discussions on some type of preferred future.

Based on observations, Staff has observed the possibility of ownership changes on Main Street involving “residential concierge or owners’ clubs”. They are unclear what the impact could mean in terms of sales tax.

Jim Hier felt we should be taking a look at how we can limit non retail, non restaurant uses, not necessarily doing a market retail study of which facilities provide us with more sales tax. Joe Kernan wanted ideas from other towns who have addressed this issue. Ken Martz believed the more public you could make Main Street, the better it will be. Jack Thomas felt the vitality and future of Main Street depended on the ease with which we can get there. Evan Russack wondered what the trigger point was if we were going to make efforts to change the economic landscape on Main Street. Mayor Williams explained there was a mix of about 10-11%, which was livable, but we are trying to define a percentage for the future since there is the potential to go higher.

Manger Bakaly summarized Council's direction to return with more discussion of issues surrounding this and that they desire fact finding to frame the information from other cities that have done this, rather than returning with an ordinance.

3. Park City Heights Update - Patrick Putt, Planning Director, presented a status report for the benefit of Planning Commission and Council members who were not involved in the Task Force. In March 2005, the City accepted an annexation petition for Park City Heights Annexation, involving 256 acres, broken into two separate areas, owned by several individual property owners. The original proposal involved 200,000 square feet of commercial area and 352 residential units.

Because of the complexity of issues associated with the project, City Council implemented a Task Force in May 2006 to provide recommendations on General Plan Elements relating to affordable housing, economic impacts, traffic, underlying zoning and density. The current plan illustrates the 24 acre parcel will be conveyed to the City; there will be no commercial development; residential density includes 166 market units, and 16 affordable housing units, totaling 182 units. In addition to Park City Heights market units and affordable housing requirement, 28 affordable housing units will be added to this site for the Intermountain Health Care/Burbidge Annexation, creating a total of 210 units. Incorporating the IHC units into Park City Heights would create a viable community designed to provide a mix of residential unit and affordability types. He added that Talisker also owns a piece of property within the annexation area and the Task Force has been looking at site planning and integration of all potential uses that we could see in this area. Depending on how many owners join in the master plan for affordable housing, the Task Force anticipates forwarding a recommendation in May.

Joe Kernan stressed the importance of having a variety of price levels and the importance of interspersing affordable housing throughout the market rate housing.

Mayor Williams asked about appreciation caps being placed on the affordable units and talked about new models that allow owners to gain appreciation. The single biggest source of wealth that most people get in life is their homes, and it allows people to buy out of affordable housing.

Jack Thomas wondered if there would be a commercial component to meet basic food shopping needs. Mayor Williams expressed the philosophical concern of the task force that it wasn't enough to justify putting in businesses, and it created the dilemma of another subdivision that was not close to commercial/

Marianne Coin encouraged a variety of architectural styles. Patrick Putt indicated the Task Force stopped short of requiring LEED certification, but they did encourage "greenness".

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 5, 2007**

I ROLL CALL

Mayor Williams called the regular meeting of the City Council to order at 6:30 p.m. at the Marsac Municipal building on Thursday, April 5, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier and Joe Kernan. Staff present was City Manager Tom Bakaly; City Attorney Mark Harrington; Alison Butz, Project Manager

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Marianne Cone thanked the Water Department for their efforts and noted it was nice to see town being cleaned up as the snow melts.

Roger Harlan reported that the Schools Task Force was making progress and would make a recommendation to Council soon. He, too, noted the street sweepers had been out and he appreciated striping that occurred on Bonanza Drive.

Candace Erickson reported the Recreation Advisory Board wanted to answer the challenges they had been given and they are reviewing sites for their next report to Council. She also reported the Historical Society was excited about Council's decision.

Mayor Williams reported they had met at Hill Air Force and developed with criteria on what they wanted to achieve. National Step It Up Day is next Saturday. He commented on the ban of plastic bags in San Francisco and had a discussion with the Market at Park City regarding cost comparisons.

III PUBLIC INPUT *(any matter of City business not scheduled on agenda)*

IV CONSENT AGENDA PUBLIC HEARINGS *(items listed will be open for public hearing prior to consideration for adoption or rejection; hearings may also be continued by vote of the Council)*

V CONSENT AGENDA *(items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")*

VI NEW BUSINESS

1. Resolution Declaring Park City's Recognition of the Week of April 14 through April 22, 2007 as Sustainability Week. Mayor Williams noted that over 1100 cities across the United States will participate in the Step It Up program. He referred to the Supreme Court's environmental decision and believed it would help create change in terms of dealing with air quality issues and sustainability.

Marianne Cone, "I move approval of the Resolution Declaring Park City's Recognition of the Week of April 14 through April 22, 2007 as Sustainability Week." Roger Harlan seconded. Motion carried unanimously.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at 3:30 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; Dave Gustafson, Project Manager; Alison Butz, project Manager; Gary Hill, Budget Manager; Lloyd Evans, Chief of Police, and Jonathan Weidenhamer; Project Mmanager. Marianne Cone, "I move to close the meeting to discuss property". Joe Kernan seconded. Motion carried unanimously. The meeting opened at 4:00 p.m. Jim Hier, "I move to open the meeting." Joe Kernan seconded. Motion carried unanimously.

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

Prepared by Sharon Bauman, Analyst II



City Council Staff Report

Author: Kirsten Whetstone, AICP **Planning Department**
Subject: Land Management Code Amendments –
Chapter 2.2- Historic Residential, Chapter 2.23- Community
Transition District, Chapter 3- Parking, Chapter 4-
Supplemental Regulations, Chapter 15- Definitions, and
Chapter 2- Zoning Districts.
Date: April 19, 2007
Type of Item: Land Management Code Amendments

Summary Recommendations

Staff recommends City Council conduct a public hearing and consider approving amendments to the Land Management Code for Chapter 2.2 – Historic Residential (HR-1), Chapter 2.23- Community Transition (CT), Chapter 3- Parking, Chapter 4- Supplemental Regulations, Chapter 15- Definitions, and Chapter 2- Zoning Districts, based on the recitals found in the attached ordinance.

Topic

Project Name: LMC Amendments
Applicant: Planning Department
Proposal: Revisions to the Land Management Code- Chapter 2.2 Historic Residential (HR-1), Chapter 2.23- Community Transition (CT), Chapter 4- Supplemental Regulations, Chapter 3- Parking, Chapter 15- Definitions, and Chapter 2- Zoning Districts.

Background

The Planning Department is preparing amendments to the Land Management Code (LMC) to address planning and zoning issues that have come up during the bi-annual review of the Code. These proposed revisions address specific LMC issues and substantive revisions that have been identified since the 2006 LMC updates. Amendments are proposed as follows: 1) Chapter 2.2- Historic Residential (HR-1) regarding parking requirements for Bed and Breakfasts Inns, Boarding Houses, and Hotels; 2) Chapter 2.23- Community Transition (CT) District, regarding Conservation Activities as an Allowed Use; 3) Chapter 3- Parking to increase the parking requirements for Nightly Rentals with more than 5 bedrooms, 4) Chapter 4- Supplemental Regulations regarding the height of retaining walls in Setback areas, 5) Chapter 15- Definitions, regarding definitions for the following: Accessory Apartments, Bed and Breakfast Inns, Boarding Houses, Guest Houses, Hotels/Motels, and Nightly Rental to provide clarity on the differences between these types of accommodations, and 6) Chapter 2- to clarify, in each zoning district, the minimum pitch a roof shall have to qualify for a building height exception.

On March 28, 2007, the Planning Commission forwarded to the City Council a positive recommendation on the proposed amendments, as described in this staff report.

Analysis and Discussion

Amendments to Chapter 2.2- Historic Residential (HR-1)

- Staff recommends amending Chapter 2.2 to remove existing parking exemptions for Bed and Breakfast Inns, Boarding Houses, and Hotels/Motels. These uses are conditional uses within an historic structure and because of the historic structure they are currently exempt from off-street parking. With the recent infill development activity and increased number of driveways constructed to serve dwellings in the HR-1 District, the amount of on-street parking is diminished. Bed and Breakfast Inns, Boarding Houses, and Hotels/Motels are more intense uses than single family or duplex residential uses. These intense uses are more likely to contribute to the parking problems in the HR-1 neighborhoods. There are three sections of the HR-1 District that staff recommends amending to require these uses to provide parking as required in LMC Chapter 15-3-6- Parking Ratio Requirements for Specific Land Use Categories. Bed and Breakfast Inns require one space per bedroom. Boarding Houses require one space per 2 beds. Hotels require one space per room or suite. These sections are as follows (See Exhibit A):
 1. Section 15-2.2-2 (B) Conditional Uses- in the footnote for Bed and Breakfast Inns, Boarding Houses/hostel, and Hotel, Minor the footnote allows these as a Conditional Use “in Historic Structures only”. Staff recommends the footnote be further clarified to state that “parking requirements of Chapter 15-3 shall apply”.
 2. Section 15-2.2-4- Existing Historic Structures- Staff recommends revising this section to include the following language: “All Conditional Uses shall comply with parking requirements of Chapter 15-3.”
 3. Section 15-2.2-9 Bed and Breakfast Inns- Staff recommends revising Section 15-2.2-9 (I) to delete all but the first sentence- “Parking on-Site is required at a rate of one (1) space per rentable room.”
- Staff finds that these LMC amendments are warranted due to increased impacts of on-street parking in the historic residential neighborhoods. There is less curb area for parking to occur due to the increased number of driveways for new construction. Parking exemptions for more intense uses create unmitigated impacts on neighborhoods. Staff finds it is no longer necessary to provide parking exemptions as an incentive for a more intense adaptive re-use of historic structures.
- However, Staff recognizes that requiring parking may create greater negative design related impacts. In many cases this parking will may be proposed beneath the structure. As these structures are located in the Historic District, design modifications require Historic District Design Review, and factors such as preservation of the historic character of the structure may create situations where on-site parking is not possible and the use would not be allowed if impacts can not be mitigated.

Amendments to Chapter 2.23- Community Transition District (CT)

Staff recommends deleting “Conservation Activities” from Section 15-2.23-2 (B) Conditional Uses. This use is listed also as an Allowed Use in Section 15-2.23-2 (A). Conservation Activities, defined as “A process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources” are

appropriate Allowed Uses in the Community Transition District (CT). The author of the CT zoning district did not intend for “Conservation Activities” to be listed also as a Conditional Use. Conservation Activities, as an Allowed Use, is consistent with similar zoning districts, such as ROS, POS, Estate, E-40, etc. (Exhibit B.)

Amendments to Chapter 3- Parking

Staff recommends amending Chapter 3- Parking to require additional parking for Nightly Rental dwellings that contain more than 6 bedrooms (Exhibit C). Staff recommends parking be provided at the required rate for the dwelling unit for the first 6 bedrooms, with an additional 1 space per every additional 2 bedrooms, as indicated below:

15-3 -6. PARKING RATIO REQUIREMENTS FOR SPECIFIC LAND USE CATEGORIES.

(A) **RESIDENTIAL USES.** Off-Street parking shall be provided for each land Use as listed in this section, in the Parking Ratio Requirements tables. When applying the tables, the parking requirements stated for each Use, or combination of Uses, applies to each Dwelling Unit within the Structure. Specific Uses and the related parking ratio requirements are also shown below: Also refer to 15-15 Definitions for clarification of Uses.

Boarding House, Hostel,	1 per 2 beds; and 1 per manager's unit
Secondary Living Quarters	1 per bedroom in addition to requirements for primary residence
Guest House	1 per Unit
<u>Nightly Rental</u>	<u>Parking for the first six (6) bedrooms is based on the parking requirement for the Dwelling. An additional space is required for every additional 2 bedrooms utilized by the Nightly Rental use. Parking for Historic Structures may be allowed on the street adjacent to the Property, if approved by the Planning, Engineering, and Building Departments.</u>

Amendments to Chapter 4- Supplemental Regulations

- Chapter 4- Supplemental Regulations Section 15-4-2. Fences and Walls addresses the issue of retaining walls and fences over 6' in Height. The intention of the 2006 amendments to both this LMC Section and the Setback exceptions in each zoning district was to clarify the regulations and process for reviewing retaining walls and fences greater than 6' in Height in the Setback areas. Staff

recommends the second sentence in Section 15-4-2 (A) Location be revised (as outlined below and in Exhibit D) to clarify that the added Conditional Use process pertains to fences and retaining walls within setback areas.

- Walls, including retaining walls, within the buildable area are subject to review and approval by Planning, Engineering, and Building, at the time of the Building Permit. These walls are often part of the structural foundation. Other walls constructed within the building area may not be visible once the house is constructed. Visible portions of walls are reviewed by Planning at the time of the building permit for visual impacts. Often these walls are required to be stepped to mitigate visual impacts. Additionally, in the Historic District, review of any retaining walls, whether in the setback or not, is part of the Steep Slope CUP review. Staff recommends that retaining walls within the building area not be subject to the Conditional Use process.
- The primary reason conditional use permits were required for walls and fences greater than 6' in height in the Setbacks was to provide public notice. These walls have the potential to create impacts on neighboring properties in terms of safety, drainage, and visual impacts due to the proximity to adjacent properties.
- All retaining walls within a site, whether they are within the building pad area or within the setback areas, are reviewed by Planning, Engineering, and Building for engineering standards, building code requirements, and visual impacts. Any wall or fence greater than 6' in height requires a building permit.
- Staff recommends the following amended language: "Any Fence or retaining wall greater than six feet (6') in height, within the Setback areas, requires an administrative Conditional Use permit approved by the Planning, Building, and Engineering Departments, unless the Fence or retaining wall is approved as part of a Master Planned Development (MPD) or Conditional Use permit." Staff also recommends that the final two paragraphs fall under the heading of **EXCEPTION.** (Exhibit D)

Amendments to Chapter 15- Definitions

Staff recommends the following amendments to Chapter 15- Definitions (Exhibit E).

- **15-15-1.143. Nightly Rental.** The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days, to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

Staff recommends the language "to a Person" be added to the definition. Person is defined in the LMC as "An individual, corporation, partnership, or incorporated association of individuals such as a club."

By amending the definition of Nightly Rental as recommended, Staff believes that there is a distinction made between Nightly Rental of a dwelling unit to a single person, family or entity, and the more intensive lodging uses, such as a Bed and Breakfast Inns, Boarding Houses, and Hotel/Motels where rooms are typically rented to unrelated or unassociated people or groups of people. The intent of Nightly Rental is that the entire structure is used in a residential manner by a single person or entity, where check-ins occur at the same time, or at least on the same day. The intent is that a family or a related group utilizes the dwelling for a certain time frame. The use of a dwelling in this manner is more consistent with the use as a single family home, as opposed to the use as a Bed and Breakfast, Hotel, or Boarding

House. Staff recognizes that Nightly Rental use is by its nature a more intense use than a permanent residence, however, Nightly Rental uses are generally less intense uses than Hotels, Bed and Breakfast Inns, and Boarding Houses where maid service, food preparation, delivery of goods and services, and unrelated visitors can create additional traffic, especially if check-in and check-out occurs throughout the week.

Staff also proposes amending the LMC to require additional parking for Nightly Rental if the dwelling contains more than 6 bedrooms (as described above under Chapter 3- Parking).

- **15-15-1.2 Accessory Apartments.** A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a ~~an existing detached~~ Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

Staff recommends this amendment to clarify that accessory apartments do not create additional unit density. The intent of an Accessory Apartment is as an accessory use to the primary Dwelling. By definition, Single Family Dwellings are detached and defined as “A Building containing no more than one (1) Dwelling.” The apartment couldn’t occur if the Dwelling didn’t exist, so the “existing” language is redundant and confusing.

Staff recommends the following amendments (underlined) to provide additional differentiation between lodging uses and residential uses of dwellings or structures.

- **15-15-1.23 Bed and Breakfast Inn.** A Business, located in an Owner or on-site manager occupied Dwelling, in which ~~two (2) or more~~ up to 10 Bedrooms are rented nightly or weekly, and where one (1) or more meals are provided to the guests only, the price of which is usually included in the room rate. Bed and Breakfast Inns are considered a lodging use where typical lodging services are provided, such as daily maid service.
- **15-15-1.28. Boarding House.** A Business, within a Dwelling with two (2) or more Bedrooms where, for direct or indirect compensation, on a monthly basis, the Owner provides lodging and/or common Kitchen facilities or meals for boarders not related to the head of the household. Boarding Houses do not include the use of Nightly Rental.
- **15-15-1.107 Guest Houses.** An Accessory Building and dwelling intended for non-rent paying guests of the primary Dwelling Unit’s residents. Guest Houses are not a lodging use where typical lodging services are provided. Payment is not allowed.
- **15-15-1.116 Hotel/Motel.** A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis and accessory facilities such as a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels, such as daily maid service. These terms do not include Lockout Units or Bed and Breakfast Inns.

Hotel/Motels are considered a lodging use. Payment is generally on a daily or weekly basis.

Amendments to Chapter 2- Zoning Districts

Staff proposes the following language be added to each Zoning District (Exhibit F) where a height exception is allowed for a roof with a minimum pitch of 4:12.

(A) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Gable, hip, gambrel and similarly pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

Department Review

These amendments have been reviewed by the Planning, Engineering, and Building Departments, as well as by the Legal Department.

Notice

Legal notice of the public hearing was posted in the required public spaces and placed in the Park Record.

Public Input

A public hearing was conducted by the Planning Commission on February 28, 2007. There was no public input. However, Staff presented a letter from a local designer with comments regarding amendments to the roof pitch discussion. Staff made revisions to the proposed LMC Amendments to address the Commission's comments regarding the requirement for the owner of a Bed and Breakfast to live there (allowing an on-site manager as an option), parking for Nightly Rentals, and language regarding the roof pitch discussion.

Alternatives

- Conduct a public hearing on the above described LMC amendments and adopt an ordinance to approve the amendments as presented, or amended.
- Conduct a public hearing; deny the amendments, and direct staff to prepare specific findings to support this recommendation.
- Continue action on the LMC amendments.

Significant Impacts

There are no fiscal or environmental impacts on the City as a result of these amendments. Adding a parking requirement for Bed and Breakfast Inns, Boarding Houses, and Hotels in the HR-1 District is intended to mitigate impacts of more intense uses on the neighborhoods. The remaining amendments provide more clarity in terms of interpretation of the Code.

Consequences of not taking the Suggested Recommendation

Not taking the suggested recommendation will leave the LMC unchanged and may result in lack of clarity for conservation uses within the CT, retaining walls in the setback areas, and definitions regarding lodging and accommodation uses as well as continuation of the no parking requirement for certain uses within Historic structures in the HR-1 District.

Recommendation

Staff recommends the Council consider adopting an ordinance approving amendments to the Land Management Code for Chapter 2.2 (HR-1), 2.23 (CT), Chapter 3- Parking, Chapter 4- Supplemental Regulations, Chapter 15- Definitions, and Chapter 2- Zoning Districts, based on recitals found in the attached ordinance.

Exhibits

Exhibit A- Chapter 2.22- Historic Residential (HR-1) District

Exhibit B- Chapter 2.23- Community Transition (CT) District

Exhibit C- Chapter Three- Parking (Nightly Rental)

Exhibit D- Chapter Four- Supplemental Regulations

Exhibit E- Chapter Fifteen- Definitions

Exhibit F- Chapter Two- Zoning Districts (Height Exception sections regarding pitched roof)

Ordinance

**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO ADDRESS SUBSTANTIVE REVISIONS TO
CHAPTER 2.2 HISTORIC RESIDENTIAL (HR-1) DISTRICT, CHAPTER 2.23 COMMUNITY
TRANSITION (CT) DISTRICT, CHAPTER 3- PARKING, CHAPTER 4- SUPPLEMENTAL
REGULATIONS, CHAPTER 15- DEFINITIONS, AND CHAPTER 2- ZONING DISTRICTS.**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City reviews the General Plan and Land Management Code on an annual basis and identifies necessary amendments to the Land Management Code to address substantive revisions;

WHEREAS, Chapter 2-2- Historic Residential (HR-1) District allows a parking waiver for Bed and Breakfast Inns, Boarding Houses, and Hotel/Motel uses which are more intensive uses than Single Family and other Dwelling Units. These uses are only allowed in historic structures. As the historic neighborhoods build out with infill development, less on-street parking is available. The intent of these amendments is to require these more intense uses to provide parking according to the LMC requirements as stated in Chapter 3- Parking;

WHEREAS, Chapter 2-23- Community Transition (CT) Zoning District lists "Conservation Activities" as both an Allowed Use and a Conditional Use and the intent of the CT District is for Conservation Activities to be an Allowed Use consistent with the Park City General Plan;

WHEREAS, Chapter 3- Parking includes an amendment to require additional parking for Nightly Rental uses with more than 6 bedrooms due to the increased impacts of such rentals;

WHEREAS, Chapter 4- Supplemental Regulations includes requirements for review of height of walls and retaining walls and additional clarity is necessary to not conflict with regulations in other areas of the LMC;

WHEREAS, Chapter 15- Definitions provide clarity of meaning for words used in the Land Management Code and amendments to existing definitions are necessary to clarify and differentiate between various lodging uses, such as Bed and Breakfast Inns, Boarding Houses, Guest Houses, Hotels/Motels. Additional clarity was necessary for Accessory Apartments, Nightly Rental, and Pitched Roofs;

WHEREAS, Chapter 2- Zoning Districts includes an amendment to require a minimum roof pitch of 4:12 in order to qualify for the Building Height exception;

WHEREAS, these amendments are changes identified since the 2006 Land Management Code revisions;

WHEREAS, the Planning Commission duly noticed and conducted a public hearings at its regularly scheduled meeting on February 28, 2007 and on March 28, 2007 and forwarded a positive recommendation to the City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on April 19, 2007; and

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

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

SECTION 1. AMENDMENT TO CHAPTER 2.2 OF THE LAND MANAGEMENT CODE. Chapter 2.2 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.2 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 2.23 OF THE LAND MANAGEMENT CODE. Chapter 2.23 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.23 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 3 OF THE LAND MANAGEMENT CODE. Chapter 3 is hereby amended as attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 3 shall be resolved by the Planning Director.

SECTION 4. AMENDMENTS TO CHAPTER 4 OF THE LAND MANAGEMENT CODE. Chapter 4 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross-references from other provisions of the LMC to Chapter 4 shall be resolved by the Planning Director.

SECTION 5. AMENDMENTS TO CHAPTER 15 OF THE LAND MANAGEMENT CODE. Chapter 15 is hereby amended as attached hereto as Exhibit E. Any conflicts or cross-references from other provisions of the LMC to Chapter 15 shall be resolved by the Planning Director.

SECTION 6. AMENDMENTS TO CHAPTER 2 OF THE LAND MANAGEMENT CODE. Chapter 2 is hereby amended as attached hereto as Exhibit F. Any conflicts or cross-references from other provisions of the LMC to Chapter 2 shall be resolved by the Planning Director.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 19th day of April, 2007

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

- (2) Guest House on Lots one (1) acre or greater
- (3) Secondary Living Quarters
- (4) Accessory Apartment³
- (5) Group Care Facility
- (6) Child Care Center
- (7) Public and Quasi-Public Institution, church and school
- (8) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (9) Telecommunication Antenna⁴
- (10) Satellite Dish, greater than thirty-nine inches (39") diameter⁵
- (11) Bed and Breakfast Inn⁶
- (12) Boarding House, hostel⁶
- (13) Hotel, Minor, (fewer than sixteen (16) rooms)⁶
- (14) Residential Parking Area or Structure with five (5) or more spaces.
- (15) Temporary Improvement⁷
- (16) Passenger Tramway Station and Ski Base Facility⁸

³See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

⁴See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁵See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁶In Historic Structures only. Parking requirements of Chapter 15-3 shall apply.

⁷Subject to Administrative Conditional Use permit

⁸ See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

- (17) Ski Tow, Ski Lift, Ski Run, and Ski Bridge⁸
- (18) Recreation Facility, Private
- (19) Fences greater than six feet (6') in height from Final Grade^{7,9}

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 06-56)

15-2.2-3 LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

⁹ See LMC Chapter 15-4-2, Fences and Walls

*

to a City staircase or pathway.

(10) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the Front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(J) **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. No. 06-56)

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition

does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Chapter 15-3. *

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. No. 06-56)

15-2.2-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measure shall not include approved window wells.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

* (I) Parking on-Site is required at a rate of one (1) space per rentable room. ~~If no on-Site parking is possible, the Applicant must provide parking in close proximity to the Inn. The Planning Commission may waive the parking requirement if the Applicant proves that:~~

~~(1) — no on Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and~~

~~(2) — the Structure is not economically feasible to restore or maintain without the adaptive Use.~~

(J) The Use complies with Chapter 15-1 -10, Conditional Use review process.

15-2.2-10. VEGETATION PROTECTION.

The Property Owner must protect

Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. No. 06-56)

15-2.2-11. SIGNS.

Signs are allowed in the HR-1 District as provided in the Park City Sign Code (Title 12).

15-2.2-12. RELATED PROVISIONS.

- X Fences and Walls. LMC Chapter 15-4-2.
- X Accessory Apartment. LMC Chapter 15-4-7.
- X Satellite Receiving Antenna. LMC Chapter 15-4-13.
- X Telecommunication Facility. LMC Chapter 15-4-14.
- X Parking. LMC Chapter 15-3.
- X Landscaping. Title 14; LMC Chapter 15-3.3(D).

15-2.23-2. USES.

Uses in the Community Transition District are limited to the following:

(A) ALLOWED USES.

- (1) Conservation Activities

(B) CONDITIONAL USES.

- (1) Master Planned Developments (MPDs)
- (2) Public, Quasi-Public, Civic, Municipal Uses
- (3) General Acute Hospital
- (4) Alternative Professional Health-related Services
- (5) Athletic Training and Testing Offices and Facilities
- (6) Athletic Program Administrative Offices
- (7) Support Short-Term Athlete Housing (within an approved MPD)
- (8) Accredited Physician Office Space
- (9) Accredited Medical & Dental Clinics
- (10) Medical Heliport
- (11) Group Care Facility
- (12) Ancillary Support Commercial (within an approved MPD)
 - (a) Gift Shop
 - (b) Dispensing pharmacy
 - (c) Medical supply
 - (d) Restaurant
 - (e) Deli

- (f) Outdoor Grills/
Beverage Service
Stations
- (g) Day Care
- (13) Recreation Facility, Public and Private
- (14) Recreation Facility, Commercial
- (15) Park and Ride Lot
- (16) Municipal/Institutional Accessory Building and Use
- ~~(17) Conservation Activity~~
- (18) Parking Lot, Public or
- (19) Public Utility or Essential Services
- (20) Single Family Dwelling (with an approved MPD¹)
- (21) Duplex Dwelling (with an approved MPD¹)
- (22) Multi-Unit Dwelling (with an approved MPD¹)

(C) PROHIBITED USES. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

15-2.23-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

¹ Residential Uses cannot exceed 1 unit/acre

each Dwelling Unit within the Structure. Specific Uses, and the related parking ratio requirements are also shown below: Also refer to 15-15 Definitions for clarification of Uses.

