



**PARK CITY COUNCIL MEETING MINUTES
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060**

March 30, 2017

The Council of Park City, Summit County, Utah, met in open meeting on March 30, 2017, at 1:30 p.m. in the City Council Chambers.

Council Member Henney moved to close the meeting to discuss property at 1:30 p.m. Council Member Matsumoto seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

CLOSED SESSION

Council Member Gerber moved to adjourn from Closed Meeting. Council Member Beerman seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

STUDY SESSION

Discuss Budget Financial Impact Assessment Report (FIAR):

Nate Rockwood, Capital Budget Manager, presented this item and reviewed that the FIAR was the 10 year projection of revenues and expenses. He noted that there was a shift in increased revenue from sales tax. Property tax revenue was also up from the estimate. There was a 2.5% growth in revenues this year, and for the past 10 years, growth averaged 3.7%.

Council Member Henney commented that it was interesting to see the City's vulnerability with regard to dependency on sales tax revenue, so this projection was good. Rockwood stated a year-over-year growth in sales tax revenue was unsustainable and he predicted the sales tax numbers would stabilize.

Council Member Worel asked if the recent alcohol legislation would be taken into consideration as the Budget Department assessed next year's FIAR. Rockwood had not considered the legislation affecting the budget. He did want to analyze the property tax rate and review that with Council at a future date. He also hoped to address some of the City's big capital needs.

Joint Meeting with Recreation Advisory Board (RAB) to Discuss Work Plan for the Coming Year:

Ken Fisher, Recreation Manager, and the Recreation Advisory Board members presented this item. Fisher reviewed that RAB was involved in the Library Field study. Jane Campbell stated there were no restrictions on desired adjustments to the parks, and felt there should be a few steps involved before features were added. Council Member Henney favored having certain steps set up when assessing City owned property for possible development, especially for the park parcels.

Council Member Beerman stated a lot of preservation the City was involved in was for ecological and aesthetic values, but urban parks were conserved for community values. He encouraged further study of the urban park concept, noting it could preserve the flexibility for future community desires. Council Member Henney stated an action should be taken by Council after the public process, so that there was transparency and support for any action taken.

Fisher also discussed the community center that was being developed, and expressed hope that a RAB board member could sit in on the process. With regard to the Rec Master Plan, Fisher asked to have Council's support to move the plan forward and to implement some of the recommended facilities. Mayor Thomas felt the current recreation facilities were in good shape. He knew recreation was important, but it wasn't a critical need, like the transportation, housing and energy goals. Council Member Gerber felt community engagement sometimes began with recreation and she felt there was room for growth, citing the example of the senior program. Council Member Worel stated it was her perception that recreation was woven throughout the community. Council Member Henney explained the importance of the critical priorities and noted that recreation would move up on the City's priority list as the community spoke up about it. He thought the master plan was going to be a lot of work and the City would look to that for guidance in the future.

Mayor Thomas stated recreation was important and Council was not trying to be resistant, but he explained all the pulls on the budget. Council Member Beerman thought the MARC was a place where the community gathered and he was pleased to see the sense of community building that went on there. He suggested RAB could start the discussion with the community on a potential bond to fund some of the master plan projects. He also noted that the bulk of the recreation facility users lived outside the City limits and he felt that wasn't fair to the City voters. Council Member Gerber stated the master plan included a list of projects that the City would be responsible for and another list of projects for which Snyderville Basin Recreation would be responsible.

Council Member Matsumoto stated the Council could be willing to carve out a budget for smaller projects if there was consensus on a specific need, such as additional playing fields or an addition to the MARC. Fisher noted 70% of those using the fields lived in the County. Amanda Angevine, Ice Arena Manager, stated the Ice users were 20% City

residents, 60% County residents and 20% Wasatch County residents. Fisher stated he could run a report on MARC attendees.

Fisher reviewed that Council was comfortable having RAB perform outreach to get a sense of responsiveness to bonding for recreation. Mayor Thomas thanked the board for their contributions. Council Members Worel and Gerber volunteered to be Council liaisons on the Regional Recreation Committee.

WORK SESSION

Council Questions and Comments:

Council Member Worel met with the Trailside Girls Club along with Mayor Thomas. She assisted in the interview process for the new mental health coordinator for Summit County, and she noted the new name for the group was the Summit County Mental Wellness Coalition. She and Mayor Thomas met with the Latino Outreach Coordinator at the School District. She met with Women in Leadership at the City. Council Members Worel and Matsumoto and some staff met with school board members as well.

Council Member Matsumoto indicated she attended meetings with the School Board and Sewer Board. She asked staff if there was an ordinance in place that prohibited businesses from renting space if they weren't open all year long. Weidenhamer stated the ordinance was not yet in place, but it was being looked at.

Council Member Henney stated he attended the Recycle Utah Board meeting and announced Carolyn Wawra was the new executive director. He attended the Historic Park City Alliance (HPCA) meeting where sidewalks and the Brew Pub Plaza were discussed, and he noted the meeting was well attended by the local merchants. He attended the Board of Adjustment (BOA) meeting where the status of non-mining structures was discussed. Council Member Gerber requested that Council discuss ski structures. Erickson stated the Planning Department was prepared to discuss this topic. Council Member Henney attended the Planning Commission meeting where a third way in and out of town was discussed. He also attended the Chamber Board meeting and reported business was doing great. He attended the Prospector Square Property Owners Association Board meeting, and indicated the group was pleased with the competency and professionalism of City Staff. He went to a regional housing meeting with Council Member Gerber, and stated it was a good first meeting with the County, and the programs would be leveraged by working together.

Council Member Gerber attended the Youth City Council (YCC) tour of the Police Department. She attended the Joint Housing Meeting with Council Member Henney. She was at the Après with Council with Mayor Thomas and indicated it was nice to talk with members of the community. She noted there were many questions about employee parking. She talked with a constituent taking the Connect PC/SLC and she would like to talk about the restructure of routes. Alfred Knotts indicated people could call him or Blake Fonnesbeck with those questions.

Council Member Beerman went with Mayor Thomas to lunch with a group from Courchevel, France. Also, he and Mayor Thomas met with the Leadership class and indicated the class project would be to fundraise for Bonanza Flat. He and Mayor Thomas also met with Rocky Mountain Power (RMP) about how to meet the City's net zero energy goals. Council Member Beerman noted there were many regulatory hurdles, but he knew the City could attain its 2022 goal.

Mayor Thomas thanked the Council members for being liaisons with the community and on the City boards.

Main Street Plaza Project Update:

Council Member Beerman recused himself from discussing this item due to the proximity of his business to this plaza. Matt Twombly, Senior Project Manager, and Clio Reynar, GSBS Architects, presented this item. Reynar showed a layout of the plaza and noted the solar panels. She proposed having a brick area as well as a wood plank deck near the water feature. There would also be a green area for play. Also displayed was a bench that would be parallel to the street. Twombly explained the curb would be tiered and no parking would be allowed on that side of the street. The Council Members liked the water feature. Council Member Henney stated the HPCA was interested in having a robust water feature and he deferred to that group's definition. He thought having a larger flat area in the water feature would be more desirable than the cascading part of the feature. Council Member Worel asked about the energy use associated with the water feature. Reynar indicated this feature would use a good amount of energy and she was talking to Sustainability about offsetting that feature. Mayor Thomas really liked the water feature design and the use of timbers which connected the plaza to the past. He did not mind having asphalt instead of pavers next to the plaza.

Twombly stated the transportation study and the trolley would be discussed at a future date. Council Member Gerber indicated part of the appeal of the plaza was that it could go out into the street and she was concerned that the curb would limit the plaza space. Council Member Worel asked if the outcome from public outreach for traffic, circulation and transit might affect the decision on the type of curb that would be constructed. Twombly stated when the transportation study was completed, he would come back to discuss it further. Knotts stated that part of the process would be changes to the trolley routes.

Council Member Matsumoto stated there would need to be some curb for water drainage. Council Member Henney stated the circulator street was a must to make the traffic flow. He also thought repurposing the street would make this a flexible space. He didn't have a problem using portable bollards that could be moved, depending on the event. He didn't like the granite curbing and preferred having a rolling curb. Anne Laurent stated bollards would have a significant visual impact and the granite curb would save money and would be better for handling storm water.

Council Member Matsumoto stated programming would define when the street was opened up for pedestrians. She thought the curb was less intrusive than the bollards. Erickson stated the design had not gone through the historic district approval process, but indicated he preferred the standard curb over the rolled curb. He also noted that if the street was closed, it would prohibit traffic to the merchants at the top of Main Street. Council Member Henney indicated the street wouldn't be closed all the time. Council Members Matsumoto and Worel favored keeping the granite curbing. Council Members Henney and Gerber preferred the rolled curb and bollards but stated they would be o.k. with the granite in the interest of infrastructure and safety. Mayor Thomas asked the architect to look at alternatives to the road.

Council Top Priorities Discussion on Citizen Involvement:

Mayor Thomas indicated this item would be continued to the April 13th meeting.

Council Top Priorities Discussion on Multi-Cultural Citizen Involvement:

Lynn Ware Peek, Community Engagement Liaison, Linda Jager, Community and Public Affairs Manager, and Jed Briggs, Budget Manager, presented this item. Briggs stated this was the first of many top priority topics that would be discussed over the next few months.

Ware Peek stated she spent about 20% of her time involved in multicultural outreach. She indicated about 25% of the community consisted of Latinos, and noted other multicultural communities included the seniors, Filipino, and youth. She reviewed some staff accomplishments, including connecting with PC Unidos, the Christian Center, the Peoples Health Clinic, Peace House, and the School District. A website was created to get the word out that there were services for Latinos. She also indicated a radio show called "Cada Domingo" was on KPCW every Sunday night, where different Latino issues were discussed. A Latino youth group, Bright Futures, inspired the community as they set and reached goals as well. Ware Peek noted that Multi-Cultural Involvement was a new program and it could be shaped any way the Council desired.

Council Member Henney hoped that Latinos could feel included in the community. He knew there was good intent to include all peoples in the City. He asked about the immigration issue in the City. Ware Peek stated the City could work behind the scenes through better communication so Latinos felt safe as they went about their daily lives.

Council Member Matsumoto asked if there was a liaison that helped with employment or legal issues. It was indicated that a nonprofit provided that service, but it was no longer functioning. Ware Peek stated the City had many resources for Latinos. She stated free legal service was provided at the Peoples Health Clinic once a month, and the City knew of resources when business owners needed help as well.

Council Member Gerber desired more Latino participation on boards and commissions within the City. Ware Peek indicated there was representation on Mountainlands

Community Housing Trust Board and the Connect Latino service. Council Member Worel thought it was encouraging to see the connections being made and the work Ware Peek was doing.

Mayor Thomas opened the public input portion of the meeting. No comments were given. Mayor Thomas closed the public input portion of the meeting.

Council Member Henney stated it was hard to know when success was achieved, but thought success would be achieved when every individual felt equally integrated and engaged.

Maria Cordova, Peace House Case Manager, stated she was trying to inform the community about ongoing issues within the community. Knowledge was power and it was important to communicate.

Daisy Hodson, a librarian at Kimball Junction, stated she was grateful for Ware Peek and all her work. There were a lot of abuses and she hoped getting the word out would help overcome these abuses. Park City was different and she was excited to see the City's efforts.

REGULAR MEETING

I. ROLL CALL

Attendee Name	Title	Status
Jack Thomas	Mayor	Present
Andy Beerman	Council Member	Present
Becca Gerber	Council Member	Present
Tim Henney	Council Member	Present
Cindy Matsumoto	Council Member	Present
Nann Worel	Council Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Michelle Kellogg	City Recorder	Present

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

- **February 28th Coffee with Council Recap**
- **2017 Main Street Sidewalk Construction Update**

III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Bill Hubbard thanked Council and staff for doing great job. He compared the Council to a bag of air and commended the Council for not being full of hot air. He noted that his criticism of things in the City and County were made so others would think with a different perspective.

Sharelle Rodman and Abby Batton stated they formed the group Park City Plastic Coalition, which was a group of concerned citizens that would like to see plastic bags banned in the community. Rodman knew the City was onboard with Climate Reality, and asked how the citizens could work with the City. Council Member Beerman noted there was a voluntary plastic bag ban and it was time to check in to see how that was going. Foster stated she could set up a pre-meeting with this group and Recycle Utah. Rodman stated Mary Closser with Recycle Utah was part of this group as well.

Michael Faulk, Karaoke Cab, stated he read in the Park Record that a free taxi service would be provided to take cars off the road. He indicated his desire to meet with staff and give them other ideas on how to get traffic off the road. He noted other taxi drivers were in attendance with him tonight.

Phil Kaplan and Andrew Caplan, School Board members, addressed the Council. Kaplan stated the Board was reviewing the facilities needs and would be going to the voters in the fall to request a bond. He stated the School District just received an award for being one of the districts that had made the most progress in reading. He also announced the realignment of grades to make the most efficient use of the buildings, and indicated there was a new design of the high school on the school website, there was a need for a new 5-6 grade building and there was an intent to purchase land for future schools as the area continued to grow. Caplan encouraged citizens to reach out to the School Board for more information. He noted the energy saving aspects of the proposed new buildings as well as efforts to mitigate energy waste in the older buildings. He also stated the School District's interest to address transportation and affordable housing issues as well.

IV. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from March 9, 2017:

Council Member Beerman moved to approve the City Council Meeting minutes from March 9, 2017. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

V. CONSENT AGENDA

1. Request to Authorize the City Manager to Enter into a Three (3) Year Contract with an Option of Two (2) One-Year Extensions, in a Form Approved by the City Attorney's Office, with Zion's Public Finance, Inc. for Financial Advisory Services Related to Water Revenue Bond Issuance, Storm Water Revenue Bond Issuance, Sales Tax Revenue Bond Issuance, Tax Increment Bond Issuance, and Refinancing and Refunding of Bonds:

2. Request to Authorize the City Manager to Enter into a Three (3) Year Contract with an Option of Two (2) One-Year Extensions, in a Form Approved by the City Attorney's Office, with Farnsworth & Johnson PLLC for Bond Counsel Services Related to General Obligation, Water Revenue Bond Issuance, Storm Water Revenue Bond Issuance, and Refinancing/Refunding of Existing Debt and with Gilmore Bell PC for Bond Counsel Services Related to Sales Tax Revenue, Tax Increment Bond Issuance, and Refinancing/Refunding Existing Debt:

3. Request to Authorize the City Manager to Sign a UDOT Consultant Services Agreement with AECOM for Construction Engineering Management Services for the Prospector Avenue Re-Construction Project in a Form Approved by the City Attorney and for an Amount of \$116,408:

4. Request to Authorize the City Manager to Sign a UDOT Consultant Services Agreement with Horrocks Engineers for Material Testing Services for the Prospector Avenue Re-Construction Project in a Form Approved by the City Attorney and for an Amount of \$60,762:

5. Request to Authorize the City Manager to Sign an Agreement with CenturyLink for Relocation of Their Facilities for the Prospector Avenue Re-Construction Project in a Form Approved by the City Attorney and for an Amount of \$66,695:

Council Member Worel moved to approve the Consent Agenda. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

VI. OLD BUSINESS

1. Consideration to Approve Ordinance 2017-11, an Ordinance Amending Title 4-Licensing: Chapter 8, Special Event Permit, of the Municipal Code of Park City, Utah:

Jenny Diersen, Special Events Coordinator, presented this item. She reviewed that the proposed code changes were discussed at the March 9th meeting. She reviewed the

proposed code changes as outlined in the packet.

Council Member Worel stated it was nice to include the sustainability measures in the requirements.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Henney stated public safety was critical in this day and age and the City needed to drill down on that component. Council Member Beerman agreed and felt this ordinance was a good start. He stated as time went on this code would come back with amendments.

Council Member Beerman moved to approve Ordinance 2017-11, an ordinance amending Title 4-Licensing: Chapter 8, Special Event Permit, of the Municipal Code of Park City, Utah. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

2. Consideration of an Appeal of the Planning Commission's Decision to Approve the Conditional Use Permit for a Private Event Facility at the Historic Kimball Garage (638 Park Avenue) - Appellant Sanford Melville, John Stafsholt, and Sandra Morrison of the Park City Historical Society:

Mayor Thomas noted this was a quasi-judicial process based on de novo evidence. Harrington stated the City and Council had received numerous emails that were put on the website and they would be made part of the record. Council Member Henney disclosed that the Chamber of Commerce discussed this item and he gave the details but did not give an opinion on the issue. Council Member Matsumoto disclosed she was a member of the Historical Society Board but was unsure if she attended the meeting when the decision was made to appeal. Mayor Thomas stated he was the liaison of the Historic Preservation Board (HPB). Harrington stated the Council's disclosures were sufficient and they would not need to recuse themselves.

Anya Grahn, Planner II, stated the appeal of the Conditional Use Permit (CUP) was for a private event facility. She reviewed the facility would be on the third floor of the old Kimball Garage. There would be a roof terrace. Full occupancy was set at 522 people but the applicant reduced the number of occupants allowed to 480. The Planning Commission reviewed the CUP and gave some findings. There was concern about noise and so the number of hours in operation was limited and the windows and doors were required to remain closed. The hours would be 11:00 a.m. to 10:00 p.m. for the exterior space and 11:00 a.m.-midnight for the indoor space. Grahn indicated the appeal was submitted on December 22, 2016.

