PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 30, 2006

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

Planning Commission members Charlie Wintzer and Jack Thomas

Tom Bakaly, City Manager; Kirsten Whetstone, Planner; Polly Samuels-Mclean, Assistant City Attorney; Jonathan Weidenhamer, Planner; Ben Davis, Planning Intern; Seth Atkinson, Budget Analyst

Bruce Erickson, Stantec consultant; Tim Henney, Bonanza Drive property owner; Heather Colson, Homestake Condominiums HOA; Carol Potter, Mountain Trails Foundation; Cindy Matsumoto, Bonanza Drive merchant; Terry Frank, NOMA Board Member; Jenny Smith, Park City Mountain Resort; Jennifer Guetschow, Summit Land Conservancy; Greg Freedman, Claimjumper Condominiums HOA; Rodman Jordan, Centura Development; and Mary Wintzer, Iron Horse Drive property owner

1. **Analysis of Main Street business uses.** Jonathan Weidenhamer explained that after the Olympics, the City began to develop an economic development strategic plan and one component addressed commercial mix. A trend of real estate offices moving to Main Street prompted concerns, and some Council members expressed interest in exploring an ordinance to control the proliferation of real estate offices on Main Street. He pointed out the decrease in retail from 1998 to 2002 and the increase of real estate offices fronting on the street from seven to twelve. At that time, however, Council decided not to pursue an ordinance and directed staff to monitor uses.

He added that the economic development plan has been in place for the past several years and at the January 2006 Visioning Session, Council discussed conducting a market analysis of the entire town and updating the 2002 information. Ben Davis explained that the 2002 study area included the Main Street corridor, including Heber Avenue and Swede Alley. This project only looked at Main Street and although the numbers are a little different, the percentages are the same. The number of business licenses, in the 220 to 230 range, has remained relatively consistent. Mr. Davis discussed Aspen's ordinance, which prohibits real estate offices on the street level. Since 2002, restaurant uses have remained constant at 35%, the retail presence has grown by about 9%, and he explained the drop in vacancies in buildings. Office uses total 8.4% which was at 11% in 2002. General office uses are up from 2% to 2.4% while real estate offices have decreased from 9% to 6%.

Seth Atkinson explained that the Budget Department maintains a data base of sales tax collected which can be broken down by geographic area or business type. He explained that foregone sales tax revenue was determined by calculating the retail sales tax generated on Main Street and a retail square foot sales tax rate. Staff estimated a range of $29,000 to $49,000 annually and estimate that in 2006 about $740,000 will be collected in sales tax revenue for Main Street, representing roughly 47% of all sales tax revenue. There was discussion about the boundaries of the study area and Jonathan Weidenhamer explained that this work is the first step in establishing a market analysis. Staff recommends not pursuing an ordinance. In response to a question from Candace Erickson about the defensibility of an ordinance, Polly Samuels McLean explained that *office use* could be prohibited on street level, not specifically identifying real estate offices. Aspen's ordinance is drafted in this manner. Council concurred with staff's recommendation.

2. Joint Work Session with Planning Commission - General Plan amendments – Kearns/Bonanza commercial redevelopment area. Mayor Dana Williams explained that the purpose of the work session is to invite community dialog with regard to redevelopment in the area. The City is interested in a proactive approach by including stakeholders early in the discussions. Kirsten Whetstone explained that staff and Stantec are drafting General Plan amendments specific to this area, which will form the framework for a long-term strategic plan. These amendments have the potential of triggering Land Management Code changes as well as transportation and/or economic development plans. The draft was discussed jointly by the Planning Commission and City Council on March 16, 2006 and staff was directed to contact property owners for this meeting. She emphasized that there will be other opportunities for the public to comment. This area will be described in the General Plan like other districts and it is hoped that the draft will be refined as the process unfolds. She asked for direction on the next steps and the City's role in redevelopment. Kirsten Whetstone described the boundaries of the area.

Tim Henney, property owner, questioned the purpose of the analysis since the area is built-out. Mayor Williams responded that as a part of a potential redevelopment plan it seems appropriate to include all property owners and comprehensively look at improvements. Mr. Henney asked if there is a development plan for properties outside the boundaries. Candace Erickson pointed out that there is zoning in place for properties and when the redevelopment proposal was presented, Council acknowledged opportunities to make this a more attractive area and promote economic development. In response to a question from Mr. Henney about the composition of the district, Mr. Hier explained that the parcels impacted by traffic on Bonanza are included. Mayor Williams added that the goal is to create synergy in the area.

Heather Colman, Homestake Condominiums, relayed that she has seen preliminary plans to support the commercial area and asked how that affects residential properties. The Homestake HOA is prepared to spend $500,000 in renovation costs and she asked if there are long-term impacts which may affect their decision to proceed with improvements. Bruce Erickson, consultant, stated that residential areas are included to encourage preserving this use and when redevelopment occurs, it is intended to focus on efforts like minimizing traffic impacts. Connections to the Rail-Trail from this neighborhood are contemplated. Mayor Williams emphasized that there is no plan to remove condominium stock and replace it with new development. Carol Potter, Mountain Trails, stated that the Rail-Trail is a major trail and connectors for residents are very important. A safe connection to the Rail-Trail from Poison Creek should be pursued.

Dana Williams discussed different types of open space. Cindy Matsumoto, business owner, expressed concerns about paying for redevelopment. Mr. Erickson stated that at this point, the plan is designed to allow for redevelopment by the private sector; this is not an imminent domain issue. The idea is to promote a plan that encourages improvements. There was discussion about the features of a redevelopment agency. Cindy Matsumoto stated that she would like the big power poles removed and enhancements, like flowers. The area should be inviting to tourists and locals. Candace Erickson asked Ms. Matsumoto if she considers plazas as a type of open space. She responded that as a business owner, gathering spaces are important but the people who live there should have more to say about open space. Mayor Williams reiterated that the City's approach is to be proactive. Terry Frank, No Place Like Home, read a prepared statement. He spoke about dealing with the competition at Kimball Junction and it is not the intention of NOMA to compete with Main Street. Mr. Frank added that he has made a large financial commitment to his business knowing that changes are forthcoming. Mr. Henney addressed the possibility of parking lots becoming development parcels and suggested including them to proactively plan the area. Kirsten Whetstone referred to the map and explained that those parcels are already identified in Prospector Square. She pointed out the variety of residential support businesses which makes the area unique. Joe Kernan asked if curb cuts could be reduced, especially in residential areas. Bruce Erickson responded that the intersections on Bonanza will be analyzed but it is not anticipated to change land uses. Tim Henney expressed his support of the process and specifically redefining open space in an urban area. Commissioner Jack Thomas commented that the nature of open space reflects its immediate adjacency. Jenny Smith stated that she would also love to see the power lines removed and relayed that PCMR is still planning on constructing employee housing on its Munchkin lot. She expressed concerns about the safety of pedestrians, specifically citing there is no safe way to cross Bonanza Drive. This is a great opportunity for the community to pull together and make this a unique district in Park City which can compliment Main Street. Ms. Smith supported the parking and transit center proposals, acknowledging that parking lots will be developed. Jennifer Guetschow, Summit Land Conservancy, stated that the North Horse units should be included in the planning area even though change in use is not suggested. She strongly urged not using the term *open space* for hard surface gathering areas.

Greg Freedman, Claimjumper HOA, expressed concerns about Homestake Drive which could become a driveway to or a parking area for a commercial project. He suggested that a road for commercial traffic be constructed parallel to Homestake Drive and that sidewalks be installed. He spoke about the difficulty in safely crossing Kearns Boulevard. Carol Potter discussed the concept of *greenways*. Rodman Jordan expressed his support of the process and hoped there will be future opportunities for input on specific issues and Kirsten Whetstone felt that the open houses will accommodate those discussions. The Mayor discussed preserving *mom and pop* businesses and Marianne Cone agreed and added that a 20,000 square foot anchor is too large for the area. Mr. Jordan referred to the various elements of the General Plan, and suggested creating a new chapter called *pedestrianization* or *walkability*. Heather Colson expressed concerns about national brands moving in and changing the character of the community. Cindy Matsumoto emphasized the importance of accommodating pedestrians and pointed out the dangerous situation at the intersection at Iron Horse and Bonanza.

Mary Wintzer agreed with comments about sustaining small businesses and focusing on pedestrian connections, however, the entire area is very poorly lighted. Simple things like street lights can make a real difference. She is not in favor of building another parking garage, because it draws more cars, and suggested considering park and ride programs. Ms. Wintzer further stated that she is not in favor of local government subsidizing private industries, i.e., parking facilities. As a business owner, she has satisfied her parking obligations and it is a matter of equity. She urged considering long-range economic consequences and discussed the number of failed businesses on lower Main Street, and warned against creating a false market by increasing retail without demographic support. Better lighting and landscaping go a long way. Park City doesn't need to duplicate the commercial development at Kimball Junction. Marianne Cone commented on the visual benefits of parking cars behind buildings.

Bruce Erickson explained that the City has formed an internal working group who will update the draft to include input and technical analyses. The revised draft will be available at the open house and feedback on the type and balance of retail, the availability of retail commercial space, and sustainability of local shops will be useful. There may be a second open house before the document is reviewed by the Planning Commission. The City's General Plan follows the required elements of the state and *pedestrianization* will be addressed in both the transportation and open space elements. Charlie Wintzer, Planning Commissioner and property owner, asked why the current zoning doesn't work and if this exercise will affect Prospector. He also expressed concerns of increasing allowable density and requested that a *real* traffic study be conducted. Dana Williams pointed out that with the sale of Anderson Lumber there will definitely be more density. He felt trade-offs are likely as the properties are redeveloped. Roger Harlan believed there should be a focus on connecting the area to the Resort and Main Street.

Tom Bakaly explained that the product will be General Plan amendments for which development applications will be measured against; staff will not be returning with a master plan. The Main Street RDA had a master plan, including City capital projects. The Downtown Revitalization Plan and the Downtown Improvement Study focused on capital projects while the lower Park Avenue Study was more characteristic of a master plan. Jim Hier relayed that he supports that direction but would like to keep the option open of forming a redevelopment agency in the area, primary for traffic calming and pedestrian enhancements. He felt that getting people safely across Bonanza may require building an expensive underpass, which could be accomplished with funding from an RDA rather than the private sector. Tom Bakaly felt that forming an RDA for this area would be difficult and suggested forming an economic development area. Jim Hier then suggested using tax increment funding through bonding to help assist with traffic mitigation. Roger Harlan discussed successes associated with both the Main Street RDA and lower Park Avenue RDA. He felt that the study area may be another example of where the City could partner with other entities. Bruce Erickson explained, for the benefit of Marianne Cone, that the change from 35 feet to 40 feet is to allow for second story housing and only applies to MPD. It is not a change to the GC Zone height allowance. In response to comments made by Joe Kernan, Bruce Erickson explained that after technical input to changes to the General Plan is rendered, there is typically a resulting list of recommendations. These could include additional amendments to the General Plan to accommodate some uses or improvements. Land uses will not be designated by the City. Tom Bakaly again interjected that a General Plan is just that, and he feared expectations for more specific guidelines, like a master plan. He feels there needs to be more dialog on the output of the plan. Mr. Erickson pointed out that action steps in a General Plan element may be advanced and budgeted as a capital project. Tom Bakaly again mentioned the Old Town Improvement Study and Downtown Revitalization Plan as products of the transit center. Jim Hier referred to the action items outlined in the General Plan that guide development of affordable housing, recreation, etc. All applications are measured against the General Plan. The Mayor discussed negotiating features like height in exchange for better planning and/or community amenities and Charlie Wintzer agreed. In response to a comment from Roger Harlan, Bruce Erickson expressed that the values of the seated Council will be reflected in the document and the LMC may need to be amended to accommodate trade-offs, but with clear limits. Marianne Cone asked if there is a way to encourage residential development adjacent to the Homestake and Claimjumper Condominiums. There was discussion among members regarding buffering residential areas. Bruce

Erickson relayed that it is best to include these types of decisions into the document now.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 30, 2006

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 30, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Polly Samuels McLean, Assistant City Attorney; Kent Cashel, Assistant Public Works Director; Jonathan Weidenhamer, Planner; Alison Butz, Special Events and Facilities Manager; Patrick Putt, Planning Director; and David Maloney, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Roger Harlan, as liaison, discussed School District business. Jim Hier reported on the Chamber/Bureau meeting he attended, more specifically its interest in maintaining a presence in the Historical Society's expansion project and the increase in transient room tax. He commented on a meeting on sharing maintenance facilities with Summit County and a meeting on traffic mitigation in Park Meadows with resident Stacy Dymalski. Mayor Williams relayed his condolences to the Corliss Family. He felt it important to talk to our congressional delegation about proposed immigration legislation which promotes local police enforcing immigration laws. He referred to comments made by Summit County Commissioner Ken Woolstenhume in the *Park Record* about the $10 license fee and the fact that Park City's position was not reported. The Council is very concerned about the fee's affect on other Summit County cities and this is not a Park City-driven idea. Joe Kernan clarified that Park City is supportive of providing cities with voting rights to influence on how funds will be spent. Jim Hier added that the *Park Record's* Editorial on the topic was also inaccurate and misleading.

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

1. Computer services - Mike Sweeney asked that the memory for emails for City employees be upgraded so he can share documents with the planning staff. He also recommended that a computer be available for public use in the Marsac Building.

2. Park Meadows traffic calming program – Stacy Dymalski read a statement from Carolyn Frankenburg stating that the neighborhood wants Option D, acknowledging that it is too expensive to implement now. They ask that the City use the funds which would be applied to the sidewalk at the Racquet Club to fund a City-wide safe route study. She urged Council to use Park Meadows as a pilot project and Ms. Frankenburg wrote that they are building a coalition to include input from all interested parties, including other neighborhoods, alternative transportation, Mountain Trails Foundation, Sundance, School District, etc. A sidewalk halfway down Little Kate doesn't address safety issues; all City neighborhoods need to be studied and a master plan needs to be devised. Park

Meadows has been in the process for 14 months, and she repeated that this would serve as a great pilot program when implementing the City-wide pedestrian program.

Ms. Dymalski stated that Option B estimated at $160,000 is recommended by staff which is considerably less than Option D at $1.5 million. Option B does not address the needs of the neighborhood and improvements may not be used by residents. She reiterated that a City-wide study should be conducted with input from other neighborhoods and that Park Meadows be the pilot. They have gone through this process for 14 months and Public Works recommends something they don't want and there should be a consensus. She is unsure what everyone in the neighborhood agrees on and it may be premature to install a sidewalk.

Candace Erickson expressed concern about building clear consensus in the neighborhood and a delay means missing this budget cycle and waiting a year. Ms. Dymalski stated that she prefers it is done right even if it takes longer. Ms. Erickson again expressed her concerns about a delay as she received phone calls from residents, including Ms. Dymalski earlier in the process about waiting for improvements. Stacy Dymalski relayed that what they want is not recommended by staff. In response to a comment from Roger Harlan about the sidewalk on Monitor Drive, Ms. Dymalski felt that because there is no raised curb, it's like an extension of the street which is very unsafe. Mr. Harlan expressed his frustration when a municipality wants to do something for the community and because of differences in opinion, nothing gets done. Ms. Dymalski responded that *you make your best effort*. Mr. Harlan pointed out that *best effort* may not be acceptable to some citizens and asked if everyone in the neighborhood is comfortable with delaying the project for another year. Stacy Dymalski stated that Carolyn Frankenburg has spoken with everyone and this seems to be the consensus. There are funding options like bonds, federal monies, etc. out there that haven't been explored. She suggested hiring or assigning an employee to monitor this project. Joe Kernan expressed interest in exploring funding options in the interim.