RESIDENTIAL PARKING RATIO REQUIREMENTS		
USE	PARKING RATIO (NUMBER SPACES)	
Accessory Apartment	1 per bedroom	
Lockout Unit in Single Family and Duplex Dwellings	1 per bedroom	
Single Family Dwelling	2 per Dwelling Unit	
Duplex Dwelling	2 per Dwelling Unit (4 total)	
Triplex Dwelling	2 per Dwelling Unit (6 total)	
Multi-Unit Dwelling	Apartment/Condominium not greater than 650 sf floor Area	1 per Dwelling Unit
	Apartment/Condominium greater than 650 sf and less than 1000 sf floor Area	1.5 per Dwelling Unit
	Apartment/Condominium greater than 1,000 sf and less than 2,500 sf floor Area	2 per Dwelling Unit

	Apartment/Condominium 2,500 sf floor Area or more	3 per Dwelling Unit
Dormitory	1 per 200 sf floor Area devoted to accommodations	
Boarding House, Hostel,	1 per 2 beds; and 1 per manager's unit	
Secondary Living Quarters	1 per bedroom in addition to requirements for primary residence	
Guest House	1 per Unit	
Nightly Rental	<u>Parking for the first six (6) bedrooms is based on the parking requirement for the Dwelling. An additional space is required for every additional 2 bedrooms utilized by the Nightly Rental use. Parking for Historic Structures may be allowed on the street adjacent to the Property, if approved by the Planning, Engineering, and Building Departments.</u>	

(B) **NON-RESIDENTIAL USES.** In non-residential projects, or for non-residential space associated with primarily residential Structures, the following parking requirements shall apply: Also refer to LMC Chapter 15-15, Definitions, for clarification of Uses.

NON-RESIDENTIAL PARKING RATIO REQUIREMENTS

EXHIBIT C

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 4 - SUPPLEMENTAL REGULATIONS

Chapter adopted by Ordinance No. 02-07

**CHAPTER 4 - SUPPLEMENTAL
REGULATIONS.**

15-4 -1. PURPOSE.

The regulations set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

**15-4 -2. FENCES AND
RETAINING WALLS.**

(A) LOCATION. Fences and retaining walls may be erected or allowed within the buildable Area, and as allowed in the Setback exceptions in Chapter 2. Any Fence or retaining wall greater than six feet (6') in height, within the Setback areas, requires an administrative Conditional Use permit approved by the Planning, Building and Engineering Departments, unless the Fence or retaining wall is approved as part of a Master Planned Development (MPD) or Conditional Use permit. Any Fence or retaining wall greater than six feet (6') in height requires a Building Permit.

Within any required Front Yard or Street Side Yard, Fences and retaining walls shall not exceed four feet (4') in height, measured from Final Grade.

Fences and retaining walls shall not exceed six feet (6') in height measured from Final Grade within any required Rear Yard or Side Yard. Where a Fence or retaining wall occurs along a Property Line separating two (2) Lots and there is a difference in the Grade of the Properties, the Fence or retaining wall may be erected or allowed to the maximum height permitted on either side of the Property Line.

EXCEPTION

The height of retaining walls in the Front Yard may exceed four feet (4'), measured from Final Grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an administrative Conditional Use permit or as approved as part of a Master Planned Development (MPD) or Conditional Use Permit. ~~with a CUP.~~

The height of retaining walls in the Side or Rear Yards may exceed six feet (6'), measured from Final Grade, subject to

* approval of an administrative Conditional Use permit or as approved as part of a Master Planned Development (MPD) or Conditional Use Permit. ~~with a CUP.~~

(B) **RESTRICTIONS ON MATERIALS.** Chain link Fences are prohibited in all zones with the following exceptions, which must be approved by the Planning Director.

- (1) For recreational facilities such as tennis courts,
- (2) As temporary limits of disturbance, fencing during construction as approved by the Planning Department.
- (3) Chain link Fences within the required Yard Areas may be permitted in other circumstances by the Planning Director when it is found that the Fence is necessary in the interest of security or public safety, and when the Fencing needs cannot be reasonably met with any other type of Fencing .

(C) **BERMS.** Berms within the required Yard Area may be constructed subject to the following:

- (1) Landscaping shall be incorporated into the design of the berm and shall extend its entire length.
- (2) Berms shall be designed with sufficient undulation to provide visual relief and shall meander for

the entire length.

- (3) Within Front Yard Areas berms may not be constructed to interfere with required sight distance and may not obstruct driver's line of sight from Streets and roads.

(Amended by Ord. No. 06-22)

15-4 - 3. HOME OCCUPATION.

A Home Occupation is a permitted Accessory Use, conducted and carried on entirely within a dwelling by Persons residing in the dwelling, which Use is clearly incidental and secondary to the Use of the dwelling for dwelling purposes and does not change the residential character thereof.

Only those Persons making the home their primary residence may be employed in a Business operated from that home.

A Home Occupation shall not include the on-Site sale of goods or merchandise except those, which are produced on the premises, or those that are clearly Incidental Retail Sales, and shall not involve the Use of any outdoor yard space to conduct the Business, with the exception of permitted agricultural and horticultural products. Activity outside of the Buildings, related to the Home Occupation that is not normally associated with a residential Use is not permitted.

The Use of mechanical equipment shall be limited to small tools whose Use shall not generate noise, vibration, smoke, dust, heat, glare, or odors perceptible beyond the



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1. DEFINITIONS.

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

15-15-1.1. **Access.** The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

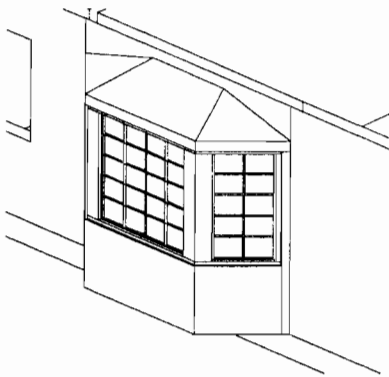
15-15-1.2. **Accessory Apartment.** A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to ~~an existing detached~~ a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling. *

15-15-1.3. **Accessory Building.** A Building on the same Lot as the principal Building and that is:

- (A) clearly incidental to, and customarily found in connection with such principal Building;
- (B) operated and maintained for the benefit of the principal Use;
- (C) not a Dwelling Unit; and
- (D) not including Structures that do not require a Building Permit, such as sheds, less than 160 square feet.

15-15-1.4. **Accessory Use.** A land Use that is customarily incidental and

15-15-1.22. **Bay Window.** A window or series of windows forming a recess or bay from a room and projecting outward from the wall. A Bay Window does not include a window directly supported by a foundation.



* 15-15-1.23. **Bed and Breakfast Inn.** A Business, located in an Owner or on-site manager occupied Dwelling, dwelling, in which two (2) or more up to 10 Bedrooms are rented nightly or weekly, and where one (1) or more meals are provided to the guests only, the price of which is usually included in the room rate. Bed and Breakfast Inns are considered a lodging use where typical lodging services are provided, such as daily maid service.

15-15-1.24. **Bedroom.** A separate room designed for or used as a sleeping room.

15-15-1.25. **Billboard.** A separate room designed for or used as a sleeping room.

15-15-1.26. **Blank Wall.** A wall of a Building faced with a single material of uniform texture and color on a single plan with less than thirty percent (30%) of the surface of the wall as openings or windows.

15-15-1.27. **Block.** A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad Rights-of-Way, shore lines of water ways, or City boundary lines, as shown on an official plat.

15-15-1.28. **Boarding House.** A Business, within a dwelling with two (2) or more Bedrooms where, for direct or indirect compensation, on a monthly basis, the Owner provides lodging and/or common Kitchen facilities or meals for boarders not related to the head of the household. Boarding Houses do not include the Use of Nightly Rental. *

15-15-1.29. **Building.** Any Structure, or any part thereof, built or used for the support, shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.

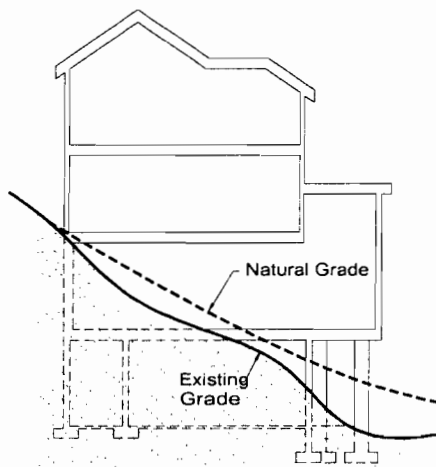
(A) **Building, Attached.** A Building connected on one (1) or more sides to an adjacent Building by a common Party Wall with a separate exterior entrance for each Building.

(B) **Building, Detached.** Any Building separated from another Building on the same Lot or Parcel.

(C) **Building, Main.** The principal Building, or one of the principal Buildings on a Lot, that is used primarily for the principal Use.

(D) **Building, Public.** A Building constructed by or intended for Use by the general public such as a library, museum, or Building of any political subdivision of the state of Utah or the

elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land, or redirecting the flow of run-off water.



(C) **Grade, Final.** The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.

15-15-1.103. **Grading.** Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavating, filling or embanking.

15-15-1.104. **Group Care Facility.** A Building or Structure where care, protection, supervision, and limited medical care are provided on a regular schedule for up to ten

(10) children or adults, including caretakers. May include multiple overnight stays.

15-15-1.105. **Grubbing.** The removal or destruction of vegetation, including disturbance to the root system or soil surface by mechanical, chemical or other means.

15-15-1.106. **Guarantee.** Any form of security including cash, a letter of credit, or an Escrow agreement in an amount and form satisfactory to the City.

15-15-1.107. **Guest House.** An Accessory Building and dwelling intended for non-rent paying guests of the primary Dwelling Unit's residents. Guest Houses are not a lodging use where typical lodging services are provided. Payment is not allowed. *

15-15-1.108. **Habitable Space (Room).** Space in a Structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar Areas are not considered Habitable Space.

15-15-1.109. **Hard-Surfaced.** Covered with concrete, brick, asphalt, or other impervious surface.

15-15-1.110. **Height, Building.** The vertical distance under any roof or roof element to Existing Grade. See LMC Chapter 15-2, Zoning Districts, for various exceptions within the different Zoning Districts.

*

15-15-1.116. **Hotel/Motel.** A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis and accessory facilities such as a lobby, meeting rooms, recreation facilities, ~~and group dining facilities, and/or other facilities or activities customarily associated with hotels, such as daily maid service.~~ These terms do not include Lockout Units or Bed and Breakfast Inns. Hotel/Motels are considered a lodging use. Hotel/Motels are generally an establishment containing guest rooms, some of which have a separate entrance leading directly from the outside of the Building. Payment is generally on a daily or weekly basis.

(A) **Hotel/Motel, Major.** A Hotel, Motel, with more than fifteen (15) Hotel Rooms.

(B) **Hotel/Motel, Minor.** A Hotel, Motel, with fewer than sixteen (16) Hotel Rooms.

15-15-1.117. **Hotel Room.** A Unit consisting of one (1) room, without a Kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

15-15-1.118. **Hotel Suite.** Two (2) or more interconnected Hotel Rooms with a single corridor or exterior Access. May include a Kitchenette.

See Sections 15-15-1.23. Bed and Breakfast Inn, 15-15-1.131. Lockout Unit, and 15-15-1.28. Boarding House.

15-15-1.119. **Impact Analysis.** A

determination of the potential effects(s), environmental, fiscal, social, etc., upon the community of a proposed Development.

15-15-1.120. **Inaction.** An Application is Inactive and subject to denial on the basis of Inactivity if, through the act or omission of the Applicant and not the City:

(A) more than six (6) months has passed since a request for additional information was made by the Department staff without response from the Applicant;

(B) upon notice the Applicant is more than sixty (60) days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest;

(C) the Applicant has stated an intent to abandon the project;

(D) the Application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for.

15-15-1.121. **Incidental Retail Sales.** The sale of common items associated with a Home Occupation and not produced on the premises that might be sold along with a product that is, such as a picture frame for a photo, or a swatch of material or extra buttons for an item of clothing, etc.

15-15-1.122. **Indoor Entertainment Facility.** An establishment or enterprise for the purpose of amusing or entertaining Persons for profit or non-profit and generally contained within a Structure. Such Uses

and cut-off emitted light at an angle less than ninety degrees (90°).

(B) **Luminaire, Fully Shielded.**

Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

(C) **Luminaire, Partially**

Shielded. Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

15-15-1.139. **Master Planned**

Development (MPD). A form of Development characterized by a comprehensive and unified Site plan and design reviewed under the Master Planned Development review processes described in LMC Chapter 15-6. The MPD generally includes a number of housing units; a mix of Building types and land Uses; clustering Buildings and providing Open Space; flexibility in Setback, Height, and Density allocations; and providing additional valued community amenities.

15-15-1.140. **Maximum Extent Feasible.**

The maximum mitigation where no prudent, practical and feasible alternative exists to completely mitigate the adverse impact. Economic considerations may be taken into account but shall not be the overriding factor in determining "Maximum Extent Feasible".

15-15-1.141. **Model Home.** A Dwelling Unit used initially for display or marketing purposes which typifies the units that will be

constructed.

15-15-1.142. **Neighborhood**

Convenience, Commercial. Any retail establishment offering for sale prepackaged or fresh food products, beverages, household items, or other goods commonly associated with the same, not including automobile fuel sales, and having a maximum Gross Floor Area of 3,500 square feet.

15-15-1.143. **Nightly Rental.** The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person.

Nightly Rental does not include the Use of Dwelling Units for Commercial Uses. *

15-15-1.144. **Non-Complying Structure.**

A Structure that:

(A) legally existed before its current zoning designation; and

(B) because of subsequent zoning changes, does not conform with the zoning regulation's Setback, Height restrictions, or other regulations that govern the Structure.

15-15-1.145. **Non-Conforming Use.** A Use of land that:

(A) legally existed before its current zoning designation;

(B) has been maintained continuously since the time the zoning regulation governing the land changed; and

(C) because of subsequent zoning changes, does not conform with the zoning

provided in this ordinance.

(H) **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(I) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. No. 06-69)

15-2.5-4. ACCESS.

(A) **VEHICULAR ACCESS**. A Project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission.

(B) **PEDESTRIAN ACCESS**. An Applicant must build, and if necessary, dedicate a Sidewalk on all Street Frontages.

15-2.5-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-two feet (32') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS**. The following height

exceptions apply:

(1) Gable, hip, gambrel, and similarly pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater. *

(2) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(Amended by Ord. No. 06-69)

15-2.5-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with

(A) BUILDING HEIGHT

EXCEPTIONS. To allow for a pitched roof and to provide usable space within the Structure, the following height exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) An antenna, chimney, flue, vent or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with the Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Ski lift or tramway towers may extend above the maximum Zone Height subject to a visual analysis and administrative approval by the Community Development Department.

15-2.7-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Community Development Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of Departmental actions on architectural compliance are heard by the Planning Commission.

15-2.7-6. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. No. 04-08, Criteria for Vehicle Control Access Gates Deleted)

15-2.7-7. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Community Development Department. In making a determination whether raising and grazing of horses is appropriate, the

- (3) Accessory Building, less than 600 sq. ft.
- (4) Ski-related Accessory Building, less than 600 sq. ft.
- (5) Parking Area or Structure, for five (5) or more spaces
- (6) Recreation Facility, Public
- (7) Mines and Mine Exploration
- (8) Ski Tow Rope, Ski Lift, Ski Run, Ski Bridge¹

(D) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 06-69)

15-2.8-3. LOT AND SITE REQUIREMENTS.

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

15-2.8-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Gable, hip, ~~gambrel~~ and similarly pitched roofs may extend up to five feet (5') above the Zone

¹Subject to a City approved Ski Area Master Planned Development and LMC Section 15-4-18.

Height, if the roof pitch is 4:12 or greater. *

- (2) Antennas, chimneys, flues, vents and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC) requirements.

- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.

(Amended by Ord. No. 06-69)

15-2.8-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 06-69)

15-2.8-6. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches

(Amended by Ord. No. 06-69)

15-2.9-4. BUILDING HEIGHT.

No Structure may be erected to a height of greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT**

EXCEPTIONS. The following height exceptions apply:

*

(1) Gable, hip, ~~gambrel~~ and similarly pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to the Architectural Guidelines, LMC Chapter 15-5, may extend up to fifty percent (50%) above the Zone Height, but shall not contain Habitable Space above the Zone Height. Such exceptions require approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lifts and tramway towers may extend above the Zone Height subject to a Conditional Use Permit, a visual analysis, and compliance with requirements as stated in LMC Section 15-4-18.

(Amended by Ord. No. 06-69)

15-2.9-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 06-69)

15-2.9-6. SENSITIVE LANDS REVIEW.

All Conditional Uses in the Estate-40 (E-40) District are subject to the Sensitive Lands Overlay (SLO) Zone and to an additional review for hillside stabilization and flood control. The Developer must submit the following materials with a Conditional Use Application:

equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(Amended by Ord. No. 06-69)

15-2.10-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:



(1) Gable, hip, ~~gambrel~~ and similarly pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to the Architectural Guidelines, LMC Section 15-5, may extend up to fifty percent (50%) above the Zone Height, but may not contain

Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

(6) Ski lift and tramway towers may extend above the Zone Height subject to a Conditional Use permit, a visual analysis and compliance with requirements as stated in LMC Section 15-4-18.

(Amended by Ord. No. 06-69)

15-2.10-5. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 06-69)

15-2.10-6. SENSITIVE LANDS REVIEW.

All Conditional Uses in the Estate (E) District are subject to the Sensitive Lands Overlay (SLO) Zone and to an additional review for hillside stabilization and flood control. The Developer must submit the

(A) BUILDING HEIGHT

EXCEPTIONS. The following height exceptions apply:

- (1) A gable, hip, gambrel, or similarly pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features subject to the Architectural Guidelines, LMC Chapter 15-5, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.
- (5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(Amended by Ord. Nos. 05-65; 06-76)

15-2.11-5. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 06-76)

15-2.11-6. MAXIMUM HOUSE SIZE AND SETBACKS ON COMBINED LOTS.

As part of a Master Planned Development, or a subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility. An Owner may combine Lots with designated maximum house sizes and achieve approximately 150% of the maximum house size attributed to a particular Lot. The Owner must request an increase in maximum house size prior to or concurrent with, the Lot combination plat. The request must be made on forms provided by the Planning Department for review by the Planning Director for compliance with the following:

- (A) **HOUSE SIZE.** The maximum house size may not exceed 150 percent (150%) of the house size allowed on each single Lot when those maximums are combined and averaged. The following formula must be used to calculate the maximum house size (MHS):

(B) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). All yards of Structures fronting on any Streets must be considered Front Yards for the purposes of determining required Setbacks. Garages must be a minimum of five feet (5') behind the front facade of the Main Building or underground.

(C) **REAR YARD.** The minimum Rear Yard is ten feet (10').

(D) Front, Rear, and Side Yard Exceptions as stated in Section 15-2.12-3 apply.

15-2.12-5. BUILDING HEIGHT.

No Structure may be erected to a height greater than the Zone Height of twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, gambrel and similarly pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical

equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to the Architectural Design Guidelines, LMC Chapter 15-5, may extend up to fifty-percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Department.

(5) Elevator Penthouses may extend up to eight feet (8') feet above the Zone Height.

(6) Ski lifts and tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Planning Commission.

(Amended by Ord. No. 06-76)

15-2.12-6. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

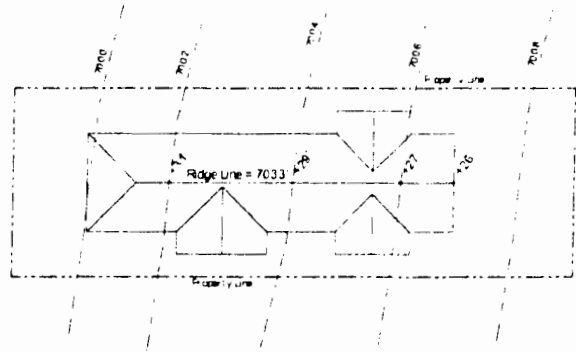
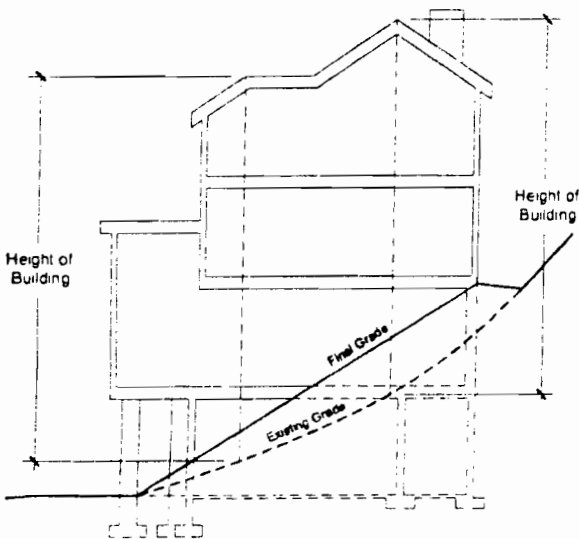
Structures located a minimum of five feet (5') from the Side Lot Line.

(G) **OTHER EXCEPTIONS.** The Planning Commission may vary Side Yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to less than ten feet (10') between Structures, except as provided for in Section 15-2.13-3(F)(2).

(Amended by Ord. No. 06-76)

15-2.13-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height. (1)



(A) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, gambrel and similarly pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater. *

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to the Architectural Guidelines, LMC Chapter 15-5, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(I) **OTHER EXCEPTIONS.** The Planning Commission may vary Front, Rear and Side Yards in Subdivisions and Master Planned Developments. In no case may the Planning Commission reduce Side Yards to less than ten feet (10') between Structures, except as provided for in LMC Section 15-2.14-3(G) herein.

(Amended by Ord. No. 06-76)

15-2.14-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

* (1) Gable, hip, ~~gambrel~~ and similarly-pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

(6) Ski lift or tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Planning Commission.

(7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(Amended by Ord. Nos. 02-38; 06-76)

15-2.14-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the

(8) Driveways leading to an approved garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths, patios, and steps connecting to a City stairway or path.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(I) **SNOW RELEASE**. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. No. 06-76)

15-2.15-4. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.

(A) **FRONT YARD**. The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty feet (20'). All new Front Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All

Yards fronting on any Street are considered Front Yards for the purposes of determining Setbacks. See Front Yard Exceptions, Section 15-2.15-3(D).

(B) **REAR YARD**. The Rear Yard for a Triplex, or Multi-Unit Dwelling is fifteen feet (15'). See Rear Yard Exceptions, Section 15-2.15-3(F).

(C) **SIDE YARD**. The minimum Side Yard for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Side Yard Exceptions, Section 15-2.15-3(H).

(D) **OPEN SPACE**. The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. Parking is prohibited within the Open Space. This Transferred Development Right (TDR) Open Space must be Natural or Landscaped Open Space.

15-2.15-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS**. The following height exceptions apply:

(1) Gable, hip, ~~gambrel~~ and similarly pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

*

feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side Yard Setback of five feet (5').

(10) Screened mechanical equipment, hot tub, and similar Structures provided it is located a minimum of five feet (5') from the Side Lot Line.

(I) **SNOW RELEASE**. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) **OPEN SPACE**. On any Lot greater than 25,000 sq. ft. in Area, at least sixty percent (60%) of the Lot must be devoted to Transferred Development Right (TDR) Open Space. This is in addition to any Open Space required as part of a Master Planned Development. TDR Open Space may be either Natural or Landscaped Open Space.

(Amended by Ord. No. 06-76)

15-2.16-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height. See Section 15-2.16-5 Building Height for Single Family Dwellings and Duplexes.

(A) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS**. The following height exceptions apply:

(1) Gable, hip, ~~gambrel~~ and similarly pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

(6) Ski Lifts and Tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Planning Commission.

(7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy

striping, repaving and landscaping.

(3) **REDUCED SITE REQUIREMENTS.** In the Prospector Square Subdivision, Lots 2 to 38, Front, Side and Rear Yards may be reduced to zero feet (0') except for commercial Lots within the Frontage Protection Zone. This section is not intended to conflict with the exceptions listed above nor shall it be interpreted as taking precedence over the requirement of Section 15-2.18-3(H) Clear View of Intersection Streets.

(Amended by Ord. Nos. 04-11; 06-76)

15-2.18-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, gambrel and similarly pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC).

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lift and tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission.

(Amended by Ord. No. 06-76)

15-2.18-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(4) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) Awnings over doorways and windows projecting not more than three feet (3') into the Side Yard.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.⁹

(8) Driveways leading to a garage or Parking Area maintaining a

three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths and steps connecting to a City stairway, trail, or path.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(Amended by Ord. No. 06-76)

15-2.19-6. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty feet (30') from Existing Grade. This is the Zone Height.

(A) BUILDING HEIGHT

EXCEPTIONS. The following height exceptions apply:

(1) Gable, hip, ~~gambrel~~ and similarly pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater. *

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC).

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

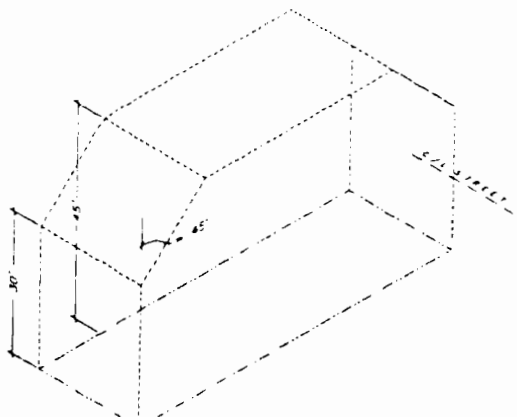
⁹Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

(B) **FRONT, REAR AND SIDE YARDS.** There are no minimum required Front, Rear, or Side Yard dimensions in the PUT District; however, where new construction abuts a residential zone, the new construction shall meet the required minimum Setback of the abutting zone.

(C) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

15-2.21-4. MAXIMUM BUILDING HEIGHT.

(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane. The maximum Building Height shall be forty-five feet (45') as measured from Existing Grade.



(B) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Gable, hip, gambrel and similarly pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exceptions require approval by the Planning and Building Departments.
- (5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.
- (6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-

infrastructure in order to achieve optimum Site circulation.

(3) **PARKING.** Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of sixty percent (60%) of the Master Planned Development's required project parking shall in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the sixty percent (60%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

(4) **ADDITIONAL ENHANCED PUBLIC BENEFIT DEDICATION.** The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development beyond that provided to achieve a project Density of up to one (1) unit per acre by a factor reasonably related to the Density increase sought.

(5) **AFFORDABLE HOUSING.** The Master Planned Development shall provide an

additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. This is in addition to that provided in Section 15-2.23(A)(8).

15-2.23-5. MAXIMUM BUILDING HEIGHT.

The maximum zone Building height is twenty eight feet (28') from Existing Grade.