Appellants:

Sanford Melville, a resident with no commercial interests, stated he was speaking for himself and his neighbors. He filed an appeal because he felt there would be a negative impact on the neighborhood if this use was approved. The developer and attorneys would collect their money and leave. City Council members and staff would come and go, but neighbors would be left with the cleanup. He felt the Planning Commission erred in its interpretation of the Land Management Code (LMC). He asserted the facility was not compatible due to the impact on the municipality and surrounding neighbors, the effects had not been mitigated and its use did not comply with all requirements of the LMC. He stated the Planning Commission unanimously approved the permit in December, but Chairperson Strachan did not vote because he didn't know the impact to the neighbors. The Planning Commission stated the noise was consistent with the previous use, but that was not true. Melville expressed concern that when the facility was too warm, the event planner would open the windows and doors and the music and noise would be emitted. He felt the conditions of approval were unrealistic and not enforceable.

Melville noted staff indicated there would not be any new traffic generated to the site. He felt this was an erroneous conclusion and stated no traffic study had been performed. There was no consideration of the buses on Heber Avenue and stated it was already a difficult intersection for buses. There was no consideration for emergency vehicle access or for delivery and service vehicles that would be loading and unloading at this location. He stated staff suggested the parking for these events would be at China Bridge and other public parking locations. Melville argued this was too far to walk and patrons would seek closer parking spots, and the parking impacts were not mitigated by Planning.

Melville also stated that 480 attendees would constitute a Level 2 Special Event, yet an administrative CUP for events were not required for this facility. He felt this would set a precedent for more preapproved private event facilities. The noise and traffic issues would discourage primary home ownership in the surrounding area. He also noted that in the Historic District, the roof must remain in its original form. The current design did not comply with the LMC. The BOA was concerned that the deck railing, chairs, tables and umbrellas would be visible.

John Stafsholt, appellant, stated his home would look down onto the proposed bar. He stated a private facility was a CUP but an outdoor private facility was not a CUP. He indicated the usage made a huge difference. The events approved for this facility used to require a permit. He didn't understand why the City didn't require these conditions. The LMC defined the use for staging and conducting private events, but prohibited the use on Heber and Park Avenues. A Special Event permit should be required for this venue. He also noted the deduction from Planning that traffic would not be impacted and found that to be erroneous. He stated the noise was a concern because the

ordinance indicated the noise should not go past the property line. This facility would not be able to comply with this ordinance.

Stafsholt gave the following suggestions:

- limit the number of days for occupancy
- limit times or outdoor occupancy
- don't allow outdoor music
- loudspeakers should only be allowed inside
- lower the occupancy
- limit hours for loudspeakers
- equip the Police Department with noise meters
- lower the number of days the tent is allowed
- require the heaters, tables, and chairs to be removed every night
- no events on ground level
- increase signage for parking
- enforce parking regulations
- create load/unload requirements
- create rules for Uber and taxis
- don't allow "Public Outdoor Music Plaza" status to this private venue

Stafsholt indicated the LMC stated the public outdoor music permits were for the Historic Commercial Business District.

Sandra Morrison, Park City Historical Society and Museum, stated Melville and Stafsholt gave great presentations supporting the opposition of this CUP. She did not think approving the CUP would make the City a complete community.

Council Member Henney asked about the barrel roof. Harrington stated the deck was approved but the requirement of invisibility of the railing, tables, chairs, etc. was not mitigated. Council Member Henney asked if the CUP would be appealed if the outdoor component was eliminated. Melville stated the concern for noise was the outdoor deck, but the traffic and loading were concerns as well so he was opposed to the CUP because of the impact to the neighborhood. He thought it would justify a periodic review.

Council Member Beerman asked what other outdoor event facilities were used in determining approval. Grahn stated the Town Lift was used for tents with events and dinners, but the days were limited. This facility had a tent limit of 70 days.

Council Member Gerber asked about the noise ordinance. Harrington stated special events could get exemptions to the noise ordinance on a case-by-case basis. The City had to comply with State law. Noise was a condition of use and the exemption could be revoked.

Council Member Beerman asked what the difference would be allowing outdoor music. Grahn stated the music would have to be at a background level outdoors, similar to music in restaurants for dining.

Applicant:

Craig Elliott, Elliott Workgroup, thanked the BOA and Planning Commission. The process was fair and thorough and the outcome was represented by their diligence. The unanimous decision was based on the conditions of approval. The Park City Fire District reviewed the project so they were aware of the area and traffic. He referred to going to the BOA to discuss the tables, chairs etc., on the deck, and noted that after the BOA approved it, any appeal would have to be made in District Court. He also referred to a parking exemption based on floor area, which this facility met.

The Historic Commercial Business District allowed uses for restaurants, bars, private event facilities, as well as others. Some of the uses required a CUP. Elliott also indicated the building would have sound absorbing materials to mitigate the sound in the neighborhood.

Wade Budge represented his client, CPP Kimball, and stated staff had been very thorough and even handed. This CUP was carefully deliberated. He stated that CUPs were authorized by law and they could be approved with conditions. He reviewed the law with regard to CUPs. He responded to the concerns of the appellants by saying there were always impacts with allowed uses. This facility was not extraordinary or surprising because there were other event facilities in the area. He addressed the concern about noise and indicated the agreement was to have the event planners review the conditions of approval regularly so they would be fully aware of the limitations. The traffic concern was addressed with the public parking facilities in the City. He also indicated that the BOA never required that the deck be invisible. He requested the Council uphold the approval.

Council Member Matsumoto asked if there would be live music on the deck. Tony Tyler, developer and part owner, stated if a live band was outside, they would have to meet the existing criteria. One example would be someone strumming a guitar at an outdoor dining area. Council Member Matsumoto stated that example was not comparable since this was a party, not separate groups at different tables, and the atmosphere would be different. Budge stated his team had proven that the impacts were within the range allowed in this CUP. Council Member Matsumoto asked if a special event permit would be required if live music was performed outside. Grahn affirmed that a permit would not be required. Council Member Gerber asked why a permit wouldn't be required if there was a special event of 480 attendees. Harrington referred to other restaurants or events in the City that offered music and didn't need permits.

Council Member Beerman asked what the result would be if the CUP was revoked. Budge stated that this use was allowed and some of the conditions were being

mitigated. Harrington stated if there were sustained violations, then the City could revoke the permit. Council Member Gerber asked if a code violation had to be addressed within 30 days. Budge stated 30 days was a good timeframe to resolve issues but if the code had been violated for 20 days, 20 citations could be issued which would not reflect well on the client.

In response to a question on the event center location within the building, Grahn confirmed it was not on the ground level. Council Member Henney stated a lot of due diligence went into the Planning Commission's decision and he asked if Council needed to make a decision based on policy and the General Plan. Harrington indicated the Council's role was to determine if the Planning Commission had an incorrect interpretation of the code. He stated the Council had retained the authority to decide on CUP appeals since CUPs affected the community. Council Member Henney asked about the noise ordinance as it pertained to being contained on the property. Harrington disclosed the noise ordinance was currently being updated and would be brought to Council within the next six months.

Council Member Worel asked how a neighborhood was defined since the CUP should be compatible with the neighborhood. Grahn read the definition of neighborhood in the LMC. Mayor Thomas asked how the soffit would decrease the noise on the deck and felt the sound would be emitted in all directions. Elliott stated that the noise going east would hit the glass and would be absorbed by the soffit by up to 50%. Budge stated one condition of approval was that this facility would comply with current and future noise ordinances.

Mayor Thomas opened the public hearing.

Tony Tyler stated he was a Summit County resident and not an outsider as others had said. He indicated second level spaces were not successful in general, and thought an event facility was perfect for this location.

Sydney Reed stated she valued the historic part of town. Her husband started the Historical Society in 1973. She was opposed to dismantling the roof of the building. She asked that the Council not dismantle the guidelines of Historic Preservation. She read a letter by Gordon Strong, who was opposed to the outdoor music component of the facility. There were many indoor facilities that had music, but not on a rooftop in the middle of a neighborhood.

Andy Byrne indicated he spent a lot of time outside and knew both the good and bad things in the neighborhood. For years there had been the same discussion of commercial creep into the residential areas. He agreed with the appellants and noted the neighborhood had gotten bad with traffic, noise, etc. The noise migrated up the hill. He also indicated the traffic had become so bad and he couldn't see how a loading zone could be there. The parking had not been mitigated in his opinion as well. He stated his

neighbors Gary and Jane Kimball, Steve Swanson on 601 Park Avenue, and Linda Cox, 575 Park Avenue, were also not in favor of this project.

Philippe Astie stated he was concerned about the noise. He noted that the other special events inconvenienced the residents a few times a year but this facility could have events every night of the year. Other events such as Silly Market were endured because it benefited so many businesses in the community, but this use would only benefit the owner. He also referred to other open spaces that could apply for events every night.

Mary Crafts was a caterer and could speak about events. She understood the concern of the residents. She knew from experience that the clients would comply with any rules in order to have their event in Park City. Event planners would not open doors if the indoor area got too hot, but would turn on the air conditioner. The outdoor area was great for cocktails and hors d'oeuvres. She couldn't see how 480 people could fit in that facility after the bar, food, coat check, etc. were added. She also stated that there was rarely an event center that was rented 365 days per year and estimated it could be rented 56 days per year. She knew the neighbors had viable concerns but she hoped that a true perspective could be given on the clients of this facility. She thought this issue could be crafted so it would be a win-win for both sides.

Rick Shand thought this facility would be a good idea. He thought it was a great space for a 50th wedding anniversary, a wedding, etc., and noted there was not another facility of this type here. He would expect the noise ordinance to be upheld and if it was abused, the facility should be shut down. The facility should not have a license to wreak havoc on the neighborhood but should be designed to benefit the community.

Sarah Klingenstein could imagine the space as a popular wedding venue in town. She had concern about the group talking over the music in the facility and thought the noise could escalate quickly. She noted the Council wanted to take the foot off the gas with regard to events and special events had to come back to Council for approval each year. This facility would not have to be approved and she hoped the Council would focus on not the single event but the accumulated events that caused the impacts.

Penny Kinsey, a restaurant owner, stated this facility would hold the same events as her restaurants. The facility would be regulated by the State and the DABC. She had a CUP as well and her noise was mitigated. Parking at her parking lot would not accommodate the cars from an event and she required that the parties make travel arrangements prior to attending.

Bob Gurss stated having this facility would be one more reason for people to leave town because of the noise.

Mike Sweeney, owner of an event space, stated noise could be reduced by the way speakers were put together. He felt Main Street needed the event space. He read two letters supporting the Planning Commission's decision, one from Joel Preston and one from Emerson Oliveira. Both letters supported the CUP.

Grahn confirmed Mr. Sweeney needed a Special Event permit for the groups that performed at his facility.

Mark Stemler stated this was a safety issue, parking was too limited, and he predicted an emergency would occur where service vehicles would not be able to respond.

Chuck Klingenstein stated public policy was changing but the LMC lagged those changes. CUPs were allowed uses with conditions. The conditions were set up to keep up with the changes.

Niels Verngaard stated the noise from the facility would be pushed up the hill. He indicated the Mayor and Council favored the fabric of Old Town and Old Town needed to be preserved. He asked Council to do what was right.

Ed Parigian agreed with the appellants. He stated the developers specified there were noise mitigations and that couldn't be true. This facility was not a public service. He thought when the doors opened for people to go on the deck the noise would filter outside.

Jennifer Franklin thanked the applicant and appellant for their time. She was on the BOA and she spent so much time on this issue. The BOA had a narrow scope in which to work. She concurred with many opposing this issue.

Carole Fontana agreed with Byrnes and Astie and thought the residents needed support.

Deb Stafsholt hoped noise could be mitigated.

Mayor Thomas closed the public hearing.

Council Member Beerman asked if events required a Special Event permit. Grahn stated that not every event required a special event permit. With regard to this facility, if the event went beyond the normal business, it would require a special event permit.

Council Member Matsumoto asked what type of live music would meet code. Harrington stated things such as how loud the noise level could be, the maximum number of people allowed on the deck, music, number of days events could be held per year, etc., could be specified in the conditions.

Tyler stated amplified music did not have to be loud and requested it be allowed but subject to the noise ordinance. Council Member Henney stated music was a permitted activity and would be allowed. The business community thought this wasn't an issue but the residents thought this was an issue because of the noise. He also didn't understand how a roof form could be taken off. He didn't think noise could be mitigated, and thought traffic flow was a legitimate concern as well. Bus traffic and pedestrian traffic was congested. He was not concerned for Main Street but was concerned for the neighborhood.

Council Member Beerman stated it became very clear that the level of events in old town had a negative impact on the neighborhoods. The event center was a CUP but an outdoor event was a concern. The Kimball problem was a geographic problem because it faced the neighborhoods that were uphill. The conditions of approval addressed the indoor space, but were not effective in addressing and mitigating the outdoor space.

Council Member Matsumoto asked for the purpose of the Historic Recreation Commercial zone. Bruce Erickson stated the zone allowed the uses of the Historic Commercial Business (HCB) zone but not the height of the (HCB) zone. Council Member Matsumoto stated this was a transition zone. She agreed there was a value to having the event space, but the deck was a concern. She asked what options the Council had. Harrington stated Council could change, remove, or add to the conditions, or remand the appeal back to the Planning Commission with specific directions.

Council Member Worel stated this CUP was compatible with a few neighbors but not with all the neighbors. The noise ordinance was a concern as well, and the burden of enforcement would fall on the neighbors. She also didn't know if traffic could be mitigated.

Council Member Gerber stated it was tough to balance neighbors and businesses. Council had discussed special events for a year. She felt if the number of attendees reached a certain level, this facility should go through the special event permit process so Council could review the events on a case-by-case basis.

Council Member Beerman expressed concern with removing the historic roof and then allowing a tent, which Council didn't want on any historic buildings. Also, the parking plan indicated there was overflow on Park Avenue. He indicated that was not appropriate parking for a residential area.

Council Member Matsumoto asked if the design went to Planning Commission. Harrington stated the design was approved and could not be repealed, but the tent could be altered. Mayor Thomas felt the glass wall was a sound reflector and noise had not been mitigated. He was concerned with traffic circulation as well. Council Member Beerman felt the conditions needed to be refined. Harrington stated he heard concern expressed with regard to the indoor conditions and conditions on loading areas, traffic

and parking. With regard to the outdoor use, which did not appear to be mitigated, a reevaluation of design and conditions on minimum visual impacts should be addressed, since they were somewhat inconsistent.

Council Member Henney stated Harrington summarized clarifications for the conditions that should go back to the Planning Commission. Council Member Worel agreed with Council Member Henney and indicated she wanted to be updated on how the outdoor space was compatible with the neighborhood because she didn't think it was compatible. Council Member Gerber agreed with Council Members Henney and Worel. Council Member Henney did not want to approve the outdoor space but felt the Planning Commission might have a creative way to mitigate the areas of concern so he was willing to remand the item back to the Planning Commission. Mayor Thomas asked if the Planning Commission could limit the amplified sound to indoor space only. Council Member Beerman favored denying the outdoor space and remanding the other portions to the Planning Commission.

Harrington asked if the deck could be used a little regardless of the CUP. Erickson stated the deck was a permitted use. Harrington stated a motion could be made to limit the use, based on conditions 2, 5, 6, 12, and 13, with a specific emphasis on noise, and any use beyond the permitted use on the deck had to have additional mitigation or design changes.

Council Member Henney asked if number of days could be mitigated. Mayor Thomas indicated the hours per day and numbers of days per year could be limited. The City could request that insulation be added between the interior and exterior spaces, i.e. something other than glass. Harrington stated this facility could operationally succeed if it was done a certain way. He also suggested the City have incremental reviews of the facility throughout the year.

Council Member Beerman moved to remand the appeal of the Conditional Use Permit for a private event facility at the Historic Kimball Garage back to the Planning Commission related to the conditions regarding the overall facility, specifically Conditions 3 and 4, to better address loading, traffic, and parking. Related to the noise, Planning Commission should revisit Conditions 2, 5, 6, 12, 13, and 15, to mitigate or find a way to restrict the noise through more restrictive event uses, more limited hours and such. There was also inconsistency in the visual impacts as related to Condition 11, which contradicts the Board of Adjustments. The Planning Commission needs to address the tent and those inconsistencies. The Planning Commission needs to also revisit Condition 15, and add an additional review component. Council Member Gerber seconded the motion.

RESULT: REMANDED TO PLANNING COMMISSION

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

VII. NEW BUSINESS

1. Consideration to Approve Ordinance 2017-12, an Ordinance Approving a Second Extension of the March 3, 2016 Approval of the 1043 & 1049 Park Avenue Plat Amendment Located at 1043 & 1049 Park Avenue, Park City, Utah:

Anya Grahn, Planner II, presented this item. She noted an extension was approved last March, but the owner needed more time to resolve an encroachment issue.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Worel moved to approve Ordinance 2017-12, an ordinance approving a second extension of the March 3, 2016 approval of the 1043 & 1049 Park Avenue Plat Amendment, located at 1043 & 1049 Park Avenue, Park City, Utah. Council Member Matsumoto seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

2. Request to Authorize the City Manager to Sign the Professional Services Agreement in a Form Approved by the City Attorney with T2 Systems Incorporated in an Amount Not to Exceed \$2,649,280.00 for Main Street Parking Technology:

Kenzie Coulson, Parking Supervisor, Alfred Knotts, Transportation Planning Manager, Blake Fannesbeck, Public Works Director, and Julie Dixon, Dixon Consulting, presented this item. Coulson stated this agreement would provide the details people wanted with regard to parking. Dixon stated outreach began today with staff and business owners and a sampling of business employees. Thirty business owners and 30 employees were in attendance at the meeting. They asked for clarification and showed some support. This project would get into the details by mid-April. She indicated she had assured the participants that this would be rolled out in phases. She also noted the vendor was very responsive and ready to engage and start the project.

