PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

APRIL 18, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 18, 2002.

AGENDA

Closed Session

3:00 p.m. Property acquisition
Litigation

Work Session

3:45 p.m. Council questions/comments

4:15 p.m. McPolin Farm update

4:45 p.m. CDD project update

- Flagstaff
- Hotel Park City
- LMC - Phase 2

5:45 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 28, 2002

VI PUBLIC HEARINGS

1, Ordinance approving a plat amendment to combine all of Lot 9 and part of Lots 8, 10, 14 and 15 of Block 14, Snyder's Addition to the Park City Survey into one lot

2. Ordinance approving a final subdivision plat known as the Coalition West Subdivision, located at 777 Park Avenue in Section 18, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah

VII CONSENT AGENDA

1, Ordinance approving a plat amendment to combine all of Lot 9 and part of Lots 8, 10, 14 and 15 of Block 14, Snyder's Addition to the Park City Survey into one lot

2. Ordinance approving a final subdivision plat known as the Coalition West Subdivision, located at 777 Park Avenue in Section 18, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah

3. Acceptance of the Mayor and City Council disclosure statements into the Official Minute Book

VIII ADJOURNMENT

Posted: 04/15/02

See parkcity2002.org

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

PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

April 2002

11 **No meeting**

25 MFL - Oktober Festival - October 4-5 - work session (15 min)

Continuation of hearing - Amendments to Land Management Code - Phase 2: Comprehensive and substantive rewrite of Chapter 4, Historic Preservation; Chapter 6, Zoning Administration and Enforcement; Chapter 8, Supplementary Regulations; Chapter 10, Master Planned Developments; Chapter 11, Master Planned Moderate Income Housing Developments; and Chapter 14, Child Care Regulations; additional provisions; to Chapter 1, General Provisions; and Chapter 15, Definitions

Senior citizens - public input

MFL - Skate Series, May 25, June 29, July 27, August 31, and September 28 - public hearing/action

MFL - Art in the Park, June 22 - public hearing/action

May 2002

2 Budget review - work session

MFL - Mountain Town Stages - work session

Revisions to MFL - Jazz Festival, August 16 - 18 - public hearing/action

Arbor Day resolution

9 Budget review - work session

Historic Preservation Element of the General Plan - DS

7965 Red Tail Court, Bald Eagle Condominiums - lot line adjustment - BR

1420 - 1585 Three Kings Drive - amendment to record of survey - JW

14-15 City Council work shop

16 **No meeting**

17 Golf course pro shop open house - 4 p.m. to 9 p.m.

23 Budget review - work session

Ordinance - April Mountain subdivision Phase 1 - KW

30 **No meeting**

June 2002

7 Public hearing - budgets

Adoption of tentative budget

14 **Fred gone**

Continuation of budget hearing

21 Continuation of budget hearing

Adoption of final budget

28

Mine Road truck traffic

DATE: April 10, 2002

DEPARTMENT: Leisure Services Administration

AUTHOR: Denise Payne

TITLE: McPolin Farm and Friends of the Farm Update

TYPE OF ITEM Informational

SUMMARY RECOMMENDATION: This report is for informational purposes and no formal action is required. Staff would like direction from City Council about whether they would like the Friends of the Farm (FOF) to use a City account or form a non-profit organization (501C3). Leisure Services staff and Friends of the Farm participants would also like a recommendation/approval from City Council regarding possible events planned at the McPolin Farm in the upcoming six (6) to eight (8) months and the direction this group is working toward.

DESCRIPTION

4. Topic: **McPolin Farm and Friends of the Farm Update**

5. Background:

Since the purchase of the Farm in the1990, there has been significant work and community discussion, often heated, about appropriate uses for the Farm and the entry corridor. The Entryway Corridor Master Plan was completed in 1995 and has served as a basis for decisions about the Farm and the entry corridor. In 1999, significant capital improvements were made to the outbuildings (shed and caretakers house). In the spring of 2001 the McPolin Farm Task Force recommended and the Planning Commission granted a temporary (2 year) Conditional Use Permit (CUP) for limited uses at the Farm outbuildings, not the large barn. The uses were granted for City sponsored events only with the events designed to increase public exposure to the property and solicit public input.

Concern about use of the farm centers primarily around parking along SR 224 and adversely impacting the farm in general. The City has entered into an agreement to operate bus service to Kimball Junction. Beginning April 15, 2002, a bus will make hourly stops at the McPolin Farm. This agreement continues through December and will be reevaluated at that time. This may help with some of the transportation and parking issues that are involved with use of the farm. Staff also feels the community visioning process scheduled for the summer would be a great tool to find out what the community would like or not want at the McPolin Farm in the future. The purpose of this report is to suggest some short term uses, consistent with the temporary CUP, until some longer term decisions can be made about the use of the Farm.

On September 22, 2001 staff hosted a Friends of the Farm (FOF) organizational meeting on the property. Carol Larson and Lani Furr were in attendance and informed us there were more community members very interested in the Farm and wanted to work on another meeting. After several meetings, an Executive Board was formed for the FOF. The Board consists of eight (8) members. The FOF is a group formed as a subcommittee of the Parks, Recreation Beautification Board to discuss the farm and surrounding property for use and programming, help determine future direction, policy, capital improvements and organize fund-raising events. The FOF started meeting in September 2001. As a result of their meetings and mission statement “"To foster community use of the Farm", a few community events have been planned.

C. **<u>Analysis</u>**: **Current Policy:** The current CUP states for events:

up to eight (8) one-day, City Council-sponsored, special public events per year (event permits to be processed by staff and reviewed and approved /denied by City Council) Use of the McPolin Farm trails for cross-country ski races will not require a CUP;

use of the farm complex shall include the newly reconstructed McPolin shed and appurtenant outdoor areas. Use of the McPolin barn and house are not permitted under this conditional use permit at this time.

100 person maximum per event. Building Occupancy to be set by Chief Building Official;

each event shall include a City-approved event transit plan (including ADA accesiblity) to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property (including east side of 224);

no additional exterior lighting is permitted for special events;

all events must comply with municipal noise ordinance;

public trail use of the property is permitted (winter use may require a trail pass);

Events Scheduled - Need informal Council approval on 4/18/02

·Bluebird Houses

The event is planned for April 27 to coincide (somewhat) with Earth Day but be on the weekend. The event will consist of education about bluebirds (and raptors), a demonstration on how to build a bluebird house, bluebird houses for sale, instructions on how to build your own bluebird house, a book on bluebirds for sale, possibly putting up the bluebird houses on

the Farm. Penny Cunningham will also have a Swensen Hark and red tailed hawk and will make a “Birds in your neighborhood” map of local places to see birds.
The wood is donated by Anderson Lumber.

· Fall Scarecrow Festival

Park City families will dress pre-built forms, followed by refreshments and other Fall activities. More details to follow.

· Walking Tour and lunch with Hal Compton July 6.

City Sponsored/Friends of Farm/Park City Museum Event Suggestions - Need Council Input on 4/18/02

· Host a Chamber Bureau Board Meeting
· Park City Professional Artists group, City sponsored art class
    · Paint the Barn Day (A picture of the barn - no paint on the barn)
    · Followed with a Barn Art Exhibit at the Kimball to show off the Paint the Barn Day products and other local Barn art and photos.
· Musical evenings at the Farm (non-amplified) in June, July and August limited to 100 as a fund raising event for the Farm.

Possible Historical Displays - Need Council input on 4/18/02

McPolin House: A display of historical pictures or an artifact inside at each window to be viewed from the porch. In other words, as you look in the window from the porch you would see something historical.

Bunk House and Tool Shed: Open or remove doors and replace with plexiglass so visitors could see inside. Place historical displays inside, i.e. beds in the bunk house, tools in the tool shed, etc.

The Barn: Install some type of windows for visitors to look into the farm.

Fund Raising

The FOF have been selling notecards as a fund raiser for historical displays. The FOF have also been collecting money from interested community members who want to join the FOF, $25.00 per family and $10.00 person. The FOF could continue as they are applying for any grants available with no future fund raising. Carol Larson, Chair has also applied for restaurant tax grant funding for historical display’s at the Farm in the amount of $78, 900.00. (Attached)

D. <u>Department Review</u>

Community Development staff has determined that the FOF planned uses are consistent with the current CUP.

ALTERNATIVES

Direct staff and FOF in other areas for Farm use.

SIGNIFICANT IMPACTS

At this time, Park City Municipal Corporation is temporarily holding the money raised by the FOF in a City Trust and Agency account until June 30, 2002. The FOF would like to continue using the City account for money received under a tax exempt status. The money being raised is for improvements at the Farm and any special event money as necessary. As requested by the City, applying for a 501C3 (nonprofit status) would take a lot of time and energy for this volunteer group. The FOF feel that as they are a subcommittee of the Parks, Recreation, Beautification Advisory Board using the City Trust and Agency account would be acceptable.

Using a City account entails City staff depositing funds, budgeting and accounting for the funds, and processing purchase orders and accounts payable checks for the FOF. All transactions must comply with City policies as outlined in the City's Budget document, State law and GAAP. According to governmental accounting standards which go into effect on July 1, 2002 (GAS 34), City Council must be the ultimate governing body for the FOF and be able to impose its will on the FOF Board. Council is ultimately financially accountable for the FOF.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

McPolin Farm will remain as is, restroom facility for hikers and skiers on the trail.

RECOMMENDATION

Staff would like direction from City Council about whether they would like the Friends of the Farm (FOF) to use a City account or form a non-profit organization (501C3). Leisure Services staff and Friends of the Farm participants would also like a recommendation/approval from City Council regarding possible events planned at the McPolin Farm in the upcoming six (6) to eight (8) months and the direction this group is working toward.

DATE: April 18, 2002
DEPARTMENT: Planning Department
AUTHOR: Patrick Putt
Kirsten Whetstone
Brooks Robinson
TITLE: Planning Department Project Update
TYPE OF ITEM: Work Session

The Planning Department has prepared a brief update on the Flagstaff Mountain Resort, Land Management Code Phase 2 Amendments, and Hotel Park City Projects. Staff will be present at the Council work session on Thursday to give a presentation on these items.

Flagstaff Mountain Resort

On June 24, 1999, Council adopted Ordinance 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Ordinance 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

The Development Agreement specifies that only 147 acres of the 1,655 acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space. The Development Agreement further limits the mixed-use development in the Mountain Village area (Pods A, B-1, and B-2) to:

* No more than 705 Unit Equivalents in no more that 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.

* no more than 75,000 square feet of resort support commercial; and

* a maximum 35,000 square foot day skier lodge in Pod B-2.

Prior to construction, the applicant must receive site-specific MPD and final plat approval from the City. The Planning Commission takes action on MPD applications and forwards a recommendation to Council on subdivision plats.

Ordinance 20-99 also required that the applicant submit 14 specific technical reports for review and approval by the City. The reports include details on the following issues:

1. Mine/Soil Hazard Mitigation
2. Architectural Design Guidelines
3. Transit
4. Parking
5. Open Space Management
6. Historic Preservation
7. Emergency Response
8. Trails
9. Private Road Access Limitations
10. Construction Phasing
11. Infrastructure and Public Improvement Design
12. Utilities
13. Wildlife Management
14. Affordable Housing

The Planning Commission spent the summer and fall of 2001 reviewing the above-listed documents. The Commission approved the final reports on December 12, 2001. One final report that was adopted was the Construction and Development Phasing Plan. The Planning Commission, staff, and the developer spent considerable time discussing the issue of when development could begin in Pod "D", the single family pod located near the ridge above Pod "A". It was finally concluded in the approved plan that no vertical development in Pod "D" could commence until the following actions have taken place:

-approval of the Mountain Village Master Planned Development (MPD) application (including, but not limited to, the Alpine Club Phase 1, pulse gondola, transit hub, village ski runs, and related landscaping) and all related conditional use permits;

- approval of the Pod D MPD and subdivision plat;

-substantially complete, and bond for completion by December 25, 2004, the operation of the Alpine Club Phase 1 resort amenity package (including, at a minimum, a restaurant, bar, convenience store, landscaping, ski runs/pedestrian connections, and concierge's services operated by a management company). Phase 1 of the Alpine Club will consist of a minimum of 10,000 square feet of building area ;

-substantially complete, and bond for completion by December 25, 2004, the first phase of Alpine Club multi-family units as approved in the Mountain Village MPD;

-issuance of the building permit, and bond for completion by December 25, 2004, for the Mountain Village transit hub;

-issuance of the building permit, and bond for completion by December 25, 2004, for the pulse gondola; and

-commencement of construction of at least one multi-family building within the Mountain Village(as approved in the Mountain Village MPD) in addition to the Alpine Club multi-family units.