(A) **MAXIMUM BUILDING HEIGHT EXCEPTIONS.** To allow for pitched roofs and to provide usable space within the Structure, the following exceptions apply:

(1) A gable, hip, ~~gambrel~~ or similarly pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater. *

(2) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

City Council Staff Report



Author: Ray Milliner
Subject: 411 PARK AVENUE REPLAT
Date: April 19, 2006
Type of Item: Administrative / Plat Amendment

PLANNING DEPARTMENT

Summary Recommendation:

Staff recommends that the City Council conduct a public hearing for the 411 Park Avenue Replat and consider approving it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Topic

Applicant: Christopher and Bronwen Gleeson
Location: 411 Park Avenue
Zoning: Historic Residential (HR-1)
Adjacent Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council Approval

Background

On February 12, 2007 the applicant submitted a complete application for the 411 Park Avenue Re-Plat plat amendment, known as all of lot 3 and a portion of lot 4 of Block 4 of the Park City Survey. The purpose of the plat amendment is to remove the lot line between lots 3 and 4 in order to construct a new single family home on the property. No application for compliance with the Historic District Design Guidelines has been submitted at the time of this report.

There was an existing garage on the lot that was found by the Historic Preservation Board to be historically insignificant on September 18, 2006. The applicant removed the structure to accommodate the proposed single family home.

This application was reviewed by the Planning Commission on March 28, 2007. At the meeting, the Commission conducted a public hearing and forwarded a positive recommendation to the City Council.

Analysis

Land Management Code Compliance

	Permitted/Existing	Proposed
Height	27'	27'
Front setback	10'	10'
Rear setback	10'	10'
Side setbacks	5'	5'
Lot size	1,875 square feet	2,150 square feet
Lot Width	25' minimum	38'
Footprint	1,214	1,214

This plat amendment will create one lot 38 feet wide and 75 feet deep (2,850 square feet). The house will be required to have 5' side yard setbacks, 10' front and rear setbacks and a maximum footprint of 1,214 square feet. The maximum height allowed on the lot will be 27 feet above existing grade.

The property is located in the HR-1 zone; therefore, the applicant must meet the criteria for the construction of a single-family home in the Historic District Design Guidelines and Land Management Code Chapter 15-2.1 prior to the issue of a building permit.

Staff finds there is good cause for the application as the lot combination will bring the lot into compliance with state law by removing all interior lot lines and enabling the proposed development. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. The remnant of Lot 4 cannot be separately developed.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

No public input has been received by the time of this report.

Alternatives

- The City Council may approve the 411 Park Avenue Re-Plat plat amendment as conditioned or amended; or
- The City Council may deny the 411 Park Avenue Re-Plat plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 411 Park Avenue Re-Plat plat amendment.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The land would remain as is and no construction could take place across the existing lot lines.

Recommendation

Staff recommends that the City Council conduct a public hearing for the 411 Park Avenue Replat and consider approving it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

EXHIBITS

Exhibit A – Proposed Ordinance

Exhibit B – Proposed Plat Amendment

Ordinance No. 07-

**AN ORDINANCE APPROVING THE 411 PARK AVENUE RE-PLAT PLAT
AMENDMENT COMBINING ALL OF LOT 3 AND A PORTION
OF LOT 3 BLOCK 4, OF THE PARK CITY SURVEY,
LOCATED AT 411 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property known as 411 Park Avenue, has petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on March 28, 2007, the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on April 19, 2007 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed plat amendment allows the property owner to combine two lots into one lot of record; and

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

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 411 Park Ave Re-Plat plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine one lot and a portion of another into one lot of record.
4. On September 18, 2007 the Historic Preservation Board found the existing garage to be historically insignificant.
5. Access to the property is from Park Avenue.
6. The proposed lot measures 38' x 75'.
7. The proposed lot is 2,850 square feet in size.
8. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
9. The maximum building footprint for the proposed lot is 1,214.

10. The maximum height limit in the HR-1 zone is 27 feet above existing grade.
11. Minimum setbacks for the house are 5' on the sides, and 10' in the front and rear.
12. Minimal construction staging area is available along Park Avenue.
13. The height for any construction on the property will be measured in accordance with the requirements in the LMC.

Conclusions of Law.

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. No remnant parcel created hereby is separately buildable.

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

PASSED AND ADOPTED this 19th day of April 2007.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

City Council Staff Report



Author: Ray Milliner
Subject: 573 Main Street a Single Lot
Subdivision
Date: April 19, 2007
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staffs recommends the City Council hold a public hearing for 573 Main Street a Single Lot Subdivision and consider approving it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant: 573 Main Street L.L.C.
Location: 573 Main Street
Zoning: Historic Commercial Business (HCB)
Adjacent Land Uses: Commercial / Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

On February 13, 2007, the City received a completed application for 573 Main Street a Single Lot Subdivision. The property is located at 573 Main Street in the Historic Commercial Business (HCB) zone. The applicant is the owner of all of lots 16, 17, 18 and a portion of Lot 19 of Block 9 of the Park City Survey. The historic Claim Jumper Hotel is located on the property. The property fronts, and receives access from Main Street. The applicant is proposing to combine the lots into one lot of record to accommodate an expansion to the existing historic building.

Concurrent with this application, the applicant has submitted an application for a determination of historic significance for the additions to the historic building, as well as an application for review for compliance with the Historic District Design Guidelines. Proposed changes to the building include:

- Remove the existing additions in the rear, and on the north side.
- Removal of the front porch cover (the moose were standing on it) and removal of the cover over the bar entrance on the north side.
- A new ADA compliant access on the south side of the building (bringing back a filled in door).
- A new addition in the rear.
- A fourth floor addition.
- Replace the north side addition.

The application for a determination of significance was reviewed by the Historic Preservation Board on March 19, 2007 where a finding of insignificance was made for the existing additions (the additions were built in 1987). This finding of insignificance enables the removal of the additions.

If approved, the applicant proposes to renovate the structure creating a spa on the basement floor, a restaurant and bar on the Main Street level and residential units on the second, third and fourth floor (4 each on the second and third and 2 on the fourth).

This plat amendment was reviewed by the Planning Commission on March 28, 2007. At the meeting, the Commission conducted a public hearing and forwarded a positive recommendation to the City Council.

Analysis

The property is located in the (HCB) zone. The proposed plat amendment will create a single lot of approximately 7,122 square feet with 0 foot setbacks on all sides. The maximum height for the zone is 30 feet at property line traversing at a 45 degree angle back to a maximum of 45 feet above existing grade. The fourth floor addition and rear addition will be required to meet this standard.

The existing additions to the historic building currently encroach onto the adjacent rear lots. However, the applicant has proposed as part of his renovation to remove the portions of the building that encroach and building the new addition within the new lot. On March 19, 2007, the Historic Preservation Board found that the additions were not historic.

Because the applicant is proposing to remove the existing additions and replace them with new additions, he will be required to meet the provisions of LMC Section 15-2.6-9, parking regulations in the HCB zone. This section provides for a parking exemption for properties with a floor area ratio (FAR) of 1.5 or less. Properties in excess of this FAR are required to provide parking at a rate of 6 spaces per 1,000 square feet of building area (not including bathrooms and storage areas) or pay an in lieu fee to the Main Street Parking Special Improvement District. The proposed building exceeds the 1.5 FAR and will be required to pay an in lieu fee prior to the issue of a building permit. Final calculations of the fee will be done as part of the building permit review.

Staff finds good cause for this plat amendment as three old town lots and a portion of another will be combined into one lot of record so that the historic building and its additions will not cross lot lines. Additionally, the proposed use and renovation of the building will provide an adaptive reuse to one of Park City's most historically significant buildings ensuring its use into the future.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

Staff has received input from members of the public who requested that there be no public access, deliveries or parking in the rear of the building, because of the potential disruptions the commercial use would have on the residential neighborhood along Park Avenue

Alternatives

- The City Council may approve the 573 Main Street a Single Lot Subdivision plat amendment as conditioned or amended, or
- The City Council may deny the 573 Main Street a Single Lot Subdivision plat amendment and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the 573 Main Street a Single Lot Subdivision plat amendment.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The building would remain as is and no additional construction could take place across the existing lot lines.

Recommendation

Staffs recommends the City Council hold a public hearing for 573 Main Street a Single Lot Subdivision and consider approving it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Proposed Plat

Exhibit B – Site Survey

Ordinance No. 07-

**AN ORDINANCE APPROVING THE 573 MAIN STREET
A SINGLE LOT SUBDIVISION PLAT AMENDMENT
LOCATED AT 573 MAIN STREET, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 573 Main Street have petitioned the City Council for approval of the 573 Main Street a Single Lot Subdivision plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 28, 2007, to receive input;

WHEREAS, the Planning Commission, on March 28, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 19, 2007, the City Council approved the 573 Main Street a Single Lot Subdivision plat amendment; and

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

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The plat amendments as shown in Exhibit A are approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 573 Main Street in the Historic Commercial Business (HCB) zone.
2. The HCB zone is a commercial zone characterized by a mix of larger contemporary buildings and smaller historic structures.
3. The applicant is the owner of all of lots 16, 17, 18 and a portion of Lot 19 of Block 9 of the Park City Survey.
4. The applicant is proposing to combine the lots into one lot of record to accommodate an expansion to the existing historic building.
5. The historic Claim Jumper Hotel is located on the property.
6. The property fronts, and receives access from Main Street.

7. The lot will be approximately 7,122 square feet with 0 foot setbacks on all sides, subject to the Main Street sidewalk width regulations in the HCB chapter of the Land Management Code.
8. The maximum height for the zone is 30 feet at property line traversing at a 45 degree angle back to a maximum of 45 feet above existing grade.
9. The existing historic building currently encroaches onto the adjacent rear lots.
10. The applicant has proposed as part of his renovation to remove the portions of the building that encroach and by building the new addition within the new lot.
11. Properties in excess of a 1.5 Floor Area Ratio are required to provide parking at a rate of 6 spaces per 1,000 square feet of building area (not including bathrooms and storage areas) above the 1.5 FAR or pay an in lieu fee to the Main Street Parking Special Improvement District.
12. The proposed building exceeds the 1.5 FAR and will be required to pay an in lieu fee prior to the issue of a building permit.
13. The Historic Preservation Board met on March 19, 2007 where a finding of insignificance was made for the existing additions (the additions were built in 1987).
14. Minimum sidewalk width per the HCB zone apply.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. Prior to the issue of a building permit, the applicant shall submit for review and approval a Historic District Design Guideline review application.
4. No remnant parcel created hereby is separately buildable.
5. The proposed building exceeds the 1.5 FAR and will be required to pay an in lieu fee prior to the issue of a building permit. Final calculations of the fee will be reviewed and assessed by the Chief Building Official and City Engineer as part of the building permit review.
6. Removal of the building additions across the proposed property line is a condition precedent to plat recordation.

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

PASSED AND ADOPTED this 19th day of April, 2007.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



GRAPHIC SCALE

(IN PART)

THE UNIVERSITY OF CHICAGO

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HOW TO USE THIS BOOK

BOUNDARY DESCRIPTION

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On Yams. 7, 12, 29, 50, 81

DEED DESCRIPTION

OWNERS DEDICATION AND CONSENT TO RECOVER

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ACKNOWLEDGMENTS

STATE OF UTAH)
COUNTY OF KANE)
I, _____, Clerk of said County, do hereby certify that _____ is duly qualified as a Justice of the Peace in and for said County.
WITNESS my hand and seal of office at _____ this _____ day of _____, A.D. 19____.
Clerk of said County.[illegible]NY Community College of the City of New York
 City College of New York
 65 City Hall Plaza
 New York, NY 10007-1599
 Tel: 212-312-3100
 Fax: 212-312-3100
 E-mail: admissions@ccny.cuny.edu
 Web: <http://www.ccny.cuny.edu>
 NY Community College of the City of New York
 City College of New York
 65 City Hall Plaza
 New York, NY 10007-1599
 Tel: 212-312-3100
 Fax: 212-312-3100
 E-mail: admissions@ccny.cuny.edu
 Web: <http://www.ccny.cuny.edu>

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SHEET 1 OF 1

LOT LINE ADJUSTMENT PLAT
573 MAIN STREET
- A SINGLE LOT SUBDIVISION -

LOCATED WITHIN
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

CITY COUNCIL APPROVAL:

SENTED TO THE BOARD OF
COUNCIL THIS DAY OF
A D 2007 AT WHICH TIME
RECORD OF SURVEY WAS APPROVED

MAJOR

CITY RECORDER

—

PLANNING DEPT.

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY
ANNING COMMISSION ON THIS _____
DAY OF _____ AD 2007 _____

CHAIRMAN

SNYDERVILLE BASIN WARD

REVIEWED FOR CONFORMANCE TO
SNYDERVILLE BASIN WATER RECLAMATION
DISTRICT STANDARDS ON ____ DAY
OF ____ A.D. 2007

BY _____
CHIEF MEDICAL OFFICER WATER

ENTRERVILLE BASIN WATER RECLAMATION DISTRICT

CITY ENGINEER

THIS PLAN IS IN CONFORMANCE WITH INFORMATION
ON FILE IN THE OFFICE OF THE PARK CITY
ENGINEERING DEPARTMENT ON THIS _____

CITY ENGINEER

**Evergreen
Engineering, Inc.**

Engineering • Land Surveying • Land Planning
0 Shadow Ridge Drive • Level B • Suite 200
0 Box 2861 • Park City, UT • 84060
Phone 435-649-4667 • Fax 435-649-9219
info@evergreen-eng.com

119

City Council Staff Report



Author: Katie Cattan
Subject: 436 Main Street Subdivision
Date: April 19, 2007
Type of Item: Administrative-Subdivision

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the City Council conduct a public hearing and consider approving the 436 Main Street Subdivision according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Topic

Applicant: Mountain Seas Development
Location: 436 Main Street
Zoning: Historic Commercial Business (HCB)
Adjacent Land Use: Commercial
Reason for Review: Subdivisions require Planning Commission review and City Council approval

Background

The applicant is the owner of Lot 9 of Block 23, of the Park City Survey and the metes and bounds parcel of land adjacent to Swede Alley and east of 436 Main Street. On January 20, 2007, the City received a completed application to combine these properties into one lot of record. The existing lot is 25' x 75' and the parcel is 25' x 45.5' in dimensions. By combining the two lots into one lot of record the new dimensions of the proposed lot would be approximately 25' x 120.5'. There is one existing historic commercial building that sits on both the lot and the parcel.

The applicant wishes to combine the lot and the parcel into one lot of record to facilitate an addition onto the commercial building. A building permit cannot be issued for construction across a lot line.

The applicant has also submitted an application for a Historic District Design Review for the proposed addition.

The Planning Commission heard this application at its regular meeting on March 28, 2007 and forwarded a positive recommendation to City Council. There was no public input.

Analysis

The purpose of the application is to combine the two properties into one lot of record. This subdivision will create one lot of record with 25' x 120.5' (3,012.5 square feet) in dimensions. The addition must comply with all provisions of the HCB district, as summarized below.

	Permitted	Proposed
Lot Size	1250 sq. ft. minimum	3,012.5 sq. ft., <u>complies</u>
Front, Rear, and Side Yard setbacks	Zero	Zero, <u>complies</u>
Sidewalk Provisions	9' minimum	10', <u>complies</u>
Floor Area Ratio	4.0 or 12,050 sq. ft	6,165 sq. ft., <u>complies</u>
Maximum Building Volume and Height	30' off Main and Swede 45' above natural grade from 45 degree angle connection	Within building envelope, <u>complies</u>
Parking	Lots, which were current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, are exempt from the parking obligation for a Floor Area Ratio (FAR) of 1.5. (4338 Sq. Ft. Maximum not including bathrooms, storage, and mechanical in commercial portion of the building)	Parking requirements will be reviewed by staff during issuance of building permit and Historic District Design Review.

Planning Staff finds there is good cause for the application as the lot combination will bring the lot into compliance with state law by removing all interior lot lines and enabling the proposed addition to the commercial building. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

The property is located in the HCB zone. Therefore, the applicant must meet the criteria of the Historic District Design Guidelines and Land Management Code chapter 2.6 prior to the issue of a building permit.

Department Review

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on February 27, 2007 where representatives from local utilities and City Staff were in attendance. Based on input from city staff, the applicant must submit a flood proofing certificate for the proposed new construction. Also, a trash collection and storage plan must be submitted.

Notice

Notice of this hearing was sent to property owners within 300' on February 28, 2007. Legal notice was also put in the Park Record.

Public Input

No comments have been received by staff at the date of this writing.

Alternatives

1. The City Council may approve the 436 Main Street Subdivision as conditioned or amended; or
2. The City Council may deny the 436 Main Street Subdivision and direct staff to make Findings for this decision; or
3. The City Council may continue the discussion on the 436 Main Street Subdivision.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The building would remain as is and no construction could take place across the existing lot lines.

Recommendation

Staff recommends that the City Council hold a public hearing for the 436 Main Street subdivision and approve the 436 Main Street subdivision based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Exhibits

Exhibit A – Proposed Ordinance

Exhibit B – Proposed Plat

Ordinance No. 07-

**AN ORDINANCE APPROVING THE 436 MAIN STREET SUBDIVISION
COMBINING LOT 9, BLOCK 23 OF THE PARK CITY SURVEY, PARK CITY,
UTAH, AND THE PARCEL OF LAND ADJACENT TO SWEDE ALLEY AND
EAST OF 436 MAIN STREET.**

WHEREAS, the owner of the property known as 436 Main Street, has petitioned the City Council for approval of a subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 28, 2007, to receive input on the 436 Main Street Subdivision.

WHEREAS, the Planning Commission, on March 28, 2007, forwarded a positive recommendation to the City Council; and

WHEREAS, on April 19, 2007 the City Council approve the 436 Main Street Subdivision; and

WHEREAS, it is in the best interest of Park City Utah to approve the 436 Main Street Subdivision.

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

SECTION 1. APPROVAL The above recitals are hereby incorporated as findings of fact. The 436 Main Street Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 436 Main Street.
2. The zoning is Historic Commercial Business (HCB).
3. The HCB zone is a commercial business zone characterized by a mix of commercial, residential, recreational and institutional that enhance and foster the economic and cultural vitality of the City.
4. The amendment will combine one lot of record and one metes and bounds parcel into one lot of record.
5. There is an existing historic commercial building on the property.
6. Access to the property is from Main Street and Swede Alley.
7. The proposed lot measures 25' x 120.5'.
8. The proposed lot is 3,012.5 square feet in size.

9. The minimum lot size in the HCB zone is 1,250 square feet.
10. Minimal construction staging area is available along Swede Alley and Main Street.

Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. The applicant will submit a flood proofing certificate for new construction prior to issuance of a building permit.
5. The applicant will submit a trash collection and storage plan for new construction prior to issuance of a building permit.

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

PASSED AND ADOPTED this 19th day of April 2007.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Exhibit B

A LOT LINE ADJUSTMENT 436 MAIN STREET SUBDIVISION

LYING WITHIN BLOCK 23
OF THE PARK CITY SURVEY

GRAPHIC SCALE
1" = 40'
1" = 80'

LEGEND
1. The boundary line between the subject lot and the adjacent lot is shown as a solid line.
2. The boundary line between the subject lot and the adjacent lot is shown as a dashed line.
3. The boundary line between the subject lot and the adjacent lot is shown as a dotted line.

NOTES
1. The boundary line between the subject lot and the adjacent lot is shown as a solid line.
2. The boundary line between the subject lot and the adjacent lot is shown as a dashed line.
3. The boundary line between the subject lot and the adjacent lot is shown as a dotted line.

RECORDING INFORMATION
This plat is being recorded for the purpose of establishing the boundary line between the subject lot and the adjacent lot. The boundary line is shown as a solid line on the attached map. The boundary line is shown as a dashed line on the attached map. The boundary line is shown as a dotted line on the attached map.

APPROVAL AND ACCEPTANCE
I, the undersigned, being duly sworn, depose and say that I am the owner of the subject lot and that I am the owner of the adjacent lot. I am the owner of the subject lot and that I am the owner of the adjacent lot. I am the owner of the subject lot and that I am the owner of the adjacent lot.

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RECEIVED
JAN 30 2007
PARK CITY
PLANNING DEPT.



DATE: April 19, 2007
DEPARTMENT: Public Works
AUTHOR: Jerry W. Gibbs, P.E.
TITLE: Main Street Recycling
TYPE OF ITEM: Informational-Work Session

SUMMARY RECOMMENDATIONS: Discuss issues and give staff direction regarding the City's role with recycling on Main Street and in Swede Alley. Adopt a letter of intent with Summit County and Snyderville Basin Water Reclamation District for cooperation on a solid waste master plan and HAZMAT trailer.

DESCRIPTION:

A. Topic: Main Street Recycling Update

B. Background:

On March 29, 2007, staff discussed with City Council, County solid waste issues with respect to planning and impacts to Main Street businesses when the current County commercial waste removal contract expires June 30, 2007. Council asked staff to draft a letter of intent (LOI) to cooperate on funding for a Summit County solid waste master plan and participation in the purchase of a HAZMAT trailer between Park City, Summit County and Snyderville Basin Water Reclamation District. A resolution adopting a LOI and the LOI are attached for Council consideration. Main Street representatives were encouraged to strongly consider forming a Business Improvement District or similar organization to be able to deal directly with trash and other issues. Staff did not have sufficient time to discuss recycling alternatives for Main Street.

C. Analysis:

Main Street Recycling

The Parks Department manages approximately 38 trash cans on Main and 9 trash cans in Swede Alley of the type used during the Olympics. During the Olympics, the lids identified if they were a trash or recycling can. All of the cans have trash lids, however, one container was found to have had a recycling lid installed by error. It was replaced after a question was raised in City Council if we were recycling. Parks is checking to make sure the appropriate lids are on all of the trash cans. Parks still has about 55 of the Olympic trash cans in storage.

The Mayor and City Council have asked Staff to explore the opportunity to recycle on Main Street. The City does not have any recycle containers on Main Street. During the summer of 2002 the Parks Department placed recycle containers besides regular trash containers. The program was ended due to the continued contamination of the recyclables. Staff determined the effort was not effective. The City has a cardboard compactor located in the Transit Center Trash Building. Upper Main Street businesses complain the baler is not convenient. There is limited recycling by businesses. It is likely based on a combination of personal choice and lack of convenience. The Board of County Commissioners has asked their staff to explore commercial recycling opportunities and provide technical support as needed.

A successful program will need to have goals identified. Possible goals are:

- Supports our sustainability goal
- Financial (breakeven, loss %)
- Recycle 1400 gallons (or some number) per week per station that previously was sent to the Summit County Landfill
- Visitor Impression-Green City/other resort towns are recycling
- Government should set the example

Recycle Utah has estimated a cost to provide recycling bins for pedestrians on Main Street, a recycling center for businesses and the personnel related costs. A copy of the cost estimates is attached. A summary of the costs is provided below:

- Recycling Bins to be located in pocket parks along Main Street (4 locations)
- Three cluster bin called “The Woodie” marked for plastic, aluminum and trash. A trash can is necessary to minimize contamination of the recyclables.



The Woodie

- Estimated cost to have recyclables removed is \$10 to \$20 per location
- Estimated annual cost is \$10,000 per year

Business Recycling Options

Option A- Add an additional cardboard compactor at the top of Main (possibly the Brew Pub Lot or the green area south of the Old China Bridge Parking Structure). The estimated cost of a baler w/installation is \$23,000 plus site preparation, utilities, and training. (Recycle Utah's recommended option)

Option B- Option A plus an eight yard bin for commingled recyclables except glass. Estimated additional cost \$260 per pull, \$25 rebate to \$100 charge for contaminated loads

Option C- Option A plus a full recycling center, enclosed, containing 5-30 yard containers for mixed paper, aluminum, brown glass, clear glass, and mixed metal and staffed seven days a week. The estimated cost is an additional \$42,000 per year plus site preparation, utilities, and personnel.

Recycling Options Summary

Group	Recycling Material	Description	Capital	Annual
Pedestrian Recycling	Plastic & Aluminum	Located in Pocket Parks Four locations	\$6,000	\$10,000
A. Business	Cardboard Only	1. Additional compactor Brewpub Lot 2. Mandatory training	\$25,000	\$18,000*
B. Business	Cardboard, Co-mingled Bins except glass	1. Additional compactor Brewpub Lot 2. Additional 8 yds dumpsters \$280/pull 3. Mandatory training	\$25,000 Dumpsters provided by Hauler	\$18,000* Plus Est 10 pulls per month \$24,000
C. Business	Staffed Recycling Area- All material	1. Additional compactor Brewpub Lot 2. Five 30 yd dumpsters 3. Mandatory training 4. Enclosure 5. Staff	\$25,000 \$35,000 \$15,000	\$18,000* Plus Monthly fee (un-known) Staff (PT) 7 days/week (est \$52,000 annually)

* Includes the existing cardboard compactor

Letter of Intent

As previously mentioned, a letter of intent with Summit County and Snyderville Basin Water Reclamation District (SBWRD) was discussed at some length with City Council on March 29th. In addition to addressing joint concerns regarding solid waste, the letter would commit the City to helping fund a long-range solid waste plan (City share: \$40,000) and helping to fund a

hazardous waste trailer (City share: \$5,000). As explained on March 29th, staff feels that the Letter of Intent is in the best interest of the residents of Park City and recommends that City Council adopt the Letter. If Council approves the Letter of Intent, the City Manager's Recommended Budget will include the HAZMAT trailer and contribution to the Master Plan.

D. Department Review:

Legal, Public Works, and the City Administration have reviewed the staff report

Issues for Discussion:

- A. Should the City implement recycling opportunities on the street and if so, by what time period?**
- B. Should the City implement a business recycling opportunity by installing an additional cardboard baler and/or 30 yd recycling bins in Swede Alley?**
- C. What goals for recycling should be achieved and what should be the City's financial/staff impact?**

Recommendations:

Discuss issues and give staff direction regarding the City's role with recycling on Main Street and in Swede Alley. Adopt the letter of intent to assist in funding a Summit County Solid Waste Master Plan and a HAZMAT trailer with Summit County and Snyderville Basin Water Reclamation District.

If Council provides direction on City recycling, staff will return in May with a recommended method of service delivery which will then be discussed as a part of the budget. If Main Street representatives have returned with a recommendation for trash removal, staff will provide that information to Council as well.

Resolution No. -07

**A RESOLUTION APPROVING A LETTER OF INTENT BETWEEN
PARK CITY MUNICIPAL CORPORATION, SUMMIT COUNTY AND
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**

WHEREAS, regional collaboration and partnerships are high priorities for all Parties; and

WHEREAS, improper disposal of solid waste can cause risks to the health of the public and damage to our environment; and

WHEREAS, reducing waste, extending landfill life and furthering sustainable solid waste management through managing solid waste as a resource rather than a waste are priorities to all parties; and

WHEREAS, Park City Municipal Corporation (PCMC) has determined by vote of its governing body to enter a letter of intent to enhance the effectiveness of cooperative efforts between the parties and anticipates that Summit County (County) and Snyderville Basin Water Reclamation District (SBWRD) will do likewise; and

WHEREAS, it is necessary that PCMC, SBWRD and County cooperate with one another to effectively provide solid waste services within the Snyderville Basin, and

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

SECTION 1. LETTER OF INTENT. The City Council hereby authorizes the Mayor to execute the Solid Waste Letter of Intent (attached as Exhibit A), in a form approved by the City Attorney's Office.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 19th day of April 2007.