Mayor Thomas asked Dixon to detail what was involved in the contract. She stated the contract included the gate components, the gate arms, electronics, monument signs that would show parking availability, park and pay stations, license plate recognition technology, and parking management software. She added another feature would be the incentive program.

Council Member Beerman asked about the timeframe for the rollout. Dixon stated the parking garage should have new features by June and most of the other features would be in effect by the end of summer. The app would go into effect around August, when the meters were installed.

Council Member Henney suggested having a video tutorial so people would know how to use the new system. Council Member Gerber asked if there would be a page on the City website to learn about the new system and to receive continuous updates. Dixon responded in the affirmative. Council Member Gerber asked if there would be more transportation opportunities this summer other than the e-bikes. Fennesbeck stated more buses would be in operation so people could be transported in a timelier manner. The shoulders of the street on the pink route would be used as a bus lane. He indicated the resources were going to the spine route and there would not be an increase in routes around town. Knotts stated there was an RFP out for private providers to transport people on demand.

Mayor Thomas opened the public hearing.

John Kenworthy thanked Council for this transportation team and stated he had every faith that they would make this plan work.

Mayor Thomas closed the public hearing.

Council Member Gerber moved to authorize the City Manager to sign the professional services agreement in a form approved by the City Attorney with T2 Systems Incorporated in an amount not to exceed \$2,649,280.00 for Main Street Parking Technology. Council Member Beerman seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

3. Consideration to Approve the March for Science, a Level Three First Amendment Event to be Held on Saturday, April 22, 2017, from 9:30 A.M. to 3:00 P.M. Beginning in the Brew Pub Parking Lot, Traveling Down Main Street, Connecting to Swede Alley at the Bear Bench Crossing, Then Returning to the Brew Pub Parking Lot, with Additional Activities in the Santy Auditorium, Pursuant to Findings of Fact, Conditions of Approval and Conclusions of the Law in a Form Approved by the City Attorney's Office and a Fee Reduction Request in the Amount of \$ 9,746.00:

Tommy Youngblood, Special Events Coordinator, and Josh Hobson, the applicant, presented this item. Youngblood indicated this event was planned for April 22nd. There were 200 people who had expressed interest in attending the event so far. He reviewed

the timeline for this event. A fee waiver was requested, and he noted the event promoted Council goals.

Council Member Worel asked if the increased cost would be for Police and safety services, to which Youngblood responded in the affirmative. Council Member Beerman asked if a staff member could give a presentation at the event to promote energy conservation. Hobson affirmed that would be agreeable.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Worel moved to approve the March for Science, a Level Three First Amendment Event to be held on Saturday, April 22, 2017, from 9:30 a.m. to 3:00 p.m. beginning in the Brew Pub parking lot, traveling down Main Street, connecting to Swede Alley at the bear bench crossing, then returning to the Brew Pub parking lot, with additional activities in the Santy Auditorium, pursuant to findings of fact, conditions of approval and conclusions of the law in a form approved by the City Attorney's Office, and a fee reduction request in the amount of \$ 9,746.00. Council Member Beerman seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

4. Consideration to Approve Ordinance 2017-10, an Ordinance Approving the Cottages – Amending Lots C & D Plat Amendment Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

Council Member Beerman asked if there was an HOA involved in this plat amendment. Harrington stated HOA approval wasn't required for this item.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Beerman moved to approve Ordinance 2017-10, an ordinance approving the Cottages – amending Lots C & D Plat Amendment, pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

5. Consideration to Approve Ordinance No. 2017-13, an Ordinance Approving the Eighth (8Th) Supplemental Plat for Constructed Units – the Belles at Empire Pass, Amending Units 13 + 14 Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

Francisco Astorga, Senior Planner, stated this would be a condominium plat and there would only be one more plat in this development.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Beerman moved to approve Ordinance No. 2017-13, an ordinance approving the Eighth (8th) Supplemental Plat for constructed units – the Belles at Empire Pass, amending Units 13 & 14, pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

6. Consideration to Approve Ordinance No. 2017-14, an Ordinance Approving the First Amended Yard Subdivision Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Worel asked if the owner of the event space was willing to demolish the building if parking was not approved. Astorga responded in the affirmative.

Council Member Beerman moved to approve Ordinance No. 2017-14, an ordinance approving the First Amended Yard Subdivision, pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

7. Consideration to Approve Ordinance 2017-15, an Ordinance Amending the Land Management Code of Park City, Utah, Revising Chapter 15-6 Master Planned Developments:

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Erickson noted the changes to code including the removal of the pre MPD plan requirement and increasing the standards of submittal on the application forms which could be fixed administratively, and renew the invocation of the preliminary plat for subdivision review instead of this action.

Council Member Gerber moved to approve Ordinance 2017-15, an ordinance amending the Land Management Code of Park City, Utah, revising Chapter 15-6 Master Planned Developments. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

VIII. ADJOURNMENT

IX. REDEVELOPMENT AGENCY MEETING

ROLL CALL

Attendee Name	Title	Status
Jack Thomas	Chair	Present
Andy Beerman	Committee Member	Present
Becca Gerber	Committee Member	Present
Tim Henney	Committee Member	Present
Cindy Matsumoto	Committee Member	Present
Nann Worel	Committee Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Michelle Kellogg	Secretary	Present

PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Chairman Thomas opened the meeting for public comments. No comments were given. Chairman Thomas closed the public comment portion of the meeting.

NEW BUSINESS

1. Consideration to Authorize the City Manager to Enter into a Construction Manager at Risk (CMAR) Agreement in a Form Approved by the City Attorney's

Office with Newstar Construction, Inc., for Pre-Construction Services on Woodside Park Phase 1, the Former Fire Station Lot Located at 1353 Park Avenue, in an Amount Not to Exceed \$17,250:

Jonathan Weidenhamer, Economic Development Manager, stated this contract was for the preconstruction for Woodside Park Phase I. After the project goes out to bid, this agreement would be amended to include the general conditions of the percentage of the cost of construction and the bonds for the project.

Council Member Beerman moved to authorize the City Manager to enter into a Construction Manager at Risk (CMAR) Agreement in a form approved by the City Attorney's Office with Newstar Construction, Inc., for pre-construction services on Woodside Park Phase 1, the former Fire Station Lot located at 1353 Park Avenue, in an amount not to exceed \$17,250. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

X. ADJOURNMENT

The City Council reconvened in open meeting at 11:20 p.m. With no further Council business, the meeting was adjourned.

Michelle Kellogg, City Recorder

Special Event Fee Reduction Code & Policy Changes



Thursday, March 30, 2017

Jenny Diersen, Special Events Coordinator

Why Special Event Fee Reduction?

- Community, Cultural and Economic Value
- Mitigate Impacts & Ensure Public Safety
- Department & Event Applicant Fiscal Responsibility
- New process helped to streamline requests



Recommended Changes

Review and approve Ordinance 2017-11, which includes amendments to section 4-8-9 of the City code and Fee Reduction Policy including:

- Add criteria to align with Critical Priorities and goals
- Create a staff review committee, SEAC will no longer make recommendations for fee amounts.
 - Inform SEAC & City Council 2xs a year
- One time application deadline modification from April 1 to May 1 for events July through December 2017.

Maintain annual Special Event Fee Reduction threshold at \$200,000, City Council Review Threshold at \$25,000, and the types of fees for Special Event Fee Reduction.

Actions to Date

Building

- HDDR - Staff Report
- Appeal NOTE: No hearings by the HPB which is an appellant body
- BOA
 - Issues with removal of barrel roof
 - Explicitly forbidden in LMC: Developer is ripping off main feature of a Landmark bldg.
 - Can't be brought back at a later time: reqd by the HDDG
 - Without it: No chance for a deck
 - "Invisible" deck (no ruling on heaters, tents, tables, chairs, etc... BOA did not know this.

Usage

- CUP Planning Commission
- Appeal (tonight)
 - "Invisible" deck. Includes 15' tent.
 - Usage: Typical usage will be from 8AM to Midnight
 - Outdoor Music will be "limited" to 11AM to 10PM (365 days of CUP approval)
- Enforcement & Potential Mitigation
 - Impossible to enforce PC noise ordinance. Not meant for this potential usage.

Temporary Structures “Invisible Deck Standard”

Building

- Tent
 - 1 tent 780sq ft.
 - 15' height
 - 4 days consecutive X 15 times per year = 60 days
 - Plus 10 more days = 70 days per year
- Heaters, Tables, Chairs, etc...
 - BOA Invisible deck standard
 - Same days as tent?
 - Must take down every night?
 - Signs
- Lighting
 - Park and Woodside look directly into all outdoor lighting & indoor bar lighting

CUP ISSUES

USAGE

- What is the Usage?
- Liquor Permitted, Where?
- Special Events Permit Required?
- Master Festival License?

Live Music Allowed?

- Need Special Event Permit?
- Need MFL?
- Allowed 11AM-10PM 365 days per year

- Amplified Music Allowed?
- Hours 11AM- 10PM 365 days per year.

What is usage on Heber Ave Level?

- CUP Private Event Planning Commission

25. The LMC defines this as a facility where the primary Use is for staging, conducting, and holding Private Events. Private Events are events, gathering, party, or activity that is closed to the general public or that requires an invitation and/or fee to attend. **A Private Event Facility is a Conditional Use in the Heber Avenue Sub-zone and is not permitted in storefronts along Heber, Park, and Main Street.**

Private Event vs. Special Events CUP Item 28

SPECIAL EVENTS: as defined by the LMC, are those events, public or private, with **either public or private venues**, requiring City licensing **beyond the scope of normal Business and/or liquor regulations** or creates public impacts through any of the following:

- (A) Use of City personnel; or
- (B) Impacts via disturbance to adjacent residents; or
- (C) Traffic/parking; or
- (D) Disruption of the normal routine of the community or affected neighborhood; or
- (E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events requiring Street closure of any residential Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.

Let's hope all these impacts are not considered "normal Business"

Weddings are special events. Ask your wife!

Occupancy Mitigated? CUP Item #27

- In 2015, the Kimball hosted an event with an occupant load of 697 people. The applicant finds that the proposed Private Event Facility will have an occupancy load of 480 people, a 32% reduction from past event occupancy loads.
- Really! 1 event in one year (probably had a special event permit?)
- Kimball Impact 697 people
- CPP Potential impact 480 people X 365 = 175,200 people
 - Not a 32% reduction
- This 175,000 people is not just what you are allowing.
It is what you are incenting!

Noise Ordinance Enforcement

- [6-3-3 Jurisdiction](#)
- All noise control in this Chapter shall be subject to the direction and control of the Police Department, Building Department and City Manager.
- [6-3-9 Noise Levels](#)
- The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following Subsection (A), or identified and measured in the manner prescribed in Subsection (B), or in violation of restricted hours as outlined in Subsection (C) is unlawful.
- (A) On the public right-of-way or upon public property, from the source or device as to be plainly audible at a distance of fifty feet (50') **or on private property, as to be plainly audible at the property line.**
- (B) The noise shall be measured at a distance of at least twenty-five feet (25') from the source of the device upon public property or within the public right-of-way or twenty-five feet (25') from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of sixty-five (65) decibels shall be considered to be excessive and unusually loud.
- (C) Hours of restriction are as follows:
Residential- 10 pm to 7 am Monday through Saturday
 Not before 9 am Sunday
Commercial- 10 pm to 6 am- Monday through Saturday

Impossible for the applicant to comply with the current PC Noise Ordinance!

It would require continuous enforcement...

Possible Real World Mitigations

- Limit number of days per week/ month/ year that allow any outdoor occupancy.
- Limit times for outdoor occupancy:
 - 8AM – Midnight 365 days per year is outrageous!
- Do not allow any live music, ever!
- Only allow loudspeakers indoors!
- Lower Occupancy
- Limit hours for loudspeakers to earlier than 10PM. (Most Old Town Residents cool their houses with open windows. No A/C)
- Meet with the PC Police Dept. to learn how they do/ do not enforce the current noise ordinances.
- Equip the PC Police with noise meters.
- Lower the number of days the tent is allowed.
- Expressly require that the heaters, tables, chairs etc... are removed every night.
- Enforce the code: No Private events on groundlevel: Heber or Main!

Possible Real World Mitigations (cont)

- Increase proper signage for parking
- Enforce parking regulations. Speak to police about how they do not enforce the parking regulations near that venue and why?
- Create stringent load/ unload requirements to keep traffic on Heber Ave flowing (especially critical for PC buses).
- Create rules regarding Uber and other unlicensed “taxi services”
- Do not grant “Public Outdoor Music Plaza” Status to this private venue.
- Enforce the below statute:
- [4-8A-12 Plaza Licenses In Lieu Of Administrative Permit For Outdoor Music And Outdoor Speakers](#)
- The Special Event Permits granted under this Chapter are in lieu of any administrative conditional permit (CUP) for outdoor music, including outdoor speakers, pursuant to Title 15 of the Municipal Code, Land Management Code. **The Planning Department shall not issue any outdoor music permits in the Historic Commercial Business (HCB) zoning district north of Heber Avenue. The City may still issue outdoor music permits in conjunction with an approved Special Event Permit.**

Appeal of Conditional Use Permit
for
Private Event Facility
on
Roof of Kimball Garage
at
638 Park Avenue

March 30, 2017

Kimball Garage Site



Reasons for Appeal

- The proposed Conditional Use for an Indoor/Outdoor Private Event facility is not compatible due to the impact on the municipality and surrounding neighbors, its effects have not been mitigated, and its Use does not comply with all requirements of the LMC.
- Policy issue for City Council to consider – Do you want to give pre-approval to 365 private events per year each year into the future with no special event permit or further control by the City in the heart of the historic core on the roof of a landmark building?

Planning Commission Meeting – 12/14/16

“Chair Strachan stated that he would not be voting in favor of the CUP because the impacts are unknown and therefore, could not be mitigated. None of the conditions are clean, which is a good indication that the mitigation will not be clean. Chair Strachan believed the public comments were right on point; and he was unsure how this was ever approved by the Board of Adjustment. Chair Strachan did not believe the associated impacts could be reasonably mitigated.” (Minutes of 12/14/16 meeting at p. 69)

Detrimental Noise Impact to Neighbors

- LMC 15-1-10(E)(12) requires consideration of the impact of a conditional use's "noise...that might affect the people and Property Off-site".
- "Both the balcony and the terrace" – over 3,000 sq. ft. of outdoor event space – "will be used as part of the Private Event Facility".
 - Capacity of up to 480 guests. (FF #37, 12/16/16 Action letter)
 - Operating hours between 8 am and midnight (FF #33, 12/16/16 Action letter)
 - "Outdoor speakers and music" will be allowed "between the hours of 11am and 10 pm". (FF#33, 12/16/16 Action letter)
- Staff determined there were no unmitigated impacts.

Traffic Congestion not Analyzed

- Traffic issues have not been adequately considered, addressed or mitigated.
 - Staff erroneously based its analysis on the assumption that this large commercial event center “will not generate any new traffic to the site” versus previous uses of the site. (12/14/16 Staff Report p.99)
 - Staff stated that this event facility would otherwise be considered a “Level Two Event” and has “incorporated additional conditions of approval consistent with those, including “#3. Guests and patrons using the Private Event Facility shall abide by the same parking and access restrictions as other visitors to Main Street.” (12/14/16 Staff Report p.100)
- **No traffic study was done.**
- No consideration for public buses on Heber Avenue.
- No real consideration for emergency vehicle access.
- No real consideration was given to the impact of delivery & service vehicles.

Parking Provisions Ignored

- LMC 15-1-10(E)(5) requires that the “location and amount of off-Street parking” be considered.
- CUP approval for this new private event center includes no provision for any new parking and in fact this project eliminates parking.
 - Staff reasoned that there were no unmitigated parking impacts based on the erroneous assumption that no new traffic would be generated.
 - Staff further stated that “any new traffic...would likely find parking in one of the City’s public parking lots...”
- Reality is that the new commercial nightly private event center will vastly increase competition for parking in Old Town.
- Parking impacts are entirely unmitigated.

CUP Allows for Preapproval of Unlimited Private Events

- Proposed private event facility is designed for up to 480 people which is defined in the LMC as a Level Two Event requiring a Special Events Permit. (12/14/16 Staff Report, pp.99-100.)
- CUP “will allow for outdoor private events without requiring individual Administrative CUPs for outdoor events”. (12/14/16 Staff Report, p.95.)
- Unprecedented pre-approval of outdoor events which treats this commercial business preferentially over all other entities that seek to schedule events in Park City.
- Bypasses review by the Special Events Advisory Committee.
- Provides a precedent for more such pre-approved permanent private event centers.

CUP is Inconsistent with Park City General Plan

- Discourage primary home ownership in the surrounding area.
 - “In order to keep Park City Park City, it is essential the Parkites be located in the heart of the City”
 - Complete community
- It will not encourage visitation to Main Street shops or restaurants.
- It does not improve energy efficiency
 - Outdoor surfaces for year round private events must be heated.
 - Tents are energy inefficient.