Jim Hier felt that planning transportation throughout the City is extremely critical, as evident in the work session discussion. There is a Trails Master Plan, but it may need to be updated to examine pedestrian and vehicular challenges in a number of corridors. A transportation plan could incorporate all areas with a prioritized capital plan based on the degree of need. There may be improvements that can be made to Little Kate that won't be wasted in the long term and may alleviate some problems sooner. This should be discussed as a part of the budget. Candy Erickson agreed that there should be a study and it should be produced in a timely manner.

Stacy Dymalski believed the neighborhood should be involved in deciding the phasing of improvements. Tom Bakaly reiterated that this discussion will be part of the budget review, specifically how these projects compare with Old Town improvements, the plaza, or Quinns Junction for example. Staff will attempt to balance this directive with other capital priorities; this is the second year of implementing a 15 year Old Town Improvement Study. OTIS cost about $100,000, not including staff's time. In response to a question from Marianne Cone, Eric DeHaan stated that hard curbs are no safer than rolled curbs.

Carol Potter, Mountain Trails Foundation, stated that her organization would love to see a City-wide study and an updated master plan. She advised that there are transportation enhancement funds available every January and if a study is prepared in time, it would provide relevant information for the grant request. She discussed the efforts of the alternate transportation committee and the *walkable-bikeable community* project adopted by the Leadership Class this year. Ms. Potter suggested the first step of a five-year plan to be Park Meadows. Mayor Williams stated that he would like to keep that decision open and pointed out that 12 to 15 kids regularly travel Little Kate but about 400 children walk to school from his neighborhood where there are no sidewalks.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 16, 2006

Jim Hier, "I move approval of the work session notes and minutes of the meeting of March 16, 2006". Roger Harlan seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARINGS

1. Resolution adopting the Entry Corridors Transit/Transportation Strategic Plan – Jim Hier suggested an amendment to the following language in the Resolution:

- Develop processes and procedures to ensure all ***master planned** developments* and annexation proposals are contingent on full mitigation of the development's or annexation's traffic impacts on the City's road network.

Kent Cashel felt the change is appropriate and with no further comments, the Mayor closed the public hearing.

2. Ordinance approving the Edwards Subdivision which will combine Lots 29 and the southerly half of Lot 28, Block 31 of the Park City Survey into one lot of record, located at 208 Norfolk Avenue, Park City, Utah – Jonathan Weidenhamer explained that the Planning Commission forwarded a positive recommendation at its March 22, 2006 meeting. The proposal is to tear down a contemporary house and build a new structure which requires a plat amendment to combine the lots. There was discussion about the impacts of construction in Old Town and applying a construction mitigation plan. The Mayor opened the public hearing, and hearing no comments, closed the hearing.

3. Second Addendum to Park City Municipal Corporation Master Festival and City Services Agreement with the Kimball Art Center – Alison Butz explained that staff has been working with the Kimball Art Center on a new agreement to guarantee the location of the Arts Festival on Main Street. The Director requested an extension of her current 2005 contract with the same conditions because at this point in the year, the selected artists need to be contacted. The financial components are similar to the 2005 agreement and realigns funding sources based on a future budget discussion on a proposed *festival facilitation fee* on business licenses. Council member Erickson understood KAC is eliminating the Friday night opener because of perceived ticket revenue losses, and asked if the street will be closed to set up. Ms. Butz stated that they would like to close the street at noon on Friday to allow for set-up in the middle of the street, but the booths would be closed. The gallery stroll is still planned. The Mayor opened the public hearing.

Mike Sweeney, HMBA, stated that members would prefer to see Friday expanded. If the KAC doesn't want the Festival opened on Friday, then booths should be set up early Saturday morning so merchants don't lose business on Friday. The HMBA is even willing to advertise an expanded Festival. Jim Hier understood that setting up in the middle of the street takes more time than lining the booths up along the curb. He asked if the HMBA would support a compromise of setting up tents along the curb if it reduces the length of the street closure. Mr. Sweeney explained that setting up in the middle of the street was a goal of the HMBA for years, and he felt it was very successful. Alison Butz introduced Dave Gustafson who is also a contract employee for the KAC specifically for the Arts Festival.

Dave Gustafson explained that in order to open on Saturday at 9 a.m. without a noon closure on Friday, the set-up would have to revert to both sides of the street. He explained in detail the methods for set-up and associated time restraints. The KAC prefers the 2004 plan by closing the street at noon on Friday. He felt that many patrons don't arrive on Main Street until 9 p.m. or later and the booths were closed at 9 p.m. last year. If the closure doesn't occur on Friday, it is difficult to guarantee that all artists will show up as early as 2 a.m. to allow enough time. If they all show up at 5 a.m., for instance, the Festival won't open on time. In response to comments made by Marianne Cone, he emphasized that there are 305 new parking spaces in the downtown core so there is plenty of parking which was significantly diminished last year. Jim Hier asked if paid parking will be in affect on Saturday and Sunday. Ms. Butz noted that it is not being addressed in the contract at this point. Council member Hier suggested that the Festival open on Friday for the locals and that there be an honor system for ticket donations. The City could share revenues from the parking structure that could offset lost ticket revenue. He felt closing the street at noon in order to set up properly is the appropriate approach, but not at a cost to the merchants. Candace Erickson suggested pushing back the street closure to 3 p.m. so the business owners aren't impacted as much on Friday. There was discussion about the time required to get cars off of Main Street and Alison Butz explained that last year, no parking after 11 a.m. signs were posted and the street was cleared by noon. Marianne Cone expressed her preference in having the Festival open Friday night.

Tom Bakaly explained that the KAC estimates forfeiting $25,000 with a free Friday night opening because residents are not returning the rest of the weekend. This year, KAC requested that the City cover the $25,000 needed in order to open the Festival Friday night which the City was unwilling to pay. Mayor Williams felt that the City has stepped up in responding to requests to support the Festival over the years. Jim Hier pointed out that KAC is very appreciative of our efforts and felt this is a short-term issue that can be resolved. Ms. Butz explained that the Director is very interested in discussing a number of issues, but wants some assurances in planning for 2006. Mike Sweeney suggested that the HMBA meet with KAC and return with a recommendation.

Roger Harlan felt that closing Main Street for three days is a burden for merchants and the Mayor countered that the Festival brings thousands of people to Main Street over the weekend. Dave Gustafson pointed out that more people are on the street from 6 p.m. to 11 p.m. and there might be conflicts if tents are being installed. He again discussed the availability of parking this year and the benefits of setting up in the middle of the street for Main Street merchants.

Tom Bakaly suggested that Council approve the MFL as recommended, i.e., closing at noon on Friday and directing staff to work with the HMBA and KAC which may result in modifications for a Friday evening activity. He added that this will most likely result in a cost to the City. Candace Erickson recalled that the Friday night opening was considered an experiment in 2005 to attract locals. Jim Hier felt tickets sales should be explored for Friday. He suggested that Council approve the MFL as presented with instructions to staff to work with the HMBA and KAC to try to formulate an equitable arrangement and to explore charging on Saturday and Sunday for parking and sharing parking revenue with the Kimball to make up part of the $25,000 foregone ticket sales. Roger Harlan indicated that he will support the motion if the topic is brought back to the next City Council meeting on April 13, 2006.

VI CONSENT AGENDA

Joe Kernan disclosed that KAC is a customer of his, "I move we approve the Consent Agenda Items 1 through 4 with the amendment (to Item 3) on the hours to be determined later for the Arts Festival". Jim Hier seconded. Motion unanimously carried.

1. Resolution adopting the Entry Corridors Transit/Transportation Strategic Plan – See staff report and public hearing.

2. Ordinance approving the Edwards Subdivision which will combine Lots 29 and the southerly half of Lot 28, Block 31 of the Park City Survey into one lot of record, located at 208 Norfolk Avenue, Park City, Utah - See staff report and public hearing.

3. Authorization to the City Manager to execute the Second Addendum to Park City Municipal Corporation Master Festival and City Services Agreement with the Kimball Art Center, in a form approved by the City Attorney - See staff report and public hearing.

4. Authorization to the City Manager to enter into an agreement, in a form approved by the City Attorney, with Archer Construction for Racquet Club locker room improvements in the amount of $128,271 - See staff report.

VII NEW BUSINESS

Ordinance approving a subdivision of Lots 7, 8, 9, 10, 11 and one-half of Lot 12 of the Snyder's Addition to the Park City Survey, located at 1021 Park Avenue, Park City, Utah – Patrick Putt, Planning Director, pointed out the structures on the property including the home built by Otto Carpenter in the early 1940s. In November 2004 upon request, the Planning Department gave the Carpenter Family a copy of Ellen Beasley's 1982 Historic Buildings Survey which identified the structure as *non-contributory* with a comment indicating that *most post-1930 buildings are categorized as non-contributory.* There is also a Planning Department stamp stating that the building is *non-contributory and non-historic.* Mr. Putt added that this is relevant because the re-platting process relates to the house. The stamp does not authorize the demolition of the building nor is it a certificate of appropriateness for demolition. He explained that the Carpenter Family then applied for a determination of significance which was reviewed by the Historic Preservation Board. The HPB evaluated the structure and contributions made by Otto Carpenter to the community. The HPB did not take final action on the determination of significance and prior to completing the process the property was sold to the current property owner. He explained that the HPB was interested in saving the building, acknowledging there would be development on the reconfigured lots. Staff met with the current property owner, Connie Bibrey, to explore development scenarios which would accomplish this.

The application was reviewed on January 25, 2006 by the Planning Commission who discussed what could be allowed by obtaining a building permit and not having to go through a plat amendment or other processes. It was determined that the owner could build two additional structures on Lot 10 and Lot 11. Allowing more density involves adjusting lot lines and the plan is based on relocating the house on its own new lot and subdividing the property to the HR-1 minimum lot size requirements. Mr. Putt stated that the garage on the south property line is permitted to be razed as determined through the CAD process. The Planning Commission forwarded a recommendation to deny based on its finding that approving the plat amendment would increase the number of units that can be developed on the property beyond what exists today.

David Maloney added that the Planning Commission, at its January 25 meeting, brought up the density issue and in response to that concern, he was directed to conduct a density study of the neighborhood and he included this information for discussion at the February 8, 2006 meeting. The analysis is broken down by block and the results show that the proposed five housing units are consistent with the existing density in the neighborhood. However, the Planning Commission denied the proposal based on some key findings of fact, which he read:

7. There are currently five (5) platted lots on the property, plus remnant pieces of six (6) lots.
8. The proposed plat amendment results in an increase in the number of platted, buildable lots on the property, given the location of the existing platted lots and the historic house.
9. There are two (2) platted, vacant lots that are currently buildable.
10. The proposal would increase the number of platted, vacant lots to four (4).

Planner Dave Maloney stated that the conclusion of law is that there is not good cause for this plat amendment based on the increase in the number of buildable lots and staff is now recommending denial. At this point in the meeting, Mayor Dana Williams left because of a previous commitment.

Connie Bibrey stated that he is the owner of Park City Development Company and Resort Real Estate and is a resident. This is a family project and he explained that he approached the Planning Department with a plan to move and restore the historic home and remove the garage which is dangerous. There are actually parts of 12 lots to be combined into 5 ½ lots because of remnants. The family does not want to be forced to build large structures and it is important to them to renovate Otto Carpenter's house because of his part in Park City's ski history. He spoke about using a great deal of memorabilia from the house, family members, and Snow Park Lodge and the current poor condition of the house. Mr. Bibrey indicated that the two original lift stations now stored in the back yard will be donated to Deer Valley Resort.

Connie Bibrey felt that his team was diligent in meeting each request during the process and the density argument doesn't seem to make sense. If Planning Commissioner O'Hara's interpretation of density is applied, it would mean that no one could build on a vacant lot because it would add density and he argued that the Snyders Addition Survey is basically a master plan for Old Town. He pointed out that staff has recommended approval twice to the Planning Commission because it found the plan met all of the requirements of the City. Staff has determined that there is good cause for the amendment and found that the application is consistent with the Park City General Plan and LMC. He expressed his confusion with the Planning Commission's decision to deny when there was a recommendation by staff to approve and they have been working with professionals. Saving the Carpenter home comes at a significant cost and the density is needed as part of the plan. He displayed a photo of the Carpenter home and adjacent properties and a rendering of the design for perspective homes.

Connie Bibrey introduced Ascenzo Di Giacomo, formerly from Telluride and now employed by Jack Johnson Company who complemented the Council on a well-run meeting and amicable public forum. He felt it important that mass and scale is consistent in an area and the proposal is completely complimentary and true to typical historic development. Mr. Di Giacomo noted that they have to replat in any event because the remnants need to be eliminated and the lot lines redrawn. He was surprised that the Planning Commission rejected a traditional pattern of development with smaller in-scale homes consistent with the feel of Old Town. There was discussion of the streetscape; the proposal includes four homes roughly 2,200 to 2,300 square feet. Mr. Bibrey assured Council that the Carpenter home will be restored as it looked in 1941. He displayed original blueprints and pointed out that often remodels alter original features. David Maloney reminded Council that the issue is the subdivision of land, not streetscape or the design of the four homes. In response to a question from Roger Harlan, Mr. Bibrey explained the budget for the renovation of the Carpenter home which is an extensive project and dependent on the economic package including the construction of the four homes.

Polly Samuels McLean clarified that the initial presentation was made on January 25. The Commission directed staff to perform more research. The plan returned on March 8, 2006 and the Commission forwarded a negative recommendation to the Council. On March 22, 2006, revised findings, conclusions and conditions were presented to and approved by the Planning Commission. She urged Council to focus on the decision of adjusting lot lines rather than design of the project and one option is to remand this to the Planning Commission with specific direction. The Mayor Pro Tem opened the public hearing.

Don Carpenter, son of Otto Carpenter, explained that after his parents' death, the family decided to sell the property. The house was not built in the best location on the parcel and he felt a replat is necessary. He felt confident of the Bibreys' performance and the Carpenter Family supports this project.

Kate Doordan, resident, felt that the applicants are sincere and believes this plan may result in more homes, but less intrusion.

With no further comments, Mayor Pro Tem Kernan closed the public hearing.

In response to a question from Jim Hier, Mr. Maloney advised that the vote was not unanimous, but rather a 3:2 vote. The Chair would not have voted unless there was a tie. Mr. Hier added that because a lot is platted, does not mean that it is buildable. There are instances when there is cause for the Planning Commission arriving at a different recommendation from staff. There was discussion that the grade is not steep and Ms. Erickson stated that she does not understand the density argument. She continued that if she owned five lots, she would expect to build five houses. She relayed her support of smaller structures in Old Town. Mr. Maloney pointed out the public input rendered by neighbors which is included in the packet and his approach for the density study. In response to a request to explain the Commission's density argument, Mr. Maloney noted that there are currently two platted buildable lots and this plat amendment, including moving the historic house to the south, increases the number of platted lots from two to four. Potential setbacks were discussed. Mr. Hier pointed out that if the house is not relocated, there would only be three other lots. Mr. Bibrey emphasized that they have to replat in any event because of the remnants and the location of the house on lot lines.