**Summit County, Snyderville Basin Water Reclamation District,
And Park City Municipal Corporation
Solid Waste Letter of Intent**

This Letter of Intent is made and entered into this ____ day of April 2007, by and between Summit County (Summit), Snyderville Basin Water Reclamation District (SBWRD) and Park City Municipal Corporation (PCMC) jointly referred to herein as the Parties.

Purpose: The purpose of this letter of intent is to clarify the understanding of Summit, SBWRD and PCMC regarding cooperating to develop policies and strategies for managing solid waste through 2050 by leveraging resources and building partnerships, building cost-effective programs, and prioritizing materials and sectors where the greatest amount of waste reduction can be achieved, minimize the risks to the health of the public and damage to our environment caused by the improper disposal of household hazardous waste. Summit, SBWRD and PCMC agree to use best efforts to adhere to the following concepts and ideas. These concepts and ideas are not binding on the parties.

Whereas, regional collaboration and partnerships are high priorities for all Parties; and

Whereas, all Parties recognize the need to jointly fund a comprehensive Summit County *Solid Waste Master Plan* addressing long term (40-50 yrs.) disposal of solid waste, toxicity reduction, waste reduction (recycling), waste processing, landfill operations, disposal of wastewater solids, construction debris, regulations, cost and finance and education.

Whereas, reducing waste and furthering sustainable solid waste management through managing solid waste as a resource rather than a waste, reducing waste streams and minimizing the amount of household hazardous waste entering our landfill are priorities to all parties;

Whereas, the inappropriate handling and disposal of household hazardous waste can lead to contamination of sanitary and storm sewers, lakes, rivers and groundwater; and

Whereas, all Parties recognize that the proper disposal of household hazardous waste is a regional issue that requires regional collaboration; and

Whereas, it is the intention of all Parties to communicate, interact, and cooperate in good faith to address the long term disposal of solid waste ; and

Therefore, the Parties agree to the following concepts and ideas:

1. Jointly fund and participate in a comprehensive update to the Summit County's *Solid Waste Master Plan* addressing long term (40-50 yrs.) disposal of solid waste, toxicity reduction, waste reduction, waste processing, landfill operations, disposal of wastewater solids,

construction debris, regulations, cost and finance and education. Estimated study cost not to exceed \$100,000.

2. Encourage Summit County to adopt an ordinance that imposes substantial fines for the illegal disposal of household hazardous wastes.
3. Jointly fund the purchase of a household hazardous waste trailer and place the trailer in a facility approved by all parties that is staffed by HazMat trained personnel. Estimated trailer cost of \$15,000.
4. Involve stakeholders and the community in developing solutions.

IN WITNESS WHEREOF, the parties have duly executed this Letter of Intent the day and year written above.

SUMMIT COUNTY

Summit County Commissioner

Attest:

Summit County Clerk

Approved as to form:

Summit County Attorney

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

Jan Wilking, Chair

Attest

Clerk

Incentivizing Roll out of Hotel and Rental Condo Recycling

Current Picture

142	Rentable Units
	Total Parking Spaces
	Surface
	Underground
	Current Waste Collection Containers
	Units Per Waste Collection Container
	Total Cost of Waste Collection
	Cost of Waste Collection per Unit
	Total Cost of Space for Waste Collection
	Cost of Space for Waste Collection per Unit

Initiating Recycling

4	Recycling Pickup Stations Needed
35.5	Rentable Units per Recycling Pickup Station
	Cost of Equipment at each Recycling Pickup Station
	Cost of In-Building Recycling Collection Equipment (if any)
	Cost of In-Room Recycling Containers

Recycle Utah's Recycling Calculator

Swede Alley Recycling Center Costs

Plug in different numbers to recalculate your budget when assumptions change.

100	Number of businesses on Main Street
1	Cardboard compactors
5	30 yard bins for mixed paper, aluminum, brown glass, clear glass, mixed
48	Number of pickups per year excluding cardboard. Pickup Schedule: 12 Aluminum 12 Paper 12 Brown glass 12 Clear glass 48 Total pickups
\$ 175.00	Approx. cost per pull per bin. Includes fuel surcharge.
\$ 42,000.00	Annual cost of pulls (excluding cardboard).
\$ 9,100.00	Annual cost of weekly cardboard pulls
\$ 51,100.00	Total cost of pulls General Costs: \$175.00 Recycle Utah preferred price for bin pulls from Western TBD No rental costs if bins maintained by Recycle Utah
\$20,000.00	Annual revenue of materials based on today's pricing
\$31,100.00	Cost of pulls after materials sold
\$511.00	Annual cost per business before materials sold.

Add costs for staffing the center and building construction, if desired

DISCUSSION DOCUMENT

FROM: INSA RIEPEN, RECYCLE UTAH, PARK CITY

FOR: TOM BAKALY, PCMC
Cc: Jerry Gibbs, PCMC

PROPOSAL: ***RECYCLING ON MAIN STREET IN PARK CITY***

DATE: 3/5/2007

The following is a two-part proposal for a possible recycling program of commodities on Main Street:

1. Recycling bins for passersby in pocket parks on Main Street
2. A Recycling Center for Businesses on Swede Alley

Recycling Bins to be located in pocket parks along Main Street (4 locations)

Stations: 3 clustered, attractive bins called “The Woodie” modeled after Lake Tahoe to be placed in pocket parks. Please see picture on attached Recycling Calculator Excel spreadsheet. All clearly marked: plastic, aluminum cans and trash.

Costs: *Please see attached Excel spreadsheet.* Bids to be solicited from Curb It! And Good Earth, so an estimated \$10-20 per pickup per station has been applied. Joe Kernan says the low end is likely for The Woodie configuration, or PCMC to collect all recyclables, sort and drop off at Recycle Utah at no charge.
Please note: Local haulers do not pick up commingled material. Trash containers must be placed next to recycle bins to reduce contamination.

Business Recycling Options

Option A: Cardboard Only	Option B: Commingled Bins	Option C: Full Recycling Center
a. Swede Alley currently has one corrugated cardboard compactor located in a garage opposite the Transit Center. b. Install a second cardboard compactor at the top end of Swede Alley. c. Provide mandatory training to staff of all businesses on operation of the compactor.	a. Install a second cardboard compactor at the top end of Swede Alley b. Install 8-yard bins for commingled recyclables next to selected trash bins. Paper must be separate; no glass collection. c. Contract with the only hauler that accepts commingled recyclables – Allied Waste. d. Provide mandatory training to staff of all businesses with the goal of reducing contamination.	a. Install a second cardboard compactor at the top end of Swede Alley. b. Install five 30-yard bins for mixed paper, aluminum, brown glass, clear glass, mixed metal in Swede Alley. c. Enclose business recycling center with locked gate. d. Staff business recycling center with regular hours 7 days/week.
Costs: \$9,100.00 per bin or \$18,200 annually	Costs: To be determined from Allied Waste. Contamination is an issue.	Costs: \$51,000 annually. Please refer to attached Main Street Recycling Center Calculator (attached Excel spreadsheet).

DISCUSSION DOCUMENT

FROM: INSA RIEPEN, RECYCLE UTAH, PARK CITY

FOR: TOM BAKALY, PCMC
Cc: Jerry Gibbs, PCMC

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Lucky John Drop Off

Lucky John Path
Lighting

Comstock Bus Pullout

LDS Church Parking
Lot

Hawk Beacon

High School Bus
Pullout

Image © 2007 DigitalGlobe
139

Google

Pointer 40°40'02.40" N 111°29'47.75" W elev 6755 ft

Streaming 100%

Eye alt 9141 ft



City Council Staff Report

Author: Max J. Paap
Subject: Park "Silly" Sunday Market
Date: April 19, 2007
Type of Item: Administrative – Amended Master Festival License

Special Events and
Facilities Department

Summary Recommendations:

Review the Master Festival License application, conduct a public hearing, and consider approving the amended Master Festival License for the Park City Silly Sunday Market, as conditioned, to be held on Main Street, between Heber Avenue and 9th Street on successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5th for the Park City Kimball Arts Festival.

Description:

A. Topic:

Review the amended Master Festival License Application, submitted by Park "Silly" Sunday Market, L.L.C., for the Park "Silly" Sunday Market on successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5, 2007 on Lower Main Street.

B. Background:

The Park "Silly" Sunday Market, produced by Park "Silly" Sunday Market, L.L.C. was approved for a Master Festival License on November 30, 2006 and will take place on successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5th for the Park City Kimball Arts Festival. The event organizers submitted the original application in August of 2006 to hold an eco-friendly, open air market that would feature local and regional arts and crafts, music and performance art, antiques, imports, and one-of-a-kind finds, gourmet foods and a farmers market with fruits and vegetables. The template for this event is similar to that of other such markets in western mountain ski towns.

The organizers submitted an amended Master Festival License application on March 29, 2007 that included:

- 1) A request for Local Consent for a beer garden.
- 2) Extend by two hours the closure of the MFL venue from 4:00 pm until 6:00 pm.
- 3) Change the ability of City Council to approve a different MFL at the same location from 30 days written notice to 90 days written notice
- 4) And the addition of a one time request for amplified music to hold an Oktoberfest Celebration with a street closure from 6:00 am until 10:00 pm to accommodate set-up and take-down issues.

The Park "Silly" Sunday Market is consistent with the City Council's Goal #4 which is to promote Park City as a multi-seasonal resort by maintaining its status as a World Class Resort which hosts such events as this and to increase the number of events.

C. Analysis:

Local Consent for Beer Garden

The applicant has requested Local Consent, review by Police, Finance and Building departments of PCMC; and applied for a Large-Scale Special Event Temporary Beer License from the UDABC. If approved, the applicant would be allowed to dispense beer during the event consistent with the regulations set forth by the UDABC. The applicant has indicated the location of the proposed Beer Garden on a preliminary site plan that was submitted for Staff Review.

Street Closure

The applicant has requested a two hour extension to the street closure to accommodate take-down time for the market vendors. After meeting with City staff to discuss logistics the applicant has requested that the closure of the street from Heber Avenue to 9th Street be extended to 6:00 pm. The original approval was for closure from 6:00 am to 4:00 pm on event days.

Concurrent MFL Application

The applicant has requested that the ability of the City Council to approve one different MFL for the same location be increased to 90 days from the already approved 30 days written notice. City Council wanted to have the ability to review other MFL applications that were consistent with Goal #4 and allow their approval. The City will provide the applicant an alternative location for the market should another MFL be approved.

Oktoberfest Celebration

The applicant is planning an Oktoberfest Celebration for October 14, 2007. This event would differ from the proposed street closure times in that the street would remain closed until 10:00 pm. This single day event would have amplified music on a temporary stage. The applicant will work with City Staff to orient the temporary stage to minimize sound impacts to the neighborhood. Monitoring of the amplified music shall be consistent with 4-8A-7; regulations for Public Outdoor Music Plazas.

D. Department Review:

All applicable departments have reviewed the Park “Silly” Sunday Market. Comments from PCMC staff include both Parks and Streets Departments having adequate access to perform routine watering and street cleaning activities on those proposed days. The Parking Department has indicated that there is a cost to purchase the pay-and-display spaces for the duration of the market. HMBA has been presented with the new location, and subsequent closure, and had no dissenting comments at their recent board meeting.

Alternatives:

Approve the Request:

Approve the amendments to the Master Festival License allowing the Park “Silly” Sunday Market as described. This is staff’s recommendation.

Deny the Request:

Deny the amendments to the Master Festival License, allowing the Park “Silly” Sunday Market to operate in the form approved by Council on November 30, 2006.

Approve/Deny some of the Requests:

Approve or Deny some of the amendments to the Master Festival License allowing the Park “Silly” Sunday Market to be added to Park City’s schedule of events.

Continue the Item:

The City Council may continue the discussion in order to receive additional information.

Significant Impacts:

Park City has held many similar events to the Park “Silly” Sunday Market. Impacts include closure of Lower Main Street for 17 Sundays throughout the summer. At this time, City staff does not see any additional staffing other than the Special Events staff time for logistical coordination on event days. The applicant is aware that should any additional City staff time be necessary, it would be at a cost to the applicant. The activities will be contained within described venues and will conclude by 6:00pm.

Consequences of not taking the recommended action:

The Park “Silly” Sunday Market would operate in a form approved by Council on November 30, 2006.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival License for the Park “Silly” Sunday Market for successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5th for the Park City Kimball Arts Festival based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The Park “Silly” Sunday Market be held on successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5th for the Park City Kimball Arts Festival. The event will last from 9:00 am to 3:00 pm and will occur at described locations. Street closures would be from 6:00 am to 6:00 pm.
2. Parking for the anticipated crowd of 200 people can be accommodated with the existing parking in and around the venue. The conduct of the Park “Silly” Sunday Market will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The event is oriented towards families and youth. The events associated with the Park “Silly” Sunday Market will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held on lower Main Street between Heber Avenue and 9th Street. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival and Special Event License has been issued for any Sunday during June, July, August, September, and October of 2007, with the exception of August 5th for the Park City Kimball Arts Festival.

6. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
7. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided.
2. Applicants shall provide proof of liability insurance in the amount of two million dollars (\$2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. Applicant shall notify all adjacent neighbors 48 hours prior to the event in June of the dates and a description of the event. The applicant shall provide to the City a list of all vendors that participated in the event for each Sunday during the license period on the Monday following the event.
4. Applicant shall obtain Relief from Noise Restrictions (6-3-11) for any set-up activity occurring before 9:00 am on any given Sunday.
5. Applicant has met with Park City Police and is aware that should the event grow to a level where it warrants more than routine patrol the cost of additional Police would be the responsibility of the applicant.
6. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by May 15, 2007.
7. The applicant will work with City Staff to orient the temporary stage for the Oktoberfest Celebration so as to minimize sound impacts to the neighborhood. Monitoring of the amplified shall be consistent with 4-8A-7; regulations for Public Outdoor Music Plazas.
8. If at any time, the vendor participation drops to below 75% of its highest point, the City Council shall conduct a review of the MFL at the first available Council meeting. Event staff and public safety shall provide an assessment of success of the event pursuant to the criteria listed in PCMC Title 4, Chapter 8 and whether the findings, conclusions and conditions are still correct and/or being implemented. Upon one or more findings that the MFL is no longer meeting the anticipated vendor/public participation levels justifying the street closure, the above MFL criteria, or conditions approval, the City Council may amend or revoke this approval accordingly.
9. As part of the Master Festival License, the applicant shall provide PCMC a list of participating vendors before the event begins. Consistent with section 4-8-7 of

the Municipal Code, concessions directly related to the event do not require a regular business license. The Utah State Tax Commission does require a Temporary Sales Tax License. Included in that list, each vendor shall provide a Utah State Tax ID Number.

10. The City Council retains the ability to approve a different MFL at the location of lower Main used herein on one Sunday during the approval period, provided that the City gives the Applicant 90 days written notice, and the City provides an alternative location for the Sunday Silly Market, such as next to the Library or City Park.

Attachments

A- Applicants Summary of Activities

Attachment A-

PARK CITY MUNICIPAL CORPORATION SPECIAL EVENT AND MASTER FESTIVAL LICENSE EVENT APPLICATION-PART ii



Special Events and Facilities
Department
435.615.5150
specialevents@parkcity.org

A completed electronic copy must be submitted to the Special Events Department 45 days event. Applicant must schedule a meeting with City Staff 30 days prior to the event

EVENT NAME: Park Silly Sunday Market

EVENT DATE(S): Every Sunday June 17th thru Oct.14th--With the exception of Arts Fest. Aug. 5th

TYPE OF EVENT:

- ☐ Special Event
☒ Master Festival

SITE PLAN

A site plan is required 20 days prior to the event and needs to detail and fully describe the following: street closures, signs, supply trucks, barricades, tents, activities, portable toilets, bleachers, other temporary structures, water stations, headquarters, solid waste containers, entrance/exits, and walkways.

LOCATION: Lower Main St. --Heber Ave. to 9th St. and 7th St. to parking garage
Must include written permission from the private property owner.

ANTICIPATED ATTENDANCE: 200-600 Through out the day

EVENT TIMES: 9:00am to 3:00pm

EVENT DESCRIPTION: arts, food, family activities, music

PARKING FOR EVENT:

- if private property, include written permission from owner.
- will there be transportation services to and from parking lots? ☐yes ☒no
if yes, who is the transportation provider?
if an evening event, will there be lighting in the parking lot? ☐yes ☐no
 - will you be soliciting volunteers for the event? ☒yes ☐no
if yes, describe number of volunteers and general duties. 10--3 front entrance greeters, info booth
Depending on duties performed, the City may request a list of volunteers with contact information.

APPLICANT: (name of organization)

☐ profit or ☒ non-profit

CONTACTS

Event Manager: Kimberly Kuehn
Address: PO BOX 684229 Park City, Utah 84068-4229
Phone: 435-901-0511 Fax:
Cell Phone:
E-Mail: Kimberly@parksillysundaymarket.com

Assistant Event Manager:
Address:
Phone: Fax:
Cell Phone:
E-Mail:

SALES AND FOOD VENDING

- will there be the sale of merchandise ☒yes ☐no
if yes, describe the items for sale: art, antiques, clothing
- will there be sale of concessions or complementary food ☒yes ☐no
if yes, describe the number of food vendors, types of food to be served, and/or cooking
performed on site: 10 food vendors-limited cooking
if cooking on site please describe types of cooking appliances used (i.e. open flame or electrical): open flame and electrical
have the individual vendors filled out the local sales tax form? ☒yes ☐no
has each food vendors received a [Summit County Temporary Food Service Permit](#)? ☒yes ☐no
will there be beer, wine and/or liquor sales during the event? ☒yes ☐no
no
has the Park City Finance Department approved your [Beer and Liquor License Application](#)? ☒yes ☐no
has the UDABC approved your [Single Event or Temporary Beer Permit](#)? ☒yes ☐no
describe the location, hours and type of containers and control of sales:
10:00am to 3:00pm (one time only TBA --Octoberfest- times 10:00 to 10:00)
do the alcoholic beverage servers have state certified server training?
☒yes ☐no

CITY SERVICES

- request for street closure(s)? ☒yes ☐no
if yes, then list streets and closure times and dates: Every Sunday--June 17th thru Oct. 14th--exception of Arts Fest Aug. 5th
- request for closure of or access to any public parking spaces? ☒yes ☐no
if yes, then list affected parking spaces/areas and closure time and dates: Lower Main Street-Heber Ave to 9th-7th St. to parking garage
- has the Park City Fire District been contacted regarding your event? ☒yes ☒no
list Fire District contact person: Ron Ivy, Scott Adams
Park City Fire District may require on-site medical personnel at an additional charge

- do you desire law enforcement services beyond routine periodic patrol? ☐yes ☒no
Park City Police Department may require on-site personnel. The Special Events Department will contact Police Department for determination
- will a separate security company be hired for the event?
if yes, for what purpose?
Name of Company:
Contact Person:
Phone (Cell):

TEMPORARY IMPROVEMENTS, STRUCTURES AND OTHER ITEMS

- using or storing flammable materials, including fuels, gasses? ☐yes ☒no
if yes, [Fire Permit Application](#) must be submitted 20 days prior to the event.
- will you be requesting permits for fireworks? ☐yes ☒no
if yes, then describe launch site:
time:
if yes, [Fire Permit Application](#) must be submitted 20 days prior to the event.
- any electrical needs? ☒yes ☐no
if yes, [Fire Permit Application](#) must be submitted 20 days prior to the event.
- list the number of trash containers and dumpsters at the location: 3
will additional trash containers and dumpsters be rented? ☐yes ☒no
if yes, how many:
name of provider:
phone number:
installation date and time:
removal date and time:
- provide the number and description of existing toilets at the location: 6 ladies/6 mens
will portable toilets be rented? ☐yes ☒no
if yes, how many :
locations:
name of provider: Sweeney/Caldonian Buildings
phone number:
installation date and time:
removal date and time:
- will there be temporary signs for event? ☒yes ☐no
if yes, list your anticipated signage needs: Barricades,restrooms, road closing's-
more to be determined (Julie list)
please attach a sign plan stating location and sizes of all signs.
- will there be temporary structures such as:

☐ bleachers	☒ generators
☐ tents <200 sq/ft	☒ other electrical needs
☐ tents >200 sq/ft	☐ temporary lighting
☒ stage	☐ other:

- ☒ trailers
☐ inflatables

if yes, [Fire Permit Application](#) or [Electrical Permit Application](#) and associated material must be submitted 20 days prior to the event .

- will there be animals present at gathering? ☒yes ☐no
if yes, attach the plan to address nuisances or health hazards associated with the animals.
- will there be the installation of antenna for communications? ☐yes ☒no
if yes, attach the site plan and specifications of antenna attached

INSURANCE

Park City Municipal requires proof of liability insurance in the amount of two million dollars (\$2,000,000) or more, and applicant shall further name Park City Municipal Corporation as an additional insured. This must be submitted 10 days prior to the event.

EVENT LOGISTIC MEETING

Have you scheduled a meeting with the Special Events Department to take place 30 days prior to the event? ☒yes ☐no

EVENT RESOURCE LIST:

PARK CITY CHAMBER/BUREAU- 435.649-6100

WWW.PARKCITYINFO.COM

PARK CITY FIRE DISTRICT- 435.649-6706

sdansie@pcfd.org

PARK CITY MUNICIPAL CORPORATION- 435.615-5150

WWW.PARKCITY.ORG

SUMMIT COUNTY HEALTH DEPT.- 435.336.3234

WWW.SUMMITCOUNTYHEALTH.ORG

UDABC- 801.977-6800

WWW.ALCBEV.STATE.UT.US

UTAH STATE TAX COMMISSION- 801.297-2200 OR 800.662-4335

WWW.TAX.UTAH.GOV

City Council Staff Report

Author: Ken Fisher, Recreation Manager
Matt Twombly, Parks Planner
Subject: Dog Park
Date: April 19, 2007
Type of Item: Council Direction



Recreation & Library
Sustainability

Summary Recommendations

Provide direction to staff, Recreation Advisory Board and the Dog Park user group to proceed with the Conditional Use Permit (CUP) application for a dog park located at the base of PC Hill.

Description:

A. Topic:

Provide direction to staff, RAB and the Dog Park user group with regard to the development of a dog park.

B. Background:

At the City Council work session on March 29, 2007, Staff presented a recommendation of the Recreation Advisory Board to proceed with a CUP for a dog park located at the base of PC Hill. After discussion and public input, Council directed staff to look at all city owned property and to list the Pro's and Con's of each location and to return to Council for further discussion on the development of a dog park within the City limits.

In September of 2005, City Council adopted a Strategic Plan for City Owned Parcels with Development Potential (see Exhibit 1). Staff and the Recreation Advisory Board have now reviewed each of these parcels along with other City owned parcels and evaluated each according to selection criteria outlined below.

A. Analysis:

The criteria that the Recreation Advisory Board used to evaluate potential dog park locations were the following:

1. Parcel must be City owned and located within the City limits.
2. Parcel must have space for vehicle parking.
3. Parcel must be able to be developed at a minimal expense.
4. Parcel must not be earmarked for other uses.
5. Parcel must have a minimum size of 1 acre and have minimal elevation change.
6. Parcel must be able to obtain CUP for the development of a dog park.
7. Parcel will ideally be located near potential users, existing recreational amenities and have access for pedestrians.

Please see map of locations considered (Exhibit 2)

Parcel Name	Criteria Met	Pro's of Location	Con's of Location
Bango/Wortley #1	1,2,5,6	• Not located near any other development • Potential trail access to Park City Sports Complex	• Not readily accessible to neighborhoods • Expensive to develop into a dog park • No parking with limited access
Bango/Wortley #2	1,2,5,6,7	• Room to create parking • Pedestrian access from rail trail • Not located near any other development • Approximately 1.3 acres	• Currently used for snow storage. If use changed snow would need to be trucked to a different location • Potential soil contamination on site • Cost prohibitive to turn into a park given current condition of property • Not readily accessible to neighborhoods
Bango/Wortley #3	1,2,4,5,6,7	• Not located near any other development	• Potential soil contamination issues • Cost prohibitive to create parking due to soils & wetlands • Expensive to develop into a dog park • Not readily accessible to neighborhoods
North 40 Parking Area	1,2,3,4,5,6,7	• Existing Parking • Ideal topography and natural landscape • Developed easily • Walking distance from Prospector and Park Meadows • By existing recreational facilities	• Potential neighborhood impacts • Potential wildlife impacts
Park City Sports Complex	1,2,3,5,7	• Existing Parking • Ideal topography • Developed easily • By existing recreational facilities • Trail access to Round Valley • Users would likely	• Not part of the guiding principles that are part of the development. It was decided that the complex would rather do a few things very well than to try to be all things to all people.

		drive.	• Site is already planned for other recreational development and would preclude development of additional fields (see exhibit 3) • Newly seeded area without irrigation – not ready for use. • Not readily accessible to neighborhoods
Old Sewer Treatment Site	1,2,3,5,6,7	• Bike Path access • Walking distance from Park Meadows and Thaynes Canyon.	• Currently used for dirt jump park & development of fire station. • Fire Station will remove parking. • Dog Park & Fire Station are incompatible uses given the fact many dogs howl when sirens are activated. • Potential neighborhood impacts.
North Library Field	1,2,3,5,6,7	• Existing turf • Approximately 1 acre • Existing parking • Walking distance from Old Town & City Park	• Potential neighborhood impacts • Currently used for passive recreation “not programmed” • Used by tenants of Carl Winters building
Wisnewski Parcel	1,6,7	• Walking distance from Old Town & Lower Deer Valley	• Too small • Planned to be passive neighborhood park • 50 feet from stream eliminates potential use as a dog park. • Potential neighborhood impacts • Minimal Parking
South End of City Park	1,2,3,4,6,7	• City Park location • Existing parking • Walking distance from Old Town & Lower Deer Valley	• Too small • Potential neighborhood impacts • Park currently over used • Requires removal of existing trees
Peterson Parcel	1,4,5,6,7	• Location next to bike	• Limited access and

		path • Minimal residential impacts • Moderately accessible	parking available from Meadows Drive. Currently 4 spaces for trail-head parking on State Div. land. • Potential wetland and wildlife impacts/ Deed Restricted.
IHC Parcel	1,2,3,4,5,6,7		• Recently obtained by City & has not had potential uses identified • Parcel located where extensive development going on so not ideal to have dogs & machinery in same location. • Not readily accessible to neighborhoods

The Quinn's Junction Recreation Complex was identified by Council as a possible alternative to the North 40 location. On February 5, 2004 Council considered the Recommendations of the Task Force for an Outdoor Recreation Complex at Quinn's Junction, taking into account the Options for Recreation Facilities and Services by Wikstrom Economic Planning Consultants (Summary Recommendations and Wikstrom analysis attached as exhibit 3) and recently completed fields in the Basin (1 softball & 3 soccer).