The 14 studies, along with the Land Management Code and the Development Agreement (99-30), form the standards which the subject MPD and preliminary/final plat will be reviewed. The applicant submitted a revised master planned development and preliminary/final subdivision application in November 2001. Phase 1 of the Flagstaff Mountain MPD includes:

* Right-of-Way Dedication Plats for the Guardsman Road Re-alignment

* Ten (10) Single-Family Lots *(ranging in size from 0.36 to 0.95 acres)*

* One (1) Empire Canyon Day-Lodge Lot *(1.3 acres)*

* Three (3) Multi-Family Lots for the 3 multi-family sites in Pod B-1
(Lot B: 17 acres; Lot C: 3.63 acres; and Lot D1.3 acres)

* One (1) Lot Subdivision for the Open Space Parcel at the entrance to the Mountain Village *(3.4 acres)*

During the Olympic break, a subcommittee consisting of the applicant's design team, staff, and Commissioners Chris Larson, Bruce Erickson, and Michael O'Hara began a review of the Phase 1 MPD and focused on the preliminary road layout for the mountain village (Pods A, B-1, and B-2) and a building height analysis for the project build-out using the base RD-zone 33 foot height limit. These items were reviewed at work session and public hearing on March 27, 2002. No public comment was received. The Commission concluded that:

1. The base RD-zone height analysis demonstrates that the maximum project densities set forth in Ord. 20-99 could potentially be constructed within the approved development pods with the necessity of a height increase above the 33-foot RD zone height limit; and

2. Building height increases for specific multi-family/resort-related buildings may be considered based on site specific reviews and compliance with the standards set forth in the Land Management Code's (LMC's) Master Planned Development section.

The Planning Commission did not make any specific determinations regarding the Village Road layout or Phase 1 MPD design pending a formal staff analysis. A staff analysis for the Phase 1 MPD and the Phase 1 preliminary/final plat was prepared and presented at the April 10, 2002 Planning Commission meeting. A complete copy of the report is attached to this memorandum. A public hearing was held. No public comment was received.

The primary issues that the Planning Commission discussed were:

- limits of disturbance;

- maximum house size;
- request for additional height for Building "H"/Lot D;
- trails construction versus a Guardsman Pass Road sidewalk;
- the need for a visual analysis of utilities disturbance; and,
- timing for the review process in Mountain Village.

The Planning Commission gave preliminary feedback that the proposed limits of disturbance for the 10-lot subdivision, and possibly the maximum house size for the wooded site in Pod B-1, may not comply with the CUP/MPD criteria. The Commission asked for additional visual analysis on utility/infrastructure disturbance and proposed Building H height. The Planning Commission deferred a discussion on the timing for the review process for development in the Mountain Village/Pod A until the April 24, 2001 meeting.

<u>Phase 2 Land Management Code Amendments</u>

A public hearing is scheduled for Phase 2 of the Land Management Code changes. Copies of the Phase 2 amendments are attached under separate cover. The following is brief outline of the upcoming issues for discussion.

On June 13 and September 22, 2001 the Planning Commission conducted public hearings on the draft revisions to the Land Management Code Chapters 6, 8, 10, 11, and 14. On November 14th the Commission held a public hearing on revisions to new Chapter 1 (General Provisions) incorporating the section from Chapter 8 regarding completion of site improvement work prior to the approval of plats or issuance of certificates of occupancy, and updating Chapter 15 (Definitions), in addition to the above mentioned Chapters. On November 14, 2001 the Planning Commission voted to forward to the City Council a positive recommendation on these proposed changes.

The City Council held a public hearing on November 29, 2001 to receive input on the revised Chapters. There was no public input. At the meeting the Staff suggested the Council consider the following additional revision:

4. Add the RC District to the Qualifying Property section for MPD's for Affordable Housing to allow these MPD's in the RC, Recreation Commercial District. Affordable housing MPD's are appropriate uses in this District, given the higher density, multi-family uses and resort support commercial uses permitted. The proximity of employment opportunities, public transportation, shopping, and recreation amenities makes the RC District a logical potential area for affordable/employee housing development.

Since the November 29, 2001 meeting, staff has had conversations with citizens and Council members regarding open space and affordable housing. Staff was asked to look further into two issues, including 1) the issue of allowing affordable housing MPD's in qualified properties within the E-Estate District and 2) concerning a reduction in the minimum open space requirement of 60%, for MPD's in the GC District.

Affordable Housing option in the E- Estate District

Previously, the Land Management Code contained language allowing a qualified property in the E (Estate) District, if it met the qualifications for a re-zone to RD (Residential Development), to be considered for an affordable housing MPD. Resolution 89-7 deleted language in the E (Estate) District regarding rezoning of qualified property to the RD. In reading the resolution, it is not clear whether there was an intent to disallow affordable housing MPD's from the Estate zone. Staff believes this may have been an unintended consequence of removing the qualifying language from the Estate zone. Staff recommends the Council discuss whether it is appropriate to allow affordable housing MPD's to be proposed in the Estate zone. Any application for such an MPD would have to meet all of the standards of the zone, the MPD criteria, and any other overlay requirements that apply (such as Sensitive Lands, pre-existing MPD's. etc.)

Minimum open space requirements in the GC (General Commercial) Zone

A total of 60% open space for Master Planned Developments has been a requirement in all zoning districts with the exception of affordable housing developments and projects within the General Commercial (GC) Zone. When revising the MPD chapter, the Planning Commission determined that the 60% open space requirement should also be applied to new development and redevelopment in the GC Zone because of the fact that it results in quality urban design and fairly applies the open space standard to all zoning districts. The Planning Commission found that the benefits and flexibility provided by the MPD process, including reduced interior setbacks, possible height increases for architectural variety, reductions in parking requirements for shared use/mixed use projects, and density bonuses justifies the 60% open space requirement.

Planning staff was asked to conduct preliminary research into open space requirements for site specific plans for redevelopment in commercial areas in other similar communities. Our research found that a minimum open space percentage is generally required for site specific MPD's and PUD's. The requirements range from 50% to 75%. Some places, such as Breckenridge, use a flexible approach, balancing open space requirements with provisions for other amenities, including allowing less open space in less-visible areas in exchange for greater landscape buffers with more quality landscaping along major streets and view corridors. In other resort communities, reductions in total open space in exchange for amenities, such as transit improvements, useable pedestrian plazas, public art, wider sidewalks and better pedestrian linkages to adjacent sites are considered.

Staff suggests that additional trade-offs to consider may include specific design standards such as requiring parking areas to be located behind buildings, pedestrian-enhanced entrances, increased landscape material sizes, use of water-efficient irrigation systems, and long-term landscape maintenance agreements/bonds.

The Planning Department is looking for direction on this matter. Staff suggests that if a "performance-based" MPD open space reduction in the GC Zone is to be considered, an absolute minimum open space requirement be established. The MPD open space requirement could be revised to allow the Planning Commission the discretion to the reduce the open space requirement on a GC Zone project (based on specific performance criteria) from 60% down to no less than “x%”. Exactly what those performance criteria are and what “x%” is should be a subject of public hearing before the Planning Commission and City Council.

The Historic District Commission Chapter (formerly known as Chapter 4)

In reviewing numerous rehabilitation and new construction projects in Old Town, Staff suggested revising Chapter 4 of the Land Management Code, which deals specifically with historic preservation. This was deemed by the HDC to be of immediate importance since it dealt with policy and procedure. The intent was to provide clarity regarding the formal design review process and procedure for various applications under the HDC's and Staff's purview.

On June 19, 2000, the HDC composed a draft document and forwarded it to the Planning Commission with a positive recommendation. On April 26, 2001, the Planning Commission reviewed and forwarded the proposed changes to the City Council with a positive recommendation. The latest review and public hearing on this matter by the City Council was conducted on September 13, 2001. At that time, public input was received and direction given by Council to encourage greater public input.

It is the intent of Staff to conduct a public workshop regarding the pending changes to this chapter, and return to the City Council sometime in late summer for further review and possible action. In the meantime, Staff has reformatted and re-numbered the existing Chapter 4 of the Land Management Code to match the other revised chapters, and is forwarding it to Council for adoption. No changes or modifications have been made to the existing provision of this section of the Code.

SUMMARY OF PHASE II REVISIONS:

Chapter 6- Planning and Zoning Administration (now Section 15- Chapter 14- Planning and Zoning Administration)

Changes to Chapter 6 are primarily administrative in nature. The Chapter has been reformatted and edited for consistency with the rest of the LMC and State Code.

Chapters 10 and 11- Master Planned Developments and MPD for Affordable Housing Projects (now Section 15- Chapter 6- Master Planned Developments)

This Master Planned Development Chapters have been reformatted, re-organized, and re-written to better reflect the goals and objectives of the City’s General Plan, as well as the purpose statement of this Chapter. There are three major changes, including 1) addition of a Citizen Participation Plan requirement for Large Scale Master Planned Developments, 2) clarification of open space definitions and requirements, and 3) clarification of the Unit Equivalent formula and definition. The Commission held public hearings on this Chapter on

January 24, February 28, June 13, and September 22, 2001 and discussed these changes in detail. Comments from the Planning Commission, the public, and the City Council are incorporated into the current draft.

Revised to be consistent with the current Affordable Housing resolutions, Chapter 11- Master Planned Developments for Affordable Housing has been incorporated into this new Chapter 6. No substantive changes have been made to the affordable housing section, with the exception of allowing a reduction in the amount of open space on a specific development site, provided that comparable amenities are provided instead. The clause regarding "qualifying properties that allowed Affordable Housing MPD's in the E-Estate District, was eliminated from the draft of Chapter 11 due to research by staff that indicated that Resolution 89-7 had in fact removed this language, although it was never physically removed from the text of the LMC.

Chapters 8 and 14- Supplemental Regulations and Child Care Regulations (now Section 15- Chapter 4- Supplemental Regulations)

Chapter 4 contains all supplemental regulations, including Child Care and Group Care regulations as old Chapter 14 was combined with old Chapter 8 to form this new Chapter. Chapter 4 includes regulations for Home Occupation Businesses; Secondary Living Quarters; Guest Houses; Accessory Apartments; Child Care and Group Care Facilities; Timeshare Projects and Conversions; Satellite Antennas and Telecommunication Facilities; Outdoor Display of Art; Setbacks for Unusual Lots; and Passenger Tramways. The section on Fences, Walls, and Berms has been left in this chapter until this language is moved into the Architectural Design Chapter when that chapter is revised.

New sections have been added regulating Lock Out Units, Guest Houses, Condominium Conversion, and Group Care Facilities. A comprehensive review of the State Administrative Code regulating Child Care has been conducted by staff, with revisions recommended to the Child Care section to be consistent with the State Code.

The sections regulating Substandard Lots; Reduced Site Requirements; Exceptions for Side, Front, and Rear Yard Setbacks; Exceptions to Height Provisions; CUP Review of Outdoor Speakers, Public Utilities, and Clear View of Intersecting Streets were removed and added to the individual zoning district sections of Chapter 7 in Phase I.

Completion of Site Work Requirements will be added to Section 15- Chapter 1-General Provisions. Information on Sale of Timeshare Units has been deleted as this is regulated by the State and Municipal Codes. Sections on Frontage Protection and Sensitive Lands requirements were moved to the Zoning District chapter as separate overlay districts in Phase I. No changes have been made to the current Telecommunications Facilities Regulations, as recently amended to include temporary facilities. A section on temporary structures, tents, and uses was added consistent with current City review policies and requirements.

Hotel Park City

Hotel Park City is proceeding apace with a scheduled completion of this year. The west end pro shop is nearing completion and should be ready for use by the end of the month. The driving range will also be open at the beginning of this season. The 18th hole reconfiguration will take place this spring/summer and may be ready for play by the end of the golfing season. Staff is finalizing the landscaping details and will be meeting shortly to discuss a monument sign. An application has been received to convert the project to a condominium and it is starting through the approval process. The City may receive applications later this year for the detached cottages, but it is not anticipated.

DATE: April 5, 2002

DEPARTMENT: Planning Department

AUTHOR: Patrick Putt, Planning and Zoning Administrator

TITLE: Flagstaff Mountain

TYPE OF ITEM: Administrative (MPD review)/Legislative (Plat review)

SUMMARY RECOMMENDATION: The Planning Department recommends the Planning Commission review the contents of this report and the applicant's proposals for limits of disturbance, maximum house sizes, and the additional height proposed for Building "H" on Lot D during the work session. Following the public hearing, staff is seeking direction on issues including limits of disturbance, maximum house size, additional height for Building "H"/Lot D; trails construction versus a Guardsman Pass Road sidewalk; the need for a visual analysis of utilities disturbance; and the timing for the review process in Mountain Village.

Project Name: Flagstaff Mountain Resort Phase 1 MPD & Preliminary/Final Plat

Applicant: Flagstaff Mountain Partners

Proposal: MPD and preliminary/final plat for Guardsman Rd. realignment/r-o-w dedication; 10 lot single-family subdivision; 3 multi-family lots, and open space lot; Empire Canyon day-lodge lot.

Location: Portions of UPCMC lands south of Old Town, west of Deer Valley Resort and east of Park City Mountain Resort. The property is presently accessed from Guardsman Pass Rd.

Zoning: RD-MPD and ROS MPD

Adjacent Land

Uses: Undeveloped Open Space; Ski Area/Resort Improvements

Date of Application: (revised) November 20, 2001

A. **Topic**: The focus of the April 10, 2002 meeting will be the Commission's review of Staff's analysis of the Flagstaff Mountain Resort Phase 1 Master Planned Development (MPD) and Phase 1 Preliminary/Final Plat. A public hearing is scheduled. Pod "D" is not part of this application.