CUP Fails to meet all LMC Requirements

- Explicit requirement of LMC and Historic Design Guidelines is to “maintain the original roof form” (Specific Guideline B.1.1, p30)
- Board of Adjustment in a split vote approved removal of half of the Kimball Garage barrel vault roof and replacement by a roof-top deck, the BOA did not determine that the Historic Design Guideline requirement to maintain the original roof form was being met.
- LMC 15-1-10(D)(1) states that a CUP cannot be granted unless “the Application complies with all requirements of this LMC”.

CUP Fails Comply with Reasons for BOA Approval of Deck

- Board of Adjustment reasoning in allowing the roof-top deck included the assurances that the deck would be invisible (12/16/16 Action letter FF #8 & #9).
 - The outdoor deck and other components of event center will be prominently visible from Heber Ave. and other vantage points.
 - A 2,530 sq. ft. deck over half of the existing roof along with the 3 ft. high safety railing will be highly visible.

Kimball Garage Site



CUP Fails to Comply with BOA's Criteria for Approval of Roof-top Deck

- Board of Adjustment was concerned that no tables, chairs or umbrellas on the deck would be visible.
- Not revealed to BOA:
 - The 15 ft. tall, 780 sq. ft. tent would be installed on the roof-top deck.
 - Umbrellas, heaters, furniture required to support a large outdoor commercial event facility would be installed on the roof-top deck.

Kimball Garage Site



City Council Policy Considerations

- No public benefit from this CUP. All the negative impacts from this private event facility have to be endured by the local residents.
- CUP grants priority to private events over public events
- Precedent for other outdoor private event facilities
- Do you want to give pre-approval to 365 private events per year each year into the future with no special event permit or further control by the City on the roof of a landmark building in the heart of the historic core?

Anya Grahm

From: Tim Henney
Sent: Wednesday, March 29, 2017 1:04 PM
To: Polly Samuels McLean; Anya Grahm
Subject: Fwd: Deny CUP for Kimball Garage Private Event Roof Deck

Sent from my iPad

Begin forwarded message:

From: Diane Bernhardt <diane.a.bernhardt@gmail.com>
Date: March 29, 2017 at 12:44:23 PM MDT
To: Council_Mail <council_mail@parkcity.org>
Subject: Deny CUP for Kimball Garage Private Event Roof Deck

Mayor and Council,

I am a PC resident at 630 Coalition View Ct and a property owner at 627 Park Avenue Unit B, the Motherlode Condominiums, at the intersection of Park and Heber, kitty-corner to the Kimball Garage.

I'm writing to you to request that you **DENY** the CUP for the Kimball Garage Private Event Roof Deck.

There are a number of aspects of this project that concern me: the proximity to a residences, light emission, sound radiation, traffic flow disruption, additional parking pressure, and the alteration to the historic character of the building itself.

The Motherlode HOA couldn't be closer to the Kimball Garage, and will be dramatically affected by the project. The 480 guests plus event staff and stagers, many arriving in vehicles, will be tempted to park in Motherlode's private parking garage on Park and outdoor stalls on Woodside. In addition, Uber drivers regularly wait in the Motherlode garage for their next rider. We've experienced this at Motherlode for years. Our attempts to control the use of our private driveways and parking area is inconvenient and difficult today without the pressure of a 500+ person event center across the street. Having to wait on a tow truck to simply park in your own parking space is frustrating. As added pressure of large events across the street increase, Motherlode may need to consider ways to safeguard our parking areas via installation of **expensive** gates or patrolling service. Just as we were recently forced to do because local commercial operators were using our garbage bins.

Management of transportation and parking are a top priority for our City and our Council. This building is being redeveloped with the intention of making it a commercial, "for profit" event center which would be able to book large events without a permit. I ask you to address two aspects of this project:

1. A formal study and mitigation plan addressing the issues as outlined in the appeal PRIOR to design and construction.
2. The requirement a permit that will allow the municipality to plan appropriately for our many, large, often concurrent events that seriously effect flow of traffic, parking, and security.

The owners of the Kimball Garage should not be allowed to proceed with the project without mitigation of its impacts. No entity, private or commercial, should be allowed to profit at the expense, discomfort and inconvenience of those who have invested their earnings to make quaint, historic Old Town their home.

Thank you for your consideration,

Diane Bernhardt
530.575.0899

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:56 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Nightly open air parties in Old Town? NO! LMC 15 1 18
Attachments: CUP Appeal.pdf; ATT00001.htm

Sent from my iPad

Begin forwarded message:

From: Barton Bodell <bartonbodell@me.com>
Date: March 27, 2017 at 10:52:49 AM MDT
To: <council_mail@parkcity.org>
Cc: Barton Bodell <bartonbodell@me.com>
Subject: **Nightly open air parties in Old Town? NO! LMC 15 1 18**

Hello-

I wanted to go on record that my wife and I are VERY MUCH IN OPPOSITION to the approval of a private event facility on the roof of the historic Kimball Garage Site at 638 Park Avenue.

Living on Norfolk Ave- I can hear the music from Park Silly every Sunday loud and clear until it ends early evening. It ends at 5pm- not that big of deal. Now you are giving a private business the right to create noise pollution in Old Town in the form of live music until 10pm and then continue until 12am- whenever they want? Even closer to the homes we live in daily???

We will not stand for this. Do you care about the citizens of Old Town? The people that pay taxes and actually live here year round? If you are in favor of this- you don't in my opinion. My guess is you don't actually live in town. This will get ugly for all of us that live here and you'll have a much larger issue if this is allowed to move on.

Please consider the rights of the people that live in Old Town. We should matter at least as much as the few that are always profiting off of it.

Thanks, Barton and Stacy Bodell

Anya Grah

From: Meghan Burchard <ctwobycake@gmail.com>
Sent: Wednesday, March 29, 2017 4:00 PM
To: Anya Grah
Subject: Regarding Kimball Event Space

To whom it may concern,

We are retailers on Main Street with two stores and familiar with the struggles of foot traffic and off season tourism. The idea of an event space for the kimball building, from what we see of their plans, seems it would be a great asset to the old town community. We hope this helps you make a decision that would be beneficial for bringing business to our community.

Thank you,

Cake Enterprise Management

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:55 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: kimball garage.. saving history

Sent from my iPad

Begin forwarded message:

From: Ronald S Butkovich <rsb1261@aol.com>
Date: March 28, 2017 at 12:07:36 PM MDT
To: <council_mail@parkcity.org>
Subject: kimball garage.. saving history

To whom it may concern.. please limit the loss of history with each renovation and every adaptive re use we loose more and more of the scale charm and historic fabric of or little city.. i know that we can't stop growth but to retain the maximum of historic fabric, sheds, roof lines scale,, whenever we can is of the utmost importance!!!!!!! the scale and historic charm is what brought you and i to park city and will continue to bring people IF we save it from ourselves!!!! sincerely ron butkovich

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:57 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Kimball Entertainment Complex

Sent from my iPad

Begin forwarded message:

From: Andrew Byrne <ajbyrne2011@hotmail.com>
Date: March 24, 2017 at 2:38:33 PM MDT
To: "<council_mail@parkcity.org>" <council_mail@parkcity.org>
Subject: Kimball Entertainment Complex

Dear Council Members,

Regarding present plans for the old art center , I am not in favor of this project. Why is this meeting /party /event center being thrust on an already stressed neighborhood ? Traffic , congestion , non-stop construction , and noise have already made this area less desirable to live in. This could plop an extra 450 people , with outdoor decks , and music til 10:00PM into old town. I'm guessing these Southern California developers do not care about their 'neighbors' , but only how much money they can stuff into their bank account. This is not separated from local housing vs. the larger tent/ballroom facilities at someplace like Montage or The Canyons. I lived on upper Woodside for many years. The sound (and traffic) will travel (and climb) to these houses. My understanding is the few parking spots on the north side of the building will disappear. Are we naïve enough to believe that these crowds are all going to take the bus or private van service to these parties ? Hmmm...maybe individual cars would be better to illegally park in the permit only neighborhood. It might be better than an exhaust spewing bus unloading 50 passengers at the chokepoint of Park and Heber Ave. Too bad for PC Transit drivers and emergency vehicles needing to 'round the bend'. It could be even more exciting to throw in a couple thousand Sunday Sillyiots into the scrum ! It seems to be the new mantra for Park City 'More People , less Parking !'. I am sure others will have additional worries. Don't fast-track this like the Planning Commission did.

Respectfully,

Andrew Byrne (34yr . resident)

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:51 AM
To: Anya Grah; Polly Samuels McLean
Subject: Fwd: Kimball Garage Party Deck

Sent from my iPad

Begin forwarded message:

From: Christine Hult <cnhult@comcast.net>
Date: March 29, 2017 at 10:35:46 AM MDT
To: <council_mail@parkcity.org>
Subject: **Re: Kimball Garage Party Deck**

Dear Council Members:

We strongly urge you to overturn the CUP granted for the open party deck on the roof of the old Kimball Garage. As residents of Old Town who live directly above that area, we are very concerned about the noise nuisance, which will destroy our peaceful evenings on our outdoor patio. Please show concern for residents and set things right.

Sincerely,

Christine Hult 920 Lowell Ave.

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:56 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Events

Sent from my iPad

Begin forwarded message:

From: Roy Crandall <rc0313@comcast.net>
Date: March 25, 2017 at 12:29:38 PM MDT
To: <council_mail@parkcity.org>
Subject: Events

I'd like to see the pursuit of events for Park City dialed back and efforts be made to reduce the number of events. I'm in favor of denying the permit for roof top events at the Kimball Garage.

Thanks,

Roy Crandall
Park City 20+ years resident

Sent from my iPad

Anya Grahm

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:52 AM
To: Anya Grahm; Polly Samuels McLean
Subject: Fwd: Kimball Art Center Events

Sent from my iPad

Begin forwarded message:

From: Kathryn Deckert <deckertkathryn@gmail.com>
Date: March 29, 2017 at 10:13:28 AM MDT
To: <council_mail@parkcity.org>
Subject: Kimball Art Center Events

Park City Council Members

With concern I address all City Council members to appeal the approval granting the developers of the Kimball Art Center redesign in allowing nightly rooftop events to take place further disrupting the quality of life for residents of Old Town. Honestly i was appalled that the Planning Commission approved this use of space to add to the burgeoning insult to the residents of town.

We live with issues concerning quality of life that the rest of town does not experience - people driving up and down our streets all summer and winter out of curiosity, at least a 50% residential pool of 2nd home owners which lends itself to nightly rentals that many come with nightly partying, traffic concerns during city sponsored events necessitating obtaining special permits to we can even get to our houses after going through security check points, noise generated from a weekly street fair every single Sunday. We tolerate all of this and have come to accept it as we chose to live in old town.

But to keep adding to the onslaught is getting to be intolerable. The residential charm of living in old town is well loosing its charm and appeal and the residents that live here do have a breaking point.

The developer has stated that they need to have this entertainment angle to allow them to fiscally develop this project. Is the City neglecting the needs of its citizenry to aid in the developer creating this project to their needs?

Old town residents are also facing the redevelopment of an upper Main Street Plaza. I wonder

how much new noise will this generate with more outdoor activities. PLEASE put the rights of your constituency that elected you into office before developers needs. PLEASE do not further activity that will deteriorate our life here in old town.

Thank you for listening and considering our needs.

Respectfully,

Kathryn Deckert
102 Daly Avenue
45 years as Old Town Resident

March 29, 2017

Dear Sirs, Planning Commission, and City Officials,

My name is Joel Preston. I live in old town at 312 Upper Norfolk, Park City UT 84060. I would like to go on the record as being 100% in favor of the private event space planned for the project at 638 Park Ave. in Park City.

As the ski season again draws to an end I am looking forward to the summer season in Park City. The summer season in Park City is filled with celebration and vibrancy. With this comes a certain amount of noise and activity all along main street. I look forward to the noise and activity. This brings a special life to old town that other areas of Park City do not have. The special life is what brings people into old town and makes Park City the unique place it is.

I am also looking forward to the event space bringing tourists and locals to old town. I am hoping the event space will compete favorably with the major hotels in the area and expose people from all around the world to old town Park City. Hopefully this exposure will keep people coming back again and again for years to come.

Thank you,

Joel Preston

Brazucas, LLC
825 Main Street
Park City, Utah

Hashi Sushi, LLC
838 Park Ave
Park City, Utah

Mayor and City Council
Park City Municipal Corporation
445 Marsac Ave PO Box 1480
Park City, UT 84060

March 30, 2017

Re: Consideration of an Appeal of the Planning Commission's Decision to Approve the Conditional Use Permit for a Private Event Facility at the Historic Kimball Garage (638 Park Avenue)

Dear Mayor and City Council,

My name is Emerson de Oliveira and I am the owner of The Bridge Café and Flying Sumo. I am in support of the Planning Commission Decision to Approve the Conditional Use Permit for a Permit for a Private Event Facility on Main Street, Heber Ave and Park Ave. It is import to add new activities to The Historic Commercial Business and Historic Recreational Commercial Districts. The more visitors that can be attracted to Historic Main Street is good for the health of our Park City Community. We want to see these visitors coming back to Park City to support our community on a regular basis! The Event Facility will be a very positive attractor for visitor to come to Park City.

Sincerely,



Emerson Oliveira Business Owner

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:54 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: CUP Kimball Garage Site, 638 Park Avenue

Sent from my iPad

Begin forwarded message:

From: JULIE DUFOUR <juliehdufour@gmail.com>
Date: March 28, 2017 at 3:20:58 PM MDT
To: <council_mail@parkcity.org>
Subject: CUP Kimball Garage Site, 638 Park Avenue

Council members-

We are owners at the Motherlode Condominium project on Park Avenue/Woodside in old town. We are opposed to the CUP for the private event facility at the Kimball Garage Site. The noise and overall nuisance to the neighbors surrounding the site would be unbearable. This outdoor venue for events year round with the resultant activity and nightly noise would be unacceptable to any residents nearby.

Please do not approve this CUP.

Julie and Dave DuFour
604 Woodside #6

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 5:54 PM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Propsed Open Air Party Deck at Former Kimball Art Center

Sent from my iPad

Begin forwarded message:

From: richard eichner <rickeichner@hotmail.com>
Date: March 29, 2017 at 5:30:19 PM MDT
To: "council_mail@parkcity.org" <council_mail@parkcity.org>
Subject: Propsed Open Air Party Deck at Former Kimball Art Center

We are opposed to this proposal - it will clearly impact the neighborhood with a barrage of noise.

From: Lauren <keis@aol.com>
Date: March 30, 2017 at 2:50:01 PM MDT
To: <council_mail@parkcity.org>
Subject: Kimball set center previous space

I am writing to let you know that I am not in approval with the proposed event space that is a possibility for the building at the corner of Main Street in Heber that used to be the Kimball Art Center. Please do not approve this. The impact it would have on old town residents due to noise on an open roof patio along with the car and traffic problem is not something that old town or Park City can afford to let happen anymore than it already is. The traffic problem is a huge issue now that needs to be remedied and fixed not added to and made worse.

Please let all city councils and planning commissioners and the mayor know these opposing positions
thank you Lauren keiser

Lauren Keiser
4356403953
Keis@aol.com

From: Angela Moschetta <angela@noseitall.com>
Date: March 30, 2017 at 4:16:01 PM MDT
To: Council_Mail <council_mail@parkcity.org>
Subject: demand impact studies on the Kimball

Good afternoon, Mr Mayor and Councilors.

I'm currently flying back to Utah and have to send an email in place of speaking at tonight's Council meeting on the matter of the Kimball and Columbus Pacific Properties' proposed roof deck.

I fully support the appeal filed and wish to, once again, call your attention to matters that seem incongruent with town values and goals.

480 people allowed to revel 16 out of 24 hours a day will not only contribute the event fatigue problem you have identified and established a committee to address, it will bring increased pedestrian traffic, loitering, waste, energy consumption and noise, along with additional drive-by, drop-off and standing (oft idling) vehicular traffic.

Anya's claims that it will not be different than Art Center days are baseless, as no studies have been conducted. And her published assertion that "Many of the applicant's anticipated events – meetings, cocktail receptions, weddings, etc. – will likely not meet the maximum occupancy load for the space of 480 occupants," is naive at best, unethical at worst. I hope it is not new precedent for our planning department to offer unsubstantiated statements as fact and for our Council to accept them as gospel.

A year-round, heated roof deck or portion there of is not an inalienable right of hospitality operators in a mountain town with 4 distinct seasons.

It's bad enough that our Planning Commission rolled over on this one without any meaningful conditions or demands for impact studies. If you let this go like they did, it raises a huge red

flag confirming that process, protocol, code and The People mean nothing in Park City. And then, there goes the neighborhood.

Thank you for your consideration.

Respectfully,
Angela Moschetta
245 Park Ave

Angela Moschetta
Founder & President
Nose It All

t: [+1 857 753 7542](tel:+18577537542)
e: angela@noseitall.com
w: www.noseitall.com

From: Rick Kuhle <rkuhle@vestar.com>
Date: March 30, 2017 at 4:33:48 PM MDT
To: "council_mail@parkcity.org" <council_mail@parkcity.org>
Subject: Kimball Party Deck

Am doubtful that I can make it tonight but I am shocked the city would even entertain such a problem. As an owner at 713 Norfolk, its bad enough listening all hours of the night and morning to High West emptying their bottles in the dumpster, but even contemplating any out door music and events past ten is crazy. They should have to get a special permit for anything outside between 8pm and 10pm and absolutely nothing after 10pm. Thanks to all the council and staff for doing the right thing and shutting this down!