The recommendations of the Task Force outlined building a total of 3-5 softball fields and building 4-5 multi-purpose fields for soccer, lacrosse, rugby, etc. In the first two phases of construction for the Quinn's ice rink and fields, 3 softball fields and 3 multi-purpose fields were built. The construction at Quinn's to date has not met the minimum recommendations of the Task Force, and according to the Wickstrom report the remaining deficit is 10 softball fields and 8 multipurpose fields.

The Quinn's Junction Recreation Complex project scope, MPD and planned future buildout (See exhibit 4) for the project included 2 additional softball fields and 1 multipurpose field on the west side of the property and 1 multipurpose field on the east side of the property. Phase III buildout is currently included in the 5-year CIP. With the development of IHC the future east side multipurpose field cannot be built with the new entry road alignment. Staff is working with IHC for the mitigation of the lost field, as outlined in the Development Agreement.

Locating a dog park on the west side future field area may preclude development of additional recreational infrastructure, which is inconsistent with the goals of the Quinn's Task Force as well as the Economic Development Strategic Plan. For instance, Triple Crown seeks to make Park City one of their pre-eminent tournaments and seek buildout of Phase III as soon as possible. Currently the Tournament is beginning to use facilities outside of Park City to meet their field demand needs. In addition, building a dog park

on the west side of Quinn's will not help address the remaining field deficit outlined in the Wikstrom report, which did not take into account the demands for tournaments and events, only the community needs for recreational facilities.

Based on the criteria that were used to evaluate potential locations for a dog park, staff and the Recreation Advisory Board recommend developing a dog park at the base of PC Hill. Any Sensitive Lands impacts such as slope, wetlands and wildlife will be addressed in the Conditional Use Permit (CUP) process through the Planning Commission. There will be opportunity for additional public input in the CUP process. The CUP will be approved or denied in accordance with the applicable standards, regardless of Council's preliminary direction as property owner.

Department Review & Input Received From: Recreation & Library Department, Legal, Sustainability Implementation Team, & the City Manager's Office.

Alternatives:

A. Approve the Request: Provide direction to staff, RAB and the Dog Park user group to continue with the development of a dog park located at the base of PC Hill and apply for a Conditional Use Permit at this location.

B. Modify the Request: If Council wishes to modify the request with regard to the dog park they may do so.

C. Continue the Item: Council may continue the dog park discussion to a later date.

D. Do Nothing: This will result in confusion and a lack of clarity

Significant Impacts: By building a dog park, dog owners will have a designated place to let their dogs socialize off leash. There will be a one-time staff cost of \$ 2,000 for the coordination of the fence installation. There will be an additional cost to perform a wildlife study on the parcel for the CUP, estimated between \$1,000 and \$2,000. Parks maintenance costs to empty trash three days a week can be absorbed with existing resources. If a higher level of service is needed this would need to be addressed as part of the budget process. Staff has estimated a fence (similar to the Quinn's fields wood pole w/mesh) with costs of approximately \$20,000. The funding for these items would be from the Neighborhood Parks CIP which currently has a remainder of \$750,831.00.

Consequences of not taking the Recommended Action: No action is required - only direction with regard to the development of a Dog Park.

Attachments:

- 1 Strategic Plan for City Owned Parcels with Development Potential
- 2 Map of Possible Dog Park Locations Considered
- 3 Task Force for an Outdoor Recreation Complex at Quinn's Junction Summary Recommendations and Wikstrom Study Chart
- 4 Quinn's Junction Recreation Complex Site Plan
5. Map of Recommended Dog Park Location

Resolution No. 22-05

**RESOLUTION ADOPTING A STRATEGIC PLAN FOR CITY OWNED PARCELS
WITH DEVELOPMENT POTENTIAL**

WHEREAS, the City owns numerous properties with possible municipal uses or development potential;

WHEREAS, potential uses for City-owned parcels with development potential are many and varied;

WHEREAS, the City Council has determined that it is in the public's best interest to have a strategic plan to communicate the intended use for each City-owned parcel with development potential; and

WHEREAS, the City Council has determined it is in the public's best interest to have a strategic plan to guide decision making regarding City-owned parcels with development potential.

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

SECTION 1. STRATEGIC PLAN. Park City adopts the "Strategic Plan for City-Owned Parcels with Development Potential" as attached hereto as Exhibit A.

This Resolution hereby constitutes public notice that the properties listed herein are intended for sale if so noted, and the City Council may meet in closed session as allowed by state law to discuss the best possible terms of a potential sale. Any final approval of a sale by the City Council must be done at a regular, open meeting.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this first day of September, 2005.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Strategic Plan for City Owned Properties with Development Potential

The City owns hundreds of parcels of land. The size of these properties range from easements consisting of a few hundred square feet to 30- 40 acre parcels with development potential. This not including thousands of acres of protected open space.

As land with development potential within the area becomes increasingly scarce both the market and strategic value of these parcels rise. Looking forward the City's need for additional administrative offices, operations facilities, and recreation and affordable housing facilities will grow and require real estate to develop these facilities on. The City Manager directed Staff to form a cross functional team in December of 2004 to complete the following five tasks:

- Compile an inventory of City owned parcels with development potential.
- Compile a list of City needs or projects that are currently being considered.
- Develop a draft strategic plan for the use of City owned parcels with development potential.
- Present this draft strategic plan to Council for input and direction.
- Integrate Council and community input into a final strategic plan and present to Council for final adoption.

The City Property Team was formed with the following members:

Patrick Putt	Planning
Rick Ryan	Public Safety
Colin Hilton	Capital Projects & Economic Development
Alison Butz	Special Events
Gary Hill	Budget, Grants & Debt
Ken Fisher	Recreation
Eric Dehaan	Engineering
Kent Cashel	Public Works

On March 24th, 2005 Staff presented a draft strategic plan for City-owned parcels with development potential to City Council (see attached City Council Staff Report dated 03/24/2005). City Council commented on the draft plan and authorized staff to present the plan to the public.

On May 4th, 2005 Staff held an open house at the Miner's Hospital to present the draft plan to the public and take comment on the plans recommendations.

Staff incorporated Council direction and public comment into a final strategic plan and Council passed a resolution that adopted the plan on August 18th, 2005.

Tables containing the 10 identified characteristics as well as the committees recommended use for each of the parcels are found below (please note that Shortline table is omitted as property sale of property was being negotiated at time of report:

Baingo\Wortley # 1 Parcel

Location	Eastern edge of City on north side of SR248.
Description	Approx 8 Acres. (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	RD, ECPZ
Current Use	None
Identified Potential Use	Recreation Use (Identified as potential BMX track). Affordable Housing. Public Works Expansion. Park and Ride.
Environmental Issues	None
Miscellaneous Issues	Utilities (water and sewer) are distant from site
Easements	None
Recommended Use	Recreation Use: Given the ECPZ zoning and utility access issues this site presents many development challenges. The committee recommends a recreational use for this parcel. The parcel has been identified as the potential site by the Recreation Advisory Board for a future BMX track. The BMX track planned to be temporarily at the Old Sewer Treatment parcel is currently developed as a concept only. Funding for this project exists in CIP funds.

Baingo\Wortley # 2 Parcel

Location	Eastern edge of City on south side of SR248.
Description	Approx 14 Acres. (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	ROS, ECPZ
Current Use	Public Works Snow\Materials Storage.
Identified Potential Use	Public Works Snow\Materials Storage.
Environmental Issues	Most likely soil contamination.
Miscellaneous Issues	Wetlands protection will be necessary if City chooses to continue snow\materials storage at this site.
Easements	None.
Recommended Use	Snow Storage. Proximity to City makes this site invaluable to snow removal efforts as is evident by volume of snow stored there this year.

Baingo\Wortley # 3 Parcel

Location	Eastern edge of city on south side of SR248 (South side of Rail Trail).
Description	Approx 14 Acres. (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available.
Zoning	ROS, ECPZ
Current Use	None
Identified Potential Use	No projects identified by Staff
Environmental Issues	None
Miscellaneous Issues	Access to site is somewhat limited.
Easements	None
Recommended Use	No current projects identified by Staff

North Forty Parking Area Parcel

Location	West side of PC hill between SR248 and Meadows Drive.
Description	73.5 acres. (Aerial photo attached)
Ownership	Municipal Building Authority (MBA)
Parcel Market Value	No current appraisal available
Zoning	ROS
Current Use	Parking for recreation fields.
Identified Potential Use	Parking for recreation fields, Recreation storage, Right of way for eastern access road into Park Meadows from SR 248, Trade/Sell.
Environmental Issues	Wetlands along west side of parcel.
Miscellaneous Issues	Historic structure on site. Much of site is very steep hillside.
Easements	Osguthorpe Single family easement on north end of parcel.
Recommended Use	Current Recreation Field Parking. Current use for parking fills need generated by recreation fields. Parcel has the potential to serve as right of way for an eastern access route into Park Meadows\Fairway Hills area if this route was deemed appropriate at some point in the future.

Old Sewer Plant

Location	East of SR 224 on south side of Holiday Ranch Loop Road between Holiday Ranch Loop Road and Saddle View Way..
Description	Approx 8.45 acres (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	ROS
Current Use	Trail along the west side of parcel, Parks and Golf materials storage and staging, Water well and pump house on NE corner.
Identified Potential Use	Fire Station, Park, Water Treatment Plant and infrastructure, Affordable Housing, Public works expansion, trade-sell.
Environmental Issues	Wetlands dissect property in several places.
Miscellaneous Issues	Situated in the flood plain. Old foundations are buried and would likely need removal to prep building site (park site could bury in place).
Easements	Trail
Recommended Use	Park\Fire Station\Water Treatment Plant The water treatment plant is a required use along the east side of property (next to the Divide and New Park Meadows wellheads). The Recreation Advisory Board has identified this as a potential site for a neighborhood park and a temporary BMX track. The site's geographic location makes it ideal for the placement of a fire station to provide fire suppression and medical response services to adjacent neighborhoods. The committee believes the packaging of essential water infrastructure, a neighborhood park and a fire station is the optimal identified use of this site. The fire station will provide an on-site security presence for the park and critical water infrastructure. The park provides a softening element for the water infrastructure and fire station. Funding for water projects has been identified and concept design and environmental work are underway. City could negotiate sale\trade\donation of site for fire station. Design and funding of the fire station would be provided by the PC Fire District. Funding for the park exists in the CIP.

Snow creek # 1 Parcel

Location	East Side of SR224 between Post Office and Snow Creek Drive.
Description	Approx 2.5 acre. (Aerial photo attached)
Parcel Market Value	No current appraisal available
Ownership	Lower Park Avenue RDA
Zoning	RDM, FPZ, SLO
Current Use	None
Identified Potential Use	Public Safety Complex, Sell or Trade, Visitor Center
Environmental Issues	None identified
Miscellaneous Issues	None identified
Easements	Trail, Doherty Ditch
Recommended Use	Public Safety Complex Council has directed staff to move forward with design of Public Safety Complex on this site. Committee believes this use of the site is appropriate.

Snowcreek # 2 Parcel

Location	West Side of SR224 directly east of post office west of Dan's shopping center and north of Snow Creek Drive.
Description	Approx 4.0 acres. (Aerial photo attached)
Parcel Market Value	No current appraisal available
Ownership	Lower Park Avenue RDA
Zoning	RDM, SLO
Current Use	None
Identified Potential Use	Affordable Housing.
Environmental Issues	Wetlands along west side of parcel.
Miscellaneous Issues	Providing access to site may be challenging.
Easements	Sewer and road, trail and Doherty ditch easements.
Recommended Use	Affordable Housing Given the lack of identified projects for this site, the RDM zoning, parcel proximity to transit and other amenities make an affordable housing project a viable use for this parcel. No specific design or funding for this project has been identified.

Shortline Parcel

Location	Northeast corner parcel at Deer Valley Drive and Shortline Road (south of Public Works directly west of Frontier Bank).
Description	Approx. 1 acre. (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	General Commercial FPZ
Current Use	Vacant dirt lot
Identified Potential Use	Public works expansion, trade-sell.
Environmental Issues	Lies within Soil Protection ordinance boundaries (capping mandatory).
Miscellaneous Issues	None identified
Easements	Parking easement for eight spaces granted to Copperbottom Inn along west frontage with Shortline Road. Any project constructed on this site will have to accommodate these spaces.
Recommended Use	Public Works Expansion\Trade or Sell This location adjacent to the Public Works facility make a portion of the parcel viable for Public Works expansion. Its immediate location would help control operating costs that would increase with a more distant location. The portion of the property fronting on Deer Valley Drive maybe appropriate to sell fro office\commercial use. Transit in particular has immediate (0-2 years), intermediate, (3-7 years) and long term (7-20 year) needs for expanded equipment storage and maintenance bays. While the Shortline parcel will accommodate immediate and intermediate needs it is not clear that space is adequate to fill long term needs. Staff has developed a conceptual site plan to help visualize how a portion of the site could be utilized to fill Public Works intermediate space needs. (See attached site plan). Additional research may indicate it is a better long term strategy for Transit to seek a new site perhaps in the Quinn's junction area. The committee believes the city should hold this property for a Public Works expansion project and if it is determined an alternate site is more viable then the parcel could be sold or traded to fund that alternate site.

North Library Parcel

Location	Recreation field located north of City library
Description	Approximately 1 acre (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	ROS
Current Use	Recreation field and unregulated parking
Identified Potential Use	Recreation field, small affordable housing project at north end of field.
Environmental Issues	None identified
Miscellaneous Issues	None identified
Easements	None identified
Recommended Use	Current Recreation\Affordable Housing. The committee believes that given the parcels location to transit and other services the parcel is a viable candidate for a small (2-4 units) affordable housing project on the north end of the parcel. This small project would be located at the north end of the parcel leaving space for recreational use (approximately the length of a football field) between the library and housing project. No design or funding for this project has been identified.

Wisnewski Parcel

Location	148 Main Street
Description	Approx. ¼ acre. (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	HR-2
Current Use	Vacant dirt lot
Identified Potential Use	Trade\Sell (with relocated historic structure currently located on Colman parcel).
Environmental Issues	None identified.
Miscellaneous Issues	Flood Plain.
Easements	Critical water flow course.
Recommended Use	Trade\Sell (with relocated historic structure located on Colman parcel) The committee concurs with the plan for this parcel previously recommended by Staff and the Historic Preservation Board. Given location in historic district relocating structure from Colman parcel will make structure more attractive and improve likelihood outside party would purchase and restore. Funding for the interpretive parks project exists in the neighborhood parks CIP.

Colman Parcel

Location	Located between Hillside Avenue and Swede Alley
Description	Approx. 1 acre (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	HR-1, HR-2
Current Use	Vacant Dirt lot.
Identified Potential Use	Interpretive Neighborhood Park, Green Space
Environmental Issues	Within Soils Ordinance Boundaries (capping mandatory).
Miscellaneous Issues	Flood Plain, Historic Structure on Site, Limited access to site.
Easements	Critical Water Flow Course
Recommended Use	Interpretive Neighborhood Park\Green Space The committee concurs with the plan for this parcel previously Staff and the Historic Preservation Board. Given location in historic district, flood plain and limited access to the site make an interpretive neighborhood park\green space a viable and beneficial use. Historic structure on site could be relocated to Wisniewski parcel (just west of Coleman parcel). The sale of the historic structure and parcel could require investor to restore historic structure.

Colman (Prospect Ridge) Parcel

Location	NE corner of Hillside and Main.
Description	Approximately 8.29 acres. (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	ROS
Current Use	Open Space with trail and small parking area on Prospect drive.
Identified Potential Use	Open Space\Trail.
Environmental Issues	Within Soils Ordinance Boundary.
Miscellaneous Issues	Very steep slope.
Easements	None identified
Recommended Use	Open Space\Trail. The committee believes that current use of this parcel as open space\trail is its best and highest use. This conclusion was based upon the slope of the parcel, its natural and visual qualities, and the lack of any other identified projects for the parcel.

Pechnik Parcel

Location	154 Marsac Avenue
Description	Approximately 1500 sq'
Ownership	Main Street RDA
Parcel Market Value	No current appraisal available
Zoning	HR-2
Current Use	None
Identified Potential Use	Sell or trade for use in affordable housing project.
Environmental Issues	Within Soils Ordinance Boundary
Miscellaneous Issues	Very steep slope
Easements	
Recommended Use	Sell\Trade (for use in affordable housing project). The committee believes the size of this parcel limits its use in most projects. However its proximity to other privately held parcels makes it a strong sell\trade candidate to be used as part of an affordable housing project.

Pace Parcel #1-3

Location	Summit County south of I-80 east of Rails to Trails. In vicinity where east I-80 enters Silver Creek Canyon.
Description	169.38 Acres (not identified on site map)
Ownership	MBA
Parcel Market Value	No current appraisal available
Zoning	Summit County
Current Use	None
Identified Potential Use	Trade\Sell (Golf Course) Open Space
Environmental Issues	None identified
Miscellaneous Issues	None identified
Easements	None identified
Recommended Use	Hold\Sell\Trade Staff recommends the city continue to explore potential uses for this parcel. The city has recently been approached by a developer concerning the construction and donation of a golf course on this parcel. These discussions are currently in a concept stage only. Prior discussions with the private sector have involved a potential equestrian facility.

Pace Parcel #4 – Tailings Parcel

Location	South side of I-80 at mouth of Silver Creek Canyon.
Description	49.13 Acres (not identified on site map)
Ownership	MBA
Parcel Market Value	No current appraisal available
Zoning	Summit County
Current Use	None
Identified Potential Use	None identified
Environmental Issues	Soils issues
Miscellaneous Issues	Any construction on this site prior to July 28 th , 2036 requires prior written authorization of Standley, Arvill and Pearl Pace as per sales agreement.
Easements	None identified
Recommended Use	Hold Given environmental issues and sales agreement limitation on development the sale or development of this parcel will be challenging No City projects have been identified for this parcel.

Braser - Naniloa Parcel

Location	North side of I-80 at mouth of Silver Creek Canyon.
Description	9.51 Acres (not identified on site map)
Ownership	MBA
Parcel Market Value	No current appraisal available
Zoning	Summit County
Current Use	None
Identified Potential Use	None identified
Environmental Issues	Soils issues
Miscellaneous Issues	None identified
Easements	None identified
Recommended Use	Hold\Sell\Trade Staff recommends the city continue to explore potential uses for this parcel.

- Attached:
1. Staff Report dated August 18th, 2005
 2. Staff Report dated March 24th, 2005
 3. Map-Parcels within City Boundaries
 4. Map-Parcels within Summit County

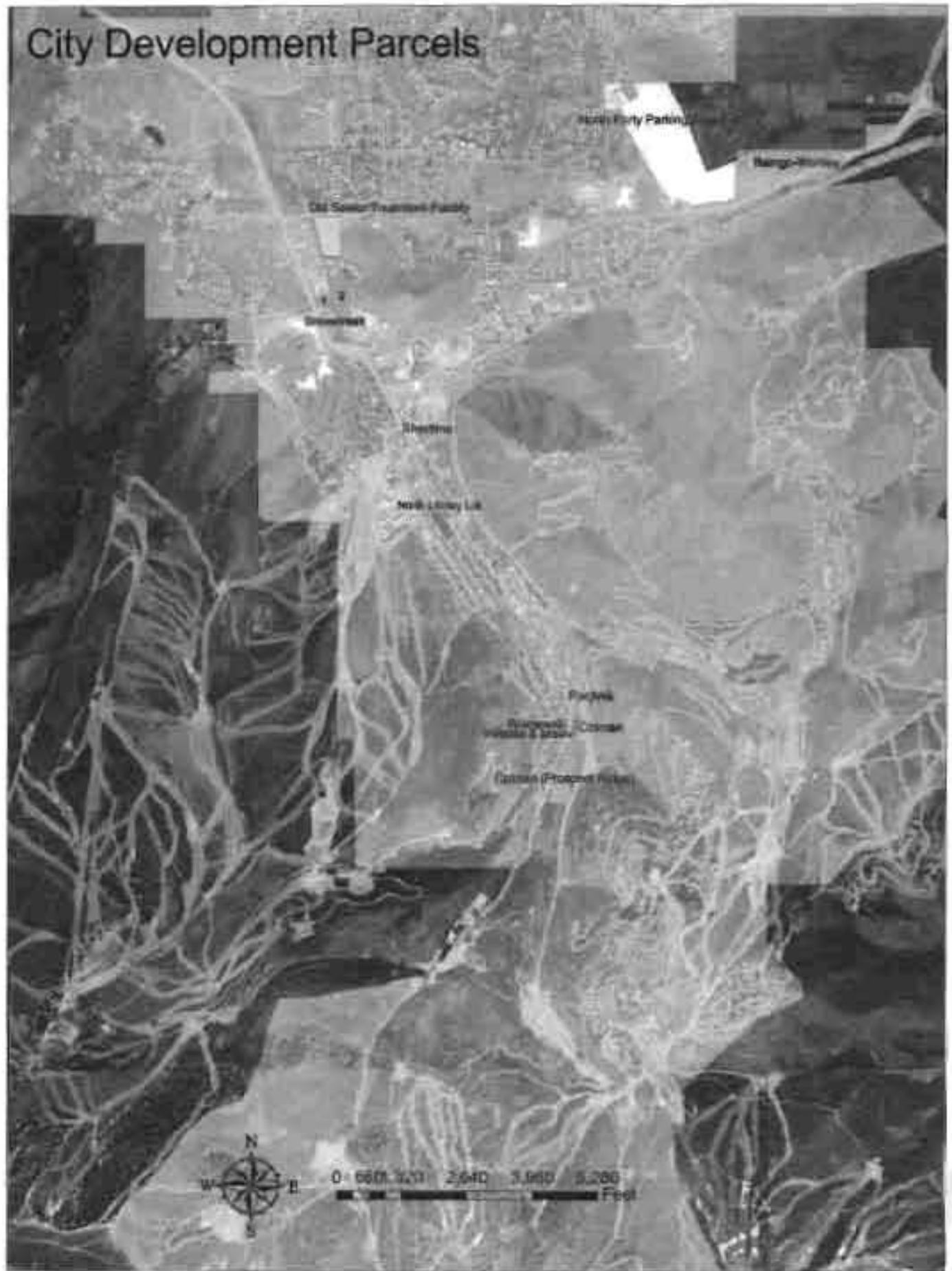
The resulting strategic plan does not bind the City to any particular use for a given parcel but will provide more clarity and direction to City Council, Staff and third parties on the intended use of City-owned parcels with development potential.

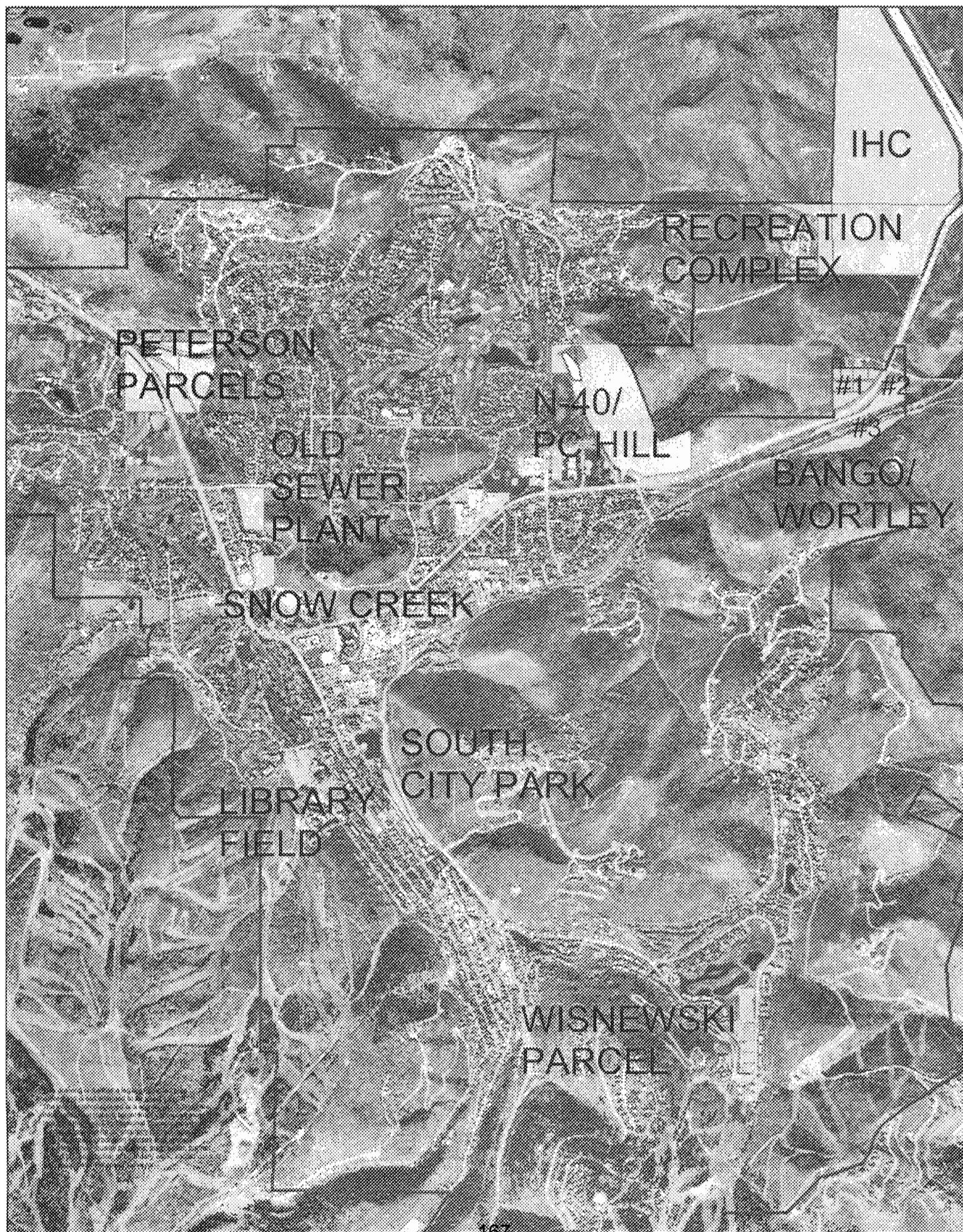
The table below contains a summary of the final plan adopted by Council on August 18th, 2005. Please note that technical details regarding each individual parcel and the criteria utilized to determine uses for those parcels are contained in the 16 tables that follow the summary table.