B. **Background**: On June 24, 1999, Council adopted Ordinance 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Ordinance 20-99 granted the equivalent of a" large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

The Development Agreement specifies that only 147 acres of the 1,655 acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space. The Development Agreement further limits the mixed-use development in the Mountain Village area (Pods A, B-1, and B-2) to:

- No more than 705 Unit Equivalents in no more that 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
- no more than 75,000 square feet of resort support commercial; and
- a maximum 35,000 square foot day skier lodge in Pod B-2.

Prior to construction, the applicant must receive site-specific MPD and final plat approval from the City. The Planning Commission takes action on MPD applications and forwards a recommendation to Council on subdivision plats.

Ordinance 20-99 also required that the applicant submit 14 specific technical reports for review and approval by the City. The reports include details on the following issues:

Mine/Soil Hazard Mitigation
Architectural Design Guidelines
Transit
Parking
Open Space Management
Historic Preservation
Emergency Response
Trails
Private Road Access Limitations
Construction Phasing
Infrastructure and Public Improvement Design
Utilities
Wildlife Management
Affordable Housing

The Planning Commission spent the summer and fall of 2001 reviewing the above-listed documents. The Commission approved the final study on December 12, 2001.
The 14 studies, along with the Land Management Code and the Development Agreement (20-99) form the standards which the subject MPD and preliminary/final plat will be reviewed.

During the Olympic break a subcommittee consisting of the applicant's design team, staff, and Commissioners Chris Larson, Bruce Erickson, and Michael O'Hara focused on a review of the preliminary road layout for the mountain village (Pods A, B-1, and B-2) and a building height analysis for the project build-out using the base RD-zone 33 foot height limit. These items were reviewed at work session and public hearing on March 27, 2002. No public comment was received. The Commission concluded that:

1. The base RD-zone height analysis demonstrates that the maximum project densities set forth in Ord. 20-99 could potentially be constructed within the approved development pods witout the necessity of a height increase above the 33-foot RD zone height limit; and

2. Building height increases for specific multi-family/resort-related buildings may be considered based on site specific reviews and compliance with the standards set forth in the Land Management Code's (LMC's) Master Planned Development section.

The Planning Commission did not make any specific determinations regarding the Village Road layout or Phase 1 MPD design pending a formal staff analysis. This staff report outlines staff's preliminary analysis of the MPD and preliminary/final plat application and forms the framework for the public hearing and Planning Commission discussion.

C. <u>Proposal</u>: The applicant seeks Master Planned Development (MPD) and preliminary/final plat approval for Phase 1 of the Flagstaff Mountain Resort. Phase 1 of the Flagstaff Mountain Resort consists of the following:

* Right-of-Way Dedication Plats for the Guardsman Road Re-alignment

* Ten (10) Single-Family Lots *(ranging in size from 0.36 to 0.95 ac.)*

* One (1) Empire Canyon Day-Lodge Lot *(1.3 acres)*

* Three (3) Multi-Family Lots for the 3 multi-family sites in Pod B-1
(Lot B: 17 ac.; Lot C: 3.63 ac.; and Lot D1.3 ac.)

* One (1) Lot Subdivision for the Open Space Parcel at the entrance to the Mountain Village *(3.4 acres)*

<u>The Guardsman Road Realignment and Dedication</u>: The right-of-way (ROW) plats will formalize and dedicate for pubic use a re-aligned Guardsman Road. This alignment is consistent with that shown in the Development Agreement, Exhibit “H”. The proposed ROW is 50’ wide and extends from the existing U-224 ROW, near the Guardsman Connection Road, around Pod A, and to the newly constructed roundabout at Pod B-2 adjacent to the Empire Canyon Day Lodge. The ROW dedication also includes the new road connection made from the Day Lodge up to the existing Guardsman Road.

The realigned Guardsman Pass Road will be dedicated for public use. A master homeowners association(MHOA) will be formed and will, by contract, participate in all road maintenance expenses which exceed normal City costs.
The Ten (10) Lot Single Family Subdivision: Ten single-family lots are proposed ranging in size from 0.36 to 0.95 acres. All lot improvements will be subject to the Flagstaff Mountain Resort Design Guidelines. Minimum setbacks for all lots are to be regulated by the underlying RD zoning minimums. A front yard setback reduction is proposed to 15’ from the standard of 25’ for 6 of the 10 lots. This will create the opportunity to reduce site excavation / impacts and potentially protect more significant existing vegetation. The Planning Commission may grant such a front-yard setback reduction for subdivisions in the RD zone if such a reduction better accommodates access to steep lots; preserves significant vegetation, eliminates or minimizes cut/fill areas; promotes clustered development, or preserves open space.

A maximum house size of 10,000 square feet is proposed. The second floor square footage area will be limited to 67% (two-thirds) of the total first floor area. Maximum heights are to be governed by RD zone standards and the Flagstaff Mountain Resort Design Guidelines. Covenants, Conditions and Restrictions (CC&Rs) will be proposed that will deal with site and home improvements as well as any ski-in access. The subdivision will have its own Home Owners Association (HOA) in addition to the MHOA mentioned previously. The MHOA will enforce the approved CC&Rs and perform architectural design review of all lot improvements.

A maximum disturbance limit will be specified for each lot. All site disturbance is exclusive of driveway and utility connections. The specific details on the disturbance limits will be presented to the Planning Commission at the April 10, 2002 meeting. The 2-cul-de-sacs serving the 10-lots will be private right-of-ways and maintained by the HOA. A resort ski trail that will provide public hiking and biking access will be platted through the subdivision.

Lot A (Empire Canyon Day Lodge): A parcel of land was deeded to Deer Valley Resort Company prior to construction of the Day Lodge. The plat will formalize this property as a Lot of Record and create the access and utility easements for facilities currently in place or that are presently planned.

Lots B, C, and D: The proposed plat will create three multi-family sites in Pod B-1 and Pod A. All lot improvements will be subject to the Flagstaff Mountain Resort Design Guidelines. Building setbacks will be regulated by standard RD zone minimums with special increased varied setbacks that respond to site constraints, proposed ski runs, easements, and uses. All development on these lots will require detailed design drawings in support of further required Conditional Use Permits. The plats for these parcels will include and formalize the easements for the proposed public trails traversing these sites.

Lot B is proposed for 18 (36.0 UEs)-detached, single-family PUDs with garage parking. Vehicle circulation will be private and internal to the site with only one point of access to Guardsman Road. A secondary emergency access will extend into Empire Canyon. Standard RD zone height allowance will govern. A resort ski trail, sewer main, and the 8000 ft. Trail will traverse this site.

Lot C is proposed for 25 (47.5 UEs)-attached, multi-family townhouses. Vehicle circulation will be private and internal with only one point of access to Guardsman Road aligned with the access point to Lot B. Standard RD zone height allowance will govern. A resort ski trail, utility, and the 8000 ft. Trail will traverse this site.

Lot D is proposed for 22 (28.25 UEs)-attached, multi-family condominiums stacked over common parking garages. A small commercial facility (approx. 2900 sq. ft.) is proposed for this site adjacent to ski trails and the northside chairlift. Vehicle circulation will be private and internal with only one point of access to Guardsman Road. The northeastern boundary is also the centerline of a 44' wide, private road and utility easement. This easement standard is proposed to extend throughout the future Upper Mountain Village portion of Pod A and has been a standard used in the recent condominium plats. A Planning Commission approval of specific volumetric, and height allowances will govern. A resort ski trail, utility, and the 8000ft. Trail will traverse this site.

Included in Lots C & D will be two (2) employee housing studio units.

Lot E: The proposed plat will create a 3.4 acre open space parcel that will formalize an eastern limit to the proposed Mountain Village. Final ownership of this parcel will be either the MHOA or Deer Valley.

D. Analysis:

Master Planned Development Review

Staff has performed a preliminary review of the proposed Master Planned Development per the pending Land Management Code Section 15-6-5: Master Planned Developments—MPD Requirements.

Density: The proposed Phase 1 MPD complies with the maximum density permitted for the Pods A, B-1, and B-2. The Development Agreement sets forth a maximum density of 705

Unit Equivalents (in no more than 470 units) in the Pods A, B-1, and B-2. The Phase 1 MPD *(which proposes 18 PUD-style single-family units, and two (2) multi-family structures totaling 47 units)* utilizes 127.75 UEs:

16 Single-Family Lots:	16.0 UEs
Lot B (18 PUD-Style SFDs):	36.0 UEs
Lot C (25 MF Units):	47.5 UEs
Lot D (24 MF Units):	28.25 UEs
	127.75 UEs

Setbacks: The LMC requires a minimum 25-foot setback around the exterior boundary of a master planned development. This requirement will apply to the PUD-style

single-family units on proposed Lot B and future multi-family structures on Lots C and D.

Length of Approval: Per the LMC, approval of the proposed MPD will be memorialized through a separate development agreement. Construction of the approved MPD will be required to commence within two (2) years of the Development Agreement execution date. After construction commences, the MPD remains valid as long as it is consistent with the approved development agreement and any phasing plan.

MPD Modifications: No modifications to the proposed MPD are anticipated at this time. Substantive changes to the any MPD requires a subsequent Planning Commission review and approval of the MPD and Development Agreement.

Site Specific Approvals: Conditional use permit approval will be required prior to the construction of the PUD-style single-family units on Lot B and the multi-family units on Lots C and D. No conditional use permit is required for the proposed 10 single-family lots. Approval and recordation of the subdivision plat, as well as City Engineer approval of all public improvements is necessary prior to construction of the proposed subdivision.

Setbacks: The proposed application complies with the LMC requirement specifying that a minimum 25-foot setback be provided around the exterior boundary of the MPD. Phase 1 of the Flagstaff Mountain Resort MPD is bound on 3 sides by ROS-MPD and on the east side by the Mountain Village (Pod A). The Mountain Village is contiguous to ROS-MPD designated land.

Open Space: The Development Agreement (Ord. 20-99) limits the overall development to 147 acres out of the 1,655 acre project area. The 88% open space provision exceeds the normal 60% open space requirement set forth in the LMC.

Off-Street Parking: The Parking and Transit Management Plans (adopted by the Planning Commission on October 24, 2001) establish specific parking requirements for the project area which include a 25% parking reduction from the normal LMC requirements for multi-family and commercial units. Parking for all single-family and PUD-style single-family units will meet or exceed the two-space/unit requirement. Specific parking requirements for the multi-family units on Lot C and the multi-family units and commercial area on Lot D will be subject to more-specific analysis during the conditional use permit review process.

Staff has recently met with the applicants regarding the issue of parking for Brighton Estates' homeowners who snowmobile to their residences located outside the MPD project area. In lieu of the creation of an additional exterior parking area within the MPD boundary, the applicants have agreed to provide an off-street area for authorized Brighton Estates' homeowners to temporarily park their vehicles and snowmobile trailers. The proposed parking area is to be along the shoulder of the new Guardsman connector road above the Empire Canyon Day Lodge in Pod B-2. The intent is to improve the road platform wide enough(without significant loss of trees) to accommodate a vehicle and trailer. This being considered as an interim step to solving the Brighton Estates parking issue until such time as a permanent solution can be reached. The provision for the proposed interim Brighton Estates parking will be a condition of approval for the MPD and plat.

<u>Building Height</u>: The single family and the PUD-style single family units will be constructed pursuant to the 33' RD-zone height limitation. Parcel D is requesting additional building height pursuant to the LMC, Section 15-6-5(E): Building Height. To grant this additional height the Planning Commission must make the following findings:

Finding (1) "The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and density, including requirements for facade variation and design, but rather provides desired architectural variation."

Finding (2) "Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated to the extend possible as defined by the Planning Commission;"

Finding (3) "There is adequate landscaping and buffering from adjacent Properties and uses. Increased Setbacks and separations from adjacent projects are being proposed;"

Finding (4) "The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable."

The proposed building for Lot D (Building "H") has been used by the applicant during numerous presentation to illustrate how building volumetrics will be addressed; however the Staff or the Planning Commission have not made any formal determinations whether or not the proposed massing meets the four aforementioned criteria. More specific details are necessary as to the amount of the additional height is being requested.

In its preliminary analysis, staff is willing to consider additional height for the proposed building on Lot D due to the facts that:

* The applicant is not proposing additional units/unit equivalents beyond what is permitted under the Large-scale MPD and Development agreement; and

* Lot D is heavily vegetated with aspen. Additional height, in lieu a lower building and larger building footprint may help preserve existing aspen and provide a greater buffer from future adjacent buildings.

Staff feels that prior to making any final findings on the additional height for Building "H" on Lot D, the applicant should provide more specific information as to the maximum building height proposed and the specific nature of the proposed volumetric. The Planning Department also recommends that the applicant provide supplemental information/visual aides which demonstrate that the proposed building volumetric will not adversely affect future adjacent building sites due to shadow and loss of solar access. Staff further recommends that a visual analysis of proposed Building "H" be provided from the subcommittee vantage points–Stein's Lodge deck, Guardsman Road Connection, south entrance to the Marsac Building, King Road, and the Daly West head frame.

Site Planning: The eleven site planning criteria outlined in the LMC are intended to promote overall design which incorporates the development into the site's natural characteristics. Given the limited scope of the application, i.e. a ten (10) lot single-family subdivision, three (3) multi-family lots, the Empire Canyon Day Lodge lot, an open space lot, and the realigned Guardsman Road right-of-way, much of the site-specific details of the future development (multi-family and PUD-style structures on Lots B, C, and D) will remain the subject of subsequent conditional use permits. It is premature for staff to speculate on the degree site grading and vegetation preservation on Lots B, C, and D. At this time.