Candace Erickson made a motion to approve the Ordinance and the findings of fact and the conclusions of law from the original staff report. Jim Hier suggested that staff be directed to prepare findings of fact and conditions of approval from this meeting and Polly Samuels Mclean felt it appropriate to write new findings associated with the discussion this evening. Candace Erickson amended her motion. Jim Hier seconded. Marianne Cone asked for support to remand the application to the Planning Commission with direction to renovate the Carpenter house but allow only three other homes. Jim Hier stated that Council would still have to make a new motion to deny the Ordinance so that the applicant can return with another plan and there is currently a motion on the table that needs to be voted upon. The Mayor Pro Tem requested a vote:

Marianne Cone	Nay
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

Motion carried. Tom Bakaly explained that staff will return with revised findings, conclusions and conditions for the April 13, 2006 Council meeting. Council member Hier expressed interest in holding another public hearing.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney (not present for regular meeting). Candace Erickson, "I move to close the meeting to discuss property, litigation and personnel ". Jim Hier seconded. Motion carried unanimously.

The meeting opened at approximately 3:30 p.m.

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

Prepared by Janet M. Scott

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

Janet M. Scott

Janet M. Scott, City Recorder

City Council
Staff Report

PARK CITY 1884

Subject: **Analysis of Main St. Business Uses**
Date: **March 30, 2006**
Department: **Planning/Economic Development/Budget**
Author: **Ben Davis, Jonathan Weidenhamer, Seth Atkinson, Bret Howser**
Type of Item: **Informational**

Recommendation: This item is informational

<u>Topic</u> - Analysis of Main St. Business Uses

<u>Background</u>
In 2002, the City Council initiated an Economic Strategic Plan Work Program. One of the focus areas targeted in this Plan was an analysis of the commercial mix of the Main Street corridor. Three basic types of commercial uses are found on Main Street: Restaurant, Retail, and Office. Residential/ lodging has been excluded from this study. The analysis in 2002 investigated general trends by comparing these three types of uses from 1997 - 2002, by:

1. Total Square Footage (business licenses)
2. Total Number (business licenses)
3. Street Frontage (exposed linear feet)
4. Sales and Resort Tax ('94-'02)

As the comparisons were made, Real Estate Offices were separated from General Office Use, and vacant spaces were included where possible - Again, residential/lodging was not included in the study. Timeshare sales have been counted as real estate offices. The area surveyed included all commercial businesses on Main St., Swede Alley, and Heber Avenue.

At the January 2006 City Council Visioning session direction was provided to begin a Market analysis in order that the City begin to understand what commercial mix is the most supportive of our Resort economy. One first step towards that market assessment is to update the 2002 study on the commercial mix on Main Street. We have updated the survey to determine what, if any impact real estate offices have on Main Street and the city's economic base. Attached as an exhibit is Aspen's ordinance prohibiting offices in spaces that front their Main Street. This survey focused on the businesses with Main Street frontage.

<u>Preliminary findings</u>

<u>Square Footage</u>

1998-2002 - The available number of square feet has increased by 15,267 s.f. (341,892 in 1998 to 357,159 in 2002). Over that time restaurant use increased 17,335 s.f. and retail decreased 27,125 s.f.. Over that same period, office use increased 24,910 s.f. (an increase in percent of total available commercial square footage from 13% in 1998 to 17% in 2002), specifically with Real Estate Offices growing 16,594 s.f. (also a 4% increase).

2006 Update - Square footage has decreased since the 2002 survey was completed. Currently there is about 20,000 square feet less then there was available in 2002. (see next note as a possible explanation).

 # Licensed

1998-2002 - The number of total business licenses issued has remained relatively constant over the period of study, with 1998 and 2002 having exactly the same number of licensed businesses (244). Although total square feet of restaurants have increased, the total number licensed has remained consistent, with 60 in 1998 and 58 in 2002. The trend indicated here is the loss of 5% of retail licenses (12), and replacement with office uses (14), specifically real estate offices (11 - or a 4% gain).

2006 Update - Overall business licenses on Main Street have declined slightly. Although our current calculations have 194 business licenses, down from 246 in 2000, several businesses did not have information available and were not included in the study. The scope of the study is more focused in 2006 then it was in 2002, leaving off Swede Alley and Heber Avenue accounts for a small drop in the number of issued licenses. Taking both factors into account, there has been a slight decline in the number of permits issued, but the total licenses have remained steadily in the 220-230 range.

Street Frontage

2002 - A field survey was completed in October 2002 measuring the amount of linear feet of street frontage per type of business use. Although unable to compare to past years, this analysis offers a glance at current perception of what uses are predominantly visible to Main Street pedestrians. The results indicate out of 4,059 total linear feet, 47% is retail, 35% is restaurant, 7% is vacant, and 11% is office (9% real estate related, 2% general office).

2006 Update - The findings made from the March 2006 study show that the approximate percentages of the land uses have remained relatively constant. 35% restaurant uses, 56 % retail (an increase in 9% from 2002), 8.4% office (2.4% general office, 6% real estate office), and 0.6% vacant (a decrease of 6.5% from 2002). The number of real estate offices with Main Street frontage have declined from 12 in 2002 to 8 in 2006 (a drop of 3% of the total mix).

Sales/Resort Tax (1994-2002) - A significant increase from 1995 - 1997 was observed, and can be attributed at least partially to the development of lower Main Street. Since then, trends seem to indicate a general leveling of sales tax and revenues. No significant decrease has been observed. There has also been a large spike at the beginning of 2002 which is directly attributable to the Olympics. To better understand general trends, the numbers for fiscal year 2003 will be studied as they become available.

2006 Update - The Budget Department has compiled sales tax information in the Main Street area for the years of 1998 through 2006. This information can also be broken down into various business types, one of which is retail. The retail data shows steadily increasing sales tax, with a large jump during the Olympic year. Using square footage totals provided by the Planning Department, a sales tax per sq. ft. rate was calculated for each of the years for the retail business type. By applying this rate to the sq. footage of real estate offices, an estimate can be made on forgone retail sales tax revenue. A similar rate was also calculated for linear retail store frontage feet. By applying this rate to real estate frontage, an estimate was made for forgone revenue based on store frontage property. The Budget Department has put together a range of forgone sales tax revenue by having real estate businesses in place of retail in the Main Street area. The range is between $29,000 and $49,000 annually.

Summary

This update is the beginning step of a larger City Council goal of completing a Market Analysis. Over the spring and summer we will begin to quantify our existing commercial mix and then begin discussions on the appropriate commercial mix that supports a balance of resort and local economy for a sustainable future.

Exhibits

Exhibit A – #'s

Exhibit B - Updated City Council Minutes from 11/14/02

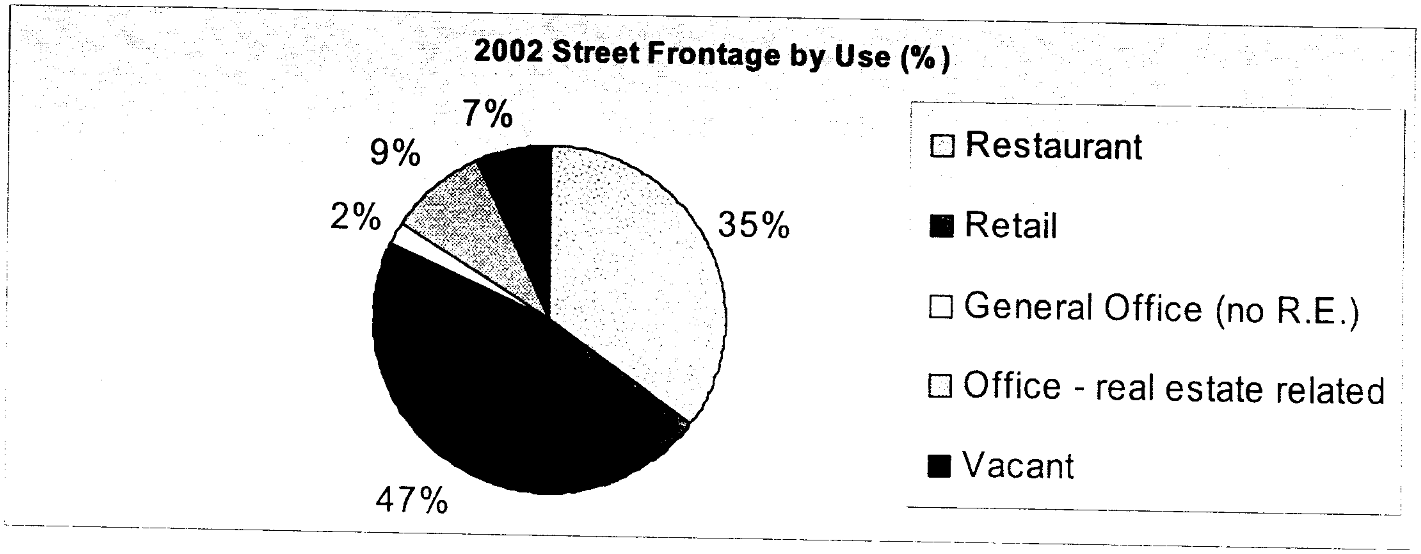
Exhibit C – Aspen's ordinance on offices on Main Street

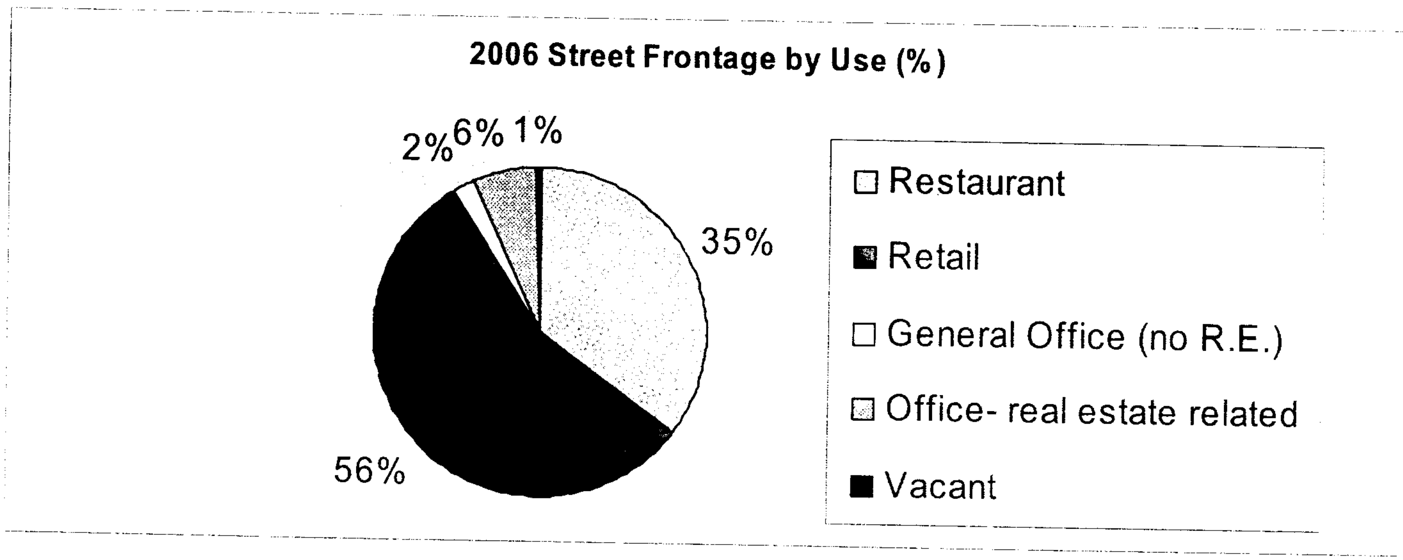
Commercial uses on Main St - 1998 – 2002

	98		99		2000		2001		2002				
	Licensed	SF	Licensed	SF	Licensed	SF	Licensed	SF	Licensed	# store fronts	SF	Street Frontage Linear ft@	Linear Street Frontage total %@
Restaurant	60	133736	57	136830	60	136830	59	152119	58		151071	1423	35
Retail	127	157444	117	145220	115	145220	115	136024	115		130319	1906	47
General Office (no R.E.)	50	44332	56	52494	59	61738	49	55606	53		52648	78	2
Office - real estate related	7	6020	10	8211	12	15928	13	13508	18	12	22614	377	9
Vacant												275	7
total	244	341892	240	343087	246	362798	236	357617	244		357159	4059	100

@ based on field survey 10/02 - Linear feet of street frontage on Main St.

	2003		2004		2005		2006				
	Licensed	SF	Licensed	SF	Licensed	SF	Licensed	# store fronts	SF	Street Frontage Linear ft@	Linear Street Frontage total %@
Restaurant	61	159902	54	155431	48	140718	50		145585	1350	35
Retail	108	135797	101	129498	94	129752	95		128817	2167	56
General Office (no R.E.)	40	39962	34	40861	38	42462	34		37898	93	2.4
Office- real estate related	14	21053	15	24634	16	26764	15	8	22764	230	6
Vacant										25	0.6
Total	223	356714	204	350424	196	339696	194		335064	3865	100


2002 Street Frontage by Use (%)
7%
9%
2%
35%
47%
Restaurant
Retail
General Office (no R.E.)
Office - real estate related
Vacant


2006 Street Frontage by Use (%)
2%
6%
1%
35%
56%
Restaurant
Retail
General Office (no R.E.)
Office- real estate related
Vacant

Sales Tax Info
Main Street Totals

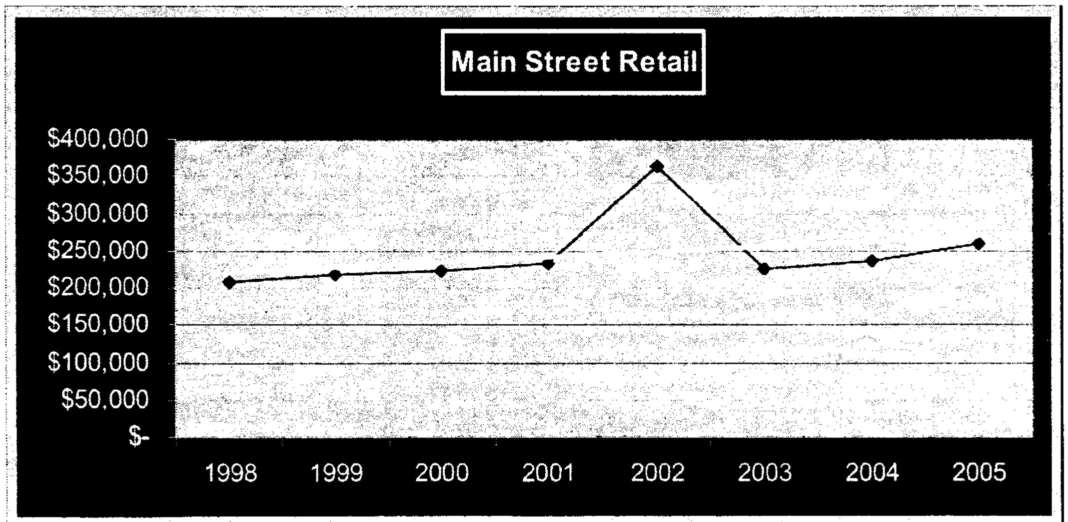
Total # of Businesses: 162

	1998	1999	2000	2001	2002	2003	2004	2005	2006
*Sales Tax $'s (All business types)	$548,201.46	$564,412.55	$581,987.34	$629,237.06	$804,483.10	$648,410.78	$655,638.01	$694,136.95	$740,039.00
*Sales Tax $'s (Retail)	$207,468.96	$218,271.47	$223,835.57	$234,341.77	$364,312.06	$226,107.88	$236,477.17	$258,829.17	$277,669.90
$'s/SqFt	$ 1.32	$ 1.50	$ 1.54	$ 1.72	$ 2.80	$ 1.67	$ 1.83	$ 1.99	$ 2.16
**Forgone Rev(sf)	$ 7,932.75	$ 12,341.46	$ 24,550.70	$ 23,271.54	$ 63,218.36	$ 35,054.16	$ 44,984.31	$ 53,388.80	$ 49,068.66
$'s/frontage ft	Data Not Available				$ 191.14	Data Not Available			$ 128.14
***Forgone Rev(frontage)					$ 72,059.63				$ 29,471.19

*Includes Local Option and Transit Tax. 2006 figures based on Bud Dept estimates.