Summary Strategic Plan Table

Parcel	Future Use
Baingo Wortley #1	Undetermined Recreation Project, Trade/Sell
Baingo Wortley #2	Public Works Snow Storage
Baingo Wortley #3	Hold
North Forty	Recreation Parking , Trade/Sell
Old Sewer Plant	Park/Water Infrastructure/Fire, Trade/Sell
Snow Creek #1	Public Safety, Trade/Sell
Snow Creek #2	Potential Affordable Housing Project, Trade/Sell
Shortline	Trade/Sell
North Library Lot	Current Un-programmed Recreation Use
Wisnewski	Trade/Sell
Colman	Trade/Sell
Hillside-Main	Interpretive Park/Green Space
Prospect Ridge	Open Space/Trail
Pechnick	Trade/Sell
Pace #1-3	Hold
Pace #4 (Tailings Parcel)	Hold
Braser Nanaloa	Hold

City Development Parcels





II. Meeting Topics / Ideas Generated

A. What Sports and Recreation Elements?

The task force first addressed what "sports and recreation" facilities should be placed in this facility. A suggestion was made to create a matrix that provided a summary existing sports fields/facilities in the City/Basin area; population standards by sport, reflecting the typical ratio's of # of fields/facilities per current and future population projections.

Consistent with Council's goal of regional collaboration, Park City and the Snyderville Basin Special Recreation District (SBSRD) jointly contracted with the Wikstrom Group in 2002 to address regional recreation facility needs. Using data from this independent report, current facilities and facility demand projections are as follows:

Existing Fields				Future Demand ²				
Facility Type	SBSRD [@]	Park City ¹	Combined	Total Needed ³ (existing+future demand)	SBSRD ³ (alone)	Park City ³ (alone)	Total ³ (alone)	Total New Demand ³ (w/combined effort)
Soccer, lax, rugby	6	3	9	23	10	7	17	14
Baseball / Softball	3	6	9	23	12	6	18	14
Volleyball (sand)	4	4	8	16	0	8	8	8
Tennis	0	13	13	20	6	9	15	7
Basketball(outdoor)	1	1	2	8	3	3	6	6
Ice Rink	0	0	0	1	1	1	2	1
Indoor Rec Center	0	0	0	1	1	1	2	1

* All info based on Options for Recreation Facilities & Services – Wikstrom Economic & Planning Consultants, Inc. 2002

@ SBSRD – Snyderville Basin Special Recreation District

1. School District fields are also counted in the Park City numbers
2. Future demands are for the year 2010. They are based on Mountain Resort Level of Service Standards (see below), future population estimates of 12,000 for Park City and 33,000 for the Basin, and available information on actual usage and demand.
3. Based on future demands, if SBSRD and Park City work independently to meet demands, they will each have to build more facilities than if they combine their efforts. Total New Demand indicates total needed community wide with a combined effort - ie, only one ice rink is necessary for the whole community.

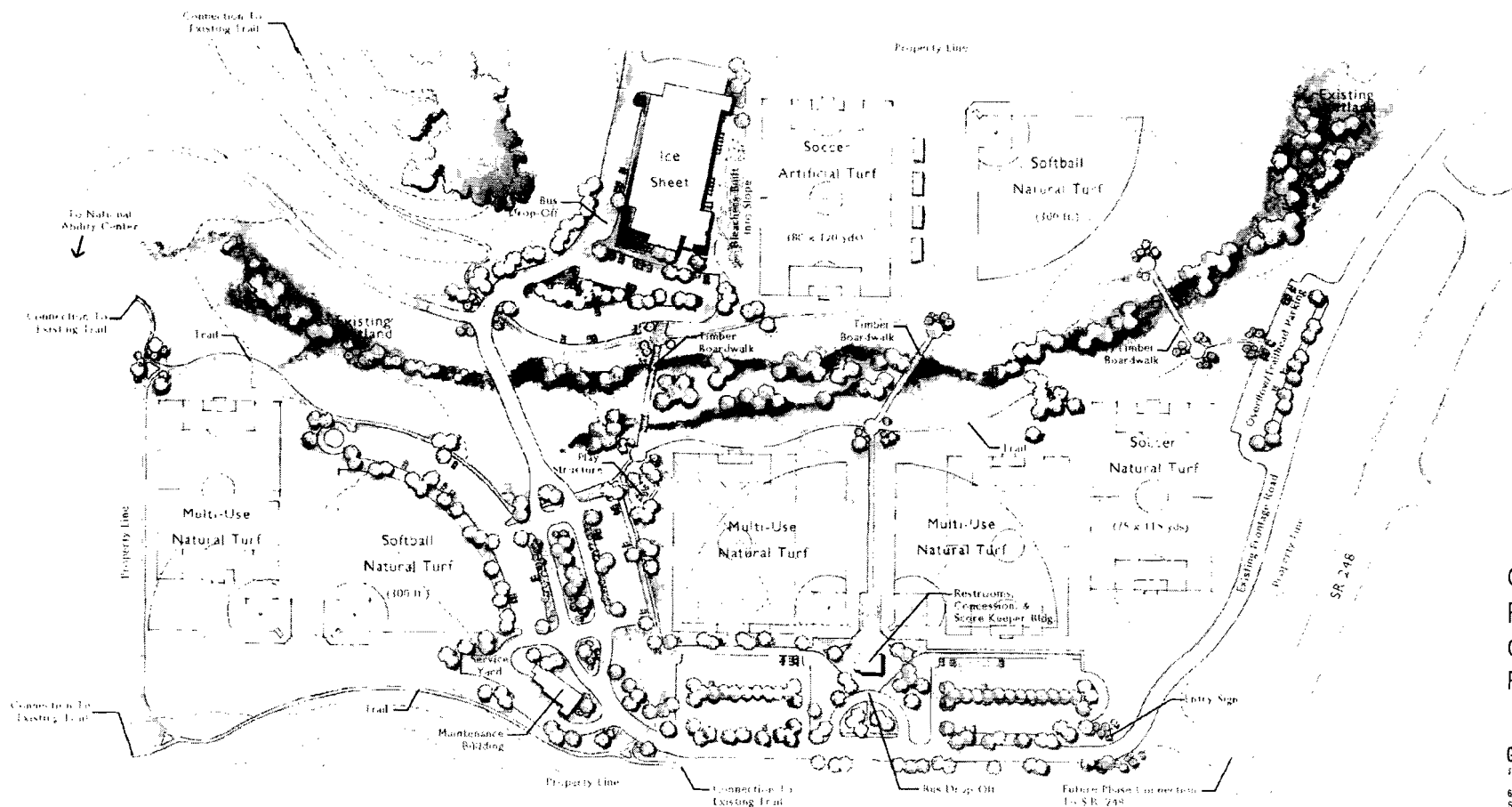
Standards for Level of Service	Mountain Resort Level	National Level
Soccer fields	1 field/ 2000 residents	1/10000
Baseball	1/15000	1/15000
Softball	1/3000	1/5000
Tennis	1/1500	1/2000
Lax/Rugby	1/6000	1/6000
Basketball	1/2000	1/2000
Volleyball	1/1000	1/5000

III. Summary of Recommendations

1. Develop the City property as a recreation complex with the following components:
 - a. 3-5 softball fields & minimally 4 full size rectangular fields plus several youth sized as space permits
 - b. Provide for appropriate support facilities: Maintenance / Equipment building, appropriate office space for those functions running and maintaining the facility, concession stands, restrooms, etc.
 - c. Design space for a playground, possible bike park, trailhead parking, and parking lots that could double as park-n-ride lots for in-town events.
 - d. Design the softball fields in a way that allows for their combined outfields to have the occasional rectangular field use. If possible, have at least two of the home plate areas originating from the same area allowing for mingling by four teams in that area.
 - e. Create a consistent lighting policy that allows this complex to be used in the evenings – but under a regulated system that finds the right balance of desires and concerns of the surrounding neighborhoods.
 - f. Provide synthetic turf for up to 2 rectangular fields to allow for expanded seasonal use.
 - g. Orientate a main rectangular field for accommodating 3,000-5,000 spectators
 - h. Permanently fence around the perimeter to counteract vandalism and field damage. Do very little internal permanent fencing to allow for increased flexibility in green space usage.
2. Design the facility with more than local resident use in mind. Create design elements that promote use of the facility as a tournament and community-oriented event site.
3. Don't "crowd" the facility with too many desired recreational elements. Concentrate on providing a really good amenity for a few sport needs rather than trying to put all known long term needs into this complex.
4. Coordinate the design in such a way that recognizes and complements both current and future anticipated development in the area.
5. Promote additional public interest and involvement in the subsequent detailed design and planning process.

If the current City Council also concurs on the appropriateness of the concepts put forward, it is strongly recommended by the task force members that these be acted upon in a swift, action-oriented way.

Site Plan



Quinn's Junction Recreation Complex Park City, Utah

G BROWN DESIGN INC
SITE AND LANDSCAPE ARCHITECTS
68 South Main Street, Ste 400
Salt Lake City, Utah 84101
p 801 525 6068 f 801 575 6166
www.gbrowndesign.com

Jan. 5, 2005

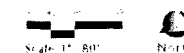


EXHIBIT 4

Wood Pole/wire mesh fencing
1463 LF @ \$14/LF
\$20,500

APPROXIMATE
AREA FOR PARK
2 ACRES

NORTH 40
SOCCER FIELDS

City Council Staff Report



Author: Ray Milliner
Subject: Walter Daniel's Subdivision an
Amendment to Parcel 1
Date: April 19, 2007
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council re-open the public hearing for the Walter Daniels Subdivision, an Amendment to Parcel 1 and consider denying the application based on the findings of fact and conclusions of law in this staff report.

Topic

Applicant: Lawrence Meadows
Location: 605 Park Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

On November 8, 2006 the City received a completed application for Walter Daniel's Subdivision an Amendment to Parcel 1. The property is located at 605 Woodside Avenue in the Historic Residential (HR-1) zone. The applicant is the owner of all of Parcel 1 of Block 27 of the Walter Daniels subdivision of the Park City Survey. Parcel 1 was originally created by an 8 parcel re-subdivision approval on November 30, 1995. (Ordinance 95-63 and meeting minutes attached). There is an existing historic home on the property that was renovated in 1993. The home was found to be historically significant by the Historic Preservation Board on September 18, 2006. The property receives access from Woodside Avenue. The applicant is proposing to subdivide parcel 1 into two lots of record, one to accommodate a renovation to the existing historic home and the other to accommodate a new single family home.

In addition to this subdivision application, the applicant submitted a steep slope CUP application that was reviewed by the Planning Commission as a work session item on November 8, 2006. The CUP proposal was to remove the majority of the 1992 addition, and restore the historic home at a smaller scale than its current size, then, to construct a separate single family home in the rear of the lot with access from a driveway on the north side of the property adjacent to the 6th Street Right-of-Way. The two buildings would be separated by approximately 30 feet. The new home would become the primary residence on site, and the historic home would become a separate dwelling unit.

At the November 8, 2006 meeting, staff requested that the Planning Commission determine whether or not the proposed design was allowable as an accessory apartment under the current language of the Land Management Code. The Commission responded that it did not (minutes from that meeting are attached as Exhibit C). The applicant then requested that staff make a determination that the two buildings are a duplex. Staff determined that as designed, the proposed buildings do not meet the LMC definition of a duplex, which is:

Dwelling, Duplex. A Building containing two (2) Dwelling Units.

Because the two structures are not “a building” rather they are two separate buildings, staff found that the proposal does not meet the definition of a duplex. Subsequently, the applicant submitted this application for a subdivision to divide the property into two lots of record.

This application was reviewed by the Planning Commission on February 28, 2007. The Commission conducted a public hearing and forwarded a negative recommendation to the City Council. Based upon comments by the applicant (K. King asserted the property was always contemplated for two dwelling units) and from Commissioner Petit (favored an addition if compatible with historic guidelines and wanted a better understanding of the neighborhood density and impacts), staff further examined the plat history of the Parcel.

The City Council reviewed this application on March 29, 2007 at that meeting, the Council requested that staff provide additional information relating to the Planning Commission’s discussion regarding this property prior to making a final decision. Minutes from the December 13, 2006 work session and February 28 regular meeting are attached as Exhibits E and F.

Analysis

The property is located in the HR-1 zone. The proposed subdivision would create two lots of record; proposed lot 1 being approximately 5,281 square feet in size would accommodate the new single family home, and proposed lot 2 at 1,880 square feet in size would accommodate the historic home. Each lot would have access from Woodside Avenue, with proposed lot 1 having 16’ of frontage along Woodside Avenue and Proposed lot 2 having 32 feet of frontage.

The existing historic home is located on proposed lot 2. There are existing contemporary additions on the home that would be removed to enable the building to fit on the lot. These additions are built along the north property line (no setback). The adjacent property (the Old Miner’s Lodge) is built 5 feet from the property line. The applicant argues that there is good cause for this proposal in that these additions would be removed. The applicant quotes individual comments out of context regarding the acceptability of restoring the historic structure. Staff and the Planning Commission as a whole found the negatives of the application outweighed this benefit as a whole

and do not find good cause for the amendment. Additionally, the parking garage which currently exists under the southern addition would be relocated under the original historic structure. The result is an incompatible change which would create an alley effect and an exposed break in the streetscape with additional retaining for the driveway to the rear. Staff asserts this is the exact scenario the original plat amendment was intended to avoid. Please see the attached photo exhibits and staff recommends that Council members drive by the site prior to Thursday. The Smith structure at 561 Woodside is distinguishable in that it is on a 25 foot wide lot fronting Woodside and the structure is only 35 feet from curb versus this proposal which is proposed at 74 feet from property line.

Accordingly, Staff does not find good cause for this plat amendment for the following reasons:

1. **The subdivision is an increase in density incompatible with the neighborhood.** Currently Parcel 1 of the Walter Daniels Subdivision is one lot of record 7,161 square feet in size. It is eligible for 1 unit of density as an allowed use (subject to steep slope CUP criteria and historic district design guideline review) and a duplex as a conditional use. If the applicant is allowed to subdivide, he would be allowed 1 unit of density on both lots, plus, because Lot 1 is 5,281 square feet, it would be eligible for a duplex as a conditional use increasing the number of units on the property. Therefore, the subdivision would result in an increase in density on the lot that is incompatible with the intent of the original Walter Daniels Subdivision which was to limit the development potential of the rear unplatted, remnant parcels.
2. **There is not good cause to amend the original Walter Daniel's subdivision.** By adding these remnant parcels to the rear, the original subdivision reduced the degree of non-conformity of adjacent historic structures which encroached on property lines and/or setbacks. Additionally, the subdivision eliminated the metes and bounds parcels in the rear to create areas where the existing homes could be expanded and still have a sizeable rear yard. The original subdivision is consistent with LMC 15-2.2-1(D) which calls for "single family Development on combinations of 25' x 75' Historic Lots." See November 21, 1995 Staff Report and Exhibit C showing existing structures. To reverse the 1995 decision to consolidate these lots, the Council would need to find good cause for the amendment. The current proposal represents a step backward and it is inconsistent with current code which requires new development comply with current standards (see below).
3. **The applicant does not have sufficient street frontage along Woodside Avenue.** LMC Section 15-2.2-3(A) states "The minimum width of a lot is 25 feet measured 15 feet from the front lot line. In the case of unusual lot configurations, lot width measurements shall be determined by the Planning Director." The Planning Director has determined that the applicant does not have sufficient lot width along Woodside Avenue to meet this requirement, as Lot 2 is only 16 feet

wide when measured 15 feet back from Woodside Avenue. Additionally, he has determined that because the property is accessed from Woodside Avenue, the applicant is not eligible to utilize either the Norfolk Avenue or 6th Street right-of-ways for this calculation. These findings are consistent with how the original subdivision handled the access issues.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

No public input has been received by the time of this report.

Alternatives

- The City Council may deny the Walter Daniel's Subdivision an Amendment to Parcel 1 plat amendment, or
- The City Council may approve the Walter Daniel's Subdivision an Amendment to Parcel 1 plat amendment and direct staff to make findings, conclusions and conditions for approval, or
- The City Council may continue the discussion on the Walter Daniel's Subdivision an Amendment to Parcel 1 plat amendment.

Significant Impacts

If the subdivision is approved, it will constitute an increase in density, and create a lot that does not meet the minimum standards for development under the current LMC.

Consequences of Approving Plat Amendment

The property would remain platted as one lot of record with the potential for a single family home or a duplex structure with sufficient street frontage.

Recommendation

Staff recommends the City Council hold public hearings for the Walter Daniels Subdivision, an Amendment to Parcel 1 and considers denying the application based on the findings of fact and conclusions of law in this staff report.

Findings of Fact:

1. The property is located at 605 Woodside Avenue in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.

3. The applicant is the owner of all of parcel 1 of the Walter Daniels Subdivision in the Park City Survey.
4. There is an existing historic home on the property.
5. The applicant is proposing to subdivide Parcel 1 into two lots of record to accommodate a renovation of the existing historic home on the property and to construct a larger single family home in the rear.
6. Parcel 1 of the Walter Daniels Subdivision is one lot of record 7,161 square feet in size.
7. If the applicant is allowed to subdivide, he would be allowed 1 unit of density on lot 2.
8. Lot 1 is 5,281 square feet in size, the minimum lot size for a duplex in the HR-1 zone is 3,750 square feet; it would be eligible for a duplex as a conditional use increasing the number of units on the property.
9. The subdivision would result in an increase in incompatible density on the lot from 2 potential units to 3. The original subdivision intended to add area to the rear lots to allow for historic compatible additions and reduce the degree of noncompliance of existing historic structures. The current proposal would create an incompatible gap in the streetscape by inserting a private driveway
10. The Subdivision would result in two retaining walls of approximately 9 feet in height enabling the driveway.
11. The discussion in the Analysis section is incorporated herein.
12. The current proposal represents a step backward and it is inconsistent with current code which requires new development comply with current standards.
13. The original Walter Daniels subdivision reduced the degree of non-conformity of adjacent historic structures which encroached on property lines and/or setbacks.
14. The Walter Daniels subdivision eliminated the metes and bounds parcels in the rear to create areas where the existing homes could be expanded and still have a sizeable rear yard.
15. The minimum lot width for a lot in the HR-1 zone is 25 feet wide measured 15 feet from the front property line.
16. Lot 2 is only 16 feet wide when measured 15 feet back from Woodside Avenue.
17. The property has frontage along Woodside Avenue, and the un-built Norfolk and 6th street right-of-ways.
18. Access to the property is from Woodside Avenue. No access is available from either the Norfolk Avenue or 6th Street right-of-ways.
19. The Planning Director has determined that the applicant does not have sufficient lot width along Woodside Avenue to meet the minimum lot width requirement.
20. The Planning Director has further determined that the applicant is not eligible to utilize either the Norfolk Avenue or 6th Street right-of-ways for this calculation because neither right-of-way is improved.
21. This application was reviewed by the Planning Commission on February 28, 2007. At that meeting, the Commission conducted a public hearing and forwarded a negative recommendation to the City Council.

Conclusions of Law:

1. There is not good cause for this plat amendment.
2. The plat amendment is not consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. The public will be materially injured by the proposed plat amendment.
4. Approval of the subdivision, adversely affects the health, safety and welfare of the citizens of Park City.

Exhibits

Exhibit A – Photographs of Site

Exhibit B – Record of Survey plat

Exhibit C – Survey of Property

Exhibit D – Proposed Site Plan

Exhibit E – November 21, 1995 Staff Report

Exhibit F- Ordinance 95-63

Exhibit G – Minutes from November 8, 2006 Planning Commission Meeting

Exhibit H – Minutes from February 28, 2007 Planning Commission Meeting

City Council Staff Report



Author: Ray Milliner
Subject: Walter Daniel's Subdivision an
Amendment to Parcel 1
Date: April 19, 2007
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council re-open the public hearing for the Walter Daniels Subdivision, an Amendment to Parcel 1 and consider denying the application based on the findings of fact and conclusions of law in this staff report.

Topic

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Location: 605 Park Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

On November 8, 2006 the City received a completed application for Walter Daniel's Subdivision an Amendment to Parcel 1. The property is located at 605 Woodside Avenue in the Historic Residential (HR-1) zone. The applicant is the owner of all of Parcel 1 of Block 27 of the Walter Daniels subdivision of the Park City Survey. Parcel 1 was originally created by an 8 parcel re-subdivision approval on November 30, 1995. (Ordinance 95-63 and meeting minutes attached). There is an existing historic home on the property that was renovated in 1993. The home was found to be historically significant by the Historic Preservation Board on September 18, 2006. The property receives access from Woodside Avenue. The applicant is proposing to subdivide parcel 1 into two lots of record, one to accommodate a renovation to the existing historic home and the other to accommodate a new single family home.

In addition to this subdivision application, the applicant submitted a steep slope CUP application that was reviewed by the Planning Commission as a work session item on November 8, 2006. The CUP proposal was to remove the majority of the 1992 addition, and restore the historic home at a smaller scale than its current size, then, to construct a separate single family home in the rear of the lot with access from a driveway on the north side of the property adjacent to the 6th Street Right-of-Way. The two buildings would be separated by approximately 30 feet. The new home would become the primary residence on site, and the historic home would become a separate dwelling unit.

At the November 8, 2006 meeting, staff requested that the Planning Commission determine whether or not the proposed design was allowable as an accessory apartment under the current language of the Land Management Code. The Commission responded that it did not (minutes from that meeting are attached as Exhibit C). The applicant then requested that staff make a determination that the two buildings are a duplex. Staff determined that as designed, the proposed buildings do not meet the LMC definition of a duplex, which is:

Dwelling, Duplex. A Building containing two (2) Dwelling Units.

Because the two structures are not “a building” rather they are two separate buildings, staff found that the proposal does not meet the definition of a duplex. Subsequently, the applicant submitted this application for a subdivision to divide the property into two lots of record.

This application was reviewed by the Planning Commission on February 28, 2007. The Commission conducted a public hearing and forwarded a negative recommendation to the City Council. Based upon comments by the applicant (K. King asserted the property was always contemplated for two dwelling units) and from Commissioner Petit (favored an addition if compatible with historic guidelines and wanted a better understanding of the neighborhood density and impacts), staff further examined the plat history of the Parcel.

The City Council reviewed this application on March 29, 2007 at that meeting, the Council requested that staff provide additional information relating to the Planning Commission’s discussion regarding this property prior to making a final decision. Minutes from the December 13, 2006 work session and February 28 regular meeting are attached as Exhibits E and F.

Analysis

The property is located in the HR-1 zone. The proposed subdivision would create two lots of record; proposed lot 1 being approximately 5,281 square feet in size would accommodate the new single family home, and proposed lot 2 at 1,880 square feet in size would accommodate the historic home. Each lot would have access from Woodside Avenue, with proposed lot 1 having 16’ of frontage along Woodside Avenue and Proposed lot 2 having 32 feet of frontage.

The existing historic home is located on proposed lot 2. There are existing contemporary additions on the home that would be removed to enable the building to fit on the lot. These additions are built along the north property line (no setback). The adjacent property (the Old Miner’s Lodge) is built 5 feet from the property line. The applicant argues that there is good cause for this proposal in that these additions would be removed. The applicant quotes individual comments out of context regarding the acceptability of restoring the historic structure. Staff and the Planning Commission as a whole found the negatives of the application outweighed this benefit as a whole

and do not find good cause for the amendment. Additionally, the parking garage which currently exists under the southern addition would be relocated under the original historic structure. The result is an incompatible change which would create an alley effect and an exposed break in the streetscape with additional retaining for the driveway to the rear. Staff asserts this is the exact scenario the original plat amendment was intended to avoid. Please see the attached photo exhibits and staff recommends that Council members drive by the site prior to Thursday. The Smith structure at 561 Woodside is distinguishable in that it is on a 25 foot wide lot fronting Woodside and the structure is only 35 feet from curb versus this proposal which is proposed at 74 feet from property line.

Accordingly, Staff does not find good cause for this plat amendment for the following reasons:

1. **The subdivision is an increase in density incompatible with the neighborhood.** Currently Parcel 1 of the Walter Daniels Subdivision is one lot of record 7,161 square feet in size. It is eligible for 1 unit of density as an allowed use (subject to steep slope CUP criteria and historic district design guideline review) and a duplex as a conditional use. If the applicant is allowed to subdivide, he would be allowed 1 unit of density on both lots, plus, because Lot 1 is 5,281 square feet, it would be eligible for a duplex as a conditional use increasing the number of units on the property. Therefore, the subdivision would result in an increase in density on the lot that is incompatible with the intent of the original Walter Daniels Subdivision which was to limit the development potential of the rear unplatted, remnant parcels.
2. **There is not good cause to amend the original Walter Daniel's subdivision.** By adding these remnant parcels to the rear, the original subdivision reduced the degree of non-conformity of adjacent historic structures which encroached on property lines and/or setbacks. Additionally, the subdivision eliminated the metes and bounds parcels in the rear to create areas where the existing homes could be expanded and still have a sizeable rear yard. The original subdivision is consistent with LMC 15-2.2-1(D) which calls for "single family Development on combinations of 25' x 75' Historic Lots." See November 21, 1995 Staff Report and Exhibit C showing existing structures. To reverse the 1995 decision to consolidate these lots, the Council would need to find good cause for the amendment. The current proposal represents a step backward and it is inconsistent with current code which requires new development comply with current standards (see below).
3. **The applicant does not have sufficient street frontage along Woodside Avenue.** LMC Section 15-2.2-3(A) states "The minimum width of a lot is 25 feet measured 15 feet from the front lot line. In the case of unusual lot configurations, lot width measurements shall be determined by the Planning Director." The Planning Director has determined that the applicant does not have sufficient lot width along Woodside Avenue to meet this requirement, as Lot 2 is only 16 feet

wide when measured 15 feet back from Woodside Avenue. Additionally, he has determined that because the property is accessed from Woodside Avenue, the applicant is not eligible to utilize either the Norfolk Avenue or 6th Street right-of-ways for this calculation. These findings are consistent with how the original subdivision handled the access issues.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

No public input has been received by the time of this report.

Alternatives

- The City Council may deny the Walter Daniel's Subdivision an Amendment to Parcel 1 plat amendment, or
- The City Council may approve the Walter Daniel's Subdivision an Amendment to Parcel 1 plat amendment and direct staff to make findings, conclusions and conditions for approval, or
- The City Council may continue the discussion on the Walter Daniel's Subdivision an Amendment to Parcel 1 plat amendment.

Significant Impacts

If the subdivision is approved, it will constitute an increase in density, and create a lot that does not meet the minimum standards for development under the current LMC.

Consequences of Approving Plat Amendment

The property would remain platted as one lot of record with the potential for a single family home or a duplex structure with sufficient street frontage.

Recommendation

Staff recommends the City Council hold public hearings for the Walter Daniels Subdivision, an Amendment to Parcel 1 and considers denying the application based on the findings of fact and conclusions of law in this staff report.