Sent from my iPhone

Rick Kuhle
Chairman and CEO
Vestar
2425 East Camelback Road
Suite 750
Phoenix, AZ 85016
602-866-0900
602-553-2605
rkuhle@vestar.com

From: John Murcko [mailto:chefjmurcko@gmail.com]
Sent: Thursday, March 30, 2017 3:08 PM
To: Anya Grahn
Subject: Kimball Event Space

Murcko Restaurant Group LLC
Firewood Restaurant

306 Main St
Park City, UT 84060

Dear Anya,

I am writing to give you my support for the Kimball event space. I believe that a venue that would allow programming for Main Street provides added synergism that would benefit retail merchants and restaurants downtown. This would allow people that would normally be using venues outside of the city to take advantage of and be aware of all that Main Street has to offer.

Sincerely,

John Murcko
President
Murcko Restaurant Group LLC

From: patrick somers [mailto:somersmkt@msn.com]
Sent: Thursday, March 30, 2017 2:57 PM
To: Anya Grahn
Subject: Kimball Event Center

Hi Anya,

My name is Pat Somers and we have 4 stores in Park City (Shirt Off My Back), 2 of our stores are on the lower end of main st. 614 main and 751 main. We are very much looking forward to having the Event Center opened ASAP. I feel it will bring a nice mix to lower main that is missing at this point. That whole lower section will be better off with more events down there.

Please feel free to call me on my cell if you have any questions or need so more input.

Sincerely

Pat Somers

From: Darius Keblinskas <dkeblinskas@gmail.com>
Date: March 30, 2017 at 11:59:54 AM MDT
To: <council_mail@parkcity.org>
Subject: Kimball garage

Dear Park City Council members,

As an owner in the Motherlode condo complex at 627 Pak Ave, I would like to voice my strong opposition to the new OPEN-AIR PARTY DECK/EVENT CENTER construction at the Kimball Garage location.

I ask that you strongly consider the appeal being put forth to that effect.

Thank you for your consideration on this matter.

Regards,

Darius Keblinskas
627 Park Ave #F
Park City UT
cell 312-330-6549

From: Frederique Bouty <frederique@astie.com>
Date: March 30, 2017 at 11:51:53 AM MDT
To: <council_mail@parkcity.org>
Cc: <jack.thomas@parkcity.org>, <andy@parkcity.org>, <tim.henney@parkcity.org>, <cindy.matsumoto@parkcity.org>, <nann.worel@parkcity.org>, <becca.gerber@parkcity.org>
Subject: Kimball building appeal 03 /30

Hi

It is with great concern that we heard about the permit given by the planning commission for a CUP OPEN-AIR PARTY DECK/EVENT CENTER on top of the old Kimball Garage building.

This is quite worrisome as it will bring extreme noise pollution to the Old town area, among other things. This is serving a single set of private investors interests at the expense of hundreds of residents and renters in Old Town, who will also have to put up with the noise and trouble this will create in Old town.

We also support all issues raised in the appeal filed

We urge you to reconsider this blanket authorization today in the meeting, as an appeal has been filed.

Thank you for your consideration

Philippe and Frederique ASTIE
944 Woodside Av
Old town

From: Eileen Galoostian <eileengaloostian@gmail.com>
Date: March 30, 2017 at 10:44:37 AM MDT
To: <council_mail@parkcity.org>
Subject: Please require impact studies on new proposed event center at old Kimball Arts square

As I understand it, impact studies on traffic, noise and light pollution, Old Town character, etc. have not been required for CPP's proposed event center (located at former Kimball Arts center). Please require these and publicize the results. If these studies have been completed, then please let me/us know where to find them.

I along with many citizens are very concerned. We love our "small town" and would love to keep it as such. We also understand there will be changes. However, please let ensure these changes are in tune with the vibe of this town. Keep it quaint and enjoyable as opposed to a

traffic jam filled with a constant influx of more people than can reasonably be handled in this small space of Old Town. Once you change it, you can't go back, and the charm of Park City's Main street/Old Town will fade.

Thank you for your consideration.
Eileen Galoostian
8008 Long Rifle Road
Park City, UT 84098

From: Ed <edp.edco@gmail.com>
Date: March 30, 2017 at 4:51:53 AM MDT
To: <council_mail@parkcity.org>
Cc: Anya Grahm <anya.grahm@parkcity.org>
Subject: Please REJECT the Kimball Event Deck

Honorable Mayor and City Councilors,

I ask that you REJECT the Planning Commission approval of the CUP for the Open-Air Event Deck on top of the Kimball Garage. I think approval of this deck will permanently and negatively affect our local homeowners' quality of life. In addition, it will invite the owners of the nearby Town Lift Plaza, and others, to seek the same rights...and there is nothing to stop them as the precedent will have been set. In effect you are probably approving at least 2 open-air party decks by denying this appeal.

Bear in mind that these developers have no vested rights for this deck. They can only build and operate it if it conforms with all the codes involved...and it doesn't. This CUP fails to abide by the code in many ways that have not been mitigated thru the approval process, as outlined in the appeal...and each failure is grounds for you to uphold the appeal and send the project back to the developers for further change, refinement, and/or limitations:

- 1) NOISE- The noise level set in the CUP, per city ordinance, is 65db. This is the acknowledged level of normal conversation, not the level of almost 500 alcohol-fueled people, at a party, talking over the music and each other. There is no way the operators can conform to that level. If there is a way, that needs to be empirically proven by the operators beforehand, not left as an experiment to be determined after the fact, when enforcement and remedies will be extremely difficult to enact. The government should pro-actively protect its' citizens, not put them in the awkward position of fighting against the very town they love.
- 2) TRAFFIC/PARKING- There is minimal, if any, mitigation of traffic and parking impacts in the CUP approval. If the stated goal of PC is to reduce the cars traveling into Old Town, for both traffic and environmental reasons, how can we approve something that will attract hundreds of cars per event? Maybe every night of any given week in the summer, maybe even 2 events in one day...the CUP applies no limits other than closing times. Do we think these attendees, coming from who knows where, will want to take the bus in their party clothes? I think that answer is a resounding NO...they will drive their cars, drink alcohol, make a bunch of noise on their way out, and drive intoxicated thru our streets on their way home.
- 3) HISTORICAL- There is a reason we have a Historic Board. That Board has not approved the alterations planned for the Kimball Bldg, and are a part of the CUP appeal for those stated reasons.

At the very least, postpone your decision until we can get some definitive noise and traffic studies done. I have not read in any document where this was presented in a way that it could be determined what exactly we are dealing with here. Perhaps spend a few \$\$ to hire a firm that both sides will recognize, and direct the developers to do the same. The small expenditure is well worth it vs. the enormity and permanence if the CUP approval is upheld.

Just because the developers have made this deck a vital part of their business plan does not mean that the Council or Planning Commission should feel obligated to approve it. On the contrary, because it is such a vital part of their business plan means they plan to use it extensively...all the more reason to study the impact in more detail.

Generally we rely on our gov't to do and allow things that make it's residents happy, to make their living experience better, not worse. Please consider locals' rights to a peaceful existence, as stated in our bldg. codes and the Council's own priorities...there is too much at stake for a hasty decision.

Thanks for all you do, Ed Parigian, Old Town resident 11 yrs

From: Jeff Trocin [mailto:Jeff.Trocin@RaymondJames.com]

Sent: Thursday, March 30, 2017 8:18 AM

To: Council_Mail; Anya Grahm

Subject: Kimball Garage rooftop event space

Members of the Park City Planning Department,

I am writing you in regards to the upcoming public hearing for the appeal of the Planning Commission's approval of the Kimball Garage rooftop event space. I am Jeff Trocin, my wife and I own a property in the Caledonian building at 751 Main Street. Our condominium in the Caledonian is our second home (we do not rent it out as an income property) and we are in Park City on a regular basis.

We are concerned with the proposed use of the Kimball Garage rooftop event space. The size of this venue combined with the fact that it is an elevated, outdoor, open-air space, makes the potential for noise and other disruption in the neighborhood inevitable. I would point out that while the surrounding area around the Kimball Garage has plenty of commercial activity, it also has a large confluence of residential use. The other entertainment venues in this area are indoors, confined, smaller and/or do not operate late into the evening and if they do -- they don't incorporate loud music or other noise in an elevated , open-air space that will be transmitted for hundreds of yards from the venue .

I do not believe the nature of the commercial and residential uses in Old Town are conducive to this proposed use of the Kimball Garage rooftop. I would encourage the Planning Department to seriously consider rejecting or further restricting the conditional use of this venue in order to protect the rights of nearby residential property owners to enjoy their homes without the noise and disruption that this venue will bring to the neighborhood.

Thank you for your consideration.

Jeff Trocin
Old Town homeowner
Caledonian 201

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:54 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: PLEASE - Stop the Kimball Garage Party Deck

Sent from my iPad

Begin forwarded message:

From: kevin <kg3200@gmail.com>
Date: March 28, 2017 at 12:53:45 PM MDT
To: <council_mail@parkcity.org>
Subject: PLEASE - Stop the Kimball Garage Party Deck

Dear Sir or Madam,

Let's keep Park City the dignified place we all love. Please protect the civil and considerate many from the irreverent and obnoxious few. We, the civil, respectfully object to being bound to the perpetual background static of a garage roof street party, complete with DJ's and "death metal" and who knows what else. And for what? Tell me again, what does Park City gain from this? Is there some principled cultural, historical, or altruistic benefit that we should all be aware of?

The last thing Park City needs is to be forced to hear and see a regular "a garage roof party" until 10 PM (plus) at night. How about we don't ruin Park City by accommodating this nonsensical noise pollution, drinking, and debauchery. If we wanted a garage roof party we would all be in Reno or Oakland.

We unequivocally do NOT need or want this endlessly unscheduled stream of here-today-gone-tomorrow garage party disrespect, impertinence, and outright absurdity polluting the peace and dignity of our wonderful town. I hopefully expect that as our elected officials, our City Council members will DO THE RIGHT THING, and put an immediate stop to this.

Thank you kindly for your thoughtful consideration in this matter.

Warm regards,

Kevin Gallagher
1213 Empire Ave
Park City, UT 84060

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:53 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: parties at Old Kimball Garage

Sent from my iPad

Begin forwarded message:

From: Annie Lewis Garda <annielewisgarda@yahoo.com>
Date: March 28, 2017 at 6:48:16 PM MDT
To: <council_mail@parkcity.org>
Subject: parties at Old Kimball Garage

I am writing in regard to the appeal you are hearing on 3/30 regarding events on the roof of the Old Kimball Garage. Please do not allow outdoor parties with loud music any night of the week. There should be some limit on the number of events and definitely on how loud these events can be.

Annie Lewis Garda
Old Town resident

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:53 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Patio approval at kimball arts center

Sent from my iPad

Begin forwarded message:

From: Ed Godycki <ed@robbwallace.com>
Date: March 29, 2017 at 9:37:49 AM MDT
To: <council_mail@parkcity.org>
Subject: **Patio approval at kimball arts center**

Dear Gentlepeople;

I am a full time resident of Old Town and I oppose the approval of the patio on the rooftop of the Old Kimball Art Center building site. Given the available history Of the new owner, I have no doubt that facility will be utilized as much as possible in order to maximize profits with no regard for the continuing comfort of those of us who live within earshot of this facility. Although I support growth in the area, I see absolutely no value in approving this facility as it does nothing to benefit the community and serves only to line the pockets of the owners.

Granted, I may not know the entire story, but with my current knowledge of the situation, I see absolutely no added value for our wonderful mountain community and again, I would be grateful if you would not approve this part of the project.

Ed Godycki
CEO, Robb Wallace Motorsports
Ed@robbwallace.com
818 207 2055

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:56 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Kimball Garage Rooftop CUP

Sent from my iPad

Begin forwarded message:

From: Robert Gurss <robert.gurss@gmail.com>
Date: March 24, 2017 at 3:28:48 PM MDT
To: <council_mail@parkcity.org>
Subject: Kimball Garage Rooftop CUP

I am a full time Park City resident and support the Appeal of Sanford Melville, et al., regarding a Conditional Use Permit for a private event facility on the roof of the historic Kimball Garage site at 638 Park Avenue. For the reasons discussed in the Appeal, the proposed rooftop event space would create excessive noise and traffic, disrupting the lives of Old Town residents. Old Town provides more than tourist attractions, overnight accommodations and commercial business opportunities. It is also home for Park City residents (and voters) who cherish our city's historic character and bucolic setting. Allowing this CUP to stand will be one more nail in the coffin of Old Town as a place where people want to live, not just visit. Before long Old Town will be a "Disneyland" attraction without actual residents.

Bob Gurss
robert.gurss@gmail.com
202-236-1743



STRACHAN STRACHAN & SIMON, P.C.

ATTORNEYS AT LAW

401 Main Street, Upstairs
P. O. Box 1800
Park City, Utah 84060-1800
Tel (435) 649-4111 Fax (435) 645-9429
e-mail info@strachanlaw.com
website www.strachanlaw.com

Park City Council

council_mail@parkcity.org

Appeal - March 30, 2017 Meeting

Opposition to Party Deck on Kimball Art Center

Dear Park City Council:

I have lived in Old Town since 1989 at 621 Park Ave. Before retirement I operated my Law firm for 35 years on Main Street, including restoring the Old City Hall as offices for my legal practice and for the Park City Historical Society.

My wife of 52 years, Kristine and our two children, Lauren and Adam who live in Park Meadows and Prospector respectively, continue the Family tradition of being active in Park City civic and community issues. Our family OPPOSES the Outside Music Stage Party Deck portion of the re-model of Kimball Art Center for many of the reasons stated by Syd Reed on my behalf and the Park City Historical Society Appeal. Other reasons for our opposition include:

1. Sound pollution from Outdoor music on the Party Deck Stage, possibly every night until at least 10 PM. There are plenty of Outdoor Music venues already - Deer Valley Concerts, City Park, Park City Mountain, Mountain Stages at the foot of Main Street, etc. This proposed Outdoor Party Deck Nightly Outdoor Bandstand with Volume at "11" will undermine, irrevocably, the character of Old Town to the detriment of our remaining permanent residents and increasing the transient tourists.

2. Other rooftops at Sweeny's, Sky Lodge, Silver Queen Hotel, Marriott Summit, etc. will likely convert Old Town to a constant Outdoor Sound Stage destroying the current tourist family friendly, walkable area for skiers and bikers and their families, who need their sleep, not a private band with sound pollution during walks, dinner and relaxing. The increasing use of condominiums for nightly rental will drop because I know tourists will be upset at the drastic change in comparative currently quiet, but with available clubs for music - Indoors on Main Street, with occasional specially approved concerts on lower Main Street.

3. Destroying the character of a commercially very successful Main Street with many Indoor music venues - Harry O's, Riverhorse and other bar/restaurants will, at core violate what makes Park City so successful - enforcement of zoning to authorize events - e.g. Deer Valley Concerts - where they belong and fit, not by jamming in a life-style change in character in the middle of an already fragile Historic Old Town.

Thanks you for your consideration of the worst example of the camel getting its nose in the Arab's tent I've seen in 43 years in Park City. Please grant Appeal and Deny CUP for Unlimited Outdoor Music Sound Stage Party Deck use in heart of Old Town.

Sincerely:



Gordon Strachan

cc: Jack Thomas
Andy Beerman
Diane Murphy
Jonathon Wiedenhammer
Bruce Ericksen
Syd Reed
Sandra Morrison

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:53 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Private Event Facility on the roof of the historic Kimball Garage Site at 638 Park Avenue

Sent from my iPad

Begin forwarded message:

From: Laura Hanrahan <lath77@yahoo.com>
Date: March 28, 2017 at 5:17:26 PM MDT
To: <council_mail@parkcity.org>
Subject: Private Event Facility on the roof of the historic Kimball Garage Site at 638 Park Avenue

Dear Park City Council,

I was not aware of the Kimball Garage Building plans until the last council meeting when I came to support the Library Field Park (btw - thank you!).

I have lived at 517 Park Avenue for the last 6 years and am an 8 year voting Old Town resident. I like this area because it's convenient to walk everywhere and it's still quiet. I am used to the occasional "party" night of noise living so close to Main Street, but I never considered this town a "party town" with the exception of Sundance and maybe two holiday weekends a year. In the summer, I prefer to keep my windows open since we do not have central air. However, the last two summers the noise level on the weekends from Main Street has increased. I have attributed this to me noticing it more after Harry O's closed for a while and has since been "re-opened" as Park City Live. There are some nights when I feel like I am in their building because I can understand the lyrics. I am about a block away, and I am thankful their music is limited to indoors.

I am extremely disappointed to hear about the potential commercial use of the deck space at the newly renovated Kimball Garage building at Heber and Main. As I understand it, this would allow a commercial property to have music/events outside any night of the week provided the "party" stop at 10 PM without the need for a conditional use permit as required by other events like Sundance, the Arts Festival, etc.

I urge you to reconsider and require a temporary conditional permit only for ALL outdoor venues. To my knowledge there is no other property that is allowed to have outdoor events like this, and I do not believe it sets a good precedent.