Generally, the location of the proposed development parcels is consistent with the development pods approved as part of Development Agreement (Ord. 20-99) and Large-Scale MPD which clustered the development onto less-steep terrain and in the least visually sensitive areas. The open space areas designated in the Development Agreement (Ord. 20-99) are respected with this plan.

The roadway and retaining wall systems have been designed to minimize cut and fill as much as possible. The primary design objective for the roadway/retaining wall system is to develop a road which complies with the City Engineering Standards, minimizes the road section's width of disturbance, and preserves as many of the major stands of conifers as possible. There are eight (8) major retaining wall systems proposed along the realigned Guardsman Road. All the retaining walls are downhill wall systems and range from 3 feet up nearly 30 feet in height. Given the downhill walls often act to preserve large stands of conifers, the views of the walls are buffered by the trees. Staff has reviewed the visual analysis of the roadway system as viewed from the subcommittee vantage points and finds that visibility of the roadway and retaining walls are limited. The tallest retaining wall system is not visible from any of the subcommittee vantage points.

Existing and new trails are accommodated with the proposed plan. The new 8000 ft. Trail will be constructed this season through the project site. A portion of the Tour Des Suds Trail will be rerouted below the new Guardsman Pass Road. All work is to be coordinated with the Mountain Trails Foundation. The proposed trail work is consistent with the Trails Master Plan adopted by the Planning Commission on October 24, 2001.

Internal vehicular and pedestrian circulation for the individual development parcels will be evaluated during the conditional use permit process. Snow storage, landscaping, recycling, delivery access, and ADA access for multi-family units will also be analyzed during the subsequent conditional use permit process.

The limits of disturbance (LOD) for the ten (10) single-family lots will require further review and discussion. The single-family subdivision is heavily wooded, lot sizes are relatively small (0.36-0.95 acres), and the proposed house size is a 10,000 square foot maximum. Great care must be taken to maintain wooded character of the site. As of the date of this report, the applicant's design team is developing a revised proposal for establishing LOD square footage maximums for each lot in lieu of platted LOD boundaries. Staff supports the maximum LOD square footage concept. In conjunction with the LMC's RD-zone requirements for significant vegetation identification and preservation (Section 15-2.12-10), the Planning Department finds that establishing LOD square footage maximums will allow greater design flexibility and minimize the need for plat amendments necessary to accommodate reasonable single-family home designs and tree preservation. Staff recommends that the applicant's LOD proposal be reviewed at the April 10, 2002 work session. Following the public hearing, the Planning Commission can give specific direction. Any necessary modifications can be made for review at the next meeting.

<u>Landscape and Streetscape</u>: Landscaping, streetscape, and lighting will be reviewed for the multi-family and PUD-style single-family lots during the subsequent conditional use permit process. The applicant will need to clarify the amount and type of street lighting proposed along the residential streets. The lighting must comply with the City Engineer's specifications,

the Municipal Lighting Code, and the Flagstaff Mountain Resort Design Guidelines adopted by the Planning Commission on October 24, 2001.

Sensitive Lands Compliance: The Sensitive Lands (overlay) Zone did not specifically apply to the Flagstaff Mountain Resort (Large-Scale MPD) and annexation; however, the locations of the development pods are based on Sensitive Lands principles.

Employee/Affordable Housing: Pursuant to the Flagstaff Mountain Resort Employee/Affordable Housing Plan, 15 employee/affordable housing units are required to be constructed or in-lieu fees paid with the Certificate of Occupancy of 150 Unit Equivalents. A total of 129.75 UEs are proposed in the Phase 1 MPD, therefore, no employee units are specifically required with this phase. Two (2) employee housing studio units are proposed to be incorporated into the multi-family structures on Lots C and D. Review of the employee housing units and specific conditions of approval will take place at during the conditional use permit review process.

Subdivision Regulations

Staff has performed a preliminary review of the proposed preliminary/final subdivision plat per the LMC, Section 7.3-2: Subdivisions—Requirements For Improvements, Reservations.

Limits of Disturbance/Vegetation Protection: As previously discussed in "Site Planning" section of the MPD analysis above, The limits of disturbance (LOD) for the ten (10) single-family lots will require further review and discussion. A LOD plan for development on Lots B, C, and D will also be necessary during the conditional use permit process. Staff supports the maximum LOD square footage concept. In conjunction with the LMC's RD-zone requirements for significant vegetation identification and preservation (Section 15-2.12-10), the Planning Department finds that establishing LOD square footage maximums will allow greater design flexibility and minimize the need for plat amendments typically associated with modifying platted LOD boundaries. Staff recommends that the applicant's LOD concepts be reviewed at the April 10, 2002 work session. Following the public hearing, the Planning Commission can give specific direction. Any necessary modifications can be made for review at the next meeting.

<u>Ridge Line Development</u>: as discussed in the MPD analysis section above, the Sensitive Lands (overlay) Zone did not specifically apply to the Flagstaff Mountain Resort (Large-Scale MPD) and annexation; however, the locations of the development pods are generally consistent with Sensitive Lands Zone principles.

<u>Open Space</u>: The Development Agreement (Ord. 20-99) limits the overall development to 147 acres out of the 1,655 acre project area. The 88% open space provision exceeds the normal 60% open space requirement set forth in the LMC.

<u>Roads</u>: The City Engineer has completed a preliminary review of the proposed road layout and retaining wall system. The designs are in general conformance with the City Engineering Standards. Specific comments regarding the designs have been forwarded to the applicant's engineers. Final City Engineer approval of the road and retaining wall designs are a requirement prior to the issuance of any grading or building permit.

As previously mentioned in this report, the realigned Guardsman Pass Road will be dedicated for public use. A master homeowners association(MHOA) will be formed and will, by contract, participate in all road maintenance expenses which exceed normal City costs. This understanding will be memorialized in a finding of fact and condition of approval

<u>Utilities and Drainage Ways</u>: The City Engineer has completed a preliminary review of the proposed utilities and drainage ways. The designs are in general conformance with the City Engineering Standards. Specific comments regarding the designs have been forwarded to the applicant's engineers. Final City Engineer approval of the utility and drainage plans are a requirement prior to the issuance of any grading or building permit.

Staff recommends that a visual analysis of the proposed vegetation disturbance created by the installation of the project utilities be provided by the applicant and reviewed by Staff and the

Planning Commission. Staff recommends using the subcommittee vantage points–Stein's deck, Guardsman Road Connection, south entrance to the Marsac Building, King Road, and the Daly West head frame. An analysis of the vegetation loss due to water lines, water tanks, and sewer lines will be critical in determining a finding of compliance with the MPD site planning and subdivision development standards. If the visual analysis indicates an inordinate amount of disturbance, additional revegetation measures may be required.

Trails and Sidewalks: The Subdivision Code requires that sidewalks included within the dedicated non-pavement right-of-way of all roads unless an alternative location has been specifically approved by the Planning Commission. In certain cases, pedestrian paths may be permits. As discussed in the MPD site analysis above, the new 8000 ft. Trail will be constructed this season through the project site. A portion of the Tour Des Suds Trail will be rerouted below the new Guardsman Pass Road. Staff supports the timely development of the new 8000 ft. trail and the realigned Tour Des Suds Trail in lieu of a sidewalk in the new Guardsman Pass Road right-of-way. Planning Commission input on this matter is requested. This provision will require that the Planning Commission make a specific finding of fact that the project and general public is better served by the two trails than a Guardsman Pass Road sidewalk. Staff recommends that a condition of approval be adopted that the new trail work be completed or bonded for completion by the end of the 2002 building season. Staff further notes that new trail work in lieu of the Guardsman Pass Road sidewalk does not reduce or minimize the need for sidewalks/formal pedestrian connections which are determined necessary during the site-specific conditional use permit reviews for Lots B, C, and D, as well as the remainder of the Mountain Village.

Architectural Standards: Development within the project area is subject the LMC architectural design review standards and the Flagstaff Mountain Resort Design Guidelines adopted by the Planning Commission on October 24, 2001. Staff is more than satisfied that the above-specified guidelines will provide clear expectations for quality architecture within the project area.

Lot Arrangement and Lot Dimensions: The proposed lot arrangement, lot sizes, and lot dimensions comply with the standards of the Subdivision Code.

Building Sites and Maximum Building Sizes: The proposed building sites are consistent with the development pods approved in the Large-Scale MPD and Development Agreement. Due the fact that the majority of the proposed development lots are heavily vegetated, specific limits of disturbance should be defined and specified in a maximum square footage of disturbance per lot/development site (see previous LOD discussion in the MPD analysis' site planning section. The LMC authorizes the Planning Commission to designate maximum building square footage in visually sensitive areas. Staff feels a detailed review and discussion of the applicants Limit of Disturbance proposal should occur prior to making a definitive decisions on further limiting house/building sizes beyond that proposed by the applicant.

E. Recommendation: The Planning Department recommends the Planning Commission review the contents of this report and the applicant's proposals for limits of disturbance, maximum house sizes, and the additional height proposed for Building "H" on Lot D during the work session. Following the public hearing, Staff seeks input from the Planning Commission on the following items:

- limits of disturbance
- maximum house size
- request for additional height for Building "H"/Lot D
- trails construction versus a Guardsman Pass Road sidewalk
- the need for a visual analysis of utilities disturbance
- timing for the review process in Mountain Village.

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 28, 2002

Present: Mayor Dana Williams; Council members Peg Bodell, Kay Calvert, Candace Erickson, and Fred Jones

Toby Ross, City Manager; Rick Lewis, Community Development Director; and Frank Bell, Olympic Director

Colin Hilton, SLOC; Valorie Reed and Bill Malone, Park City Chamber/Bureau; Doug Hollinger, Pendleton Store; Tim Mertens, Destination Sports, and Kim McClellan, Deer Valley Lodging

Absent: Council member Jim Hier

1. **Council questions/comments.** In response to a request from Councilman Jones regarding Olympic legacy projects, Rick Lewis reported that approval from the Historic District Commission is required for the sculpture at the Kimball Art Center. Staff is developing a plaque program denoting special Olympic occurrences which will include the resorts. The temporary Coke building in Miners Park will have to be removed because it doesn't meet the standards of a permanent structure; materials will be donated to Recycle Utah. Mr. Jones understood that a segment of Main Street wanted to keep the white lights and Mr. Lewis pointed out the large maintenance expense involved. Ms. Bodell felt that the neighborhood hasn't been involved and understood there was a time limit to display the lights. Candace Erickson believed that the lights were secured on structures in the event merchants could fund them and didn't think there were restrictions. The City Manager interjected that there would need to be a policy determination in order for the lights to remain, but support should be determined before that occurs. There was discussion on the provision in the LMC governing lights and the City Attorney believed the date is April 15. Ms. Bodell also felt that the time

has lapsed for the display of the sculpture at the KAC and there needs to be a *drop-dead* date. Mr. Lewis explained that the City received an application from KAC last night and if it is complete, could be heard by the Historic District Commission in April. The City requested a survey to determine exact locations of enhancements, which delayed the application submission.

Mr. Jones asked about plans for the Scottish Power site, and Toby Ross explained that as a part of staging the bridge construction materials on the site, PCMR agreed to landscape the site as soon as weather permits. In response to a question about formulating a strategy for Community Vision meetings, the City Manager continued that a work shop is being scheduled May 13 - 15, and this would be an appropriate topic as approximately four months lead time is required.

Peg Bodell reported on the Leadership session. At the Friends of the Farm meeting, installing an Olympic cauldron on the grounds was suggested. There was discussion about the final locations of cauldrons and the possibility of having one donated to the City. Kay Calvert pointed out the complaints about speeding on Old Ranch Road so the problem is more widespread than Park City, and is curious about the speed monitoring conducted in Park Meadows by the Police Department. The Mayor stated that he has the numbers and will report them at the regular meeting. He added that we received a thank you for our Olympic hospitality from the city of Tooele. He read excerpts from a letter from the New York ground zero group thanking the citizens in Park City for a wonderful vacation.

2. **Olympic update.** Frank Bell felt that a portion of the success of the Olympics was due to the dedication of staff and volunteers, fine weather, and extraordinary performances of the athletes. Meeting our goals can also be attributed to the years of painstaking planning and all of the experiences gained from other hosting communities. The benefits and memories are short-term and Olympic legacies need to be determined through planning with a wide variety of agencies and local businesses now, beginning at the city government level. The post Olympic legacy is currently on the table and it is hoped that this

discussion will trigger potential action items so that our success will carry on far into the future. He added that this will be a topic at Council's work shop in May.