Findings of Fact:

1. The property is located at 605 Woodside Avenue in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.

3. The applicant is the owner of all of parcel 1 of the Walter Daniels Subdivision in the Park City Survey.
4. There is an existing historic home on the property.
5. The applicant is proposing to subdivide Parcel 1 into two lots of record to accommodate a renovation of the existing historic home on the property and to construct a larger single family home in the rear.
6. Parcel 1 of the Walter Daniels Subdivision is one lot of record 7,161 square feet in size.
7. If the applicant is allowed to subdivide, he would be allowed 1 unit of density on lot 2.
8. Lot 1 is 5,281 square feet in size, the minimum lot size for a duplex in the HR-1 zone is 3,750 square feet; it would be eligible for a duplex as a conditional use increasing the number of units on the property.
9. The subdivision would result in an increase in incompatible density on the lot from 2 potential units to 3. The original subdivision intended to add area to the rear lots to allow for historic compatible additions and reduce the degree of noncompliance of existing historic structures. The current proposal would create an incompatible gap in the streetscape by inserting a private driveway
10. The Subdivision would result in two retaining walls of approximately 9 feet in height enabling the driveway.
11. The discussion in the Analysis section is incorporated herein.
12. The current proposal represents a step backward and it is inconsistent with current code which requires new development comply with current standards.
13. The original Walter Daniels subdivision reduced the degree of non-conformity of adjacent historic structures which encroached on property lines and/or setbacks.
14. The Walter Daniels subdivision eliminated the metes and bounds parcels in the rear to create areas where the existing homes could be expanded and still have a sizeable rear yard.
15. The minimum lot width for a lot in the HR-1 zone is 25 feet wide measured 15 feet from the front property line.
16. Lot 2 is only 16 feet wide when measured 15 feet back from Woodside Avenue.
17. The property has frontage along Woodside Avenue, and the un-built Norfolk and 6th street right-of-ways.
18. Access to the property is from Woodside Avenue. No access is available from either the Norfolk Avenue or 6th Street right-of-ways.
19. The Planning Director has determined that the applicant does not have sufficient lot width along Woodside Avenue to meet the minimum lot width requirement.
20. The Planning Director has further determined that the applicant is not eligible to utilize either the Norfolk Avenue or 6th Street right-of-ways for this calculation because neither right-of-way is improved.
21. This application was reviewed by the Planning Commission on February 28, 2007. At that meeting, the Commission conducted a public hearing and forwarded a negative recommendation to the City Council.

Conclusions of Law:

1. There is not good cause for this plat amendment.
2. The plat amendment is not consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. The public will be materially injured by the proposed plat amendment.
4. Approval of the subdivision, adversely affects the health, safety and welfare of the citizens of Park City.

Exhibits

Exhibit A – Photographs of Site

Exhibit B – Record of Survey plat

Exhibit C – Survey of Property

Exhibit D – Proposed Site Plan

Exhibit E – November 21, 1995 Staff Report

Exhibit F- Ordinance 95-63

Exhibit G – Minutes from November 8, 2006 Planning Commission Meeting

Exhibit H – Minutes from February 28, 2007 Planning Commission Meeting





185

Exhibit A adjacent Prop.

**PARK CITY
PLANNING DEPT.**

STATE OF UTAH, COUNTY OF SUTTER
AT THE REQUEST OF _____
TIME _____ BOOK _____

SURVEYOR'S CERTIFICATE

I, J.C. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said survey.

Date _____

UN. Gailey RLS#359005

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF

DATE	TIME	BOOK	PAGE
------	------	------	------

RECORD

MAYOR

PARK CITY RECORDER

BY PARK CITY ATTORNEY

PARK CITY ENGINEER

CHAIRMAN

SMYDENVILLE BASIN WATER RECLAMATION DISTRICT

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Index

Walter Daniels Subdivision, Parcel 1 an Amendment to Block 27, Park City Survey

- NARRATIVE**
1. Survey requested by Larry Meadows.
 2. Purpose of survey: locate the improvements and the topographic relief.
 3. Status of survey: located property measurements as shown.
 4. Location of survey: Block 27, Park City Survey, 15, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
 5. See the official plat of The Park City Survey and the Walter Daniels Subdivision Plat, an Amendment to the Park City Survey, Block 27, for other possible easements, restrictions or setbacks.
 6. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
 7. An assumed elevation of 7088.88 feet was assigned to the well & water (LS 173736) found at the intersection of 8th Street & Woodside Avenue (from the Monument Control Map of Park City by Bush & Guggel, Inc.).

LEGAL DESCRIPTION

All of Parcel 1 of the Amended Walter Daniels Subdivision on Amendment to Block 27 of the Park City Survey, on the end of record in the office of the Summit County Recorder; containing 0.184 acres, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 28600, do hereby certify that I have examined a copy of the plat of the described property and that this plat is a true representation of said survey.

Date _____ J.D. Galley RLS038005

Alpine Survey, Inc.
19 Prospect Drive
Park City, Utah 84060
(435) 685-8016

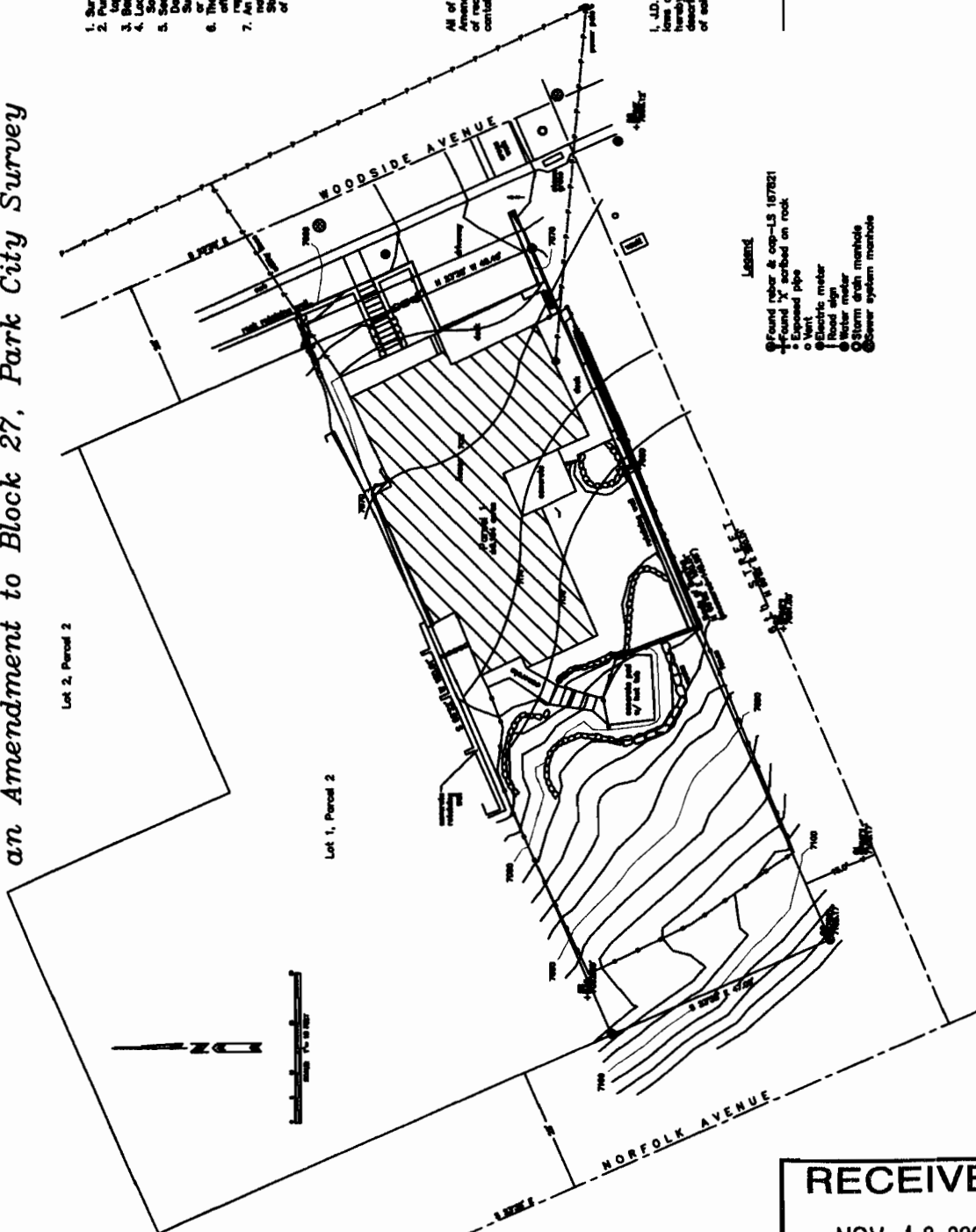


Exhibit C

RECEIVED

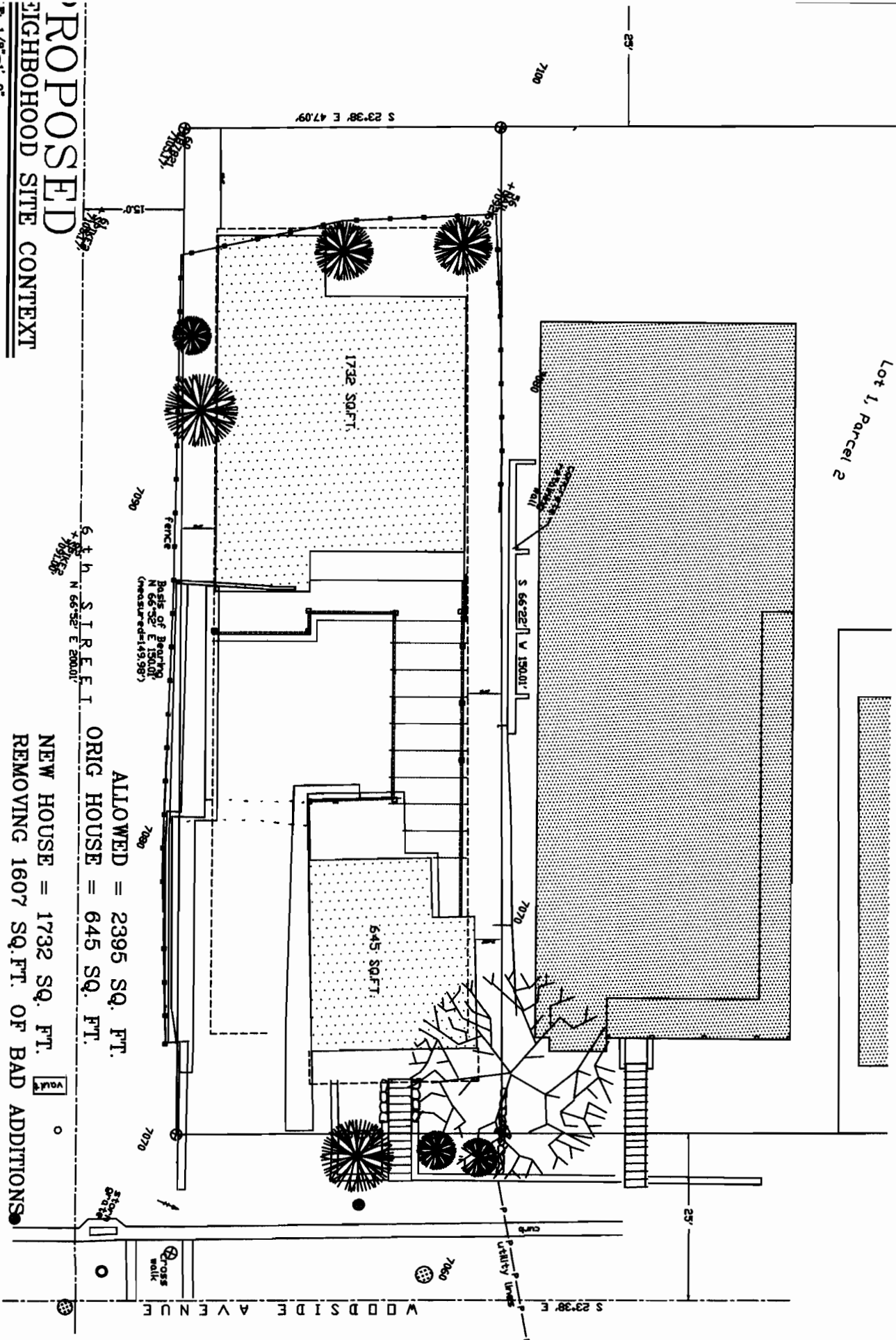
NOV 10 2006

PARK CITY
PLANNING DEPT.

Lot 1, Parcel 2

PROPOSED NEIGHBORHOOD SITE CONTEXT

1/8"=1'-0"



ALLOWED = 2395 SQ. FT.
ORIG HOUSE = 645 SQ. FT.

NEW HOUSE = 1732 SQ. FT.
REMOVING 1607 SQ. FT. OF BAD ADDITIONS

Exhibit D₈₈



COUNCIL AGENDA REPORT

DATE: November 21, 1995
DEPARTMENT: Planning Department
AUTHOR: Megan B. Ryan
TITLE: 605 -655 Woodside Avenue - Block 27, Park City
Survey
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct a public hearing, take public input and consider Planning Commission and Staff's recommendation to approve the six lot subdivision as conditioned.

DESCRIPTION:

A. Topic.

Applicant: Hugh Daniels and Dick Walter
Location: 605-655 Woodside Avenue - 6 property owners
Zoning: Historic Residential - HR1
Adjacent Land Uses: Residential, Recreation Open Space
Date of Application: August 31, 1995

B. Background/Project Description.

The Planning Commissioners held a public hearing on this item at their November 15th meeting and recommended that staff forward a positive recommendation to the City Council.

Exhibit E

The applicants, Dick Walter and Hugh Daniels, are representing six property owners along Block 27 of Woodside Avenue. The applicants are requesting a replatting for each property owner that would in general:

1. Amend existing historic property lines to ensure that existing structures are not straddling several property lines and are in compliance with the Uniform Building Code and State law, and;
2. Add a portion of a previously unplatted section of property to each owners back yard in effect creating larger sized lots.

Please see Exhibit B - Block 27 Plat Map, and Exhibit C - Existing parcels with structures and proposed replat.

C. Analysis

The proposed changes are as follows:

- **605 Woodside Avenue** - This parcel currently is platted as two 25' x 75' lots and one unplatted lot to the rear. An historic single family house, of approximately 1,500 square feet, sits on the two lots that front Woodside. The owner, Dick Walter, owns all three parcels and would like to combine the lots to create one large parcel, 50' x 150'. Any expansions or additions of the existing structure would be subject to the site regulations and Historic District standards for the HR1 Zoning District. Staff supports the creation of this new parcel, shown on Exhibit A as Parcel 1.
- **615 Woodside Avenue** - This parcel is currently platted as 7 lots, 6 standard Old Town lots (25' x 75') and one unplatted lot to the rear. The Old Miner's Lodge, an historic structure of approximately 6,500 square feet, sits on 4 of the 25' x 75' lots. The owner, Hugh Daniels, owns all of the parcels and would like to combine the lots to create one large parcel, 100' x 150'. Any expansions or additions of the existing structure would be subject to the site regulations and Historic District standards for the HR1 Zoning District. Staff supports the creation of this new parcel, shown on Exhibit A as Parcel 2.
- **627 Woodside Avenue** - This parcel is currently platted as one 25' x 75' lot, half of a 25' x 75' lot and an unplatted lot to the rear. An historic duplex structure, of approximately 2,000 square feet, sits on the lot and a half. The owners, the Sheinbergs, own all of the parcels and would like to combine the lots to create one large parcel, approximately 35' x 150'. Any expansions or additions of the existing structure would be subject to the site regulations and Historic District standards for the HR1 Zoning District. Staff supports the creation of this new parcel, shown on Exhibit A as Parcel 3.

- **633 Woodside Avenue** - This parcel currently is platted as one 25' x 75' lot, half of a 25' x 75' lot and an unplatted lot to the rear. An historic single family structure, of approximately 1,000 square feet, sits on the lot and a half. The owners, the Stafsholts, would not like to create one large parcel but rather two parcels. Shown on Exhibit A as Parcels 4 and 5. Parcel 5 has no access as Norfolk is an unplatted street after 8th street. The Stafsholts do not plan to sell the parcel but for tax and value reasons would like to have two separate parcels. Staff would only support the creation of two parcels if a note is added to the plat which indicates that Parcel 5 has no access from Norfolk on this block and must only be accessed from Woodside Avenue. The owner has indicated his understanding of this and is willing to add this note. Staff also would support amending the rear property line to allow for a conforming rear yard setback to be created in the replatting.
- **637 woodside Avenue** - This parcel is platted as two 25' x 75' Old Town Lots and an unplatted area to the rear. A single family structure, of approximately 1,000 square feet, sits on the two 25' x 75' lots. The owner, Dr. Romaine, would like to create one parcel, approximately 50' x 151', shown as Parcel 6. Any expansions or additions of the existing structure would be subject to the Floor Area Ratio standard for the HR1 Zoning District. Staff supports the creation of this new parcel, shown on Exhibit A as Parcel 6.
- **655 Woodside Avenue** - This parcel is platted as two 25' x 75' Old Town Lots and an unplatted area to the rear. An historic single family structure, of approximately 1,100 square feet, sits on the two 25' x 75' lots. The owner, Gary Kimball, would like to clean up his property lines on the two 25' x 75' single family lots where his house currently sits, shown as Parcel 7. The parcel to the rear would be created as Parcel 8. As in the case at 633 Woodside Avenue, the staff does not want to create two buildable parcels unless a note is added to the plat which indicates that Parcel 8 has no access from Norfolk and must only be accessed from Woodside Avenue. The owner has indicated his understanding of this and is willing to add this note. Staff also would support amending the rear property line to allow for a conforming rear yard setback to be created in the replatting.

The staff and Planning Commission are in support of amending the property lines, as described above, on Block 27. The potential size of any additions to these structures would be limited through the zoning requirements for the Historic District. The staff believes that the application of these regulations could result in compatible additions. A note will be added to the plat that indicates Parcel 5 and Parcel 8 must have access from Woodside Ave. only. This note satisfies staff's concern about creating buildable lots that do not have access.

D. Department Review

This proposal has been reviewed by the City wide staff review team and the Planning Commission.

E. PUBLIC INPUT

Noticing for this project occurred on November 1, 1995. No comments from the public have been received at the time this staff report was prepared.

ALTERNATIVES

- A. Approve the final subdivision plat at Block 27, Lots 1-17 and Lots 29 and 30.
- B. Deny the final subdivision plat at Block 27, Lots 1-17 and Lots 29 and 30 and direct Staff to prepare Findings and Conclusions to support this action.
- C. Continue the item until December 4, 1995.

SIGNIFICANT IMPACTS:

The proposed subdivision will bring the existing ownership parcels into compliance with State law. The subdivision will also create larger parcels than the typical 25' x 75' lot found in the Historic District. The staff believes that these lots will still be in keeping with the standards for the District as the existing structures on the lots will limit any uncharacteristic expansions or additions.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council chooses to deny the subdivision plat the lots will remain as currently platted and no additions or expansions will be permitted that cross common ownership property lines.

RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing, take public input and consider staff's recommendation to approve the proposed subdivision on Block 27, #605 - 655, with the following Finding of Fact, Conclusions of Law and Conditions:

Findings of Fact:

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

Comprehensive Plan in that it amends several lot line problems and removes some non-conforming site conditions.

2. The proposed plat amendment corrects the legal description of the applicants properties.
3. Norfolk Avenue is not a recorded street between 8th street and approximately 4th Street. Parcel 5 and Parcel 8 therefore are limited to access from Woodside Avenue only.

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 subdivision.

Conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat for compliance with the Land Management Code and these final Conditions of Approval.
2. All Standard Project Review Requirements shall apply.
3. A note shall be placed upon the plat stating that Parcel 5 and Parcel 8 shall have access from Woodside Avenue, through Parcel 4 and Parcel 7, only.

EXHIBITS

Exhibit A - Location Map/Proposed plat

Exhibit B - Plat Map

Exhibit C - Existing Structures site plan

Ordinance No. 95-

**AN ORDINANCE APPROVING THE FINAL SUBDIVISION PLAT
LOCATED AT BLOCK 27, PARK CITY SURVEY,
605-655 WOODSIDE AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of property known as Block 27, Lots 1 through 17, and Lots 29 and 30, petitioned the Planning Commission for approval of a final subdivision plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing to receive input on the proposed subdivision on November 15, 1995; and

WHEREAS, on November 15, 1995, the Planning Commission approved the final plat attached hereto as Exhibit A; and

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

WHEREAS, there is good cause for the revision as the reconfiguration will result in compliance with state law and will not create parcels that are incompatible in the Historic District; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

SECTION 1. FINAL PLAT APPROVAL. The final plat is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat for compliance with the Land Management Code and these final conditions of approval.
2. All Standard Project Conditions shall apply.
3. A note shall be placed upon the plat stating that Parcel 5 and Parcel 8 shall have access from Woodside Avenue, through Parcel 4 and Parcel 7 only.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective immediately.

PASSED AND ADOPTED this 30th day of November, 1995.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Asst. City Attorney

BLOCK 27

Exhibit A - Location Map

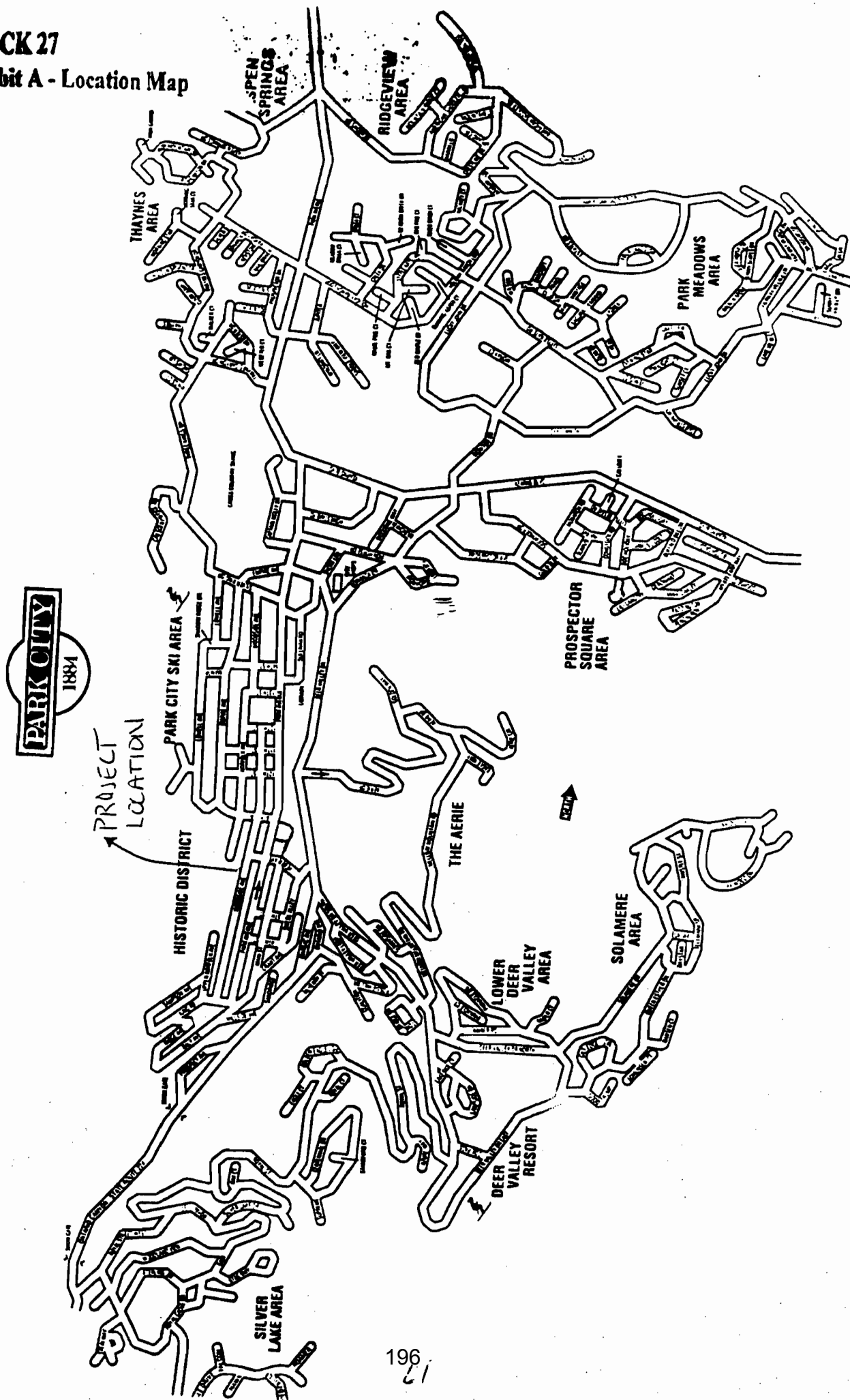
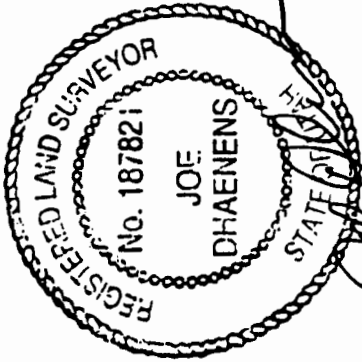
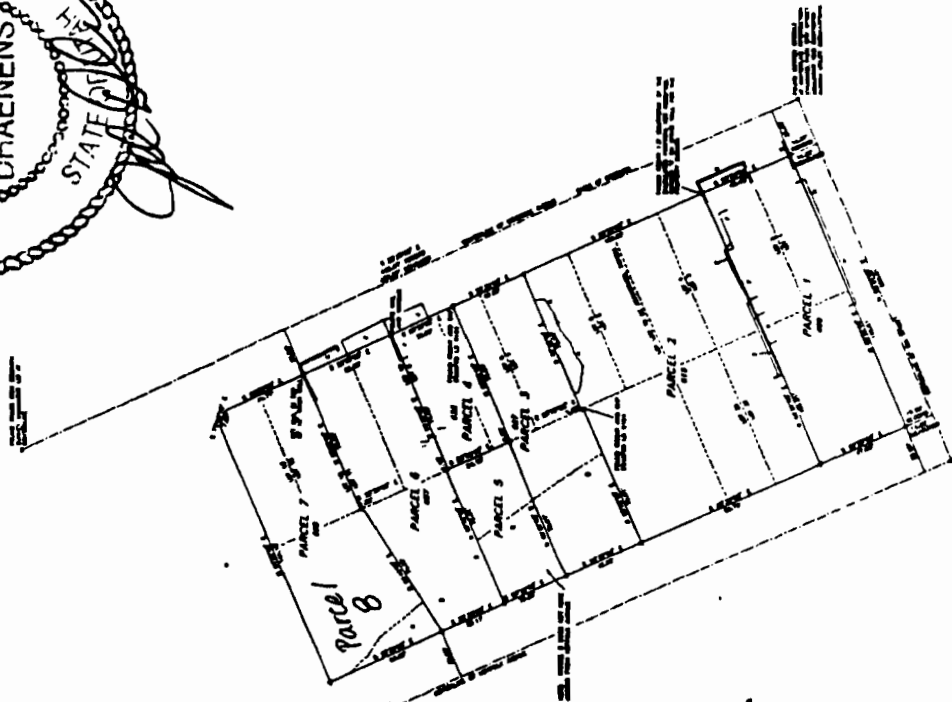


EXHIBIT A - PLAT MAP

**BLOCK 27 PARK CITY
PLAT AMENDMENT AND RECORD OF SURVEY**



Duplicate



DESCRIPTION OF PARCELS SURVEYED
 PARCEL 1: 1.00 AC. (43,560 S. Q. FT.)
 PARCEL 2: 1.00 AC. (43,560 S. Q. FT.)
 PARCEL 3: 1.00 AC. (43,560 S. Q. FT.)
 PARCEL 4: 1.00 AC. (43,560 S. Q. FT.)
 PARCEL 5: 1.00 AC. (43,560 S. Q. FT.)
 PARCEL 6: 1.00 AC. (43,560 S. Q. FT.)
 PARCEL 7: 1.00 AC. (43,560 S. Q. FT.)
 PARCEL 8: 1.00 AC. (43,560 S. Q. FT.)