Some points I hope you consider:

- It's not easy to stop a party, particularly when people have paid good money for it.
- The more it costs, the more entitled the party becomes only causing more trouble. Are you

prepared to further staff your Police Department to enforce this EVERY time they have a party? (I'd rather not have all my tax dollars go to enforcing this.)

- Does this use fit into our own Park City Mission Statement?

It was pretty clear to me from a year or so ago when we discussed what matters most to Park City, that this type of entertaining is not a good match for our community goals. Please re-read your mission statement which is on your wall in City Hall meeting room. I read it when I learned about this.

- While I'm sure there are decibel levels regulations, have we actually measured these during a busy night on Main Street in the summer and during Sundance/holiday weekend? And, more importantly, do you have a good understanding of not just how loud it is, but how far the sound travels and are there restrictions in place for that as well? I understand from some friends that live higher up from me that it can be just as loud where they are because of the shape of our little canyon.

On a more personal level, I occasionally have bad migraines and it can be tough to deal with the music at Silly Sundays during the day. I do not want even more trouble on more days from another source of outdoor music that is even closer to me.

Please reconsider the planning commissions decision. Old Town should not become a party town where anything goes if you pay enough money. If you are invested in keeping Park City, Park City, then you'll reconsider. We should all be able to enjoy a nice evening in Park City without hearing someone else's party.

Thank you.

Laura Hanrahan
517 Park Avenue

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 9:55 PM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Kimball Garage property

Sent from my iPad

Begin forwarded message:

From: Kay Haring <kharing2@aol.com>
Date: March 29, 2017 at 8:54:42 PM MDT
To: <council_mail@parkcity.org>
Subject: Kimball Garage property

To Whom it May Concern,

My husband and I own a condo at Motherlode, Unit A, and we would like to express our support of the new property and the "OPEN-AIR PARTY DECK/EVENT CENTER" on top of the old Kimball Garage building.

I believe there are a number of residents who are vehemently opposed to the CUP awarded to these owners and there will be an appeal hearing on March 30. We do not oppose the project going forward as is.

Change is hard for many people however we believe if the city would not have changed and grown and added developed properties over the last 15 years we have owned a residence in Old Town, it would not be as valuable a property as it is today.

Thank you for your service to Park City.

Kay

Kay A. Haring and Tom Wessner
714 Elvira Avenue #B
Redondo Beach, CA 90277
cell... (610) 413-9484

Anya Grahm

From: Cindy Matsumoto
Sent: Thursday, March 30, 2017 3:08 AM
To: Anya Grahm
Subject: Fwd: Kimball Garage property

Cindy

Begin forwarded message:

From: Kay Haring <kharing2@aol.com>
Date: March 29, 2017 at 8:54:42 PM MDT
To: <council_mail@parkcity.org>
Subject: Kimball Garage property

To Whom it May Concern,

My husband and I own a condo at Motherlode, Unit A, and we would like to express our support of the new property and the "OPEN-AIR PARTY DECK/EVENT CENTER" on top of the old Kimball Garage building.

I believe there are a number of residents who are vehemently opposed to the CUP awarded to these owners and there will be an appeal hearing on March 30. We do not oppose the project going forward as is.

Change is hard for many people however we believe if the city would not have changed and grown and added developed properties over the last 15 years we have owned a residence in Old Town, it would not be as valuable a property as it is today.

Thank you for your service to Park City.

Kay

Kay A. Haring and Tom Wessner
714 Elvira Avenue #B
Redondo Beach, CA 90277
cell... (610) 413-9484

Anya Grah

From: Cindy Matsumoto
Sent: Thursday, March 30, 2017 3:11 AM
To: Anya Grah
Subject: Fwd: Kimball Garage Party Deck

Cindy

Begin forwarded message:

From: Christine Hult <cnhult@comcast.net>
Date: March 29, 2017 at 10:35:46 AM MDT
To: <council_mail@parkcity.org>
Subject: Re: Kimball Garage Party Deck

Dear Council Members:

We strongly urge you to overturn the CUP granted for the open party deck on the roof of the old Kimball Garage. As residents of Old Town who live directly above that area, we are very concerned about the noise nuisance, which will destroy our peaceful evenings on our outdoor patio. Please show concern for residents and set things right.

Sincerely,

Christine Hult 920 Lowell Ave.

Tuesday, March 28, 2017

To: Park City Council Members

From: Jill Lesh
327 Woodside Ave.
Park City, UT 84060

Re: Appeal of Planning Commission's decision approving conditional use permit for the proposed Private Event Facility at 638 Park Ave.

Dear Council Members,

I am concerned about the **noise** that will be generated from rooftop events at the Kimball Garage Building and the **negative impact** this will have on the quality of life in residential neighborhoods of Old Town. As a permanent resident at 325 Woodside Ave., I know that outdoor speaker music from lower Main Street is quite discernible at my house. Music at occasional public events that benefit all residents & visitors is expected and appreciated, but this is for unlimited private commercial use.

If noise from rooftop events becomes a frequent detriment to the quality of life in Old Town residential neighborhoods, the longterm impact will be negative & significant. Permanent residents will no longer find the neighborhoods desirable. The number of owner-occupied residences will shrink, and the number of nightly-rentals will increase. This is not the scenario that the City nor we residents want to see.

Please reverse the Conditional Use Permit decision. The Private Event Management Company should not have a pre-approved, unlimited event Use Permit. Minimally, the Company should obtain individual Administrative Permits for each rooftop occasion. The number of events should be limited and subject to the oversight that the City normally has over such events and their impacts on the City and residents.

Sincerely,
Jill Lesh

Lynn Fey
[address]
Park City, Utah

February 4, 2017

Re: PL-16-03412 - Appeal of 638 Park Avenue CUP
Hearing before City Council on [tentatively, February 23, 2017]

Dear Members of City Council,

I understand that the City is being asked to approve a Conditional Use Permit (CUP) for an indoor/outdoor commercial event center at the site of the historic Kimball Garage. To accommodate the requested rooftop outdoor event space, the developer plans to remove half of the original barrel-vaulted roof of the historic building and replace it with a 2530 square foot flat rooftop deck.

Any such approval by the City of this requested rooftop event space on the Kimball Garage would constitute inconsistent and arbitrary application of City codes and would be improper, and I strongly urge you not to make such a mistake.

I was a member of the Board of the Kimball Art Center when KAC asked the City to approve KAC's request to replace the original barrel-vaulted roof of the historic Kimball Garage building with a flat rooftop deck as part of our proposed renovation project. The KAC's proposal was flatly denied as failing to comply with the requirement that for renovation of a historic building the original roof form must be maintained. In fact, the Notice of Planning Action dated August 21, 2014, which denied the KAC's proposed renovation, expressly stated in paragraph 41:

41. The proposed renovation does not comply with Specific Guideline B.1.1 as the original barrel-vaulted roof structure will not be maintained. Because of its structural incapacities, the applicant proposed reconstructing a flat roof on the building that would also act as a rooftop deck. The rooftop deck consumed the entire rooftop space.

It couldn't be more clear — the KAC was required to maintain the original barrel-vaulted roof, and was not allowed to replace it with a rooftop deck.

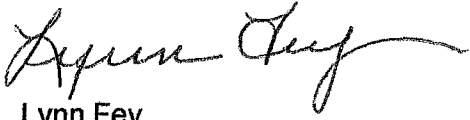
However, that is just what the City is being asked to approve for the current applicant. Any such approval would be no less than inconsistent and arbitrary application of City rules.

I am aware that the City's Historic Guideline B.1.1 requires that renovation of a historic building must "maintain the original roof form", (as was required of the KAC in 2014). I am informed that LMC 15-11-11 states that "The Design Guidelines are incorporated into this Code by reference." Further, LMC 15-1-10(D)(1) expressly requires that a CUP cannot be issued unless the application "complies with all requirements of this LMC".

Therefore, I do not see how the requested CUP for a rooftop deck outdoor event space on top of the Kimball Garage can be allowed, as such does not comply with all the requirements of the LMC.

I urge you to consistently apply our City codes and, in fairness, deny approval of the requested CUP for a rooftop deck outdoor event space at the site of the historic Kimball Garage.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Fey", with a long horizontal flourish extending to the right.

Lynn Fey



PLANNING DEPARTMENT

August 21, 2014

Matt Mullin
Kimball Art Center, Inc.
638 Park Avenue
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Project Address</u>	638 Park Avenue
<u>Description</u>	Historic District Design Review - Denial
<u>Date of Action</u>	August 21, 2014
<u>Project #</u>	PL-14-02270
<u>Project Representative</u>	Steve Brown
<u>Project Architect</u>	Elliott Workgroup – Craig Elliott
<u>Design Architect</u>	BIG – Bjarke Ingels Group

Summary of Staff Action – Denial

This letter serves as the final action letter denying the proposed rehabilitation of 638 Park Avenue pursuant to the Historic District Design Guidelines subject to the following Findings of Fact and Conclusions of Law. Staff reviewed this project in accordance with the Historic District Design Guidelines, specifically with Specific Guidelines A. Site Design, B. Primary Structures, and D. Additions to Historic Structures. The applicant proposed to rehabilitate the historic landmark structure and construct a new addition.

Findings of Fact

1. The property is located at 638 Park Avenue.
2. It is identified by Summit County as Tax Parcel PC-107-108-X.
3. The Historic District Design Review Application was submitted on March 3, 2014; it was deemed complete on March 14, 2014. A public hearing was held on March 31, 2014.
4. The first property and courtesy mailing notices were mailed out on March 14, 2014.
5. During staff's review of the project, staff uncovered discrepancies between the Physical Conditions Report and Historic Preservation Plan. An updated Historic Preservation Plan was submitted to the Planning Department on May 16, 2014.

6. Throughout the process, staff was in discussion with the application regarding the application's issues of non-compliance with the Design Guidelines. The applicant requested staff on August 6, 2014, for a determination based on the original submittal.
7. The property is located in the Heber Avenue Subzone of the Historic Recreation Commercial (HRC) District.
8. The allowed uses within the Heber Avenue Subzone are identical to the allowed uses of the Historic Commercial Business (HCB) District. Entertainment Facility, Indoor is an allowed use within this zone.
9. The site is a developed parcel with a historic structure, identified on the City's Historic Sites Inventory (HSI) as a "Landmark" site.
10. The historic building is approximately 22,883 square feet in size. The proposed addition is approximately 15,092 square feet.
11. The landmark structure was constructed in 1929 to replace the Kimball Brothers Livery Stable. It was rehabilitated in 1976 to house the Kimball Arts Center. The building was listed as part of the Park City Main Street National Register Historic District in 1979.
12. The structure was renovated in 1976 with minor changes that did not affect the site's original design character.
13. The total lot size is 18,526 square feet.
14. The required front yard setbacks along Heber and Park Avenues are ten feet (10'). On a corner lot, the side yard that faces a street is ten feet (10') for the main structure.
15. The minimum rear yard setback along Main Street is ten feet (10').
16. The minimum side yard setback along the north property line is five feet (5').
17. Per Land Management Code (LMC) 15-2.5-5, no structure shall be erected to a height greater than thirty-two feet (32') from existing grade. Church spires, bell towers, and like architectural features subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exceptions are granted by the Planning Director. As proposed the southeast corner of the structure rises gradually to form a point that is roughly 46 feet in height. No habitable space is located in this section of the building. This architectural feature was not reviewed for a height exception by the Planning Director because the design of the addition did not meet the Design Guidelines as outlined below.
18. The proposed renovation complies with Universal Guideline #1 as the site will be used as it was historically and will require minimal changes to the distinctive materials and features. In 1976, the Kimball Brothers Garage underwent extensive interior alterations in order to accommodate its new use as an art center. The applicant intends to repair and maintain the existing structure and its steel window frames.
19. The proposed renovation complies with Universal Guideline #2 as changes to the site or building that have acquired historic significance in their own right shall be retained and preserved. Rather, the applicant proposed to remove additions made in 1976 for the conversion of the art center as well as other c. 1976 exterior additions added at later dates; these include the corrugated metal and CMU

structures such as the kiln room and stair and elevator rooms attached to the east side of the building. These additions are not historic.

20. The proposed renovation complies with Universal Guideline #3 as the applicant does not propose to remove any historic exterior features of the building. Those features that are so deteriorated that they required replacement—such as the steel frame windows on the north elevation—were proposed to be replaced in-kind.
21. The proposed renovation complies with Universal Guideline #4 as distinctive materials, components, finishes, and examples of craftsmanship will be retained and preserved. As no historic exterior finishes had been lost, there was no need to reproduce missing historic elements.
22. The proposed renovation complies with Universal Guideline #5 as deteriorated or damaged historic features and elements will be repaired rather than replaced. The only historic features requiring repair are the historic steel-frame windows on the south elevation. The applicant proposed to repair and preserve these windows; those that could not be repaired due to the severity of deterioration would be replaced in-kind. Other non-historic windows on the south elevation were to be replaced in-kind.
23. The proposed renovation complies with Universal Guideline #6 as features that do not contribute to the significance of the site or building and exist prior to the adoption of these guidelines such as the c.1976 additions on the northeast corner of the structure were intended to be removed. These additions housed the elevator, stairs, and fire kiln. No other incompatible features are known to exist.
24. The proposed renovation complies with Universal Guideline #7 as the owner did not propose to introduce any architectural elements or details that visually modify or alter the original building design when no evidence of such elements or details exist.
25. Compliance with Universal Guideline #8 is incomplete as the Preservation Plan did not specify whether or not chemical or physical treatments would be undertaken using recognized preservation methods to ensure that these treatments did not damage or alter the appearance of historic materials.
26. The proposed renovation does not comply with Universal Guideline #9 as the new addition will destroy a significant percentage of historic materials along the east wall of the building as approximately 76 linear feet of the east wall would be enclosed by the new addition.
27. The proposed renovation complies with Specific Guideline A.1.1 as it maintains the existing front and side yard setbacks of Historic Sites. The applicant does not intend to change the front and side yard setbacks of the historic site along the north, west, and south elevations. The addition was proposed to be added to the east elevation.
28. The proposed renovation complies with Specific Guideline A.1.2 as the main entry, as it exists today, will be retained and will provide access to a reception area for employees and office spaces. A new entrance on the corner of Main Street and Heber is proposed for the museum exhibition space.

29. The proposal complies with Specific Guideline A.1.3 as the original path or steps leading to the main entry will be maintained. The applicant does not intend to change the steps or ramps at the southwest corner of the historic building.
30. Specific Guidelines A.2.1 and A.2.2 are not applicable as there are no historic stone retaining walls to maintain.
31. Specific Guidelines A.3.1, A.3.2, and A.3.3 are not applicable as there are no historic fences and handrails to maintain.
32. Specific Guideline A.4.1 is not applicable as there are no historic hillside steps that may be an integral part of the landscape to maintain.
33. The proposed renovation complies with Specific Guideline A.5.1 as landscape features that contribute to the character of the site will be preserved. The applicant does not propose to change any landscape features of the site. Rather, additional landscaping will be added along the north elevation of the structure. Minimal landscaping existed here historically.
34. The proposed renovation complies with Specific Guideline A.5.2 as landscape treatments for walkways, paths, and the building were incorporated in a comprehensive, complementary, and integrated design. The applicant intends to preserve the urban characteristics of the site that relate to the historic district and commercial core as a whole. Additional landscaping is proposed along the rear of the structure on the north elevation.
35. The proposed renovation complies with Specific Guideline A.5.3 as the historic character of the site shall not be significantly altered by substantially changing the proportion of built or paved area to open space. As proposed, the new addition would replace an existing terrace and parking area. The new addition would provide additional density to the historic commercial district and fill a gap that exists in the current urban fabric of this neighborhood.
36. The proposed renovation complies with Specific Guideline A.5.4 as the proposed landscape plans balance water efficient irrigation methods and drought tolerant and native plant materials with existing plant materials and site features that contribute to the significance of the site. Additional plantings were proposed for the existing planting bed along the north elevation.
37. Specific Guideline A.5.5 is not applicable as there is no driveway proposed for this site that would require snow storage.
38. The proposed renovation complies with Specific Guideline A.5.6 as the applicant provided a detailed landscape plan that respects the manner and materials used traditionally in the districts. Due to its location in the commercial core, there is very little room for landscaping on this site. The applicant however, did expand an existing planting area on the north elevation and planned to plant additional shrubs along this elevation.
39. The proposed renovation complies with Specific Guideline A.5.7 as landscaped separations are proposed between parking areas, drives, service areas, and public use areas including walkways, plazas, and vehicular access points. The planter along the north elevation will help separate the driveway and parking area to the east of the adjacent historic structure along Park Avenue.
40. The proposed renovation complies with Specific Guideline A.5.8 as the original grading of the site will be maintained when and where feasible.