**Calculated using Tax Dollars per retail square foot rate applied to square footage of real estate businesses on Main St

***Calculated using Tax Dollars per frontage linear foot rate applied to frontage linear feet of real estate businesses on Main St



2. Analysis of Main Street uses. Rick Lewis explained that this is part of the economic development strategic plan which is being developed with the HMBA and the Chamber. This is a status report and not a final report and Mr. Lewis displayed a computer assisted presentation. During the period of 1998 through 2002, there has been a 21% decrease in square footage of retail replaced by an increase of real estate (4%) and restaurants (13%). Total office use increased by 25,000 square feet (13% to 17%); real estate office space increased from 6,000 to 22,600 square feet over the five year period (2% to 6%). In 1998, there were seven real estate business licenses on Main Street and in 2002, 18 licenses. He continued that there has been a 12% decrease in retail business licenses over the period and a slight decrease in restaurants. In response to a suggestion from the HMBA, a measurement of linear feet of real estate store fronts was analyzed. There is about 4,000 linear feet on Main Street and Heber Avenue, of which 177 linear feet or 9% is real estate while 82% represents restaurants and retail.

Mark Christensen stated that one of the questions frequently asked is the amount of sales tax generated on Main Street compared to other areas. His calculation includes sales, resort and transit tax; it does not include taxes collected by Summit County. Through illustration of a chart, he explained that in 1994 Main Street represented about 8% and in 1997-98 it peaked to16% where it has remained constant. Restaurants represent about 49% while retail generates about 42%. In response to a question from Peg Bodell about Town Lift revenues, Mr. Christensen responded that he believes those numbers are reflected in the recreation category. He discussed quarterly sales tax numbers indicating an increase in 1997-98, leveling off in 2000-02, and spiking in 2002. Restaurants are the highest generators of sales tax with office use the lowest. Mr. Christensen discussed differences with business mix and sales tax revenues on upper and lower Main Street and specifically lodging trends. He emphasized that this information is not a detailed analysis but information regarding trends. Mayor Williams expressed his interest in finding information about the loss of potential sales tax revenues because of the number of professional offices on Man Street. Mr. Christensen believed that the work involved in this report can be used for further analyses and helpful to the HMBA in developing its strategic plan. In response to a question from Kay Calvert about the effects of paid parking, Mark Christensen indicated when paid parking came on line in 1997-98 there is a slight increase in sales tax revenues. The Mayor pointed out that who knows how much higher sales tax could have been if paid parking weren't in place. Peg Bodell felt it would be helpful to know what retail Main Street is missing compared to successes in other resort communities. Jim Hier suggested that Mr. Christensen be available to assist the HMBA in providing information for its strategic plan.

Exhibit C – Aspen's ordinance prohibiting real estate offices on their Main Street

26.710.140 Commercial Core (CC).

A. ***Purpose.*** The purpose of the Commercial Core (CC) zone district is to allow the use of land for retail, service commercial, recreation, and institutional purposes within mixed-use buildings to support and enhance the business and service character in the historic central business core of the City. The district permits a mix of retail, office, lodging, affordable housing, and free market housing uses oriented to both local and tourist populations to encourage a high level of vitality. Retail and restaurant uses are appropriate for ground floors of buildings while residential and office uses are not permitted on ground floors.

B. ***Permitted uses.*** The following uses are permitted as of right in the Commercial Core (CC) zone district:

1. Uses allowed on Basement Floors: Retail and Restaurant Uses, Office Uses, uses and building elements necessary and incidental to uses on other floors.
2. Uses allowed on the Ground Floor: Retail and Restaurant Uses and uses and building elements necessary and incidental to uses on other floors. Office Uses are prohibited on the Ground Floor except within spaces set back a minimum of 40 feet from a Street and recessed behind the front-most street-facing façade. This prohibition shall not apply to Split-Level Buildings (see definition). Parking shall not be allowed as the sole use of the Ground Floor.
3. Uses allowed on Upper Floors: Retail and Restaurant Uses, Office Uses, Lodging, Timeshare Lodge, Affordable Multi-Family Housing, Free-Market Multi-Family Housing, home occupations.
4. Uses allowed on all building levels: Retail and Restaurant Uses, Neighborhood Commercial Uses, Service Uses, Arts Cultural and Civic Uses, Public Uses, Recreational Uses, Academic Uses, child care center, accessory uses and structures, storage accessory to a permitted use, uses and building elements necessary and incidental to uses on other floors including parking accessory to a permitted use, farmers market provided a vending agreement is obtained pursuant to Section 15.04.350(B).

CITY COUNCIL
Staff Report

PARK CITY 1884

Subject: **Park Bonanza Planning Area**
GENERAL PLAN AMENDMENTS- PARK BONANZA PLANNING AREA
Date: **March 30, 2006**
Type of Item: **Joint Work Session with the Planning Commission**
Author: **Kirsten Whetstone, Senior Planner**

RECOMMENDATION: Staff recommends the City Council and Planning Commission continue the discussion on the Park Bonanza Planning Area (see below for a description of the area) that began at the March 16 joint meeting, conduct a public comment session to receive preliminary input from property owners within the study area or other affected entities, and provide staff direction on next steps.

BACKGROUND:
Staff requests input from the Council, Planning Commission, and property owners on the proposed General Plan amendments outlined in the attached discussion draft (Exhibit A).

The purpose of this meeting and the attached Discussion Draft of General Plan amendments is to provide an opportunity for the property owners to address the City Council and Planning Commission and for the later to comment on their vision at an early stage in the planning process. At the March 16th meeting, the Council and Commission requested an opportunity for the property owners to comment on this topic earlier in the process than outlined in the original flow chart.

ANALYSIS
A formal public participation process will be an important element to gain input from other City Departments, stakeholders, property owners, and the general public, and staff will formulate such a process. A public open house will be scheduled in the near future. Additional analysis and details will be provided as the draft is further refined and ultimately presented for adoption by the City Council.

Developing a strategy for redevelopment of the Park Bonanza area, namely the area bounded by Park Avenue, Deer Valley Drive, Bonanza (including those properties fronting both the east and west sides of the street), and Kearns has been an area of interest of the City's for the last couple of years. With the expected departure of the lumber yard/building supply store and consolidation of other properties under common ownership there are opportunities to look at this area in a broader context instead of simply as a General Commercial and Industrial zoning district.

The Planning Commission has reviewed a number of pre-application submittals for Master Planned Developments in the area and has approved and seen constructed several redevelopment projects. In the past, the City has been approached by several property owners within the Park Bonanza Planning Area for assistance in developing a master plan or facilitating a planning process to develop a strategic plan for a comprehensive redevelopment of this area.

On January 10, 2006, several City Department staff met to brainstorm ideas regarding redevelopment of this area (Exhibit B). The outcome of that meeting was to 1) get early direction from the Planning Commission and the City Council and review a draft of General Plan amendments, 2) collect additional information about the district (ownership, land uses, utilities, transportation, economic, etc.), and 3) begin a dialogue regarding appropriate next steps in the planning process.

PARK BONANZA PLANNING AREA DISCUSSION DRAFT:
The discussion draft is a basic outline of Park City General Plan amendments that act as the framework for development and redevelopment. As indicated in the discussion draft, very little specific direction exists in the current Park City General Plan regarding this area of town, in terms of addressing current redevelopment issues. At the direction of the Planning Department a consultant has drafted language to specifically identify and describe this district as a Planning Area, as well as provide language that will incorporate this area into all appropriate General Plan Elements with specific objectives, descriptions, and policy statements.

The draft identifies the boundaries of the Park Bonanza Planning Area and provides a general description of the district as well as identifies at a broad level those issues facing the district and objectives for the district. Staff would expect these issues, policy statements, and objectives to be further discussed, debated, and refined through the public participation process. Adoption as General Plan amendments is a goal of this portion of the planning process for the Park Bonanza Area. Specific Land Management Code amendments would follow to align the LMC with the Park City General Plan.

DISCUSSION ITEMS:
The following are the discussion items outlined at the March 16th meeting. Planning Staff suggest the City Council and Planning Commission discuss and provide feedback/direction, and request input from the property owners, on the following:

1) Planning area boundary- does it incorporate all of the properties it should? Are there properties that should not be included? Which ones?
    - At the March 16th meeting there were a number of comments about expanding the boundary to the south as well as comments regarding property on the east side of Bonanza Drive. The Council was generally in agreement with the proposed study area boundary.

2) Has the Park Bonanza Area been adequately described and characterized? Is there additional information that should be included? What additional specific information should be included in these proposed General Plan updates?
   - The Council discussed this item and suggested that the area should be unique and different in character from Main Street, and should not directly compete with Main Street.
   - There was a suggestion that there be a statement that development in this area will not create negative impacts on other Districts.

3) Have the issues and objectives been adequately presented? What additional specific information should be researched and included? The following are proposed in the current draft and some Council input was received, but additional input from Council, Planning Commission, and property owners would be helpful:

   - Facilitate redevelopment of the Area by coordination of land use, economic development, and transportation plans.
   - Incorporate uses that contribute to the overall success of the District.
   - Consider amendments to the Land Management Code consistent with the objectives for this Planning Area and with the overall General Plan.
   - Housing, shops, services can be served by transit.
   - Supplemental parking for other areas of town.
   - Identify a project where City resources can be contributed to assist with overall benefits to the Park City community.
   - Local businesses will be strongly encouraged, with national brands providing visibility and stability in the product mix. National brands that bring office, distribution, and retail consistent with the active Park City lifestyle should be encourage, when bringing community benefits similar to brand shops and restaurants (exceptional architecture, imbedded employee housing, etc.).
   - Amendments to the Open space definition to allow hard-scapes (plazas, walkways, seating areas, etc.) to be included in the open space calculations
   - Maintain Frontage Protection Zone setbacks, allow parking structures beneath grade to occupy space between 30' and 100' along Kearns, provided no direct entrances or exits to the boundary streets.
   - Determine an appropriate open space requirement for redevelopment of housing.
   - In order to facilitate the desired mix of housing, shops, restaurants, etc. modifications to the LMC may be necessary in terms of building heights, setbacks, parking (in terms of shared parking strategies), maximum building area (20,000 sf), allowances for housing, etc.
   - Park Bonanza District plays a key role in the long term growth management strategy of Park City. Redevelopment of the district will allow for current and future needs of Park City residents and tourists. Need to understand economic development issues.
   - By facilitating redevelopment the City can allow for additional uses in the area without significant increases in traffic demands.

- By encouraging a range of housing opportunities a reduction in demand for this use outside the City may be possible, thus reducing extension of City Services to outlying areas, such as transit to minimize traffic demands.
- A mix of housing is contemplated, not just employee housing.
- Intent of plan is that redevelopment embrace change and reorganization and distribution of land uses need to meet the other goals of the General Plan.
- Maximizing the development potential of each parcel, without consideration of the effect on transportation, adjacent land uses, and the overall intent to exchange the viability of the entire City is not the intent of the plan.
- Re-development and intensification of uses has a high potential to create additional traffic. Intent of this element is to accommodate change and some growth but not at the expense of increased traffic or reduction in service levels on streets and at intersections.
- Examine the opportunity to provide an intermodal transportation facility in the District and understand the challenges.
- Efforts should be made to reduce intersections (curb cuts) with the major boundary streets.
- Discussion of round-abouts, realignment of roads, installation of additional traffic signals, location of bus stops and bus pullouts, bike routes, pedestrian flow, Rail Trail connections, etc.
- Utility conflicts need to be considered.

4) The draft includes revisions to the Community Character, Open Space, Land Use, Growth Management, Transportation, Environmental, and Housing Elements of the General Plan. Do you have specific comments about any of the proposed amendments to these Elements? (See above for highlights of the draft.)
5) Staff specifically requests direction from the City Council on the next steps and what is envisioned as the final product, i.e. planning principles for the area as was done for Quinn's Junction Study, or Master Plan document such as the Park Avenue Neighborhood Plan, or strategic plan, etc.
6) Staff specifically requests direction from the City Council on what the City's role will be in the development and redevelopment of this area.

EXHIBITS:
Exhibit A- Discussion Draft
Exhibit B- Outline from the January 10, 2006, meeting with Staff
Exhibit C- Timeline

Exhibit A

Park City General Plan 2006 Update
Park Bonanza District Planning Area

Background
The Park City General Plan is a policy document that forms the basis of the zoning and development regulations within the Park City limits and provides land use planning direction for those areas within the Park City Annexation Declaration area. The current General Plan has been under on-going updates on most of the elements of the plan since the 1997 General Plan was adopted.

The area encompassed by the designation of the Park Bonanza district has been considered in the General Plan within descriptions of other planning areas and in the separate Transportation element of the General Plan. Very little specific direction exists for the Park Bonanza District Planning Area.

In the case of the Park Bonanza District Planning Area, The General Plan would be amended to include specifically identify the district as outlined below ands to include the district in all the appropriate General Plan Elements.

General District Description
The Park Bonanza District is the oldest commercial district outside of the historic Main Street area. As a planning area, the boundaries of the district are Bonanza Drive to the East, Park Avenue to the west and Kearns Boulevard to the north and Deer Valley Drive to the south. The district includes those properties along both sides of Bonanza from Iron Horse Drive to Kearns.

The area is currently a broad mix of land uses from resort commissary and parking, to shops and restaurants, banking, public works buildings and the former lumber yard. Other uses include storage area, small art and consignment shops, banks and real estate offices. The one, in town, movie theater is within the area as well as one of the two main grocery stores. The area is currently zoned General Commercial (GC) and Light Industrial (LI).

The area includes housing along Kearns Boulevard and within the Rail Central project. Portions of the area are referred to the North of Main Area (NoMa) by a large percentage of the business and property owners in the area. NoMa functions as a joint marketing vehicle and forum for NoMa members to discuss business development.

District Issues
Because the Park Bonanza District includes such a broad array of uses and provides services to the community at large, the District is an important part of the commercial life of Park City. The District is under pressure from competing commercial projects outside of the city, exemplified by the closure of the lumber yard last year. Movie

theaters and restaurants in themed mall atmospheres have developed near the junction of the interstate and the state highways that form the entry corridor to Park City.

Local restaurants and shopping continues to be an active part of the district, despite commercial competition from the junction areas. The cost of rental space in the district is less than the Main Street area, and parking is generally available.

The District is central to the daily flow of traffic to the resort areas and to the Main Street area. Four of the City's six stop lights are located on the District Boundaries. Many intersections and driveways affect the flow of traffic in the District and to the resort areas and Main Street.

Several of the buildings and developments have undergone redevelopment in the past 5 years, including the Rail Central Project, the theater complex, and the Centura Emporium project. These projects represent significant efforts by the private sector to provide community level services in this area.