Colin Hilton, SLOC, stated that ticketed spectators in the Park City area totaled close to 500,000 which generated about $33 million in ticket revenue alone. There were many sell-outs at the venues and UOP saw close to 300,000 of the 500,000 there over 16 days and 19 events. There were no major security or medial incidents. Mr. Hilton continued that for the three venues in Park City, there were 6,382 staff, volunteers, and contractors; 3,300 alone for UOP, 1,200 at Deer Valley Resort, and 1,100 at PCMR, not including the Main Street celebration. He relayed interesting statistics on the amount of construction materials, hours of performances, decorations, food, etc. required at the venues. With regard to transportation at the UOP lot, there were close to 100,000 cars parked over the course of the competition and at the US40 lot close to 53,000 cars. Separate from the Park City transit system, SLOC moved 457,547 passengers from US40 and use of public transit was integral to the success of the Games. He recognized the cooperative efforts with agencies, cities, counties and SLOC over the course of years of planning. They heard not only great things from the spectators, but also from the athletes and media, who arrived in Utah with preconceived notions. The media was *blown away* by how knowledgeable and helpful the staff and volunteers were and astonished by the level of organization for these Games compared to prior events. He believes there are many *ambassadors* going back to their home countries to share great experiences about Park City. The Olympics brings people together and forges new relationships and more coordination efforts, which is a benefit to draw upon. A common project to rally behind has always been a unifying force and over the last three years, this has provided great opportunities for agencies and cities to continue good relationships and joint projects.

Valorie Reed, Park City Chamber/Bureau, stated that her job was to execute an Olympic sales marketing campaign; it was funded for three years by the Restaurant Tax Committee. This was separate from other Chamber programs and designed to help mitigate anticipated downs in business levels prior to February, and to formulate programs to capitalize on the Games to create a legacy. The Park City Media Center was created as a working facility for the accredited and unaccredited press in the Main Street Mall. The media was very happy with the center and all services from computers, office supplies to purchase, etc. were provided. She found that journalists were self-sufficient and already had their story ideas determined when they arrived. The CNN family was housed there and broadcasted over 365 shots from Park City during the Games which is exposure we couldn't hope to purchase. German TV produced 100 international feeds which is a huge winter and summer market for the Chamber. There were 11 Park City clips on the Tonight Show and the Chamber staff believes the media center accomplished more than what was hoped for and created a great environment for people who will be returning. There were 185 volunteers that manned the various information booths who handed out over 95,000 brochures. Ms. Reed added that the third program was a hosting program bringing in 23 top corporate meeting planners, media and tour and travel operators with the goal of reaching these new outlets for the future of tourism.

Bill Malone, Chamber/Bureau Executive Director, emphasized that if it were not for Restaurant Tax funds, many Olympic programs would not have been possible. Funded projects included the fireworks at $80,000; white lights on Main Street $43,000, kick-off concert at $50,000; 100 day count-down celebration $16,000; $20,000 for enhancing the entertainment on Main Street; Olympic Torch relay $2,000; $10,000 for ice sculptures and another $13,000 for printing the celebrations guide. It took two years of applying for Restaurant Tax funds to secure these revenues. He explained an intercept survey they conducted involving 488 respondents who traveled greater than 100 miles to the Olympics. George Washington University has surveyed eight Olympics and the Chamber worked with them to design questions pertinent to Park City. Of those surveyed, 56% reported that they had previously skied in Utah. The average daily shopping showed spending between $101 and $500. When asked if they would return to Park City as a tourist, 41% responded highly likely and 37% likely to return; 88% are highly likely to recommend Park City to friends and families. He added that 84% of those surveyed reported having prior knowledge of Park City and when asked if their opinion of Park City changed for the better or the worse, 48%

reported it had changed for the better and 49% had reported that their opinion had not changed. He described the profile of the visitors. Over 75% visited Main Street's celebration and 71% rated it a 4 or a 5 out of 5 regarding its entertainment and 72% rated it a 4 or 5 regarding its displays and exhibits. The Executive Director noted that the Restaurant Tax applications are due tomorrow and the Chamber is trying to portray that there is a logical next step to turn the recent media exposure into business. Their application is to fund a program targeting major markets prior to the ski season. They will also have a heavy presence at consumer and travel agent ski shows this fall which will have an Olympic tie. He described the *traveling road show* which will have a Main Street look and feel tying into the Olympic experience and targeted to the media.

Mayor Williams asked if there is any data on Utah visitors to the Games and Mr. Malone suggested that this information could be obtained from ticket sales. Bill Malone pointed out that his Board of Directors set aside $400,000 in anticipation of a down-turn, which is designed to fund a significant marketing presence, including the international market and specifically mentioned an interest in Mexico, Argentina and Brazil. He relayed that during the Games, competing destination resorts seemed surprised at our product and its appeal to visitors. In response to a question from Peg Bodell about doing anything different for the celebration, Mr. Malone responded that what he *would do again* is the white lights on the buildings which created a backdrop for evening media coverage that may not have occurred had it not looked that way. The Mayor commented on the success of closing Main Street and residents and visitors using public transportation. The Council has discussed continuing car-free events and Bill Malone pointed out the importance of critical mass. Next season, the Chamber would like to use Main Street as a medals plaza for the Freestyle Championships as well as entertainment and fireworks. The Mayor mentioned a sister-city prospect with a community in South Korea bidding for the 2010 Olympics who are very interested in networking with Park City. He reiterated the importance of attracting Utah visitors and Mr. Malone indicated that perhaps the Board could look at setting aside some funding for enhancing relationships with other communities.

Doug Hollinger, owner of the Pendleton Store on Main Street, admitted that they had some doubts about the Games, but stated that they couldn't have had a better experience. About 30,000 people visited his store in a 17 - 20 day period and there were a lot of people from Utah. He emphasized that law enforcement did a fabulous job not only on the streets, but manned stores where merchants were nervous about shop lifting. Visitors were pleasant and anxious to exchange personal information. He thanked everyone; it couldn't have worked better for them. Mr. Hollinger discussed product mix and in response to a question from Kay Calvert, stated that they exceeded their revenue expectations. He felt they would do the same as last year, but actually experienced a 28% increase over what they estimated. He mentioned several other merchants who had a very profitable month.

Frank Bell envisioned formulating an action plan capitalizing on the Olympic investment in the spring and summer.

Tim Mertens, Destination Sports, echoed Mr. Hollinger's comments and pointed out the positive impact of the volunteers and great attitude of the visitors. He was busy but had a great time. Law enforcement and the Main Street celebration were incredible and the transit plan must have demanded a lot of planning. He agreed that having the right merchandise, owners being there, and flexible hours spelled success. He predicted a 20% decrease in retail and 40% decrease in rentals, but the store was up roughly 47% over last year. They would have done better if they could have obtained more merchandise. It was a great party. Mr. Mertens discussed his small food operation which he decided to continue after the Games.

Kim McClellan, Deer Valley Lodging, stated that the occupancy during the Games was about 88%; vacancies occurred primarily in the larger condominium units because the majority of lodging requests were from small parties. Rates decreased as the Games approached and there were many savvy consumers who waited and were easily accommodated. It was challenging to manage expectations from owners who felt that their properties were worth considerable amounts of money. Guests were basically looking for a place to sleep. Owners who struck deals before 9-11 did the best along with hotels working with SLOC early in the process, and owners charging fair prices.

Fred Jones agreed with several comments that the real challenge is where we go from here to capitalize on the Games. Our challenge now is to come up with another common goal among entities and to develop a five year plan which needs to be bold and comprehensive. He believes the Council needs to discuss this as a group but the process needs to proceed now. Bill Malone expressed the Chamber's willingness to participate so their goals are not formed in a vacuum or conflict with livability. Peg Bodell pointed out the importance of creating the same experience that visitors saw in person or on television.

Kim McClellan added that it was a surprise to find that Deer Valley Lodging continued to receive reservations all the way up to and through the Olympics, rather than having things in place in January. People spontaneously made travel arrangements after watching the Games on television, which was not expected. Overall, the Olympics went smoother than anticipated with regard to traffic and access. They are seeing visitors booking earlier this year for next season and he believed the lodging community will take a more proactive approach to marketing next year to try to capture business that has eroded over the past few years. Candace Erickson complemented Bill Malone and his staff for taking on the enormous task of creating a media center. When SLOC decided not to use City Park as an Olympic Village, it still paid the City and assisted the City with supporting entertainment. Frank Bell felt that the ideas from this meeting will be helpful for later Council discussions.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 28, 2002

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 28, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, and Fred Jones. Jim Hier was excused. Because of a conflict of interest, Kay Calvert excused herself and left the meeting when the appeal was heard. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Matt Twombly, Parks Planner; and Brooks Robinson, Planner

II PUBLIC INPUT

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

Main Street bulb-out project - Tim Mertens, representing the HMBA Board of Directors, referred to a letter from the Alliance supporting the continuation of the 1998 Downtown Action Plan, specifically the Main Street bulb-outs. In June 2000 when the first ones were constructed, the HMBA conducted a survey and found that 84% approved and only three businesses did not approve because of the loss of parking spaces. He encouraged Council to follow through on all of the recommendations of the Plan, including parking. He understood the City has revenue from refinancing RDA bonds and requested that these funds be allocated to downtown revitalization. John Sutton, Board member, supported Mr. Mertens comments. See New Business.

III COMMUNICATIONS FROM COUNCIL AND STAFF

There was discussion about opening the skate park. The City Manager discussed the proposed format of the Council work shop scheduled in May.

Park Meadows traffic survey - The Mayor referred to a report, prompted by a petition from Park Meadows residents, regarding speeding. The Police Department monitored speeds in the neighborhood from March 14 through March 27. The number of cars totaled 1,260, average speed 25.5 mph; there were 15 stop sign violations, and 20 speeding citations given for 10 mph or more over the speed limit. He stated that 95% of the citations were given to full-time residents of Park Meadows. He thanked the Police Department for stepping up enforcement efforts and emphasized that the buses were clocked at 23 mph, despite allegations from residents of buses speeding. The Mayor pointed out that there will be increased police presence on the Mine Road.

IV WORK SESSION NOTES OF MEETING OF MARCH 7, 2002

Peg Bodell, "I have reviewed the minutes and move approval". Kay Calvert seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Aye
Candace Erickson	Aye
Jim Hier	Absent
Fred Jones	Aye

V NEW BUSINESS

1. Award of construction contract to DRD Paving in the amount of $98,505 for 2002 Main Street Improvements Project - See staff report and public input comments. Matt Twombly stated that staff is recommending approval of the construction contract award to DRD Paving. This project was noticed to bidders on March 9 and 11 and three contractors responded; the low bid was DRD Paving. Five parking spaces will be lost with this project

and the annual forfeited parking revenues is estimated at $8,250. Staff met with all affected property owners. The project completion date is May 10 at the Claimjumper location and June 21 for the remainder of improvements. The Mayor invited the public to comment.

David Uhlendorf, owner of Silver Junction Mercantile, stated that he has been consistently opposed to bulb-outs because they displace parking without any provision for replacing it. He complained about lost parking with the construction of the transit center and trash compactor in Swede Alley. A better use of these funds would be to repair the sidewalks; as a merchant at this location for many years, he sees no benefit for the bulb-outs. The Mayor reported that the City will perform an inventory of the condition of the sidewalks to make repairs.

David Shaffner, owner of LaNiche and Flat Rabbit, agreed with Mr. Uhlendorf's comments and questioned how $100,000 can benefit Main Street and believes it should be allocated to marketing local business. Business on Main Street is not good and there is better use of those funds and the bulb-outs already there should be removed so parking spaces are reinstated. He complained about the current paid parking system and the number of real estate offices on Main Street. Mr. Shaffner stated that merchants should be able to display their wares on the sidewalk and after he was told to remove his merchandise, his business dropped 50%. No Council members have been on Main Street, except the Mayor, since the election.

Tim Mertins, HMBA, presented Council with a petition with 49 signatures in support of the bulb-out projects. David Shaffner pointed out that just because Council received a petition doesn't make it the right thing to do. Mayor Williams stated that a parking structure was also a feature of the 1998 Plan, and this is something Council needs to consider. Fred Jones interjected that the Plan was comprehensive addressing a variety of efforts, i.e., activities, pedestrian experience, parking, transit center, etc. and it is difficult to look at segments individually; they need to be considered collectively. He understood that there was no net loss of parking spaces with the transit center because of gained spaces in the flag lot and the north lot of the Marsac Building. Council members are developing priorities which have not yet been reviewed by staff or the public, and parking was identified as a high priority in Old Town. There will be an opportunity for the public to comment in May. Candace Erickson pointed out that federal funding was used for the transit center. Paying for a parking structure is a major issue as is available space in the Historic District core; *you can't create space that doesn't exist*. She disagreed with comments made on the bulb-outs, and believes they provide a place to rest for many visitors who find the walk on Main Street a challenge. It may also encourage people to linger and spend money in the stores. There was discussion about the $25,000 grant Council award to the HMBA last year for marketing. Ms. Erickson acknowledged that the Council doesn't have all of the solutions, but will analyze the parking problem. Relating to previous comments made by Mr. Shaffner, Mayor Williams added that the City could look at programming the bulb-outs with entertainment. Peg Bodell emphasized that their concerns are valid, and bulb-outs are not the solution, but they add to the overall experience on the Street. She also mentioned first floor zoning, suggested by Mr. Shaffner, as a valid consideration.

David Uhlendorf stated that additional parking provided in the Sandridge lot and Flag pole lot is not *accessible parking* like the parking on Main Street. There was discussion about obtaining tokens.

Fred Jones, "<u>I move to authorize staff to proceed with the construction of the Main Street improvements for 2002 projects, consistent with prior Council direction and award the construction contract to DRD Paving in the amount of $98,505</u>". Kay Calvert seconded. <u>Motion carried</u>.