41. The proposed renovation does not comply with Specific Guideline B.1.1 as the original barrel-vaulted roof structure will not be maintained. Because of its structural incapacities, the applicant proposed reconstructing a flat roof on the building that would also act as a rooftop deck. The rooftop deck consumed the entire rooftop space.
42. Specific Guideline B.1.2 is not applicable as new roof features, such as photovoltaic panels (solar panels) and/or skylights were not proposed.
43. Compliance with Specific Guideline B.1.3 is incomplete as the applicant did not specify if gutters and downspouts would be installed during the renovation.
44. Compliance with Specific Guideline B.1.4 is incomplete as the applicant did not indicate if the proposed roof colors would be neutral and muted and materials would not be reflective.
45. The proposed complies with Specific Guideline B.2.1 in that primary and secondary façade components, such as window/door configuration, wall planes, recesses, bays, balconies, steps, porches, and entryways will be maintained in their original location on the façade. Rather, the historic structure will remain largely as-is from the exterior, though repairs and restoration will occur. The only elevation impacted by the new addition is the east side of the historic structure.
46. The proposed renovation complies with Specific Guideline B.2.2 as the applicant intended to preserve damaged and deteriorated façade materials by repointing the historic brick and restoring the historic steel-frame windows on the north elevation.
47. Compliance with Specific Guideline B.2.3 is incomplete as the Preservation Plan does not identify that the disassembly of historic elements—window, molding, bracket, etc.—is necessary for its restoration, recognized preservation procedures and methods for removal, documentation, repair, and reassembly should be used. The preservation methods to be used on the restoration of the historic steel-frame windows on the north elevation were not specifically outlined.
48. The proposed renovation complies with Specific Guideline B.2.4 as the Preservation Plan specifies that if historic exterior materials cannot be repaired, they will be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. The applicant has indicated that any historic windows on the north elevation that cannot be restored will be replaced in-kind.
49. Specific Guideline B.2.5 is not applicable as substitute materials such as fiber cement or plastic-wood composite siding, shingles, and trim boards have not been proposed.
50. Specific Guideline B.2.6 is not applicable as substitute materials have not been proposed on a primary or secondary façade (as stated in B.2.4 and B.2.5).
51. The proposed renovation complies with Specific Guideline B.2.7 as no interior changes that affect the exterior appearance of facades, including changing original floor levels, changing upper story windows to doors or doors to windows, and changing porch roofs to balconies or decks are proposed.
52. Specific Guideline B.3.1 is not applicable as no new proposed foundation will raise or lower the structure generally more than two feet (2') from its original floor elevation. The only proposed foundation work is in the southwest corner of the

building where excavation will occur beneath the structure to create additional basement space.

53. Specific Guideline B.3.2 is not applicable as the original placement, orientation, and grade of the historic building is not proposed to change.
54. Specific Guideline B.3.3 is not applicable as no new foundation is proposed beneath the historic structure, and the original grading will be retained.
55. Specific Guideline B.4.1 is not applicable as there are no historic door openings, doors, and door surrounds.
56. Specific Guideline B.4.2 is not applicable as there are no historic doors that will need to be replaced. Any replacement doors will be compatible to the historic structure.
57. Specific Guideline B.4.3 is not applicable as there is no intent to add storm doors and/or screen doors on primary or secondary facades.
58. The proposed renovation complies with Specific Guideline B.5.1 as historic window openings, windows, and window surrounds will be maintained. Historic window openings and historic steel-frame windows on the north elevation will be maintained. Those historic windows that cannot be made safe and serviceable through repair will be replaced in-kind.
59. The proposed renovation complies with Specific Guideline B.5.2 as replacement windows will only be installed if the historic windows cannot be made safe and serviceable through repair. Replacement windows should exactly match the historic window in size, dimensions, glazing pattern, depth, profile, and material. Historic steel-frame windows on the north elevation will be restored, except for those windows that cannot be made safe and serviceable through repair.
60. Specific Guideline B.5.3 is not applicable as the applicant does not propose to install any storm windows.
61. The proposed renovation complies with Specific Guideline B.6.1 as mechanical equipment and utilities, including heating and air conditioning units, meters, and exposed pipes, will be located on the rear façade or another inconspicuous location (except as noted in B.1.2) or incorporated into the appearance as an element of the design. Any new rooftop mechanical equipment would be installed on the northeast corner of the existing structure and screened from view.
62. The proposed renovation complies with Specific Guideline B.6.2 as ground-level equipment should be screened from view using landscape elements such as fences, low stone walls, or perennial plant materials. The applicant intends to install new mechanical equipment on the northeast corner of the roof of the historic structure.
63. The proposed renovation complies with Specific Guideline B.6.3 as the plan avoids removing or obstructing historic building elements when installing systems and equipment. The rooftop location of new mechanical equipment would not remove or obstruct historic building elements.
64. Specific Guideline B.6.4 is not applicable as contemporary communication equipment such as satellite dishes or antennae have not been proposed.
65. The proposed renovation complies with Specific Guideline B.7.1 as original materials such as brick and stone that are traditionally left unpainted will not be

- painted. The applicant did not propose to paint any original masonry materials traditionally left unpainted. Existing painted concrete surfaces will be repainted.
66. Specific Guideline B.7.2 is not applicable as there are no wood surfaces on the historic building that will be painted.
 67. Compliance with Specific Guideline B.7.3 is incomplete as the applicant did not specify if low-VOC paints would be used.
 68. Specific Design Guideline C.1 Off-street parking is not applicable as the applicant does not intend to provide off-street parking.
 69. Specific Design Guideline C.2 is not applicable as the applicant is not proposing to construct any driveways.
 70. Specific Design Guideline C.3 is not applicable as the applicant is not proposing any detached garages.
 71. The proposed addition complies with Specific Design Guideline D.1.1 as the applicant has demonstrated that the existing structure cannot accommodate the growing needs of the Kimball Art Center and an addition to the historic building is necessary.
 72. The proposed addition does not comply with Specific Design Guideline D.1.2 as the addition is not visually subordinate to the historic building when viewed from the primary public right-of-way along Heber Avenue. The height of 46 feet at the corner of Heber Avenue and Main Street as well as the scale of the proposed new addition overpowers the historic structure and blocks the view of the historic structure from the intersection of Heber Avenue and Main Street. Further, the heavy massing of the new addition detracts from the historic structure.
 73. The proposed addition does not comply with Specific Design Guideline D.1.3 as the addition obscures and contributes significantly to the loss of historic materials. The new addition consumes nearly the entire length of the east elevation of the existing structure. The transitional element is setback two feet (2') from the plane of the north and south walls. The east wall is roughly eighty feet (80') in length; however, four feet (4') of the eighty (80) will remain visible on the exterior.
 74. The proposed addition does not comply with Specific Design Guideline D.1.4 where the new addition abuts the historic building, a clear transitional element between the old and the new has not been designed. The proposed transitional element is 2'6" in width. The transitional element should provide greater visual connection between the historic structure and the new addition.
 75. The proposed renovation complies with Specific Design Guideline D.1.5 as the applicant intends to remove additions that were constructed c.1976 and have not achieved historic significance in their own right.
 76. The proposed renovation does not comply with Specific Guideline D.2.1 as the Addition does not complement the visual and physical qualities of the historic building. There is no reflection of the historic building's materials, rhythm, patterning, or solid-to-void ratio that would tie the new addition to the old building.
 77. The proposed addition does not comply with Specific Guideline D.2.2 as the building components and materials used on addition are not similar in scale and size to those found on the original building.

78. The proposed addition does not comply with Specific Guideline D.2.3 as the window shapes, patterns and proportions found on the historic building are not reflected in the new addition.
79. The proposed addition does not comply with Specific Guideline D.2.4 as the large addition is not significantly visually separated from the historic building when viewed from the public right of way.
80. Specific Guideline D.3. Scenario 1: Residential Historic Sites is not applicable.
81. Specific Guideline D.4. Scenario 2: Residential Historic Sites is not applicable. Specific Guideline E. Relocation and/or Reorientation of Intact Buildings is not applicable..
82. Specific Guideline F. Disassembly/Reassembly of All or Part of a Historic Structure is not applicable.
83. Specific Guideline G. Reconstruction of an Existing Historic Structure is not applicable.
84. Specific Guideline H. Accessory Structure is not applicable.
85. Specific Guideline I. Signs is not applicable as no signage has been proposed as part of this application. Any new signs would require a sign permit.
86. Specific Guideline J. Exterior Lighting is not applicable as no exterior lighting has been proposed as part of this application.
87. Specific Guideline K. Awnings is not applicable as no awnings have been proposed as part of this application.
88. The proposed renovation complies with Specific Guideline L.1 as the owner will maintain a substantial percentage of interior floors, walls, and non-structural elements. The Kimball Art Center was remodeled in 1976 and the majority of the interior walls are from this prior remodel. With the exception of the east exterior wall, the applicant did not intend to remove a substantial percentage of original interior walls.
89. Specific Guideline L.2 is not applicable.
90. The proposed renovation complies with Specific Guideline L.3 as it retains the inherent energy-conserving features of historic buildings and its site, including shade trees, porches, operable windows, and transoms. Any historic operable windows that could not be made safe and serviceable through repair would be replaced in-kind.
91. The proposed renovation complies with Specific Guideline L.4 as it increases the thermal efficiency of historic buildings by observing traditional practices such as weather-stripping and insulating. The applicant intends to improve the thermal efficiency of the historic structure by replacing non-historic windows with new thermal-pane windows.
92. Specific Guideline L.5 is not applicable as the owners are not proposing to use sources of renewable energy—on- or offsite.
93. The proposed renovation complies with Specific Guideline M.1 as the visual impact of exterior treatments associated with seismic upgrades will be minimized. The applicant did not intend for seismic upgrades to affect the exterior of the structure. The Preservation Plan notes that exterior tie-rod anchor plates will be inspected and repaired where necessary.

94. The proposed renovation complies with Specific Guideline N.1 as barrier-free access will be provided that promotes independence for the disabled to the highest degree practicable, while preserving the character-defining features of historic buildings. There is an existing ADA entrance to the structure on the southwest corner of the main entrance that will remain.
95. The proposed renovation complies with Specific Guideline N.2 in that the appearance of accessibility ramps or elevators will not significantly detract from the historic character of the building. The existing ADA entrance meets the grade of the sidewalk at this location and does not significantly detract from the historic character of the building.
96. Specific Guideline N.3 is not applicable as there are no existing historic doors.
97. Specific Guideline MSHS1 does not comply as the proposed addition will cause the building to be removed from the National Register of Historic Places, and it will be listed as a non-contributing building within the Main Street National Historic District. The new addition does not contribute to the historic character of the district. It does not reflect the materials, composition, rhythm, patterning, or proportions of the historic district nor the historic Kimball Garage.
98. The proposed addition does not comply with Specific Guideline MSHS2 in that the alignment and setback along Main Street are character-defining features of the district. Within the Main Street commercial district, the historic rhythm and pattern of building heights and widths has been maintained. The proposed addition alters this pattern and does not relate to the existing module of historic buildings along the street. The proposed addition complies with Specific Guideline MSHS3 in that the orientation of the primary entrance is located on the corner, consistent with other non-historic structures on the south side of the Heber Avenue-Main Street intersection and maintains the original historic corner entrance as well along Heber and Park Avenue.
99. Specific Guideline MSHS4 is not applicable as street furniture, planters and other elements proposed for the building-sidewalk interface have not been proposed as part of this application.
100. Specific Guideline MSHS5 is not applicable as no exterior lighting elements have been proposed as part of this application.
101. The proposed renovation does not comply with Specific Guideline MSHS6 as the proposed rooftop deck addition is not set back from the primary façade. The plans show that the rooftop deck will consume the entire roof structure of the historic structure. It is not evident how visible the rooftop deck or its railings would be from the primary facades.
102. Specific Guideline MSHS7 is not applicable as this property does not front Swede Alley.
103. The plans subject to review are dated March 10, 2014.

Conclusion of Law

1. The proposal does not comply with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites.

The owner, applicant, or any person with standing as defined in Section 15-1-18(D) of the Land Management Code (LMC) may appeal any Planning Department decision made on a Historic District Design Review Application to the Historic Preservation Board. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his/her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

If you have any questions, please do not hesitate to contact me. I can be reached at (435) 615-5067, or via e-mail at anya.grahn@parkcity.org.

Sincerely,



Anya E. Grahn
Historic Preservation Planner



Thomas E. Eddington Jr., AICP, PLA
Planning Director

March 13, 2017

To: Park City Council members

From: Sarah Klingenstein
2131 Lucky John Drive
Park City, UT 84060

Re: Appeal of the Conditional Use Permit for a Private Event Facility on the roof of the historic Kimball Garage Site

Dear Council,

When I heard that the Planning Commission approved this application and what it meant, I asked myself: *“Why would the City go to great lengths evaluating, mitigating and possibly scaling back events on the one hand, and allow this kind of unbridled event expansion on the other?”*

I was so discouraged to hear that this approval creates a space that can hold outdoor events with music and lighting for as many nights a year as they want to program it. I believe it will also create parking and traffic issues in a section of town that is already stressed by tourism and events, in spite of Staff’s assumptions that there will not be increased traffic generation. It is hard for me to believe that the Kimball Art Center held events several nights a week that brought in up to 480 people nightly.

As a member of the Special Events Advisory Committee, I have heard the vehement concerns of residents of that part of town regarding events such as Sundance and Silly Market. I have heard our Council wrestle thoughtfully with the question of event fatigue. Most recently, you expressed a desire to either take the City’s foot off the gas or apply it to the brakes on events. To me, this approval means “gunning it”, “putting the pedal to the metal, or whatever automotive analogy you care to use to describe a significant increase in noise, lighting, traffic, and parking problems to Old Town.

Not only do I predict that Old Town residents will find their days and nights much less livable, especially during our beautiful Park City summers. I also predict that Old Town will become less enjoyable for residents around the City and County, and for visitors seeking Park City’s small town charms. I also predict

that the same issues we saw at their height during Sundance 2017 with airBnB and Uber will only grow with this venue.

The argument that the proprietors must adhere to City noise, light, and traffic ordinances in the management of this space does not satisfy. The event planners can be made to adhere to those ordinances, yet that won't be enough. And there is no way to mitigate some of these impacts. A band on the rooftop till 10 p.m. every weekend all summer (as a new Park City wedding venue is discovered) will make former noise concerns pale in comparison.

I have been so encouraged to read the City's newly crafted visions and goals for our small town. Please have these forefront in your minds as you hear this appeal. And please come down on the side of what is best for your citizens.

Thanks for your hard work each week on our behalf,

Sarah Klingenstein

Stephen J. Neff

513 Main Street
Park City, UT 84060

March 30, 2017

Anya Grahm and City Council
Park City, Utah

Dear Anya and City Council,

I've been a property owner on Main Street since 1973 and have lived through the ups and downs of our community. We constantly seek opportunities to improve Old Town, and I strongly feel the proposed Kimball Event space will be an excellent asset to our community. The void left from the departure of The Kimball Arts Center has been significant, please don't make that mistake again with this new proposed space. We've all enjoyed events at the Kimball over the years with little impact on traffic and noise, it's been the go-to gathering place for Old Town since the War Memorial building was converted to a bar. We need a local space for events, and the corner of Main and Heber seems to be the most logical place for this.

This new event space is simply replacing the old space. The impact on traffic will be minimal, as shuttles and taxi services would be the logical way for access. The noise impact of an elegant event space would be sporadic and is a lot better than a bar operating every day and night. Let's face it, if you choose to live in Old Town you must accept the fact that it's a vibrant exciting small town.

Do the right thing and approve this space so we can once again all enjoy the opportunity of having a local place to gather for fundraisers, weddings and small events.

Sincerely yours,

Stephen J. Neff

Anya Grah

From: Jared McMillen <jared@jaredmcmillen.com>
Sent: Wednesday, March 29, 2017 7:24 PM
To: Anya Grah
Subject: Event Space, Kimball building

Hi Anya,

Wanted to reach out as a business owner on Main Street here in Park City. Recently it was brought to my attention of an event space which will, I hope, be taking place in the former Kimball building. Having a high end event space on Main Street would only add to the flavor of the town, I strongly feel it is needed and wanted to help bring people to the street. Event space would only add to the buzz of our already amazing town. My thoughts.

All the Best,
Jared McMillen

--

Award Winning Landscape Photographer
PPA 2015 Loan Collection
PPA 2013 Loan Collection
Silver and Bronze 2013 Epson Pano Competition
Bronze 2014 Epson Pano Competition

McMillen Fine Art Photography
Park City, Utah
www.mcmillenfineart.com
435.575.1270
Park City, UT
"Because Mother Nature is the Best Artist"

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:55 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Kimball Art Center Building events

Sent from my iPad

Begin forwarded message:

From: Linda McReynolds <linda@lindamcreynolds.com>
Date: March 27, 2017 at 1:15:01 PM MDT
To: <council_mail@parkcity.org>
Subject: Kimball Art Center Building events

Dear City Council:

Please add my voice to those appealing the ability of the new Kimball Art Center development to host large events until midnight at their building.

The commercial core of the Historic District lies in a valley and noise is funneled up the hillsides to our homes. We Old Town residents hear every event, every band, every loudspeaker, every fireworks display, every police siren, every fire engine, every clang as barriers are put up, every microphone, every drunken argument, every thing!

It's bad enough listing to the beep beep of the delivery trucks at 5 am. We are regular people with children and jobs. Please don't force us to accommodate the traffic and late night events of this development. We have a right to a decent quality of life too.