District Objectives

The overall objective for the Park Bonanza District is to facilitate the redevelopment of the district by coordination of land use and transportation plans, incorporation of uses that contribute to the overall success of the District. This facilitation includes consideration for modification of the current City zoning regulations, consistent with the intent of this section and the overall Park City General Plan. Facilitation also includes identifying the opportunities to contribute to the overall quality of life for all of Park City. Housing, shops and services that can be served by the existing transit system, parking areas that can serve the demands of the district plus provide supplemental parking for the resorts and Main Street are examples of the current range of opportunities presented within the district. Facilitation includes identification of project where City resources can be contributed to assist with overall benefits to the Park City community.

The District will primarily continue to serve the needs of the residents and visitors to Park City, consistent with changing consumer demands for services, restaurants, shopping and housing. Local businesses will be strongly encouraged, with national brands providing visibility and stability in the product mix. Further descriptions of the objectives for the area are found in the individual Plan Elements that follow.

> *Note: The following section of this report is formatted in bullet format to introduce the planning concepts for each of the General Plan elements relating to the Park Bonanza Planning Area. Each of the items in this section of the report will be expanded, researched as necessary and finally edited for adoption and amendment of the General Plan.*

General Plan Element I. Introduction
No changes required

General Plan Element II. Park City Direction
No changes required. The planning direction for the Park Bonanza District is consistent with the stated goals.

General Plan Element III. Community Character
Amend the Community Character Element as follows:

- Include the Park Bonanza District within the Developing Area Policies section of this Element. The current planning direction for the District is consistent with the current Developing Area Policies.

General Plan Element IV. Open Space
Open space in this area is established through the provisions in the Land Management Code for the General Commercial (GC) and Light Industrial (LI) zones. Under basic zoning, the open space on a parcel is determined by the setbacks from the property line. Properties along Park Avenue, Kearns Boulevard and Deer Valley Drive are subject to the provisions of the Frontage Protection Zone which requires additional Front Yard setbacks and a Conditional Use Permit approval for development within 100 feet of the Right of Way along these streets. Bonanza Drive is not currently subject to the Frontage Protection Zone requirements. In addition to the aesthetic importance of Open Space in this area, Open Space along roads provides a critical function for snow storage for snow storage and for adequate room for sidewalks, bus zones and walkways.

Additional Open Space is required for larger project that are approved under the Master Development Plan (MPD) section of the Land Management Code.

To meet the objectives for the Park Bonanza District, the **Open Space Element** would be amended as follows:

- Open Space requirements would remain as in the current code to maintain equity between all GC and LI zoned properties whether in the District or in other Planning Areas. A further definition of Open Space would be created to allow "hardscapes" plazas, walkways, seating areas, fountain areas, etc, to be included in the Open Space calculations.

- The Frontage Protection requirements of a 30 foot setback from Park Avenue, Kearns Boulevard and Deer Valley Drive would be maintained. The Separate Conditional Use process for development within 100 feet of the Right of Way along these roads would be modified such that a separate Conditional Use Permit would not be required for projects proposed as an MPD and the Open Space requirements are met. Parking that was completely below grade, except for Open Space plaza spaces on the exposed level, could be considered between the 100 foot and 30 foot setback area in an MPD and without entrances and exits on Park Avenue, Kearns or Deer Valley Drive.

- Within MPD's setbacks between buildings can be reduced to the minimum Fire Code requirements and Open Space combined in the most appropriate area. Snow storage must be considered in determining the appropriate amount and location of Open Space.

- A suitable open space requirement for redevelopment of housing would need to be determined.

General Plan Element V. Land Use

The current array of land uses within the GC and LI districts continue to be appropriate uses within the Park Bonanza District. In order to facilitate the desired mix of housing, shops, restaurants and commercial uses, modifications to the Land Management Code would be necessary.

Some variation of building heights is allowed under the MPD provisions of the Land Management Code.

The amount of parking in the district appears to be appropriate – that is, there are only a few situations where too much parking (Payless Drugs and Park City Plaza) is found, and some areas where parking and circulation is less than adequate (Iron Horse Drive, Rail Central).

Commercial buildings would be limited to a maximum of 20,000 square feet per tenant to allow for some national retail uses. Larger retailers can provide economic support for the district through name recognition, marketing strength and merchandising efforts. Local retailers, shops, galleries and restaurants can benefit from the draw of the larger merchant, while the local shops provide the needed local identity to the district.

The mix of local versus regional / national commerce (retail, restaurant, commercial, etc) would vary according to the particular type of use. For example, national scale retail that directly competed with existing local business would be discouraged. Brand shops, particularly those that appeal to an active outdoor lifestyle would be allowed and encouraged if they provided community scale benefits such as exceptional architecture, imbedded employee housing etc. Outdoor lifestyle brand stores (The North Face, Patagonia, etc) should not be encouraged if they compete directly with local retailers that carry the line. National and regional restaurant brands are allowed and encouraged under the community benefit terms as national brand shops.

National brands that bring office, distribution and retail consistent with the active Park City lifestyle should also be encouraged to participate in the District, when bringing community benefits similar to brand shops and restaurants.

The **Land Use Element** would be amended as follows:

- Building heights could be allowed up to 40 feet on the interior areas of the Planning District to achieve the goals of coordinated, usable open space, additional sun exposure for streets and public areas, and mountain view protection. Height increases are not appropriate adjacent to existing housing areas, nor lined along the perimeter streets.

- Setbacks could be modified as discussed in the Open Space Elements

- Parking would remain as specified in the Land Management Code for land uses. Some consideration for pass-by and multiple use parking would be allowed for projects that blend commercial uses to reduce individual trips.

- A mix of local and national shops and restaurants would be encouraged. Large tenants would be limited to 20,000 square feet.

- A range of housing would be allowed within the district. Housing would be reviewed under the Housing element of the General Plan.

General Plan Element VI. Growth Management

The Growth Management Element describes the planned capacity of Park City for developments and provides planning direction for the potential annexation areas as well as neighborhoods within the City limits. The Park Bonanza District plays a key role in the long term growth management strategy. First, redevelopment of the district will allow for current and future needs of Park City residents and tourists to be served within the current developed areas, moving some of the potential demand from undeveloped areas, such as Quinn's Junction. Second, by facilitating re-development the City can allow for some additional uses in the area without significant increases in traffic demands. Third, by encouraging a range of housing opportunities in the district, a reduction in demand for this use outside the City is possible. This focus of housing in the City limits reduces the need to extend City Services, such as transit, to outlying areas in order to minimize traffic demands.

It should be recognized that the district cannot be the target of all required employee housing projects that will come forward in the future. However, encouraging employee, affordable and attainable housing in this area allows for a population located patronizing the local shops of the area. Other housing types and prices are needed to encourage the young professional, local empty-nesters and artists to the area.

Such housing, shops, and development mixes are flexible experiments. Projects should be allowed to proceed if they can show compliance with all the district objectives and criteria.

Certain areas of the Planning areas are underutilized in terms of types of use and the size of the uses within each parcel. Examples include the former Anderson Lumber site, and the Munchkin parking and commissary site for Park City Mountain Resort. Other areas are overused from there original intent due to lack of parking, inadequate circulation and land uses that are no longer adequately sized for the use. Examples of this situation occur along Woodside Road and Munchkin Road.

It is the intend of this plan for the Park Bonanza District that redevelopment embrace change and a reorganization and distribution of land uses to meet the other goals of the plan. Maximizing the development potential of each parcel, without direct consideration on the effect on transportation, adjacent land uses and the overall intent to exchange the viability of the entire City is not the intent of this plan.

Growth of some land uses in this district can be very important in limiting sprawl of outlying areas by encouraging infill in the Park Bonanza District. Each proposal to develop in the district must be evaluated against all the elements in the Plan including this portion of the Growth Management Element.

The Growth Management Element should be modified as follows:

- Incorporation of existing and projected amounts of commercial and housing in the district to allow for calculation of potential impacts of re-development on this and other elements of the General Plan.
- Incorporation of the preceding description for the Growth Management element

General Plan Element VII Transportation

The Park Bonanza District forms the hub of the major transportation corridors within Park City. It is the only Planning Area surrounded by existing transit routes on all sides. It is also on of the few areas with major frontage on the 2 main routes in and out of town – Highway U-224 (Park Avenue) and Highway U-248 (Kearns Boulevard). With this situation, a careful balance of change, growth and design are required to meet the transportation requirements for the future and reduce the current set of conflicts in the area.

Changes in the area land use will change traffic patterns and timing. Re-development and intensification of uses has the high potential to create additional traffic. It is the intent of this element of the plan to accommodate change and some growth but not at the expense of increased traffic.

The location of the district, central to resort and Main Street transportation flows, creates a strong opportunity to locate a more inter-modal transportation center and parking area. With frontage on both U 248 and Bonanza Drive, direct transit access is possible to the resorts and Main Street. An intermodal facility accessed from Park Avenue or Deer Valley Drive is discouraged due to current traffic and turning movements. An intermodal facility in this district allows for shared parking uses, possible remote parking support for the resorts and Main Street. For this reason, City participation is encouraged to facilitate the facility planning, construction and operations. Careful coordination is necessary between street design, transit and intersections and signalization.

Every effort should be made to reduce intersections with the road surrounding the project area. Minor roads should be combined and directed to acceptable intersection locations. Individual drive and parking accesses should be discouraged and considered for elimination during re-development planning.

It is possible that that an additional signal may be warranted in the future between Park Avenue and Bonanza on Kearns Boulevard. This signal must be electronically coordinated and synchronized with the existing signal system. To the degree possible, north exiting traffic should be routed through this intersection.

Round-abouts have been considered over the past 10 years as a solution to intersection difficulties along Bonanza Drive. Redevelopment planning can allow for the round-abouts to be considered seriously. The round-abouts have the potential to reduce intersection conflicts and eliminate the need for additional signalization and driving /turn lanes. Adequate geometry is essential to accomplishing successful roundabouts in the planning area and will require close cooperation with adjacent property owners and the City.

Bus pick-up and drop off areas conflict with traffic flow along Bonanza and Kearns. Planning of land uses along Bonanza and Kearns needs to consider pick up areas off of transportation lanes.

Inadequate space for bicycles exists along Bonanza Drive. Adequate space should be provided or a separate bicycle route planned on internal connector streets in the District.

Bonanza Drive presents a significant obstacle to the termination of the Rail Trail and the connection of the Rail Trail to the remainder of the Park City trail system. The City and adjacent property owners need to cooperate to resolve this conflict. Tunnels under Kearns should be considered if roadway and utility conflicts can be resolved.

The **Transportation Element** should be modified as follows:

- Incorporation of the most recent traffic and intersection studies for the area.
- Change the Transportation Element to avoid a reduction from current daily and hourly Levels of Service (LOS). Do not allow intersection Levels of Service to reduce below current levels.
- Incorporation of the preceding description for the Transportation element.

General Plan Element VIII **Environmental**

Redevelopment of the District as planned has the potential to reduce land use sprawl, reduce the potential for remote junction commercial development and over-extension of transit services to remote locations.

- No changes required. The planning direction for the Park Bonanza District is consistent with the stated goals.

General Plan Element IX **Housing**

The redevelopment of the Park Bonanza District presents some positive opportunities to meet housing demand in an in-fill process and reduce (however slight) the demand to develop outlying properties.

This is especially true for meeting employee housing demands and the desire for resort-urban lifestyles for young professionals and empty-nesters.

Care must be taken to balance the housing types, prices and locations of these types of housing to avoid prejudicing an area with a certain type of housing.

Additional housing in the area should not be encourages to the extent that the other elements in the General Plan are negatively affected, particularly the Transportation Element.

The **Housing Element** of the General Plan would be modified as follows:

- Coordination with the Growth Management Element for the assessment of existing and projected amounts of housing in the district.
- Incorporation of the preceding description for the Housing element

Conclusions and Recommendations

This review draft of the planning for the Park Bonanza District Planning Area for the Park City General Plan has been prepared to highlight key elements of the analysis to date and the potential changes to the General Plan and the Land Management Code.

The information presented in this review draft is designed to provide an opportunity to comment at an early stage of the planning process. Additional analysis and detail will be provided as the draft is refined and ultimately integrated into the various Element of the General Plan for adoption by the Planning Commission and City Council.

The major questions the draft raises for the Planning Commission and City Council are:

1. Are the Objectives of the proposed Planning Area coordinated with overall City Council and Planning Commission goals? Are the Objectives clear enough to allow for the more detailed planning text in individual General Plan Elements to be refined?

2. Is the balance between redevelopment, sprawl control and minimum reductions in traffic Levels of Service (LOS) clearly identified?

3. Are the benefits of in-fill re-development coupled with the obligations of the developers identified?

We will continue to work within the review draft framework and City Council and Planning Commission comments. The analysis of commercial space, housing and property ownership is on-going..

Process for Public Input

The public will have several opportunities to comment on the revisions to the General Plan at the Planning Commission and City Council level through the Public Hearing process. Because this area is a blend of experienced developers and residents, special consideration needs to be taken to carefully balance the input of the residents and other stake holders. A public input session will be scheduled to allow for resident and stakeholder input, prior to the public hearing process.

Exhibit B

Planning for the NOMA / West of Bonanza Area
Staff Meeting
January 10, 2006

- Define the area: boundaries

- What are the City's goals/roles for this area
    - Planning Commission input
    - Council input
    - Staff input
    - Public input

- Do we have the appropriate tools to accomplish these goals/roles
    - Comp Plan
    - Zoning
    - Do we need an RDA
    - Can the City offer incentives

- What impediments or fatal flaws exist to redevelopment
    - Road network
    - Fragmented land ownership

- Who are the stakeholders & what is their role
    - Ownership map

- What opportunities exist through redevelopment
    - Parking opportunities
    - Affordable housing
    - Pedestrian access
    - Retail Mix
    - Transit terminus for a park & ride lot at Richardson Flats

- Next steps in developing a plan
    - Open house
    - Charette
    - Staff time
    - Consultant

Exhibit C
Draft Flow Chart- Timeline for Park Bonanza District Planning

January 2006
Council Visioning- General discussion regarding the Park Bonanza District

City Department stake holders initial meeting (Planning, Engineering, Building, Economic Development, Public Works, Public Affairs)- Park Bonanza District Study Area Boundary and agreement that input from City Council and Planning Commission is necessary.

March 2006
Consultant on board to develop a framework for redevelopment by reviewing and proposing amendments to applicable elements of the Park City General Plan.

Joint Meeting- Planning Commission and City Council, in a work session format, further discuss redevelopment of the District from a "big picture" perspective using draft of General Plan amendments as a discussion piece.

Joint Meeting- Property owners, Planning Commission, City Council in a work session format to gain preliminary feedback early in the planning process.

Follow-up meeting with City Department stake holders, using direction from the Planning Commission and City Council joint meeting, to discuss potential components of the Plan and discuss the citizen participation process. Identify all stake holders. Identify City roles.

Collect information, as needed, on existing property ownership, land uses, utilities, roads, trails and sidewalks, economic/ socio economic factors, etc.