Peg Bodell	Aye
Kay Calvert	Aye
Candace Erickson	Aye
Jim Hier	Absent
Fred Jones	Aye

2. Appeal of a Planning Commission decision of October 24, 2001, denying a Conditional Use Permit for a gate across Sunny Slopes Drive in the Gleneagles Subdivision - Gleneagles Association - The Mayor announced that since Kay Calvert recently owned property in the area, she is recusing herself from participating in the proceeding. Ms. Calvert excused herself from the meeting.

Mark Harrington referred to his memo distributed to Council, relating to several new documents submitted by the appellants for consideration as a part of this appeal. Because these are court documents that became available in December after the Planning Commission decision, Mr. Harrington advised Council to accept additional testimony at this time. Peg Bodell, "I so move". Candace Erickson seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Abstention
Candace Erickson	Aye
Jim Hier	Absent
Fred Jones	Aye

Brooks Robinson, Planner, introduced appellants Jack Shinn and Jim Roberts from the Gleneagles Association. The matter deals with an application for an access control gate in the northern end of the Gleneagles Subdivision. The design of the gate would allow cars coming through Gleneagles to Broken Spoke, Fairway Meadows, and Sunny Slopes to exit to the north, however cars traveling south would not have access. He described the location of emergency access which is activated with a siren-sensitive mechanism. Irrespective of whether the roads are public or private roads, the application must be reviewed by the Planning Commission under pertinent sections of the Code addressing conditional use permits. This application was reviewed under a prior code where the purpose for the *"conditional use procedure is intended to provide greater flexibility and land uses while at the same time preserving neighborhood character and assuring compatibility between the conditional uses and uses on adjoining properties and the City at large. . .Where the City and the applicant cannot devise conditions that satisfactorily mitigate the adverse effects of the conditional use, the City shall deny the conditional use permit".* Mr. Robinson continued that there are traffic and control considerations within the conditional use criteria review which have nothing to do with whether the streets are public or private. The decision of the Planning Commission hinged on the inability to find compatibility with this conditional use and the surrounding neighborhood and uses.

Jim Roberts, appellant - President of Gleneagles Home Owners Association, stated that they believe their application for a conditional use permit complies with Section 1.13 of the old Land Management Code. They also believe that without regard to those Code requirements, they have as a matter of right, the ability to install subdivision gates at both ends of the subdivision. This conclusion is based upon the fact that the plats for Gleneagles and Broken Spoke both provide that the home owners associations may control access to those subdivisions and the CC&Rs expressly provide for subdivision gates. It is his premise that it is a permitted use which is relevant in determining whether a conditional use permit ought to be granted. Mr. Roberts displayed a map of the subdivisions and pointed out the location of the roads. He discussed a private road section owned by the golf course and a section connecting Gleneagles and Broken Spoke, owned by the golf course. He added there is a recorded easement allowing them to use the roadway. Fairway Village has no right to use this road. Recently, the Association received partial summary judgment from the court stipulating that Fairway Village has no right to use the road in Gleneagles Subdivision and further that Gleneagles Subdivision Home Owners Association has the right to control access to their subdivision. Similarly, Broken Spoke Subdivision has no right to use the road through Gleneagles even if the golf course is willing to permit use. He continued that the documentation for these subdivisions makes it clear that owners of property in Broken Spoke and Gleneagles and their guests have the right to use the roads through Fairway Village and up to Meadows Drive, which is the only legal exit and entrance in the area. They want to exercise their legal right to control access, but rather than two gates, are seeking one gate at the northern end of the subdivision. Mr. Roberts described a pressure switch so allowing traffic to exit. He referred to the meeting packet material on the Iron Horse Loop and Knoll Estates gate applications and felt there is no rationale basis to compare these projects with theirs. The siren activated mechanism was a part of their *permitted use* proposal; the current application does not provide for that but some other form of access; i.e., clicker. He didn't feel the gate would have a significant impact on Fairway Village, but even if it did, their plan clearly mitigates any inconvenience caused by the gate, because every vehicle can exit Gleneagles Subdivision. The Mayor invited the public to comment.

Jay Miller, resident of Fairway Village, stated that he really has no reason to drive through the Gleneagles Subdivision, but is concerned about increased traffic from Gleneagles' service vehicles on his street as the gate will create confusion with regard to circulation. It is currently a problem and will escalate once the gate is installed which affects his quality of living. Fairway Village pays for maintenance of their roads and additional traffic from service or vendor vehicles results in a financial impact as well. Mitigation is part of the review criteria as is circulation of traffic, identifying delivery and service vehicles specifically. Mr. Miller stated that personally, the installation of two gates would be better than one gate. Mark Harrington clarified that the gate was moved from the south end to the north end at the direction of Planning Commission.

Fred Jones stated that he read all of the material but is still unclear about what exactly Gleneagles is trying to solve. Jim Roberts responded that they are trying to limit the traffic on their road. There is a lot of traffic that doesn't belong on their private road. Mr. Jones added that he is familiar with the road system in the area and it is still unclear why people would be traveling through Gleneagles Subdivision. Jim Roberts responded there are lost construction vehicles from Fairway Village and traffic from golf course patrons. They are willing to allow one-way traffic on their road but not round-trip traffic. He reiterated that they have the right to use Fairway Village roads where speed bumps have been installed which prompts traffic to their subdivision. Jack Shinn, Gleneagles Subdivision HOA Vice President, interjected that the traffic is totally unrestricted and this proposal provides control to direct the traffic to flow one way. He believed that after a period of time, the public will realize that there is a gate there. Mr. Jones asked if there is traffic count information. Mr. Roberts stated that there are no counts, which was a matter of dispute at the Planning Commission level. It was determined that no such traffic study was ever conducted in connection with any gate permitted in the City, in particular, with the Iron Horse and Knoll Estates applications and he explained the letter submitted by the Association in response to questions about impacts to adjacent property owners. Mark Harrington explained that the Planning Commission asked for a similar traffic report as was done in the prior two gate applications, i.e., Knoll Estates and Iron Horse. Some of the Planning Commissioners envisioned an actual traffic count, but the majority agreed that Gleneagles had complied in general with the direction to provide similar summaries and adjacent property owner support information.

Pete Park, Identity Properties - common area managers for Fairway Village, stated that speed bumps were installed on Sunny Slopes Drive to control speeds and it was not intended to detour traffic. There are plans to turn the bumps into humps which were determined to be too severe. Jim Roberts stated that he avoids driving through Fairway Village because the speed bumps are too aggressive. Mr. Park agreed but pointed out their safety considerations for the number of young children in the neighborhood.

In response to a question from Ms. Erickson regarding the future of access to the golf course road, Mr. Roberts explained that the City obtained an easement for emergency vehicles as part of the deal between the City and Park Meadows County Club in exchanging rights-of-way. The document commits the owner not to install a gate absent consent from the City and Mr. Roberts didn't know Park Meadow's intention. Ms. Bodell asked the purpose of the road. Brooks Robinson stated that he can not speak to the original intent in the 1970s, but in looking at the land use pattern, it appears to provide access from Broken Spoke, Gleneagles, and Fairway Village to Meadows Drive. The City Attorney interjected that part of the original MPD for the area showed it as a collector road, but the subsequent platting only occurred in the residential subdivisions, there is no dedication beyond that point, and the golf course was never platted after the MPD. Hence, it is completely private, creating the need for the City to obtain an emergency easement. Ms. Erickson pointed out that Fairway Village maintains their portion of Sunny Slopes Drive for their guests and Gleneagles traffic, but Gleneagles is not willing to do the same. Jim Roberts emphasized there is a legal difference. Gleneagles has an easement to use streets in Fairway Village; Fairway Village does not for

Gleneagles Subdivision. In response to questions from Peg Bodell, Mr. Roberts explained that there is a sign posted on the boundary, which is routinely ignored, indicating the road is private, restricted, and prohibiting golf course parking. Gleneagles is not considering installing speed bumps in their subdivision and Mr. Roberts again discussed additional traffic in their neighborhood prompted by the speed bumps in Fairway Village.

Fred Jones commented that the installation of a gate has an impact on Fairway Village in that all service and delivery providers for Gleneagles must come through there because they can't access the gate. Jim Roberts explained that they have to come through Fairway Village, but don't have to leave through there. Jack Shinn explained the most logical way for delivery vehicles to travel is in a one-way north to south direction and pointed out the unlikelihood of vehicles turning around. Mr. Jones agreed that the traffic pattern may be logical for UPS or FedEx but not necessarily for contractors or service providers who come to service a house. Mr. Shinn reiterated that the platting of Gleneagles allows homeowners and guests to use the easement through Fairway Village. Mr. Jones acknowledged that right, but a gate may change the dynamics of how people service the area and without a traffic study, it is difficult to determine which way people are traveling. Mr. Roberts agreed that there will be an impact which they have made an effort to mitigate through revised plans. Mark Harrington interjected that the new material submitted demonstrates those invitees would not have a right to come through north and have legal access from the south only; Council can not ask someone to mitigate a right they do not have.

The Mayor requested options. The City Attorney indicated that the Council can continue this matter, or remand it to Planning Commission for further deliberation with specific instructions or for review of the new material submitted. He reminded Council of the long process the applicants have endured, and a remand has time consequences. The third option is upholding the Planning Commission's denial, and Mr. Harrington explained that if this is selected, the findings of fact would have to be amended to reflect the new material. There was discussion on the findings of fact, and the City Attorney advised that the recent judicial orders should be incorporated. The Planning Commission relied upon a specific situation which is contradicted by some portions of the judgment. Mr. Roberts stated that the findings of fact do not support a conclusion of law to deny a conditional use permit to install a gate. He individually argued the seven findings of fact and three conclusions of law. Jack Shinn indicated that as buyers, they expected to live in a gated community and Fairway Village has stipulated to a summary judgment that they have no right to use Gleneagles' roads and the golf course and Broken Spoke concur. He asked, *"what's there to deny?"*. There's not one entity who can claim a right to that space.

In response to a question from Fred Jones, Mark Harrington explained that the CC&Rs are inapplicable in relation to the Code and have no bearing on whether a gate is permitted or not. In the litigation that has been stayed while this application proceeds, the appellants alleged that by the City signing off on the plat with the language note regarding the right to control access in their subdivision, in conjunction acknowledging the CC&Rs at the time of recordation, that that implies that the City was aware of the ability to install a gate. The City's position is that the CC&Rs are inapplicable and the application must comply with the LMC, which was the basis of the permitted use argument. Jim Roberts noted that the plat indicates that the Association can control access to the subdivision. He asked how they can control access if a gate is not permitted. The Planning Commission, City Council and staff signed the plat and the CC&Rs were reviewed by the City for conformity to the applicable master plan for Park Meadows. The Mayor remarked that not all CC&Rs conform with the City's code and Mark Harrington stressed that the focus of this hearing should be on the conditional use permit.

Fred Jones stated that there appear to be some inconsistencies with the Planning Commission's findings of fact and the summary judgment provisions and perhaps this matter should be remanded to consider this new information. Peg Bodell indicated that she agrees with the three conclusions of law and Mark Harrington added that the findings of fact are the bases for the conclusions of law. There was discussion about Conclusion #1, addressing compliance with Section 1.13. Peg Bodell stated that she would like to decide on the appeal tonight. Brooks Robinson explained that the Planning Commission looked at the same provision of whether a gate would help preserve neighborhood character and assure compatibility between the conditional uses and uses on properties. He contended that nothing really has changed as far as that finding is concerned. Ms. Bodell agreed and felt there are better options than a gate and the Planning Commission may be able to find another solution. Jim Roberts asked what those ideas might be and she described a situation in Silver Springs where she lived where the road was restricted to traffic and then reopened. Mr. Roberts reiterated that their goal is to keep illegal traffic off their road which can be achieved with a gate. If there are suggestions, he would like to hear them.

The City Manager interjected that the Planning Commission denial could be overturned, or it could be supported with modifications to the findings of fact; there are some conclusions of law that are required. A decision can be taken into submission or remanded to the Planning Commission or to staff with direction. Fred Jones stated that despite what he suggested earlier, he is not sure there is a lot to be gained by sending it again to the Planning Commission as the issue hinges on the conclusions of law. Peg Bodell, "I move that we deny the request for appeal. I would like some contact with staff that they would bring back some information based on the conclusions of law #1, #2, and #3 are valid and correct". Fred Jones indicated that the findings of fact would have to be amended and seconded the motion. Mark Harrington explained that conclusions need to be supported by the facts and staff needs to be directed regarding what findings are the basis for conclusions. Ms. Bodell believed that #4 and #8 need to be modified. Brooks Robinson suggested language for #8, *"the right to pass over Sunny Slopes Drive from the Park Meadows County southbound is by permission of the Park Meadows Country Club*". Finding #4 was amended to read, "*Only residents of Gleneagles and, if agreed to by Gleneagles, Broken Spoke may have access southbound through the proposed gate*". Finding #6 was altered to omit, "*increasing traffic on those roads*". Fred Jones requested that the motion be amended to include changes to Findings #4, #6, and #8. Peg Bodell, "I move that the motion stands with the amended findings of fact for Items #4, #6, and #8 as per the recommendations". Fred Jones seconded, accepting the amendments. Motion carried.