Thank you,

Linda McReynolds
843 Norfolk Avenue
PO Box 680723
Park City, Utah 84068
435-640-6234 cellular
linda@lindamcreynolds.com

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:55 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Feed back from an Old Town resident

Sent from my iPad

Begin forwarded message:

From: Rebekka Hall Monson <crm@monson.com>
Date: March 27, 2017 at 5:22:54 PM MDT
To: <council_mail@parkcity.org>
Subject: Feed back from an Old Town resident

Hello,

I oppose the planning commission's approval of the CUP for an open air private deck/event center in the Kimball building. Old Town residents are getting fed up. Park City will lose its charm if there are no families living in OT and it is all second homes and nightly rentals. PLEASE think about the residential homes that surround Main Street and other areas in OT when events are scheduled.

I have asked this before and I ask it again: Would you want this in your back yard or across the street from your home?

Thank you,

--

Rebekka Hall Monson

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:51 AM
To: Anya Grah; Polly Samuels McLean
Subject: Fwd: Kimball Garage Party Deck

Sent from my iPad

Begin forwarded message:

From: Nathan Hult <nathanhult@gmail.com>
Date: March 29, 2017 at 10:30:27 AM MDT
To: <council_mail@parkcity.org>, Chris Hult <cnhult@comcast.net>
Subject: Kimball Garage Party Deck

Dear Council Members:

We have learned, with considerable dismay, about the Planning Commission's approval of an open party deck on the roof of the old Kimball Garage. We are told it will have a capacity of up to 480 people and music will be permitted any night of the week to 10 pm. We assume this is amplified music as well as microphone amplification for DJs, masters of ceremony, etc. and the parties themselves may continue to midnight.

What a horrible idea. What a tremendous burden to impose on there residents of Old Town that at present have to deal occasionally with loud music and noise from Silly Sunday concerts or other special events on lower Main Street. Fortunately, those presently occur only in early afternoon or very sporadically. It is hard to imagine having to deal with this noise on a regular basis through the summer.

We bought our residence in Old Town 15 years ago aware of how hard Park City has worked over the years to preserve its character. Its character is not only in the look of the place, but having it as a pleasant place to be, to spend an summer evening with windows open or out on our balcony or patio, without having our peace invaded so blatantly by a business making a bundle of cash at our expense.

We were unaware of this proposal when it came before the Planning Commission. If we had known about it, they would have heard from us loud and clear, and hopefully could have avoided this foolish error on their part. Please set things right. Overturn the granting of this ill-advised CUP.

Thanks, Nathan and Christine Hult, 906 Lowell Ave. Park City

Tuesday, March 28, 2017

To: Park City Council Members

From: Jill Lesh
327 Woodside Ave.
Park City, UT 84060

Re: Appeal of Planning Commission's decision approving conditional use permit for the proposed Private Event Facility at 638 Park Ave.

Dear Council Members,

I am concerned about the **noise** that will be generated from rooftop events at the Kimball Garage Building and the **negative impact** this will have on the quality of life in residential neighborhoods of Old Town. As a permanent resident at 325 Woodside Ave., I know that outdoor speaker music from lower Main Street is quite discernible at my house. Music at occasional public events that benefit all residents & visitors is expected and appreciated, but this is for unlimited private commercial use.

If noise from rooftop events becomes a frequent detriment to the quality of life in Old Town residential neighborhoods, the longterm impact will be negative & significant. Permanent residents will no longer find the neighborhoods desirable. The number of owner-occupied residences will shrink, and the number of nightly-rentals will increase. This is not the scenario that the City nor we residents want to see.

Please reverse the Conditional Use Permit decision. The Private Event Management Company should not have a pre-approved, unlimited event Use Permit. Minimally, the Company should obtain individual Administrative Permits for each rooftop occasion. The number of events should be limited and subject to the oversight that the City normally has over such events and their impacts on the City and residents.

Sincerely,
Jill Lesh

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 5:57 PM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Letters to the Editor, Dec. 10-13, 2016 | ParkRecord.com

Sent from my iPad

Begin forwarded message:

From: Mellie Owen <mellieowen@gmail.com>
Date: March 29, 2017 at 12:40:41 PM MDT
To: <Council_Mail@parkcity.org>
Cc: Hope Melville <hopemelville@outlook.com>, Anya Grah <anyagrahn@gmail.com>
Subject: Letters to the Editor, Dec. 10-13, 2016 | [ParkRecord.com](http://www.parkrecord.com)

Mayor and Council members,

I sent this letter to the Planning Commission in December and was unfortunately surprised to learn the CUP was approved.

Tomorrow is your turn to address this request. My thoughts remain the same as stated below. Please consider the residents of Park City when you make your decision. Residents whom make this town authentic. Residents that continue to endure traffic, too many events in the Main Street area, noise pollution and too much commercial building. Big business or Park City residents well being. The choice is yours....

Please let me know if you have any questions.

Mellie Owen
1030 Norfolk Avenue

<http://www.parkrecord.com/opinion/letters/letters-to-the-editor-dec-10-13-2016/>

Letters to the Editor, Dec. 10-13, 2016

Submissions from Park Record Readers

December 9, 2016 |

Residents need to keep an eye on new Main Street project

In just a few days a ruling from the Planning Commission could drastically change the character and culture of our town. One of the great things about living in Park City is that people get involved in the decisions that affect our community. Because I am not able to be there in person for the meeting at 5:30 p.m. on Wednesday, Dec. 14 at the City Council Chambers, I want to voice my deep concerns and strong objections to the following proposal.

Up for consideration is a Conditional Use Permit application for a Private Event Facility at the historic Kimball garage (formerly the Kimball Art Center building) at 638 Park Avenue. The applicant is proposing to rehabilitate the existing historic building for Retail and other Commercial uses and ADD a new addition to the east, adjacent to Main Street. The upper level of the addition, approximately 3,785 square feet, will be reserved for a rooftop Private Event Facility for parties and events of up to 480 people.

I believe this Private Event Facility as submitted would significantly impact Park City. This proposal has the potential to add traffic, parking problems and serious issues around noise. The location of this property borders on a densely populated residential area which already bears a great deal of the burden that arise as Park City continues to grow.

Not only would this approval disrupt Old Town and Main Street but it could also encroach on other non-profits events in that area that have been a part of our community for a long time. There is also the potential for event fatigue as well as additional manpower requirements of our police force in order to address potential noise code violations which would likely result with an event space for 480 people and the opportunity for live music nightly until 10 p.m..

Old Town residents are already working hard to understand the proposed Treasure Hill project and this new Conditional Use Permit application should be rejected or revised to address the impact in this historic neighborhood area. I urge everyone to learn more about this issue and attend the meeting to voice your concerns.

Mellie Owen
ParkCity

* * *

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 1:05 PM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Rooftop at Kimball

Sent from my iPad

Begin forwarded message:

From: Kyra <kyra1017@aol.com>
Date: March 24, 2017 at 10:14:55 AM MDT
To: <council_mail@parkcity.org>
Subject: Rooftop at Kimball

What part of a rooftop bar that faces Old Town, instead of facing Main Street is historical.

What is this town becoming....LA party scene????

Most homes in Old Town do not have air conditioning, that means we keep our windows open all night.....this is not right and will only open Pandora's box to everyone wanting one, and then the homes will want them.

PLEASE DO NOT DO THIS TO OUR TOWN...ENOUGH IS ENOUGH....the patio venue on the corner will be enough to attract small group functions and would provide a bit of a buffer.

The sounds carry like an amphitheater from Main Street.

PLEASE PEOPLE LIVE IN
OLD TOWN...we thought you
wanted more full time residents
in Old Town as opposed to
renters...this will certainly
discourage full time residents.
please care about our town....

Kyra Parkhurst
1058 Empire Ave

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:55 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: CUP for Kimball Garage rooftop event space

Sent from my iPad

Begin forwarded message:

From: Ellen Rosenberg <ellen.rosenberg@me.com>
Date: March 28, 2017 at 9:41:31 AM MDT
To: <council_mail@parkcity.org>
Subject: CUP for Kimball Garage rooftop event space

Esteemed Park City City Council Members,

Our family has owned a home at 633 Park Avenue in Old Town since 2009. We love it. Yes, there is noise from the cars, revelers, and that underground club at Main and Heber. But we understand it's a vacation area and all that existed when we acquired our home. We also live in Manhattan Beach, California which is a similarly densely populated beach town with small lots and vertical homes. Basically Park City at the Beach. I'm also in my second term on the Manhattan Beach Unified School District Board of Trustees so I understand the role of an elected official and constituents with opinions. This is why until now I've stood down when I receive notices about the projects and variances accompanying those projects in our neighborhood. However, the rooftop event space is a lot to process. I think it is more than the neighborhood can tolerate on top of the existing noise environment of active Old Town. I hope the Council and Planning Commission will think carefully about this request and consider the the negative environment it will create for the neighborhood. I hope a reasonable compromise can be reached.

Thank you for your consideration.
Ellen Rosenberg, homeowner
310-721-3785
633 Park Avenue, Park City

Anya Grah

From: Becca Gerber
Sent: Wednesday, March 29, 2017 1:24 PM
To: Anya Grah
Subject: FW: Kimball Garage/Event Center Deck

Here you go!

From: Becca Gerber
Sent: Tuesday, March 21, 2017 2:40 PM
To: James Tedford
Subject: RE: Kimball Garage/Event Center Deck

Thank you for your email James. I will take your concerns to heart during our discussion.

Best,

Becca Gerber

From: James Tedford [weskipc@gmail.com]
Sent: Monday, March 20, 2017 9:17 PM
To: Council_Mail
Subject: Kimball Garage/Event Center Deck

Dear Council,

I would like to express my concerns about the approval of an Event Center CUP for the Kimball Garage Deck.

1. The deck should never have been approved in the first place. One of the barrel vaults in the roof is being removed to build the deck. The HDDG clearly states in D.d1 that the "original roof form must be maintained". This is not gray language. It is black and white. There is no room for a compromise. It doesn't matter if the roof can be seen or not (the roof can clearly be seen from the street).
2. The loud music that will come from the deck is not compatible with the adjoining residential neighborhood.
3. Who is going to enforce the "no music after 10pm rule"?

It is disappointing that the Planning Department and the Board of Adjustment chose to disregard the very clear language in the HDDG that prohibits the destruction of one of the barrel vaults. I am glad I do not live anywhere near the Event Center since it could be constant very loud noise. The nearby residences deserve to have a quiet neighborhood. This approval would set a terrible precedent. Please do not approve this CUP.

Thank you,
James Tedford
1961 Mahre Dr., Park City

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 5:52 PM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: CUP for Kimball Garage rooftop event space
Attachments: image003.png

Sent from my iPad

Begin forwarded message:

From: Danny Temkin <danny@temkininternational.com>
Date: March 29, 2017 at 3:44:02 PM MDT
To: <council_mail@parkcity.org>
Subject: CUP for Kimball Garage rooftop event space

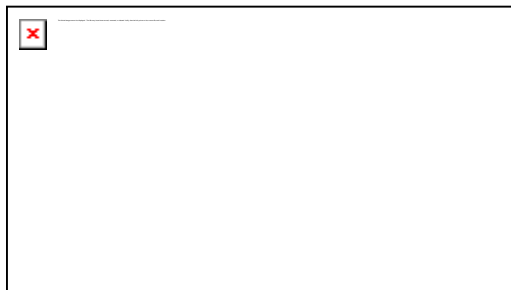
Dear Park City City Council Members,

We own a home at 631 Park Avenue in Old Town and have for many years. We love Park City and the great feeling of just being there. We are concerned about the rooftop event space right across the street from our home. We know that some noise is to be expected with our location but feel that this outside event space is just too much.

We are absolutely opposed to the rooftop event space. Please consider the impact on our local neighborhood.

Thank you for your consideration.

Danny Temkin
631 Park Ave.
Park City, UT
801-319-0834



Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:53 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Opposed to outdoor event space above Kimball

Sent from my iPad

Begin forwarded message:

From: Jule Thomas <jtwerks@yahoo.com>
Date: March 28, 2017 at 7:42:18 PM MDT
To: "council_mail@parkcity.org" <council_mail@parkcity.org>
Subject: **Opposed to outdoor event space above Kimball**
Reply-To: Jule Thomas <jtwerks@yahoo.com>

Dear Council Member,

I wanted to voice my objection to the proposed outdoor event space above Kimball. A Park Record article of 3/28 stated that "Park City staffers support" the proposed event space. It refers to Anya Grah as the Planner who drafted the report. I don't know where Anya lives, but I know that many property owners in the area of Kimball do not support the outdoor event space.

As a homeowner of homes in Old Town and Snyderville Basin, I believe our government representatives should heed and protect the interests of Park City stakeholders and property owners. I'm asking you to stand and protect the quality of life of Park City property owners and our visiting tourists, and to protect the valued charm of Old Town. Outdoor party places that are allowed to host hundreds of people nightly do not equate to anything relating to charm.

The City turned down Kimball Art Center's redesign and by doing so caused Old Town to lose a valued cultural anchor for the area. The City has approved a permit for an outdoor party space that can host hundreds of people nightly and will create nothing less than outdoor noise pollution for surrounding residences. Where is the good thinking in either of these choices?

I applaud the residents who have filed the appeal, and hope that you, as a Council Member, correct a poor choice on the City's behalf and refuse the permit.

With Regards,

Julie Thomas

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 1:05 PM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Deck on former Kimball Building

Sent from my iPad

Begin forwarded message:

From: Mary Whitesides <mary@dancindeerdesign.com>
Date: March 24, 2017 at 9:50:30 AM MDT
To: <council_mail@parkcity.org>
Subject: Deck on former Kimball Building

Dear Council

I live just two blocks up on the hill by the town lift and above the Kimball building that is being renovated. I am unhappy to learn that there will be an open air deck on top of the building to sponsor parties and gatherings with music. Right now I am overwhelmed with noise whenever there is a concert on the lift plaza. The valley located at the foot of the mountains acts like a funnel or a bull horn enhancing the noise. Please consider something else as it will be noise pollution for the residents of old town. As time goes on, more and more development encroaches on the residents. I have lived here 38 years. I am happy that visitors love to come to old town and peruse Main Street. But, I think we need to maintain a sense of balance between loyal tax paying citizens and our visitors venues.

Thank you for considering an alternative.

Mary Whitesides
812 Crescent Tram

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:55 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: the appeal of the Kimball Art Center deck

Sent from my iPad

Begin forwarded message:

From: <wintzermc@aol.com>
Date: March 28, 2017 at 10:00:35 AM MDT
To: <council_mail@parkcity.org>
Subject: the appeal of the Kimball Art Center deck

Dear Mayor and Council...

We are writing to support the appeal by Sandy Melville and John Stafsholt regarding the Kimball Garage.

Forget the HEART of Old Town ...if this active roof deck is allowed to go forth.... the SOUL of Old Town will have been sacrificed for the sake of a new Disneyland Park City.

Say goodbye to "Keep Park City, Park City" and any authenticity of our Historic Main Street.

This last year the City has had to listen to numerous festival fatigue discussions ranging from reduction of events , to modifying the Silly Market , the Brew Pub plaza and Sundance Festival.

There is a difference between listening and actually hearing. No one is talking about more mitigation of traffic, better signage or any other event planning tools.

Residents both in Old Town and beyond are talking about the crush of too much activity and energy at the expense of our daily lives. It is the enjoyment of peace and quiet in the neighborhoods.

For example, in January, the very day the post office alley and lower Main were closed to accommodate the mobile theater and other festival activity.....people were upset about the expansion of Sundance.

It is important to note that this feeling of disgruntlement reverberated though the town 3 days before the snow and the Women's March. The frustration of not being heard clearly enough by the Council so that there would be any expansion of Sundance was the root cause of the angst.....not the weather and not the march.

Now we are at a "critical cliff" with the Kimball Garage. A choice between community and commercialism .

For over a year citizens of Old Town have been speaking about the negative impacts of active rooftop party decks to our neighborhoods.

The Kimball Garage deck will be the "mother of all party decks"...it will be able to impact the greatest number of Old Town residents.

..There will be music in the summer, tents in the winter , lights, action, activity and more activity wafting through the night... invading the space of the residential neighborhoods of Old Town.

This is a critical juncture for Park City.. ...to decide what we believe about the importance of community and neighborhoods and the right of a citizen to peaceful enjoyment of their property.

Please support the Appeal.

We respectfully submit these thoughts for your review.

Kind regards,

Mary & Charlie Wintzer
320 McHenry Street

Anya Grah

From: Tim Henney
Sent: Wednesday, March 29, 2017 10:52 AM
To: Polly Samuels McLean; Anya Grah
Subject: Fwd: Kimball Garage Deck -

Sent from my iPad

Begin forwarded message:

From: <woodhead_d@comcast.net>
Date: March 29, 2017 at 9:46:12 AM MDT
To: <council_mail@parkcity.org>
Subject: Kimball Garage Deck -

Hello Council,

As a residence of Woodside Ave. we are asking for your appeal to this bad approval. Anybody that lives in Old Town understands the noise level that moves up and down the streets and back yards, as well as, up the mountain from Main Street!!

We know this because we live here and hear the bands from all main street performances!

Thus, allowing private functions to occur any day of the year is subjecting all of us in Old Town to noise that could continue to be very offensive on a nightly basis. We see that all functions must be shut down by 10 PM, however, what assurances can the Kimball give us that party goers will NOT continue to stay on the deck until well after 10 PM and their voice and laughter carry right up the corridor well into the evening!!

This is not a good policy for Park City residence's and a good policy for non resident's!!

We strongly oppose this approval as it now stands!

Thank you for your consideration!!

Dan & Linda Woodhead
933 Woodside Ave.