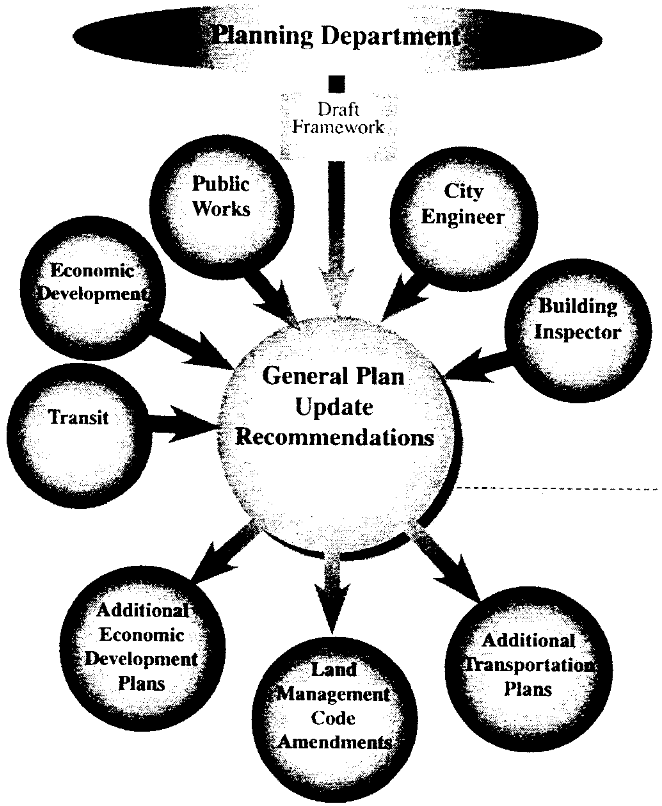
April 2006
Continue to collect above information and begin to formulate redevelopment strategies. Test the General Plan amendments against the redevelopment strategies. Revise General Plan amendments and/or redevelopment strategies as necessary. Other plan components are formulated as necessary.

Begin public participation process with open houses for Park Bonanza district property owners and for general public to discuss and provide input on redevelopment strategies (guidelines and policies) and proposed General Plan amendments. Provide updates to Planning Commission and City Council.

May 2006
Follow-up meeting with stake holders (City Departments, utilities, etc.) to review and provide input on redevelopment strategies (guidelines and policies), various plan components, and General Plan Amendments. Public participation continues at Planning Commission meetings, as formal public hearings.

July 2006 (or August 2006)
Provide final documents for adoption by City Council.

PARK BONANZA DISTRICT PLANNING AREA

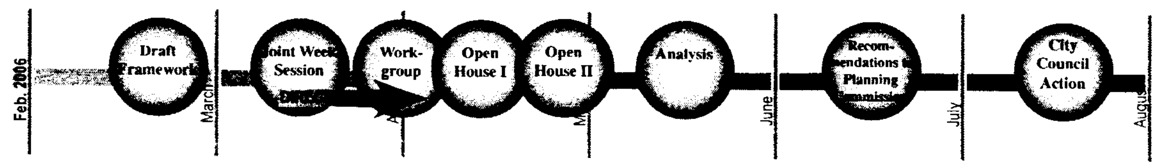


INTERNAL WORKING GROUP PROCESS

General Plan Update Components

GP Element I -	Introduction
GP Element II -	Park City Direction
GP Element III -	Community Character
GP Element IV -	Open Space
GP Element V -	Land Use
GP Element VI -	Growth Management
GP Element VII -	Transportation
GP Element VIII -	Environmental
GP Element IX -	Housing

WORK FLOW



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City Council
Staff Report

PARK CITY 1884

Public Works

Author:	**Kent Cashel, Deputy PW Director**
Subject:	**ENTRY CORRIDORS TRANSIT-TRANSPORTATION STRATEGIC PLAN.**
Date:	**March 20th, 2006**
Type of Item:	**Legislative**

Summary Recommendations: Pass the attached resolution adopting the Entry Corridors Transit-Transportation Management Strategic Plan.

Description:

Background:
In 2000-01 the City assisted the County in planning and developing an Olympic transit system. Following the 2002 Olympics the City and County executed a transit agreement whereby the City provides transit services to the County.

In 2005 City and County Staff met at an all day "Transportation Summit" to discuss and formulate action items to be included in Summit County's Snyderville Basin Transit/Transportation Plan. City Council reviewed and commented on this plan at its October 27th, 2005 meeting.

On February 2nd, 2006 Council authorized Staff to execute a Letter Of Intent (LOI) to partner with Summit County on regional transit/transportation issues. Council also reviewed and commented on the draft Entry Corridors Transit/Transportation Management Strategic Plan. Staff has incorporated all comments received at that meeting into a final strategic plan (contained in the table below).

Staff formed a cross functional team to begin implementation of the Entry Corridors Transit\Transportation Management Strategic Plan. The Entry Corridors Transportation Management Team (ECTMT) is made up of the following members:

Eric Dehaan	Engineering
Myles Rademan	Public Relations
Patrick Putt	Planning
Alison Butz	Special Events
Phil Kirk	Police
Colin Hilton	Economic Development & Cap. Projects
Matt Twombly	Pedestrian & Alternative Modes

Eric Nesset	Transit
Seth Atkinson	Budget & Grants
Kent Cashel	Program Coordinator

Staff is requesting that Council pass a resolution formally adopting the Entry Corridors Transit\Transportation Management Strategic Plan.

Analysis:
Staff developed the Entry Corridors Transit\Transportation Master Plan using an approach similar to the planning steps taken with Economic Development, Water, Environmental, and Affordable Housing strategic plans. The final strategic plan is found in the attached Resolution.

If Council adopts the strategic plan, the Entry Corridors Transit\Transportation Management Team will identify actions and projects consistent with the plan and return to Council for discussion and approval when appropriate.

Department Review:
This report has been reviewed by the City Managers Office, Legal, Planning, Engineering, Transit, Economic Development, Special Events, Budget Debt & Grants and Police.

Alternatives:

A. **Approve the Request:**
Pass the attached resolution adopting the Entry Corridors Transit – Transportation Management Strategic Plan. This is Staff's recommendation.

B. **Amend the Request:**
Council could amend the strategic plan and pass the resolution adopting the Entry Corridors Transit – Transportation Strategic Plan.

C. **Deny the Request:**
Council could deny the request.

D. **Continue the Item:**
Council could continue the item.

E. **Do Nothing:**
Council could do nothing.

Consequences of not taking the recommended action:
The ECTMT has been formed and is busy developing and implementing action items contained in the draft strategic plan reviewed by Council on February 2nd, 2006. Formal adoption of a strategic plan is critical to ensure that Staff actions are congrous with Council vision concerning Entry Corridor Transit-Transportation Management.

Recommendation:
Pass the attached resolution adopting the Entry Corridors Transit-Transportation Strategic Plan.

Resolution No.

RESOLUTION ADOPTING THE ENTRY CORRIDORS TRANSIT\TRANSPORTATION STRATEGIC PLAN

WHEREAS, the City depends upon the transportation corridors comprised of SR-224 from the roundabout in Old Town north to the City boundary and SR248 from US 40 to its junction with SR-224 (ENTRY CORRIDORS) to move its goods, services and people.

WHEREAS, population growth in and around the City will continuosly increase the volume of vehicular traffic on the Entry Corridors and require efficient and effective management of transportation demand and road capacity.

WHEREAS, the City Council has determined that it is in the public's best interest to have a strategic plan to communicate the City's plans to manage transportation on the Entry Corridors

WHEREAS, the City Council has determined it is in the public's best interest to have a strategic plan to guide decision making regarding City-owned parcels with development potential.

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

SECTION 1. STRATEGIC PLAN. Park City adopts the following "The Entry Corridors Transit\Transporation Strategic Plan".

Entry Corridors Transit\Transportation Management Strategic Plan	
Mission Statement: To provide for the safe and efficient movement of people and goods while seeking to preserve and enhance Park City's unique community, economy and natural environment.	
Objectives: o Gain a thorough understanding of volumes and travel patterns that make up current and future traffic conditions along the Entry Corridors. o Adopt regional solutions to regional transportation issues through interagency cooperation and involvement. o Involvement of citizen and business communities in development and implementation of strategies to address transportation issues.	**Strategies/Policies:** o Pursue formal agreements to cooperate with regional entities on transportation issues. o Develop and implement an ongoing traffic monitoring program. o Utilize travel demand management (TDM) strategies to mitigate peak hour travel volumes. o Expand public transit where appropriate.

Entry Corridors Transit\Transportation Management Strategic Plan	
- Ensure current capacity of Entry Corridor roads are utilized effectively before expanding roads or related infrastructure. - Ensure that land use and planning decisions balance traffic impacts of development and road capacity while providing for mitigation of those impacts. - Ensure that the City's General Plan reflects the objectives, strategies and action items of this strategic plan. - Ensure that all capital expenditure plans utilize achievable revenue and expense assumptions.	- Facilitate development and promotion of park and ride, van pool, rideshare and alternative mode programs. - Facilitate improved special event traffic planning, coordination and communication. - Work with local business community to facilitate the development and implementation of a regional transportation management association (TMA). - Facilitate regional efforts to secure Federal and State financial assistance to fund necessary transit & road projects. - Develop processes and procedures to ensure the traffic impacts of all development and annexation proposals are carefully analyzed and understood. - Develop processes and procedures to ensure all development and annexation proposals are contingent on full mitigation of the development's or annexation's traffic impacts on the City's road network. - Utilize financial instruments (e.g., bonding) when appropriate to balance expenditures with revenue resources and cash flow timing. - Develop and implement an ongoing multi-media communication plan to inform and educate the public on regional transportation issues, transportation management efforts and the role each individual plays in an effective transportation management program. - Coordinate transportation planning efforts with General Plan update.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this 30th day of March, 2006.

City Council
Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Planner:	**Jonathan Weidenhamer**
Subject:	**208 NORFOLK REPLAT**
Date:	**March 30, 2006**
Applicant:	**Jonathan DeGray for the Edwards**
Zone:	**Historic Residential – (HR-1)**

SUMMARY RECOMMENDATION: Staff recommends that the City Council review the proposed Plat Amendment, conduct a public hearing, and consider approving the application.

BACKGROUND

The Planning Commission reviewed this item at the March 22, 2006 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council.

The applicant proposes to combine lot 29 and the southerly half of lot 28, Block 31 of the Park City Survey into one lot of approximately 2,812.5 square feet (Exhibit A). The property has an existing structure which exists along the lot line between lots 28 and 29. The current home has a footprint of approximately 568 s.f. The maximum footprint allowed for a 2,812.5 square foot lot is approximately 1,201. At this time the applicant has submitted plans to demolish the existing home and construct a new home on the vacant lot and a half.

ANALYSIS

The property is zoned HR-1, Historic Residential. The proposed plat creates a lot of approximately 2,812.5 square feet. A staircase from the property to the north half of lot 28 (214 Norfolk Avenue) encroaches a few inches onto the southerly half of lot 28. The applicant owns both pieces of property and will grant an encroachment agreement to allow the stairs across the new lot line.

NOTICE

Notice of this hearing was sent to property owners within 300'. Staff has received no comments from the public at the time of this writing.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on December 13, 2005, where representatives from local utilities and City Staff were in attendance.

SIGNIFICANT IMPACTS

The new home will probably require an excavation in Norfolk Avenue for a sanitary sewer lateral. This construction if it occurs will be inconvenient to the neighborhood.

RECOMMENDATION
Staff recommends that the City Council review the proposed Plat Amendment, conduct a public hearing, and consider approving the application according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

EXHIBITS
Ordinance
Exhibit A –Subdivision Plat & Existing Conditions detail

Ordinance No. 06-

AN ORDINANCE APPROVING THE EDWARDS SUBDIVSION WHICH WILL COMBINE LOTS 29 AND THE SOUTHERLY HALF OF LOT 28, BLOCK 31 OF THE PARK CITY SURVEY INTO ONE LOT OF RECORD.

WHEREAS, the owners of Lot 29 and southerly half of lot 28 of Block 31 of the Snyder's Addition to the Park City Survey, known as 208 Norfolk Avenue, have petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on March 22, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a recommendation to the City Council; and

WHEREAS, on March 30, 2006 the City Council held a public hearing to receive public input on the proposed plat amendment and voted to approve the application; and

WHEREAS, the proposed plat amendment allows the property owner to remove one lot line and create one legal lot of record and

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1).
2. There is an existing non-historic single family home on the property.
3. The applicant proposes to combine lot 29 and the southerly half of lot 28, Block 31 of the Park City Survey into one lot of approximately 2,812.5 square feet.
4. The property has an existing structure which exists along the lot line between lots 28 and 29.
5. The current home has a footprint of approximately 568 s.f. The maximum footprint allowed for a 2,812.5 square foot lot is approximately 1,201.
6. At this time the applicant has submitted plans to demolish the existing home and construct a new home on the vacant property.
7. A staircase from the property to the north half of lot 28 (214 Norfolk Avenue) encroaches onto the southerly half of lot 28. The applicant owns both pieces of property and will grant an encroachment agreement to allow the stairs across the new lot line. A condition of approval will reflect this.
8. The new home will probably require an excavation in Norfolk Avenue for a sanitary sewer lateral. This construction if it occurs will be inconvenient to the neighborhood.
9. The Planning Commission reviewed this item at the March 22, 2006 meeting. A Public hearing was held. No public comment was received. The Planning

Commission voted unanimously to forward a positive recommendation to the City Council.

10. The City Council reviewed this item at the March 30, 2006 meeting. A public hearing was held. The City Council voted to approve the plat amendment.
11. The increased building footprint created by this amendment is consistent is consistent with the build out on the street and in the HR-1 District.

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

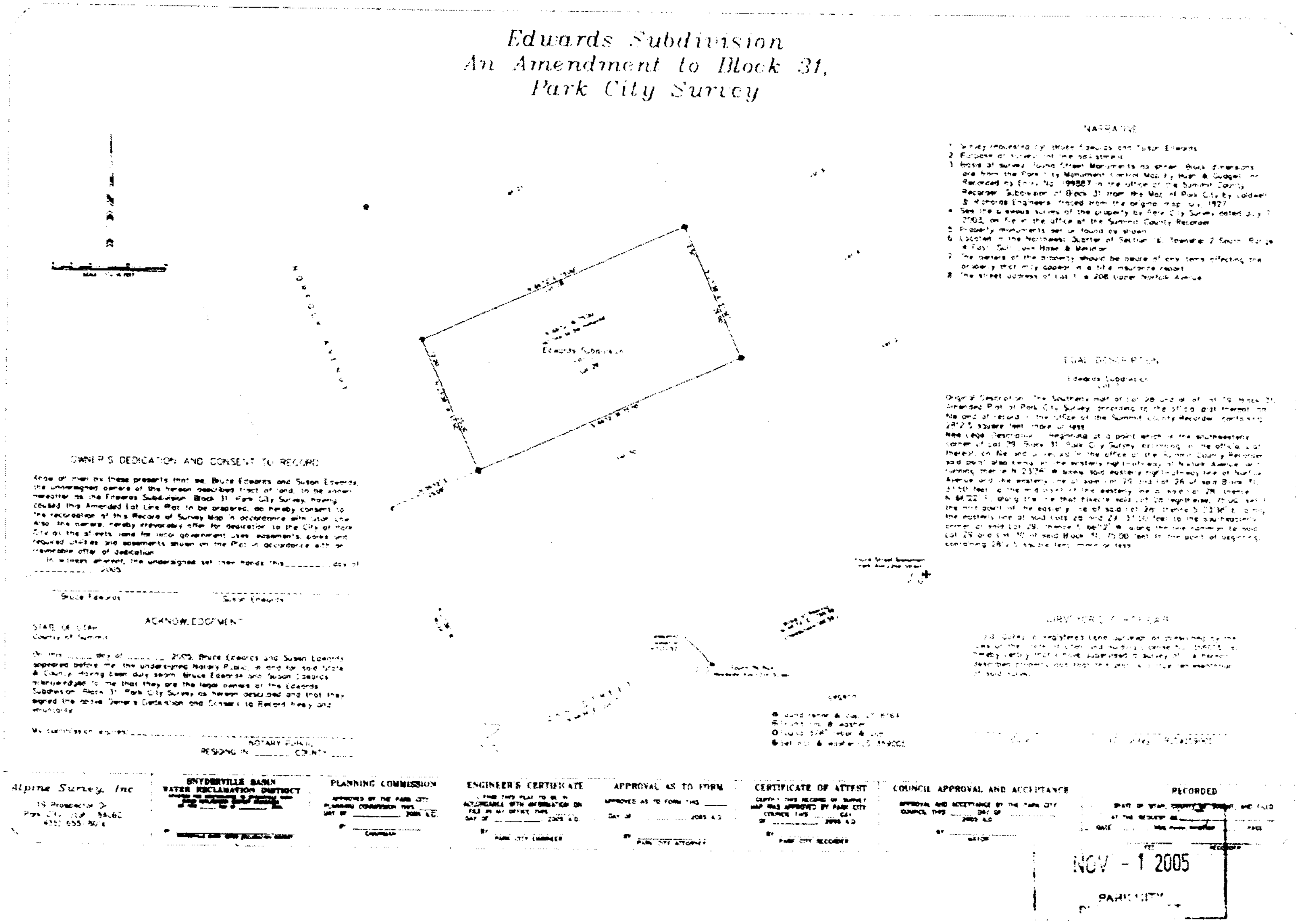
1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with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