Peg Bodell	Aye
Kay Calvert	Abstention

Candace Erickson	Aye
Jim Hier	Absent
Fred Jones	Aye

Jim Roberts understood that this is the final action of the City Council, which is appealable to the Summit County District Court. He assumed the City would cooperate with them combining that appeal with the appeal of the permitted use issues. Mark Harrington indicated that he will meet with him on this. Mr. Roberts requested a transcript or recording of the meeting tapes.

VI 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 approximately 3:15 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, and Fred Jones. Jim Hier was excused. Staff present were Toby Ross, City Manager and Mark Harrington, City Attorney, for the property discussion. Candace Erickson, "I move to close the meeting to discuss property and personnel". Peg Bodell seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Aye
Candace Erickson	Aye
Jim Hier	Absent
Fred Jones	Aye

The meeting opened at approximately 4:45 p.m.

* * * * * * * *

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 Janet M. Scott

DATE: April 18, 2002

DEPARTMENT: Planning

TITLE: 835 Norfolk - Shepard Replat

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION: Conduct a public hearing, take any public input and consider Staff's recommendation approve a plat amendment to combine all of lot 9 and part of lots 8,10,14, and 15 of Block 14, Snyder's Addition to the Park City Survey into one lot.

E. Topic

Owners: Ron and Carol Shepard
Location: 835 Norfolk Avenue
Zoning: HR-1
Adjacent Land Uses: Residential
Reason for review: Plat Amendments require City Council approval.
Author: Jonathan Weidenhamer

F. Background

This application was reviewed by the Planning Commission on March 27, 2002, at which time a unanimous vote forwarded a recommendation to approve the application. A public hearing was held and no input was received.

The project site is located at 835 Norfolk. A Historic home exists on the property. The applicants propose to combine portions of five (5) lots into one (1) lot to accommodate a future addition/remodel. The Crescent Tram Road crosses through the western portion of the property. The applicants are contemplating a remodel/addition to their house, the scope of which has yet to be determined. A Historic District Design Review application will be reviewed for any project.

G. Analysis

The property is zoned HR-1, Historic Residential. The proposed plat creates a 4,547 square foot lot. The maximum footprint allowed for a lot of this size is 1,760 square feet. The survey information submitted for this application indicates only lot lines, not existing houses and other adjacent improvements (Exhibit B). A physical inspection of the lot suggests possible setback and snow shed encroachments with neighboring properties which is common among historic homes in this zone. However, because there are no encroachments onto the Shepard's property, Staff supports the application. The setback and snow shed issues will be addressed during any subsequent application for a remodel/addition Design Review. All development standards of the Land Management Code including: height, setbacks, parking, architectural design, building footprint, neighborhood and Historic Design Guideline compatibility, will be verified for compliance during design review.

H. Department Review

The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with State Law prior to recordation. The request was discussed at a Staff Review Meeting on March 5, 2002, where representatives from local utilities and City Staff were in attendance. The City Engineer has requested the portion of the applicant's lots which exist in the historic Crescent Tram Right-of-Way be dedicated to the City based on the Streets Master Plan's required right-of-way width of 30.0 feet (page 2-9 of the Park City Streets Master Plan (1984)). He has also asked for a 10' snow storage easement from the Crescent Tram Right-of-Way. This snow storage easement would be included within the required front yard setback for the lot. Conditions of approval will reflect these requests. The applicants have agreed to these requests.

I. <u>Notice</u>

Notice of this hearing was sent to property owners within 300' and posted on the property on March 12, 2002. No formal comments have been filed at the time of this report.

F. <u>Recommendation</u>

Staff recommends that the City Council conduct a public hearing and approve a plat amendment to combine all of lot 9 and part of lots 8,10,14, and 15 of Block 14, Snyder's Addition to the Park City Survey into one lot.

<u>Findings of Fact:</u>

10. The property is located at 835 Norfolk in the Historic Residential zone (HR-1).
11. The proposed plat amendment will combine all of lot 9 and part of lots 8,10,14, and 15 of Block 14, Snyder's Addition to the Park City Survey into one lot.
12. A Historic home exists on portions of lots 8, 9, and 10.
13. The minimum lot size allowed for a single family dwelling is 1,875 square feet. The proposed lot size will be 4,547 square feet. The maximum footprint allowed for a lot of this size is 1,760 square feet.
14. No remnant lot created is rendered separately buildable by this plat.
15. The historic, Crescent Tram Right-of-Way crosses through the western portion of the property (lots 14 and 15).
16. The City Engineer has requested the portion of the applicant's lots which exist in the historic Crescent Tram Right-of-Way be dedicated to the City based on the Streets Master Plan's required right-of-way width of 30.0 feet (page 2-9 of the Park City Streets Master Plan (1984)).
17. The City Engineer has asked for a 10' snow-storage easement from the historic Crescent Tram Right-of-Way.
18. The 10' snow-storage easement from Crescent Tram would be included within the required front yard setback for the lot.
19. This application was reviewed by the Planning Commission on March 27, 2002, at which time a unanimous vote forwarded a recommendation to approve the application. A public hearing was held and no input was received.

<u>Conclusions of Law</u>:

- There is good cause for this plat amendment.

- The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
- Neither the public nor any person will be materially injured by the proposed amended plat.

Conditions of Approval:

A. The City Attorney and City Engineer review and approve the final form and content of the replat for compliance with the Land Management Code and conditions of approval prior to recordation.

B. 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 years time, this approval and the plat will be void.

C. No building permit will be issued prior to recordation of the Plat Amendment.

D. Any snow storage and encroachment issues shall be resolved prior to the issuance of building permits for any addition or remodel.

E. Public right-of-way for the existing Crescent Tram roadway improvements plus a ten (10) foot non-exclusive snow storage easement along Crescent Tram Right-of-Way shall be dedicated to the City on the plat.

Conditions of Approval:

A. The City Attorney and City Engineer review and approve the final form and content of the replat for compliance with the Land Management Code and conditions of approval prior to recordation.

B. 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 years time, this approval and the plat will be void.

C. No building permit will be issued prior to recordation of the Plat Amendment.

D. Any snow storage and encroachment issues shall be resolved prior to the issuance of building permits for any addition or remodel.

E. Public right-of-way for the existing Crescent Tram roadway improvements plus a ten (10) foot non-exclusive snow storage easement along Crescent Tram Right-of-Way shall be dedicated to the City on the plat.

G. <u>Exhibits</u>

Exhibit A - Location Map
Exhibit B - Proposed Replat
Exhibit C - Block 14, Snyder's Addition to the Park City Survey
Exhibit D - Proposed Ordinance

AN ORDINANCE APPROVING PLAT AMENDMENT TO COMBINE ALL OF LOT 9 AND PART OF LOTS 8,10,14, AND 15 OF BLOCK 14, SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO ONE LOT.

WHEREAS, owners of the property known as 835 Norfolk Avenue, have petitioned the City Council for approval of a subdivision plat; 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 27, 2002 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; 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. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located at 835 Norfolk in the Historic Residential zone (HR-1).
2. The proposed plat amendment will combine all of lot 9 and part of lots 8,10,14, and 15 of Block 14, Snyder's Addition to the Park City Survey into one lot.
3. Historic home exists on portions of lots 8, 9, and 10.
4. The minimum lot size allowed for a single family dwelling is 1,875 square feet. The proposed lot size will be 4,547 square feet. The maximum footprint allowed for a lot of this size is 1,760 square feet.
5. No remnant lot created is rendered separately buildable by this plat.

F. The historic, Crescent Tram Right-of-Way crosses through the western portion of the property (lots 14 and 15).

G. The City Engineer has requested the portion of the applicant's lots which exist in the historic Crescent Tram Right-of-Way be dedicated to the City based on the Streets Master Plan's required right-of-way width of 30.0 feet (page 2-9 of the Park City Streets Master Plan (1984)).

H. The City Engineer has asked for a 10' snow-storage easement from the historic Crescent Tram Right-of-Way.

I. The 10' snow-storage easement from Crescent Tram would be included within the required front yard setback for the lot.

J. This application was reviewed by the Planning Commission on March 27, 2002, at which time a unanimous vote forwarded a recommendation to approve the application. A public hearing was held and no input was received.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law.

· There is good cause for this plat amendment.

· The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.

· Neither the public nor any person will be materially injured by the proposed amended plat.

SECTION 3. CONDITIONS OF APPROVAL. The proposed subdivision plat attached as Exhibit B is hereby adopted with the following Conditions of Approval:

N. The City Attorney and City Engineer review and approve the final form and content of the replat for compliance with the Land Management Code and conditions of approval prior to recordation.

O. 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 years time, this approval and the plat will be void.

P. No building permit will be issued prior to recordation of the Plat Amendment.

Q. Any snow storage and encroachment issues shall be resolved prior to the issuance of building permits for any addition or remodel.

R. Public right-of-way for the existing Crescent Tram roadway improvements plus a ten (10) foot non-exclusive snow storage easement along Crescent Tram Right-of-Way shall be dedicated to the City on the plat.

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

PASSED AND ADOPTED this 18th day of April, 2002.

DATE: April 18, 2002
DEPARTMENT: Planning Department
TITLE: 777 Park Avenue- Coalition West Subdivision
TYPE OF ITEM: Final Subdivision Plat

SUMMARY RECOMMENDATION: Staff recommends approval of the final subdivision plat at 777 Park Avenue, known as the Coalition West Subdivision, subject to the findings of fact, conclusions of law, and conditions of approval as stated in this staff report.

A. PROJECT

Project Name:	Coalition West Subdivision plat
Applicant:	Powdr Corporation
Location:	777 Park Avenue
Zoning:	HRC-MPD, HR-1-MPD, and HCB-MPD (Sweeney MPD)
Adjacent Land Uses:	Retail shops, restaurants, condominiums, historic residential, ski lift and ski bridge
Date of Application:	December 5, 2001
Project Planner:	Kirsten A. Whetstone

2. BACKGROUND

This subdivision plat creates legally subdivided parcels from the metes and bounds described parcels known as the Coalition West and MPE parcels of the Sweeney Properties Master Plan, approved by the City Council in 1986, and amended in 1996. The property is located at 777 Park Avenue and is the site of the Town Run ski run and east and west abutments of the Town Run bridge. The proposed subdivision plat includes the following parcels (see Exhibit A):

1. M.P.E. parcel located between Norfolk and Woodside Avenues,
2. Norfolk G.P.C.C. parcel,
3. M.P.E. 7th Street parcel,
4. A section of Woodside Avenue vacated for the ski run, and
5. Lot B4, a 1,701 sf lot that was removed from the Caledonian Condominium plat by an amended plat approved in December of 2001.

Combined, the M.P.E., Norfolk G.P.C.C., M.P.E. 7th Street parcels and the vacated portion of Woodside create Lot 3 (17,660 sf) designated on the plat as open space.

This request is for approval of a final subdivision plat creating 1) two development lots, Lots 1 and 2, for future development in accordance with the revised Sweeney Properties Master Plan; 2) the open space lot known as Lot 3 accommodating the lower Town Run ski run and pedestrian trails; and 3) the 1,701 sf Lot B4 that is the site of the east bridge abutments and is designated per the amended Sweeney Properties MPD as a potential development parcel with up to1.6 u.e.'s of commercial uses on the street level. The request to plat these parcels is consistent with the approved Sweeney Properties MPD.

Public Hearing of March 13, 2002
The Planning Commission held a public hearing on March 13, 2002 (see minutes in this agenda packet). Concerns were raised with regards to the density, future development, building heights, historic buildings in the area, traffic, parking, sight lines, access, trails and sidewalks, and impacts on an adjacent parcel.

This is not a request for approval of a Conditional Use Permit. Density and development are subject to the previously approved and amended Sweeney Properties Master Plan (which went through numerous public meetings and Planning Commission and City Council approval), the Land Management Code, and the Historic District Design Guidelines. Development on these lots is subject to a full review, including public hearings, by the Planning Commission and Historic District Commission. Development parameters, including density, and conditions regarding future development, including parking requirements, pedestrian access, historic design, building heights, traffic, access, trails, utilities, etc. are specified in the Master Planned Development documents. A note will be added to the plat referring to the MPD documents and conditions of approval of that Master Plan.

This request for a subdivision plat is in conformance with the approved Master Plan and with the City's Subdivision Ordinance. This request is not a request to amend the approved Master Plan. To address immediate concerns about summertime access across the ski run, the applicant has agreed to provide better signs to direct pedestrians across the ski run on dedicated easements. Signs will also be provided to direct skiers, whose destination is upper or lower Woodside, with the best access routes. It is not necessary for skiers to cross the bridge over Park Avenue and walk back across the street in order to access Woodside, but clearer directions will be provided. This should hopefully mitigate previous conflicts with private land owners in the area and direct pedestrians and skiers to the dedicated public access easements.

Staff has reviewed the concerns of Mr. Ligety, owner of two parcels to the south of Lot 2. Staff has concluded that access to this property is physically possible from Woodside (See Exhibit B). The applicants provided a sewer easement across Lot 2 and a sewer lateral for Mr. Ligety's benefit was installed during construction of 7th Street. The cost of this lateral was shared by PCMR and Mr. Ligety.