PARCEL AREA
 PARCEL 1: 1.00 AC.
 PARCEL 2: 1.00 AC.
 PARCEL 3: 1.00 AC.
 PARCEL 4: 1.00 AC.
 PARCEL 5: 1.00 AC.
 PARCEL 6: 1.00 AC.
 PARCEL 7: 1.00 AC.
 PARCEL 8: 1.00 AC.

LEGEND
 1. LOT AREA OF PARCELS SURVEYED
 2. TOTAL AREA OF PARCELS SURVEYED
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PARCEL 1: 1.00 AC. (43,560 S. Q. FT.)
PARCEL 2: 1.00 AC. (43,560 S. Q. FT.)
PARCEL 3: 1.00 AC. (43,560 S. Q. FT.)
PARCEL 4: 1.00 AC. (43,560 S. Q. FT.)
PARCEL 5: 1.00 AC. (43,560 S. Q. FT.)
PARCEL 6: 1.00 AC. (43,560 S. Q. FT.)
PARCEL 7: 1.00 AC. (43,560 S. Q. FT.)
PARCEL 8: 1.00 AC. (43,560 S. Q. FT.)

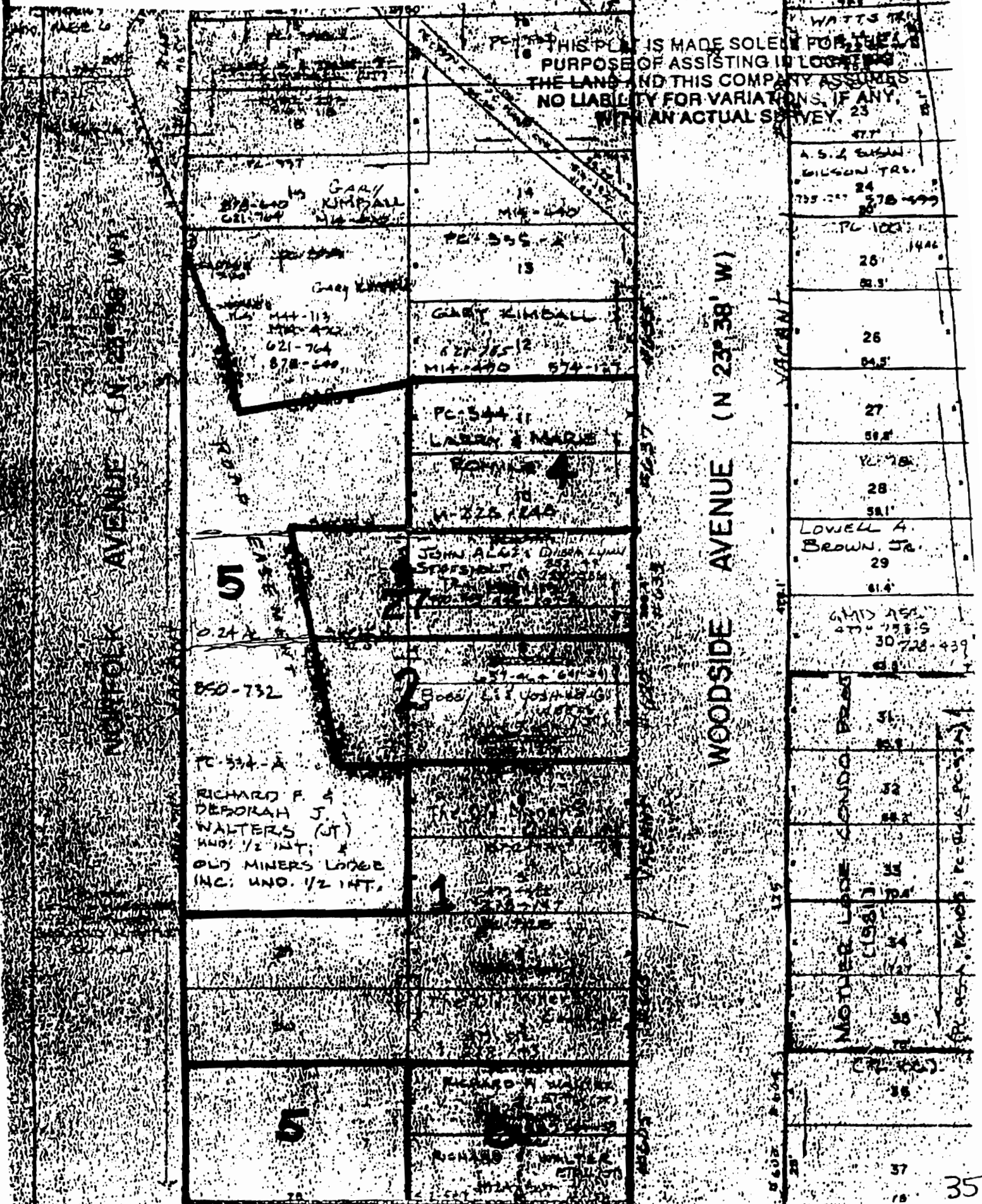
CITY COUNCIL	CITY ENGINEER	CITY PLANNING COMMISSION	CITY ATTORNEY	SEWER DISTRICT APPROVAL	RECORDED	ON THE MAP
APPROVED BY THE CITY COUNCIL ON _____	APPROVED BY THE CITY ENGINEER ON _____	APPROVED BY THE CITY PLANNING COMMISSION ON _____	APPROVED BY THE CITY ATTORNEY ON _____	APPROVED BY THE SEWER DISTRICT ON _____	RECORDED ON _____	ON THE MAP ON _____

John Dhaenens 11-7-95



reduced from 24" x 36"

BLOCK 27
Exhibit B - Plat Map



Ordinance No. 97-

**AN ORDINANCE APPROVING THE PARCEL 2 - AMENDED WALTER-DANIELS
SUBDIVISION LOCATED AT 615 WOODSIDE AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Walter-Daniels Subdivision Parcel 2, have petitioned the City Council for approval of a subdivision of the Walter-Daniels Subdivision; and

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

WHEREAS, the City Council held a public hearing on September 25, 1997 to receive input on the proposed subdivision; and

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

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

SECTION 1. The Parcel 2- Amended Walter-Daniels Subdivision Plat is approved as shown on Exhibit A subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The proposed subdivision will create one 11,153 square foot lot and one 3,750 square foot lot in the HR-1 District.
2. Proposed Lot 1 (*11,153 square feet in area*) includes an historic Lodge of approximately 7000 square feet. The historic Lodge is exempt from the HR-1 Floor Area Ratio.
3. Lot 2 (*3,750 square feet in area*) includes an existing building foundation. Based on the current HR-1 Floor Area Ratio, the maximum allowed building area (*total building volume*) for Lot 2 is 2,650 (*2250 living and 400 garage*). The applicant's preliminary buildings plans are for a total building volume of approximately 1,900 square feet. The building volume will not expand beyond the proposed 1900 square feet.

4. On July 14, 1997, the applicant has obtained an Historic District Commission approval (*with conditions*) for a caretaker's residence with garage and off-street parking area on proposed Lot 2.
5. Any impacts resulting from this subdivision, including potential snow release issues, will be mitigated through the final Building Permit Application review.
6. The applicant has offered to dedicate to the City a deed restriction, equitable servitude or real covenant which ties off-street parking to use of the Old Miners' Lodge and which binds the use of the new structure (Lot 2) as a caretaker's unit for the Old Miner's Lodge so long as the Old Miners' Lodge remains a Lodging use.
7. The applicant stipulates to all conditions of approval.

Conclusions of Law:

1. There is good cause for the subdivision.
2. As conditioned neither the public nor any person will be materially injured by the subdivision.

Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the subdivision plat for compliance with Land Management Code, Utah State Code and the final conditions of approval is a condition precedent to plat recordation.
2. The City Building Official's review and approval of a building and or roof plan to address potential snow release issues is a condition precedent to the issuance of a Building Permit for any structure on Lot 2.
3. The applicant shall dedicate to the City a deed restriction, equitable servitude or real covenant which ties off-street parking to use of the Old Miners' Lodge and which binds the use of the new structure (Lot 2) as a caretaker's unit for the Old Miner's Lodge so long as the Old Miners' Lodge remains a lodging use.
4. The total building volume on Lot 2 shall not exceed 1900 square feet
5. If the subdivision is not recorded within one year of the City Council's approval this action shall be null and void.

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

PASSED AND ADOPTED this 25th day of September 1997

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Jodi Hoffman, City Attorney

PARK CITY PLANNING COMMISSION

WORK SESSION NOTES

November 8, 2006

PRESENT: Michael O'Hara, Julia Pettit, Evan Russack, Charlie Wintzer, Patrick Putt, Brooks Robinson, Ray Milliner

WORK SESSION ITEMS

605 Woodside Avenue - Conditional use permit for construction on a slope greater than 30%

Planner Ray Milliner reviewed the application for a proposed design at 605 Woodside Avenue. A single family homes currently exists on the site and on September 6, 2006, the Historic Preservation Board found the primary section of the structure to be historically significant. However, in 1992 a garage was added on the south side and a living area was added in the rear; and these additions were found not to be historic. The applicant is able to remove those sections from the building as part of any proposed design.

The Staff has been working with the applicant on various types of design proposals in an effort to create a design for the property that would meet the Historic District Guidelines, the conditional use permit criteria, and the Land Management Code. The building design also needs to be compatible with the neighborhood. Planner Milliner commented on two different options. The first option is for the applicant to do a sizeable addition to that historic building, and perhaps modify part of the existing addition. The Staff did not favor this option because the size of the addition would overwhelm the historic section of the house. The second option is to create an addition to the home that would be set back and separated from the historic home. This would feature the historic property and remove the addition from the home, making the historic property the primary feature from the street. Planner Milliner noted that the lot is nearly the equivalent of four Old Town lots and has an allowable footprint of 2460 square feet.

Planner Milliner stated that the applicant is proposing to build a primary structure in the rear and to rehabilitate the historic structure in the front. The two buildings would be separated. The primary structure in the front is proposed to be an accessory apartment.

Exhibit²⁰² G

The Staff reviewed this proposal according to the definitions in the Code and found that the building in front does not meet the criteria for an accessory apartment. Therefore, the Planning Director found that the applicant cannot use that structure as an accessory apartment.

Planner Milliner remarked that the primary focus for discussion this evening was possible design solutions for this property. He noted that it is possible for the applicant to submit a condominium plat for the property and have a single family home in the historic structure and a single family home in the back as the primary structure. Planner Milliner stated that he had not yet reviewed this scenario for compliance with the Land Management and he was unprepared to say whether this could be done. Other possibilities are solutions that would move the addition forward and attach it to the historic home. The key would be to create a solution compatible with the Historic District Design Guidelines.

Planner Milliner requested that the Planning Commission provide input on whether this design meets the criteria for the streetscape and whether the massing is appropriate for the site. He noted that extensive terracing will occur and a significant amount of dirt will be moved off the site. In addition, significant retaining will be necessary. Planner Milliner requested that the Planning Commission discuss these issues and provide direction so the Staff can move forward with the application and eventually make a recommendation for approval.

Mark Kosack, an attorney representing the applicant, remarked that there is a historic structure at the front of the lot with two large additions and the applicant would like to strip all that down to the historic structure and restore it. He noted that they are still left with authority for a great deal of mass and the question is whether they should overshadow the historic home with massing in close proximity or whether they should push some of the mass to the back of the property. If they push the mass back, it would be preferable to

sever the physical connection between the two pieces of house. Mr. Kosack clarified that the applicant is not seeking division of ownership. If it is condominiumized, they would still treat it as one property based on their belief that the owner of the larger structure would want to have ownership of the smaller structure. Mr. Kosack emphasized that this proposal is not a back door subdivision. He stated that in finding the best way to accomplish their goal, they happened upon the accessory apartment provision which introduced a chicken and egg discussion. Mr. Kosack could not see the applicability of a guest house because a guest house requires one acre and they do not have that much land. Mr. Kosack welcomed any feedback from the Planning Commission regarding a boot strap procedure for the accessory apartment definition.

Kevin King, the project architect, presented photos of the existing building and the adjacent buildings and compared the massing. His intent was to demonstrate the figure ground pattern that goes on with all these properties. Mr. King stated that everything preceding Sixth Street goes from 75 feet deep back to 150 feet all the way down to the Town Lift. He noted that the applicant is proposing to remove all the bad additions and take the historic building down to the smallest component of the original structure; putting the new massing in the back.

Mr. King presented a photo of the existing building showing the two car garage, the addition to the left, and the a dormer poking over the top. He noted that the retaining will be no higher than it exists today because the driveway level will be the same level as the backyard. Mr. King provided examples of buildings that have obliterated small front buildings with large additions in the rear. He provided the Planning Commission with a drawing showing what could be done in terms of height limits for the back area if the addition was tacked on to the historic structure. Mr. King stated that he had worked with Staff on the proposed design to push back the mass in an effort to get away from garage barrage and overwhelming additions.

Chair O'Hara pointed out that the Planning Commission needed to address two issues. The first issue was to determine whether the structure qualifies as an accessory apartment and whether it complies with the Land Management Code if it is an accessory apartment. The second issue is to look at mass and scale.

Chair O'Hara noted that the definition of an accessory apartment says, "It is created either by converting part of or adding on to an existing detached single family dwelling". He wanted to know if they could determine the existing structure to be a detached single family dwelling. Director Putt stated that currently the structure is a detached single family dwelling. With a building permit and a conditional use permit, the applicant could convert a portion of this area into an accessory apartment as long as there is a primary occupant in the home and a tenant in the accessory apartment. The applicant could add on to this building and the primary tenant could live in the addition. As part of the existing footprint or an addition on that footprint, he could have an accessory apartment, provided that it meets Land Management Code requirements. Director Putt stated that with an accessory apartment inside an existing single family dwelling, you create space for another dwelling unit for a renting tenant. He commented on an additional provision that allows an accessory apartment in a detached garage. In this particular case, the entire house is proposed to be defined as the accessory apartment. Director Putt explained his interpretation that this use is not consistent with the Code. He believes this proposal comes closer to meeting the definition of a guest house; however, a guest house would not be approved on this property because it is not an acre in size. Director Putt remarked that the proposal as presented is for two single family residences.

Chair O'Hara played the devil's advocate and argued that the applicant is converting part of an existing single family dwelling. One of the restrictions of the Land Management Code talks about converting or adding to. Nothing in the Code talks about removing a

conglomeration of additions and converting the historic home into an accessory apartment by reducing the structure back to its original size. Chair O'Hara was unsure if an argument could be made, but he felt it was worth discussing. He asked if this could be construed as converting part of an existing single family dwelling. Director Putt answered no and explained that this is the gap between he and the applicant. In his opinion, the applicant is converting the entire structure to that use. He noted that the original intent for having accessory apartments in Old Town was a predecessor to the affordable housing regulations. It was an opportunity to modify portions of the existing residences to create small little apartments that would be used for local employees. The accessory apartment was a subordinate portion of a detached single family home. Director Putt did not believe that was the intent with this proposal and he did not believe it fits the definition of an accessory apartment in the Land Management Code. He felt it was important for the Planning Commission to discuss this issue early in the planning process and recommended that the Planning Commission discuss the matter and provide input and direction on his interpretation.

Chair O'Hara stated that personally he felt this proposal was a unique approach and one that they may find workable for future redevelopment in Old Town. He wondered if there was a way to make this approach work without bending or breaking the Land Management Code. Director Putt remarked that the mechanism would be to amend the Code to make sure the definitions adequately reflect that direction. Director Putt explained the process the Staff goes through when dealing with historic properties. The primary objective is to be true to the original mass, bulk, and shape of the building and not attach a large massive addition to the back.

Chair O'Hara commented on the need for affordable housing in Old Town and noted that an accessory apartment is fairly well exclusive to that use. He wanted to find some way to use the structure for affordable housing if possible, even if the Planning Commission

determines that it cannot be used as an accessory apartment.

After further discussion, Director Putt asked the applicant, Larry Meadows, if he would be occupying the primary residence. Mr. Meadows replied that he would.

Commissioner Pettit stated that she is always in favor of keeping the integrity of historic structures and she was pleased with that part of the proposal. However, based on her reading of the definition of an accessory apartment, she agreed with Director Putt that this is not an accessory apartment. Commissioner Pettit agreed with Chair O'Hara that a compromise for affordable housing would be appropriate if one could be found. She favored the intentions of the applicant, but unless they can find a way to attach the two structures, she was unsure how to solve the problem.

Mr. King stated that he had asked Ron Ivie about making the structures a duplex; which is defined as two units attached. Mr. Ivie told him that as long as there was not a fire separation greater than six feet and there was a covered walkway or connecting decks, he could make the case that the structures were attached without affecting the footprint rule. Director Putt pointed out that while he respects Mr. Ivie's input from a building code perspective, the Planning Commission applies the Land Management Code.

Commissioner Russack echoed Commissioner Pettit's comments. He agreed that the Planning Commission has the responsibility to review the applications against the Land Management Code and from his reading, this application is clearly not an accessory apartment. He supported the findings of the Planning Director and the Land Management Code. Commissioner Russack had walked the area and he did not think that the massing and bulk being proposed is consistent with the existing structures on the street. He likes the idea of protecting the integrity of the historic structure but it must be done in a way that allows the historic nature to stay recognizable. He only found one property that has a

small historic structure in front and a massive house in the back.

Mr. King noted that the lot had been significantly altered for two reasons. One was when the Sixth Street access was changed to accommodate the utilities. When he located this building on the site, he used all the contours of the bowl and kept the building very low in comparison to the adjacent structures.

Commissioner Pettit asked, if this were deemed to be an accessory apartment, if they could be sold off as two separate properties. Director Putt replied that it could not. One criteria requires the property owner to be the primary tenant on the main dwelling. A deed restriction filed with the County Recorder identifies all the Land Management Code ownership requirements.

Chair O'Hara stated that the Planning Commission is often asked to make a judgment on definitions, and in this case, he believes it would be difficult for the Planning Commission to make findings of fact on a broad definition. He would like to explore ways to expand that definition because he wanted to protect the proposed use and he likes the unique application. It is an approach he would like to use again in Old Town. Chair O'Hara agreed with his fellow Commissioners that this application does not meet a conservative reading of the definition for accessory apartments. He encouraged the Staff and the applicant to find a way to justify a broader definition to allow this use. Director Putt was unsure how this could be done and he was hesitant to set up an unrealistic expectation. Commissioner Pettit did not think the Planning Commission should stretch their interpretation of the definition to fit something they think is justified. It would open up a can of worms for future applications and she was not comfortable doing that. Commissioner Pettit preferred to make the conclusion that it does not meet the definition; recognizing that they like the concept of the proposal but it does not fit the criteria. Whether or not to amend the Land Management Code for the future is another issue for

another day.

Chair O'Hara understood that the City is already looking at modifications to the Land Management Code that would include changes in definitions that have been discussed in the past. Director Putt believed the Planning Commission could see some of those proposed changes to the definitions as early as the next meeting.

2. 605 Park Avenue - Plat Amendment

Planner Ray Milliner reviewed the application for a plat amendment at 605 Woodside Avenue. The applicant is requesting that the existing parcel, which is Parcel 1 of the Walter Daniel's subdivision, be divided into two lots of record. The purpose of the subdivision is to accommodate the construction of a single family home on the larger lot to the rear and the renovation of the existing historic home located on the smaller lot toward the front of the property facing Woodside Avenue. Planner Milliner noted that the Planning Commission previously reviewed this application as part of a steep slope CUP review. At that time the Planning Commission was asked to determine whether or not the existing historic home could be utilized as an accessory apartment as a detached portion of the structure. The Planning Commission determined that it did not meet the requirements of the definition for an accessory apartment. Following that determination, the applicant submitted the current subdivision application.

The Staff had reviewed this application and recommended denial based on two issues. The first issue is that the subdivision would represent an increase in density on the property. In its current configuration, the applicant would be eligible to build a duplex on the property and have two units of density. If the property was subdivided, the applicant would be able to have one unit on the front property with the existing historic house and still have sufficient property on the larger lot in the rear for a duplex. This would result in three units and an increase in density of one unit. The second reason for recommending denial is insufficient street frontage access off of Woodside Avenue. The property has frontage on three platted City right-of-ways; the 6th Street right-of-way and Norfolk Avenue, however 6th Street and Norfolk Avenue are not built and therefore are not accessible. The Planning Director has determined that in order to have frontage and access, it should be off of Woodside, which is a 16 foot wide request. Planner Milliner recommended that the Planning Commission deny this application based on the findings of fact and conclusions of law outlined in the Staff report.

Mark Cosac, attorney for the applicant, stated that they are trying to protect the original historic integrity of the smaller home and not engulf it with a large extension on the back. Since they have been unsuccessful in other attempts, they are trying to achieve their plan through a subdivision. Mr. Cosac stated that the Planning Director's finding is discretionary and the Planning Commission is welcome to make its own conclusion with respect to the appropriate street being considered as the front of the house. With respect to density, Mr. Cosac remarked that he has not seen a single legal citation as to why an increase in density is not permitted. He requested feedback from the Planning Commission on whether this subdivision request is an acceptable option for their intent to protect the original property and build something behind it. Mr. Cosac commented on discussions regarding a duplex approach or a contrived connection between the two properties. He believes that would be nothing more than a jimmy-rigged solution to satisfy something that could be achieved in a better manner at the Planning Commission's discretion.

Kevin King, the project designer, felt that part of the problem with the Land

Exhibit¹⁰ #

Management Code and the HR-1 zone is that it allows one house per 1875 square feet and a duplex per 3,750 square foot. They have 3.8 unit equivalents in lot area size but the zone does not address unit equivalents. Mr. King felt it was clear that a duplex is two single family dwelling units and he finds it ironic to be splitting hairs over the issue that a duplex must be "a" building. Mr. King distributed copies of the 1889 Sanborn Map. He pointed out that historically these were single lots and the map shows that at one time there were two houses. He believes this was always a two dwelling unit equivalent lot. The only difference is that they are proposing a different configuration with the added benefit of restoring the historic structure to a much smaller size without the non-historic additions.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

Commissioner O'Hara wanted to know the width of the proposed driveway that would access the back portion of the lot. Mr. King replied that Ron Ivie has requested 14 feet to accommodate fire access vehicles so the driveway would be a full 14 feet wide but the total land is 16 feet.

Commissioner Wintzer did not favor the thought of enlarging the historic home with more additions, but he was not compelled enough to overturn the Staff's recommendation.

Commissioner Pettit liked the concept of restoring the historic home; however she was concerned about density. That area of Woodside is already challenging and she was struggling with the concept of another single family home with additional traffic and parking issues. Commissioner Pettit stated that she would have a hard time overturning the Finding regarding access in terms of calculating street frontage and whether or not it is sufficient.

Larry Meadows, the applicant, asked if Commissioner Pettit would have this same struggle with the concept of a duplex. Mr. Meadows understood that if he connected the property he could get a duplex approved. Mr. Cosac pointed out that there are 8 parking spaces which eliminates the parking impacts.

Commissioner Russack noted that the Sanborn Map showed two separate homes side by side on two separate lots. He understood that Mr. Meadows' application is to have one home in the front and one home in the back rather than side by side. Commissioner Russack stated that he was still uncomfortable with this proposal.

Commissioner Thomas echoed the comments made by Commissioners Pettit and Wintzer.

Chair O'Hara felt the Sanborn Map was a good illustration of the size of lots in the neighborhood. He preferred to see the historic home preserved rather than lose its historic character with more additions. Chair O'Hara believed that what is done on this lot could set a precedent for other large lots in the neighborhood. Chair O'Hara felt the current proposal was a unique way to retain the character of an Old Town home and still allow redevelopment in the Old Town area.

Commissioner Russack asked if the applicant could achieve the same intent by putting the homes side by side rather than front and back. Mr. King pointed out that the issue of garage barrage and putting everything on the street would be more of a detriment than the current proposal. Planner Milliner agreed that it would be difficult to do two single family houses on this property and still meet the setbacks.

MOTION: Commissioner Pettit moved to forward a NEGATIVE recommendation to the City Council on the Walter Daniel's subdivision amendment to Parcel 1, based on the Findings of Fact and Conclusions of Law in the Staff report. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously. Commissioner Barth was recused.

Mr. King asked if the work session discussion regarding changes to the accessory apartment definition in the LMC could be another avenue to explore for this property. Chair O'Hara replied that it might be worth the discussion.

Findings of Fact - 605 Woodside Avenue

1. The property is located at 605 Woodside Avenue in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller homes.
3. The applicant is the owner of all of Parcel 1 of the Walter Daniels Subdivision in the Park City Survey.
4. There is an existing historic home on the property.
5. The applicant is proposing to subdivide Parcel 1 into two lots of record to accommodate a renovation of the existing historic home on the property and to construct a larger single family home in the rear.
6. Parcel 1 of the Walter Daniels subdivision is one lot of record 7,161 square feet in size.
7. If the applicant is allowed to subdivide, he would be allowed 1 unit of density on lot 2.

8. Lot 1 is 5,281 square feet in size, the minimum lot size for a duplex in the HR-1 zone is 3,750 square feet; it would be eligible for a duplex as a conditional use increasing the number of units on the property.
9. The subdivision could result in an increase in density on the lot from 2 potential units to 3.
10. The minimum lot width for a lot in the HR-1 zone is 25 feet wide measured 15 feet from the front property line.
11. Lot 2 is only 16 feet wide when measured 15 feet back from Woodside Avenue
12. The property has frontage along Woodside Avenue, and the un-built Norfolk and 6th street right-of-ways.
13. Access to the property is from Woodside Avenue. No access is available from either the Norfolk Avenue or 6th Street right-of-ways.
14. The Planning Director has determined that the applicant does not have sufficient lot width along Woodside Avenue to meet the minimum lot width requirement.
15. The Planning Director has further determined that the applicant is not eligible to utilize either the Norfolk Avenue or 6th Street right-of-ways for this calculation because neither right-of-way is improved.
16. If the applicant were to modify the current design of the two homes, through a historically compatible connection to the two buildings the design would meet the definition of a duplex.

Conclusions of Law - 605 Woodside Avenue

1. There is not good cause for this plat amendment.
2. The plat amendment is not consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. The public may be materially injured by the proposed plat amendment.
4. Approval of the subdivision, adversely affects the health, safety, and welfare of the citizens of Park City.