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

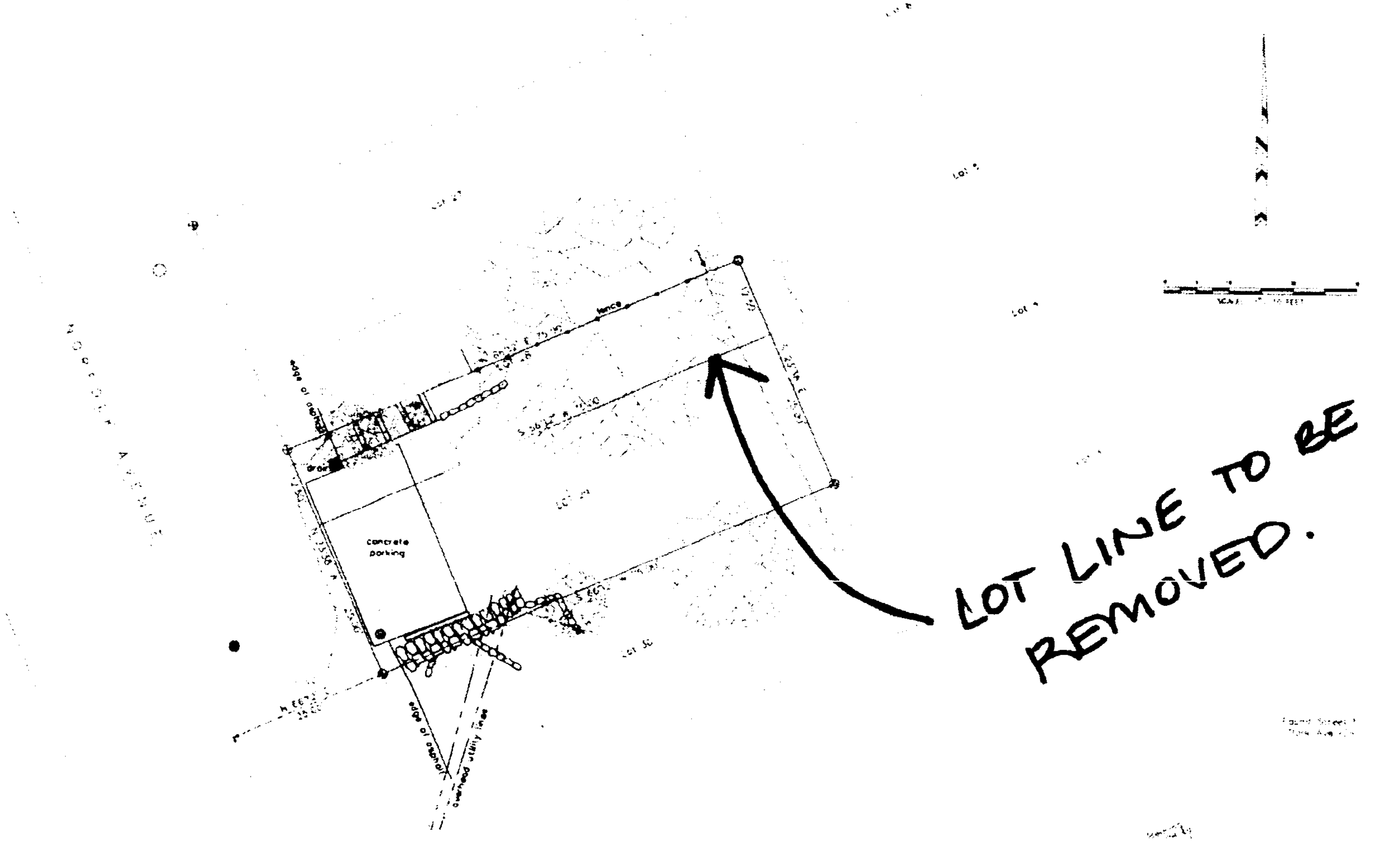
1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. The owner of 208 Norfolk Avenue shall sign an encroachment agreement in a form approved by the City Engineer to the benefit of the owner of 214 Norfolk Avenue to resolve the encroachment of a stairway prior to plat recordation.
4. A note shall be added to the plat stating that no remnant lot is separately developable.

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

PASSED AND ADOPTED this 30th day of March, 2006.


Edwards Subdivision
An Amendment to Block 31,
Park City Survey
NARRATIVE
LEGAL DESCRIPTION
OWNER'S DEDICATION AND CONSENT TO RECORD
ACKNOWLEDGEMENT
Alpine Survey, Inc
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
PLANNING COMMISSION
ENGINEER'S CERTIFICATE
APPROVAL AS TO FORM
CERTIFICATE OF ATTEST
COUNCIL APPROVAL AND ACCEPTANCE
RECORDED
NOV - 1 2005

Park City Survey, Block 31,
Lot 29 and the Southerly Half of Lot 2



PARK CITY
1884

City Council
Staff Report

Author:	**Alison Butz**
Subject:	**Art Festival MOU and City Services Agreement**
Date:	**March 30, 2006**
Type of Item:	**Administrative- Master Festival License**

Special Events and Facilities Department

Summary Recommendations:
Review the Second Addendum to Park City Municipal Corporation Master Festival and City Services Agreement with the Kimball Art Center and authorize the City Manager to execute as attached in a form approved by the City Attorney.

Description:

Topic:
Second Addendum to Park City Municipal Corporation Master Festival and City Services Agreement for the Park City Arts Festival.

Background:
In 2003, the City Council approved a Service Agreement and Master Festival License for the Park City Arts Festival. The previous agreement was for three years, 2002, 2003 and 2004. The agreement was written so it can renew automatically for an additional three years. The Kimball Art Center and Council modified the terms of the agreement in 2005 and allowed for the ability to extend the agreement for an additional year after reviewing the success of the 2005 Festival.

At this time the Kimball is not proposing any significant changes from the 2005 Festival other than eliminating the Friday Evening Opening Event. In 2005, the Kimball opened the Festival on Friday evening and in conjunction with their Gallery Stroll, to allow the artists to sell their wares. Due to setup concerns from the Main Street Merchants, both the City and the Kimball feel additional logistics and planning need to occur in order to ensure the Friday Evening Event success and may address that element in future agreements.

Analysis
The proposed financial components of the services agreement are similar to the total amount provided to the Kimball in 2005. Please see below.

Financial Components of Services Agreement

	2005	**2006**
Police	$11,995	$13,400
Transportation	$3,230	$17,921
Parking	$17,483	$0

Barricades	$2,602	$0
MFL Fees	$50	$0
Main Street Cleaning	$0	$1,852
Building Department Fees	$1,140	$0
Electronic Signs	$0	$960
SubTotal	**$36,500**	**$34,133**
VIK Contributions	$8,000	$10,500
Total	**$44,500**	**$44,633**

As discussed during the contract review for the Sundance Film Festival, the Council will review a new Festival Facilitation Fee for business licenses during the Spring budget process. This fee, if approved, will cover City service expenses for Police traffic control, transportation, Main Street cleaning, and electronic signs. Applying cost of the potential enhanced City services to the Arts Festival results in a total of $44,633 in waived costs that may be covered by a new revenue source.

The Kimball is interested in discussing a longer agreement with the City to secure Main Street as the venue for the Park City Kimball Arts Festival. Staff will return to Council with a longer term agreement for review during the early Summer of 2006.

Significant Impacts
The Table above highlights the financial aspects of the agreement. In the past fee waivers have been issued to the Kimball for similar services so the commitments from the City are included within the recommended FY2006 budget.

Consequences of not taking recommended action:
If Council does not approve the Master Festival License, Arts Festival would not have valid approval from Park City Municipal Corporation to operate.

Alternatives
1. Approve the Master Festival License and Service Agreement for the Park City Arts Festival.
2. Modify the parameters of the Master Festival License and Service Agreement for the Park City Arts Festival.
3. Deny the Master Festival License and Service Agreement, thereby prohibiting the Park City Arts Festival.
4. The City Council may continue the hearing for more information and discussion.

Recommendations
Review the Master Festival License and Service Agreement with the Kimball Art Center and authorize the City Manager to execute a Service Agreement with the Kimball Art Center as attached in a form approved by the City Attorney.

Exhibits
Exhibit A - Second Addendum to Master Festival License and City Services Agreement

SECOND ADDENDUM TO PARK CITY MUNICIPAL CORPORATION MASTER FESTIVAL LICENSE AND CITY SERVICES AGREEMENT

THIS SECOND ADDEMDUM is made and entered into in duplicate this 31st day of March, 2006, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and political subdivision of the State of Utah ("City"), and the KIMBALL ART CENTER, a Utah non-profit corporation ("Kimball) to amend the Master Festival License and City Services Agreement signed and executed by the Parties on June 24, 2003.

WITNESSETH;

WHEREAS, the parties entered into a City Services Agreement on June 24, 2003 (hereinafter "Original Agreement"); and

WHEREAS, both parties to the Original Agreement desire to amend certain elements of the Original Agreement, including term and the parties' obligations for the 2006 Festival; and

NOW, THEREFORE, in consideration of the mutual promises made herein and other valuable consideration, the parties hereto now amend certain sections of the Original Agreement as follows:

1. **AMENDMENTS TO ORIGINAL AGREEMENT.**: The following shall supersede and replace the responding sections of the Original Agreement:

A. PRINCIPLES AND RESPONSIBILITIES.

1.2 Supplemental Plans. This Agreement outlines the terms for the respective duties and obligations of Park City and Kimball with respect to the Use Areas and the other items covered by this Agreement. The parties agree that implementation of the specific terms outlined in this Agreement will require the development of supplemental implementation and operational plans (referred to herein as the "Supplemental Plans") with respect to those functions of the Use Areas, that may change with each annual Festival. The Supplemental Plans and any modifications are incorporated herein and a material part of this agreement. The Supplemental Plans for the 2006 Festival will be prepared in anticipation of the 2006 Festival. Supplemental Plans for the future Festivals will follow Supplemental Plans for the 2006 Festival unless changes will promote the efficient and successful operation of the Festival. Failure to agree on changes to existing Plans will result in use of the prior years Existing Supplemental Plans. Any substantial changes, as determined by City Staff, shall require an amendment to this agreement and City Council approval.

B. LEASE OF USE AREAS DURING USE PERIODS.

2. **Term.** Kimball hereby agrees to hold the 2006 Festival in Park City. Accordingly, this Agreement shall be effective from March 31, 2006 through November 30, 2006. The City reserves the right to renew this Agreement for the 2007 Festival following the City's review of the economic impact of the 2006 Festival. If the City, in its sole discretion, decides to renew this Agreement for the 2007 Festival, it shall provide written notice to Kimball on or before November 30, 2006 of its intent to renew.

B. PARK CITY FACILITIES AND SERVICES.

6. **City Services.**

6.1 Basic City Services. At no additional cost to Kimball Art Center, Park City will provide the following City Services:

(a) The Kimball shall be entitled to a credit of 880 hours of specific Festival police as determined by the Police Chief's use of roving enforcement patrols of the Festival and for traffic mitigation. The scope of such enforcement services shall be included in each annual Supplemental Plan;

(b) 220 hours of enhanced transportation on Park City's existing routes along with the additional ground crew, mechanics and set-up/take down time;

(c) Enhanced Main Street restroom cleaning; and

(d) Two (2) electronic signs for the duration of the Festival.

E. FINANCIAL.

10. **Service Contract**. Subject to budget appropriation, the City hereby agrees to make the following contribution to Kimball towards the cost of the Festival: $10,500 Value in Kind contribution of Additional City Services for the 2006 Festival.

2. **OTHER TERMS**. All other terms and conditions of the Original Agreement shall continue to apply.

3. **EFFECTIVE DATE**. The terms of this Second Addendum to the Lease shall be effective beginning March 31, 2006.

4. **ENTIRE ARGEEMENT**. This Second Addendum is a written instrument pursuant to the Original Agreement between the parties and it cannot be altered or amended except by written instrument, signed by both parties.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first herein above written.

DATE: March 30, 2006
DEPARTMENT: Public Works
AUTHOR: Pace Erickson, Operations Manager
TITLE: Racquet Club Locker Room Remodel
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Accept the Racquet Club Locker Room Remodel bids and authorize staff to enter into an agreement with Archer Construction for Racquet Club Locker Room improvements in the amount of $128,271.

Topic: Racquet Club Locker Room Remodel Contracts

Background:
Park City Municipal Corporation purchased the Park City Racquet Club in 1987 for $450,000. Soon after its purchase, City Council began to ask for public input as to its future. A task force was assigned to determine the current status of the Racquet Club and develop a capital improvement strategy. The task force found that tennis was the number one draw and would be the most financially viable program at the Racquet Club. However, public input suggested the facility needed more amenities in order to fill a greater community need. Designs were finalized and renovation of portions of the building began in 1989 which included: Larger locker rooms, expanded restaurant space, new check in area, lap pool, gymnasium, aerobics / dance room and staff office space.

In 2003 City Council approved a structural upgrade and new roof for the facility. Approximately $530,000 was expended to completely remove the old roof, improve the underlying structural integrity of the building and install new materials over the tennis courts. Additionally, a new pool, main water feed line and other interior and exterior improvements have been made in order to better serve the community. While the Racquet Club has seen its fair share of improvements, much of the remaining plumbing is the original plumbing from when the building was built and the locker rooms are now over sixteen years old. The partitions, tile and grout are deteriorating at an accelerated rate and most of the lockers are rusting on the inside becoming unsightly.

Analysis:
Structural Analysis

Through research and analysis by Architect Rod Coles and Engineer Chuck Lush, it was determined that the best course of action would be to replace all of the original galvanized piping with copper pipe, update the restrooms and showers to meet current building and ADA codes as well as replace all of the tile, fixtures, flooring, partitions and lockers. This project will be funded through RAP Tax and City CIP funds.

Timing
Timing is critical to completing the locker room remodel as a portion of the funding is through RAP tax funds and in order to have the locker rooms ready for the busy summer season. The RAP tax funds expire in April 2006.

Budget
Currently there is $32,887 committed to the project in RAP tax grant funds account 31-43385-7319-000-469 and sufficient funding to cover the remaining $98,384 of the project located in the Racquet Club Improvements fund 31-43385-7319-000-475 and the building improvements fund 31-42153-7319-000-000.