On April 10, 2002 the Planning Commission forwarded to the City Council a positive recommendation to approve the Coalition West Subdivision plat with conditions.

3. <u>ANALYSIS</u>

The skier plaza level of B-4 shall remain as open space as per the MPD, as part of the plaza and to support the bridge and ramp, and cannot be developed with any other type of structure without an amendment to the Master Plan. An amended cross access and parking agreement was recorded in October of 1996 between the various property owners of the Coalition West and Coalition East properties. The agreement addresses pedestrian and vehicular ingress, egress, parking, passage and traffic, and for utilities in, over, upon, across, and through the Common Areas. The agreement is available at the Planning Department for review. A note has been added to the plat referring to this document.

The subdivision plat designates pedestrian easements for trails and sidewalks, as well as various utility and snow storage easements and dedications of public rights-of-way for sections of Woodside Avenue and 8th Street and for the newly constructed 7th Street between Woodside Avenue and Park Avenue. All easements shown on this plat for pedestrian access are for the benefit of the public. These easements are in conformance with the approved Master Plan.

Lot 3 shall remain as open space. Lot 2 is designated per the MPD as a single family lot with up to 3,500 sf, including a potential accessory unit, subject to the Historic District Design Guidelines and the Sweeney MPD. Lot 1 is designated per the MPD for up to 5.5 u.e. of commercial uses and 2 u.e's of residential condominium uses (up to 4,000 sf of residential and 5,500 sf of commercial) subject to a Conditional Use Permit and compliance with the Historic District Design Guidelines, in addition to all specific conditions of approval of the 1996 amended Sweeney MPD. These are maximum densities as approved with the Master Plan. Approval of a CUP, with full review by the Commission, is required prior to issuance of any building permits.

By agreement between GPCC and the City, related to the encroachment of the Town Bridge over Park Avenue, the land under that portion of the National Garage which encroaches onto Lot 2 shall be deeded to Park City. This shall occur as a condition precedent to plat recordation.

The Coalition West plat is consistent with requirements of the Land Management Code for subdivisions, as well as the Sweeney Properties Master Plan (October 17, 1986) as subsequently amended.

Any development of these lots requires Planning Commission review of a Conditional Use Permit, including public hearings. Approval for any development is subject to the Land Management Code, the Historic District Design Guidelines, and all applicable conditions of the Sweeney Master Plan, as amended.

4. <u>DEPARTMENT REVIEW</u>

The application was reviewed by City staff at the March 5, 2002 staff review meeting. City Engineer and City Attorney review and approval of the plat and CC&R's for final form and compliance with the LMC and State Law, are a condition precedent to plat recordation.

<u>RECOMMENDATION:</u>

The Staff recommends approval of the Coalition West Subdivision plat, located at 777 Park Avenue, based upon the following:

<u>Findings of Fact</u>

1. The property is located in the HRC-MPD, HR-1-MPD, and HCB-MPD zoning districts.

2. The property is subject to the Sweeney Properties Large Scale Master Planned Development Permit approved by the City Council on October 17, 1986 and as subsequently amended.

3. The proposed subdivision plat creates four legally subdivided lots from various metes and bounds parcels and includes Lots 1 and 2 for future development per the amended Sweeney Properties MPD, Lot 3 designated as open space to accommodate the Town Run ski run, and Lot B4 located on the east side of Park Avenue for potential future development per the amended Sweeney Properties MPD.

4. All development on these Lots is subject to the Sweeney Properties MPD as amended, the Land Management Code, and the Historic District Design Guidelines.

5. An amended cross access and parking agreement was recorded in October of 1996 between the various property owners of the Coalition West and Coalition East properties.

6. Lot 1 is designated per the MPD for up to 5.5 u.e. of commercial uses and 2 u.e's of residential condominium uses (up to 4,000 sf of residential and 5,500 sf of commercial). Lot 2 is designated per the MPD as a single family lot with up to 3,500 sf, including a potential accessory unit, subject to the Historic District Design Guidelines and the Sweeney MPD. Lot 3 shall remain as open space. Lot B4 is designated per the Sweeney MPD as a potential development parcel with up to 1.6 u.e. of commercial uses at the street level with the plaza level remaining as open space as part of the plaza and to support the bridge and ramp structure.

7. Approval of the subdivision plat creates legally platted lots. Development requiring building permits on these lots is subject to the LMC, HDC Design Guidelines, and the conditions of approval of the MPD.

8. The proposed subdivision does not alter vehicular access to adjacent properties on Woodside Avenue.

9. On April 10, 2002 the Planning Commission forwarded to the City Council a positive recommendation to approve the Coalition West Subdivision plat with conditions as outlined below.

<u>Conclusions of Law</u>

1. The subdivision plat complies with the Park City Land Management Code.

2. The subdivision plat is consistent with the Sweeney Properties Master Plan (October 17, 1986) and as subsequently amended.

3. There is good cause for this subdivision plat as it creates legally subdivided lots from an array of metes and bounds parcels, designates open space parcels and dedicates public rights-of-way for portions of Woodside Avenue and Seventh Street. Pedestrian access easements and various utility and construction access easements are also dedicated.

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

5. Approval of the subdivision plat, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat, for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.

2. All conditions of approval for the Sweeney Properties Master Plan, as amended, and approved by the City in November of 1996, continue to apply in full force and effect. A note shall be added to the plat to this effect.

3. All Park City Standard Project Conditions shall apply.

4. The skier plaza level of Lot B4 shall remain as open space as part of the plaza and to support the bridge and ramp, and shall not be developed with any other type of structure without an amendment to the Master Plan approved by the Commission. Lot 3 is designated as open space and Lots 1 and 2 are subject to the conditions of approval of the amended Sweeney MPD, the Land Management Code, and the Historic District Design Guidelines. A note shall be added to the plat to this effect.

5. As a condition precedent to plat recording, a note shall be added to the plat noting the recording information for relevant maintenance agreements and encroachment agreements that apply to these parcels and lots.

6. As a condition precedent to plat recording the applicant shall deed to Park City, per agreement between GPCC and the City related to the encroachment of the Town Bridge over Park Avenue, the land under that portion of the National Garage, located at 715 Park Avenue, which encroaches onto Lot 2 of the Coalition West Subdivision.

7. As a condition precedent to plat recording the applicant shall install pedestrian directional signs, upon approval by the Planning staff, to direct pedestrians across the ski run on dedicated easements. Pedestrian access easements shown on this plat are for the benefit of the public.

8. The subdivision plat shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame this approval and the record of survey shall be considered null and void.

EXHIBITS:

Exhibit A- Proposed subdivision plat.
Exhibit B- Memo from City Engineer

Ordinance No.

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT KNOWN AS THE COALITION WEST SUBDIVISION, LOCATED AT 777 PARK AVENUE, SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

WHEREAS, the owners, Powdr Corporation, of the property generally at 777 Park Avenue, located in Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah and known as the Coalition West Subdivision, have petitioned the City Council for approval of a final subdivision plat; 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 27 and April 10, 2002, the Planning Commission held public hearings to receive public input on the proposed subdivision plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on April 18, 2002 the City Council reviewed the proposed subdivision plat; and

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

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

SECTION 1. FINDINGS OF FACT.

1. The property is located in the HRC-MPD, HR-1-MPD, and HCB-MPD zoning districts.

2. The property is subject to the Sweeney Properties Large Scale Master Planned Development Permit approved by the City Council on October 17, 1986 and as subsequently amended.

3. The proposed subdivision plat creates four legally subdivided lots from various metes and bounds parcels and includes Lots 1 and 2 for future development per the amended Sweeney Properties MPD, Lot 3 designated as open space to accommodate the Town Run ski run, and Lot B4 located on the east side of Park Avenue.

4. All development on these Lots is subject to the Sweeney Properties MPD as amended, the Land Management Code, and the Historic District Design Guidelines.

5. An amended cross access and parking agreement was recorded in October of 1996 between the various property owners of the Coalition West and Coalition East properties.

6. Lot 1 is designated per the MPD for up to 5.5 u.e. of commercial uses and 2 u.e's of residential condominium uses (up to 4,000 sf of residential and 5,500 sf of commercial). Lot 2 is designated per the MPD as a single family lot with up to 3,500 sf, including a potential accessory unit, subject to the Historic District Design Guidelines and the Sweeney MPD. Lot 3 shall remain as open space. Lot B4 is designated per the Sweeney MPD as a potential development parcel with up to 1.6 u.e. of commercial uses at the street level with the plaza level remaining as open space as part of the plaza and to support the bridge and ramp structure.

7. Approval of the subdivision plat creates legally platted lots. Development requiring building permits on these lots is subject to the LMC, HDC Design Guidelines, and the conditions of approval of the MPD.

8. The proposed subdivision does not alter vehicular access to adjacent properties on Woodside Avenue.

9. On April 10, 2002 the Planning Commission forwarded to the City Council a positive recommendation to approve the Coalition West Subdivision plat with conditions as outlined below.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats. The plat is consistent with the Sweeney Properties Master Plan.

SECTION 3. PLAT APPROVAL. The final plat for the Coalition West Subdivision is hereby approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat, for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.

2. All conditions of approval for the Sweeney Properties Master Plan, as amended, and approved by the City in November of 1996, continue to apply in full force and effect. A note shall be added to the plat to this effect.

3. All Park City Standard Project Conditions shall apply.

4. The skier plaza level of Lot B4 shall remain as open space as part of the plaza and to support the bridge and ramp, and shall not be developed with any other type of structure without an amendment to the Master Plan approved by the Commission. Lot 3 is designated as open space and Lots 1 and 2 are subject to the conditions of approval of the amended Sweeney MPD, the Land Management Code, and the Historic District Design Guidelines. A note shall be added to the plat to this effect.

5. As a condition precedent to plat recording, a note shall be added to the plat noting the recording information for relevant maintenance agreements and encroachment agreements that apply to these parcels and lots.

6. As a condition precedent to plat recording the applicant shall deed to Park City, per agreement between GPCC and the City related to the encroachment of the Town Bridge over Park Avenue, the land under that portion of the National Garage, located at 715 Park Avenue, which encroaches onto Lot 2 of the Coalition West Subdivision.

7. As a condition precedent to plat recording the applicant shall install pedestrian directional signs, upon approval by the Planning staff, to direct pedestrians across the ski run on dedicated easements. Pedestrian access easements shown on this plat are for the benefit of the public.

8. The subdivision plat shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame this approval and the record of survey shall be considered null and void.

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

PASSED AND ADOPTED this 18th day of April 2002.

STATE OF UTAH)

ss

COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Peg Bodell, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 817 Woodside Avenue, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Bodell Design & Fine Art

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own property at:

817 Woodside Avenue
Park City, Utah

1438 Sullivan Road #2
Park City, Utah

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential

of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

STATE OF UTAH)

ss

COUNTY OF SUMMIT)

Comes now Kay Calvert, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 920 Norfolk Avenue, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

K Calvert Consulting

Utah State Building

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own property at:

Block 52 Lot 1, Park City

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest

disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Candace Erickson, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at:

2614 Little Kate Road
Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Park City Mountain Resort	Cole Sport
Great Western Business Forms	Ski Utah
Park City Magazine	

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own home at 2614 Little Kate Road.

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

STATE OF UTAH)

ss

COUNTY OF SUMMIT)

AFFIDAVIT

Comes now James T. Hier and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council.

2. That I reside at:

2599 Morning Sky Court
Park City, Utah 84060

3. That I am an officer, director, agent, employee or my spouse or minor children are owners of substantial interest in any entity which is subject to regulation by Park City Municipal Corporation (or does, or intends to do business with Park City Municipal Corporation:

Controller for East West Resorts of Utah, LLC., P. O. Box 680128, Park City, UT 84068

4. That I have the following investments and personal interest which could cause a conflict of interest:

N/A

5. That I intend to represent or assist the following persons and business entities in a transaction which involves Park City Municipal Corporation. I will receive compensation for this representation or assistance:

N/A

6. That I acknowledge and understand that if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I must file an updated disclosure.

FURTHER Affiant sayeth naught.

STATE OF UTAH)

ss

COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Fred Jones, and having been first duly sworn, deposes and says as follows:

1. That I am currently an appointed officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at:

#3 Kings Court
Park City, Utah 84060

3. That I am an officer, director, agent, employee or my spouse or minor children are owners of substantial interest in any entity which is subject to regulation by Park City Municipal Corporation (or does, or intends to do business with Park City Municipal Corporation:

Dorton Jones Nicolatus & Stuart, Inc., President

Summit Consulting Group, Inc., President (dba Houlihan Valuations Advisers, Ski Country Advisors)

4. That I have the following investments and personal interest which could cause a conflict of interest:

Residence at #3 Kings Court

5. That I intend to represent or assist the following persons and business entities in a transaction which involves Park City Municipal Corporation. I will receive compensation for this representation or assistance:

N/A

6. That I acknowledge and understand that if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I must file an updated disclosure.

FURTHER Affiant sayeth naught.

STATE OF UTAH)

ss

COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Dana Williams, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of Mayor.

2. That I reside at:

2384 Doc Holiday Drive

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Associate broker with Coldwell Banker Residential Realty

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

As of this date, I have two businesses listed for sale on Main Street:

Silver Junction Mercantile

Utah Coal & Lumber

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.