Bid Tabulation

Contractor	Bid Schedule A	Bid Schedule B	Total Bid
Archer Construction	$129,878	($1,607)	$128,271
Big – D Construction	$193,900	$14,325	$208,225
J&R Development	$203,000	$3,000	$206,000
Richins Bros. Const.	No bid	No bid	No bid

As this is a remodel and it is not known what obstacles and or issues we may encounter during construction. Any Items which may require a change order will be assessed as to value and need in terms of the entire project. If these items are truly necessary in order to keep the structural integrity of the facility intact or for preservation of public health and safety; items such as new lockers, ceiling tiles, floor covering etc. may be eliminated from the project in order to remain within budget.

D. Department Review: The Public Works, Building, Recreation, Legal, Budget and Grants departments have reviewed the staff report and proposal.

ALTERNATIVES:

A. Award the Contract to the Lowest Responsive Bidder on both schedules A & B: Accept the Racquet Club Locker Room Remodel bids and authorize staff to enter into an agreement with Archer Construction for Locker Room Remodel in the amount of $128,271. **This is staff's recommendation.**

B. Award the Contract to the second low bidder: Staff does not recommend this action.

C. Re-bid the Contract: Staff does not recommend this action.

D. Do Nothing: **Staff does not recommend this action.**

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

City Council has identified Racquet Club improvements as a number two priority. With that in mind, it is critical to the continued operation of the Racquet Club and future of the recreation Programs at the Racquet Club to continue to complete necessary locker room improvements to better meet the needs of patrons who utilize the facilities at the Racquet Club.

RECOMMENDATION:

Accept the Racquet Club Locker Room Remodel bids and authorize staff to enter into an agreement with Archer Construction for Racquet Club Locker Room improvements in the amount of $128,271 (Bid Schedules A & B)

CONSTRUCTION AGREEMENT

THIS AGREEMENT is made and entered into as of this 30th day of March, 2006, by and between PARK CITY MUNICIPAL CORPORATION, P O Box 1480, Park City UT 84060, a municipal corporation of the state of Utah (hereinafter "City"), and **Archer Construction , Inc.** which is a (*check one*) ___ corporation ___ partnership ___ sole proprietorship ___ limited liability company (hereinafter "Contractor").

PURPOSE: For the project known as the **Racquet Club Remodel of Existing Locker Rooms** (hereinafter "Project"), which consists of **see Scope of Work.**

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereby agree as follows:

SECTION 1. SCOPE OF WORK. Contractor shall furnish all labor, materials and equipment to complete the Project, consisting of the work described in the Information for Bidders as the Basic Bid, and the following additive alternates:_______________, as specifically set out in the contract specifications, which is made a part hereof by reference, herein called the "Project."

The Project will be bound by the specifications referenced herein, according to the Advertisement for Bid, the Information for Bidders, the General Project Requirements and Specifications provided by City, the Bid of the Contractor, Bid Bond, Drawings, Notice of Award and Notice to Proceed, collectively referred to as the Contract Documents, all of which are incorporated herein by reference and on file in the Public Works Department. To the extent that this Agreement conflicts in any way with a proposed form agreement which may have been submitted as part of the bid specifications, this Agreement shall control.

If any of the work performed by Contractor in any phase of the Project does not meet City standards as outlined in the bid documents and specifications, then Contractor shall immediately repair or correct the work at no additional cost to City.

A. SUBCONTRACTORS. No part of this contract shall be subcontracted by the Contractor without prior written approval by City through the Project Manager/Engineer. The Contractor shall be fully responsible to the City for the acts and omissions of its Subcontractors and of persons either directly or indirectly employed by them, as it is for the acts and omissions of persons directly employed by it.

The Contractor shall, within ten (10) days of submittal of request for final payment, include an affidavit showing satisfactory evidence that all claims of subcontractors, laborers and materialmen who supplied services or materials to the Project have been fully paid, discharged, or waived. The Contractor shall submit lien waivers for each pay release.

If the City reasonably believes that Contractor has failed to pay Subcontractors, materialmen, or laborers for work on the Project within a reasonable time of when payment is due, then City may, after having notified the Contractor, either pay unpaid bills or withhold from the release of Contractor's payment bond for this Project, a sum of money deemed reasonably sufficient to pay any and all such lawful claims until satisfactory evidence is furnished that all liabilities have been fully discharged and a ten percent (10%) fee for administering such claims.

B. STANDARDS OF WORKMANSHIP. Contractor shall demonstrate workmanship equal to or better than current industry standards for this Project. Where Park City specifications exist (for example, asphalt, concrete, irrigation, sprinkling system and landscaping), they shall provide the benchmark for determination of acceptability.

C. INSPECTION AND TESTING. All materials and equipment used in the construction shall be subject to inspection by the Project Manager/Engineer. If laws, ordinances, rules or regulations of any public authority having jurisdiction require any work to specifically be inspected, tested or approved by someone other than Project Manager/Engineer, the Contractor shall give the Project Manager/Engineer timely notice of readiness. Inspections, tests or approvals by the City or appropriate authorities will not relieve the Contractor from obligations to perform the work in accordance with the requirements of the Contract Documents and/or provisions. The Project Manager/Engineer and other designated persons will at all times have access to the work. All work shall ultimately be inspected for final acceptance by the Project Manager/Engineer within a reasonable time upon receipt of notice from the Contractor that work is complete and ready for final inspection.

During construction, the work will be inspected and observed by the Project Manager/Engineer or his designated representative. All work that is deficient or does not meet specifications shall be removed and replaced with proper material at Contractor's expense.

D. WARRANTY. Contractor warrants that all materials and supplies used in the construction of the Project shall be new, except as otherwise agreed to in writing by the City's Representative. All materials, equipment, parts and labor and any necessary corrections to the Project shall be guaranteed for a period of one (1) year following the date of substantial completion of the Project under the terms of the performance bond.

<u>SECTION 2. PERFORMANCE AND PAYMENT BONDS</u>. Contractor shall furnish to the City payment and performance bonds satisfactory to the City guaranteeing Contractor's payment and performance, in the amount, for each separately, of one hundred percent (100%) of the Contract Amount.

SECTION 3. INSURANCE. Unless otherwise specified in the bid documents, the Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees, or subcontractors.

The Contractor shall provide a Certificate of Insurance evidencing:

A. Automobile Liability insurance with limits no less than five hundred thousand dollars ($500,000) combined single limit per accident for bodily injury and property damage.

B. Commercial General Liability insurance written on an occurrence basis with limits no less than one million dollars ($1,000,000) combined single limit per occurrence and two million dollars ($2,000,000) aggregate for personal injury, bodily injury and property damage. Coverage shall include but not be limited to: blanket contractual; products/completed operations; broad form property damage; explosion, collapse and underground (XCU) if specifically requested; and employer's liability.

C. Professional Liability (Errors and Omissions) insurance written on an occurrence basis with limits no less than one half million dollars ($500,000) combined single limit per occurrence.

D. Workers Compensation insurance written on an occurrence basis with limits no less than one half million dollars ($500,000) combined single limit per occurrence.

The City shall be named as an additional insured on the insurance policies and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The City reserves the right to request certified copies of any required policies.

The Contractor's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

SECTION 4. CONTRACT AMOUNT, ACCEPTANCE OF WHOLE, ADDITIONS. City shall pay Contractor the total sum of **One Hundred Twenty Eight Thousand Two Hundred Seventy One Dollars ($128,271)** ("Contract Amount") for all work and materials expended to complete this Project, which shall include the cost of all bonds, insurance, and all charges, fees, permits (including water and sewer fees, unless waived), expenses or assessments of whatever kind or character that are or may be necessary to complete this Project, including any additive alternates listed within the Scope of Work described in Section 1.

SECTION 5. PERMITS AND FEES. As set out in Section 4 above, the Contract Amount includes the price of all normally applicable fees and permits. The City may, at its discretion, arrange for the waiver of certain fees, permits and expenses.

SECTION 6. TERMS OF PAYMENT. The City shall pay for services provided hereunder according to and in an amount not to exceed that detailed in the attached payment schedule (Attachment A) and only upon Contractor's request on forms approved by and submitted to the Project Manager. The City shall make payment within thirty (30) days thereafter. Requests for a more rapid payment may be considered if a discount is offered for early payment. At no time shall the aggregate amount of money paid to the Contractor in proportion to the Contract Amount be greater than the proportion of the work performed at that point to the total Project work. No payment shall be made for any service rendered by the Contractor except for services set forth and identified in this Agreement. The City reserves the right to withhold payment in whole or part from the Contractor for non-compliance with the provisions of the Contract Documents.

A. RETAINAGE. The City may, in its sole discretion; (1) retain five percent (5%) of the value of all work done and materials or equipment supplied as part security for the fulfillment of the Agreement by the Contractor; or (2) retain the final payment of up to five percent (5%) of the total project amount. As work nears completion and solely at the City's discretion, the City may reduce the retainage to an amount more in line with the work remaining. The City reserves the right to retain all amounts previously withheld or due, including any liquidated damages, until all services specified herein are complete. Any money withheld pursuant to this section shall be placed in an interest bearing account and the interest shall also be payable to the Contractor upon final payment.

Before final payment is made, the Contractor must submit evidence satisfactory to the City that all payrolls, material bills, subcontracts and all outstanding indebtedness in connection with the Project have been paid for.

The City may withhold a reasonable amount of the payment bond sufficient to cover any outstanding indebtedness or monies owed or claimed by any person who supplied work or materials to the Project plus ten percent (10%) of such indebtedness as the City's cost of administering such claims until Contractor supplies a release satisfactory to the City, signed by all persons who have supplied labor or materials to the Project or, at the City's option if no claim is made, until 105 days after the date on which any person performed the last of the labor or supplied the last of the material for the Project and upon written request from the Contractor.

The Contractor shall supply to the Project Manager/Engineer within a reasonable time after his request a signed statement verifying all the suppliers, subcontractors and other persons who have supplied labor or materials to the Project.

B. FINAL PAYMENT. Acceptance by the Contractor of the final payment from the City shall release the City of all claims, demands and liability of the Contractor, its officers, agents, employees and subcontractors, whether communicated or not by the Contractor, except with respect to those matters referred to in writing delivered to the Contractor and approved in a signed writing by the Project Manager.

SECTION 7. COMPLETION TIME. The work on this Project shall commence within ten days of receipt of the Notice to Proceed and shall be completed by **35 working day (not necessarily consecutive after Notice to Proceed)**. Work stoppage due to inclement weather conditions and other factors must be approved in writing by the Project Manager. Inclement weather shall not otherwise constitute cause for delay. Unless otherwise agreed by the City by Change Order, no damages shall become due to Contractor for City caused delay. A Change Order for delay will generally be accepted for delay so excessive and unreasonable that it is beyond the scope of the Contract or delay attributed to direct, active or willful interference by the City. The Change Order must be based upon actual damages sustained by the Contractor which are directly attributed to the delay.

In the event that Contractor fails to complete all of the work required herein within the time limit set out above, then for each partial or complete day during which the work remains uncompleted thereafter, the Contractor agrees to pay the City **One Hundred Dollars ($100.00)**, (NOTE: liquidated damages clause must be agreed to by Contractor, if no mutual agreement, then no liquidated damages) which the parties believe, due to the difficulty of actually assessing the damages the City will suffer in the event of such a delay, is a fair estimate of the loss the City will suffer. The parties agree that the daily liquidated damages provided for herein is reasonable and fair, and is not a penalty. TIME IS OF THE ESSENCE IN THIS AGREEMENT.

SECTION 8. ADDITIONAL WORK/CHANGE ORDERS. The City may enlarge or reduce the work to be performed by Contractor hereunder by written notification to Contractor, including changes to the plans and specifications. The City shall pay Contractor for any additional work so requested, and shall reduce the payment to the Contractor for any reduction in labor, materials, overhead and profit margin resulting from the reduction in the work. Except as the City shall so notify the Contractor in writing, it is understood and agreed by the parties hereto that no money will be paid to the Contractor for any new or additional labor or materials furnished unless a written modification is agreed to in a document signed by both parties.

The value of any work covered by a change order or of any claim for increase or decrease in the contract price shall be determined by one or more of the following methods in order of precedence listed below:

A. An agreed lump sum; or in the event the parties cannot agree; then

B. The unit rate for the work bid by the Contractor, if applicable, or in the event there was no such rate bid; then

C. The actual cost for: (1) labor; (2) materials; (3) supplies; (4) equipment; (5) direct overhead (not to exceed 5% of the sum total of items 1-4, unless approved by the City); and (6) other services necessary and approved by the City to complete the work. In the event of a net increase in the Contract Amount for a change order as a whole, the City shall allow a payment to the Contractor of an additional ten percent (10%) of the actual cost of the work, not including direct overhead or bond costs, to cover the cost of general overhead and profit. The Contractor may also charge the City for actual cost of the net increase in bond costs as a result of the overall change to the Contract Amount. The City specifically reserves the right to request documentation, including but not limited to payroll stubs, bond bills, and invoices, to validate the Contractor's calculations.

SECTION 9. DISPUTES. Except as otherwise provided in this Agreement, any disputes concerning a question of fact arising under this Agreement which is not disposed of by Agreement shall be decided by the City. The decision of the City shall be final and conclusive unless, within thirty (30) days from the date of receipt of such decision, the Contractor shall mail or otherwise furnish the City a written signed appeal addressed to the Project Manager/Engineer. In connection with any appeal proceeding under this clause, the Contractor will be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor will proceed diligently with the performance of the contract and in accordance with the City's decision. The decision of the City shall be final and conclusive, but shall not be arbitrary or unreasonable. Although this Contract has been drafted by the City, the Contractor expressly agrees that any ambiguity herein shall be resolved in favor of the City.

SECTION 10. DEFAULT, REMEDY AND TERMINATION. The City may terminate this agreement upon the occurrence of one or more of the following events:

A. If Contractor or any Subcontractor should substantially violate any of the provisions of this contract;

B. If Contractor substantially fails to perform any part of this Agreement;

C. If Contractor repeatedly fails or becomes unable to perform the services under this Agreement as required herein, or substantially fails to provide services under this Agreement for a period of seventy-two (72) hours;

D. If Contractor (1) shall become insolvent in a bankruptcy sense; (2) shall be generally not paying its debts as they become due, or within a reasonable time thereafter; (3) shall suffer, voluntarily or involuntarily, the entry of an order by any court or governmental authority authorizing the appointment of or appointing of a custodian (as that term is defined in 11 U.S.C. '101[10]), receiver, trustee, or other officer with similar powers with respect to it or any portion of its property which remains undismissed for a period of ninety (90) days; (4) shall suffer, voluntarily or involuntarily, with or without judicial or governmental authorization, any such custodian, receiver, trustee, or other officer with similar powers to take possession of any part of its property which third party remains in possession for an excess of ninety (90) days; (5) shall suffer, voluntarily or involuntarily, the filing of a petition respecting an assignment for the benefit of creditors which is not dismissed for a period of ninety (90) days; (6) shall be dissolved; (7) shall become the subject of any proceeding, suit, or action at law or in equity under or relating to any bankruptcy, reorganization or arrangement of debt, insolvency, readjustment of debt, receivership, liquidation, or dissolution law or statute or amendments thereto to be commenced by or against it or against any of its property which remains undismissed for a period of ninety (90) days; (8) shall voluntarily suspend substantially all of its business operations; (9) shall be merged with, acquired by, or otherwise absorbed by any individual, corporation, or other business entity or organization of any kind except for any individual corporation or other business entity or organization which is controlled by, controlling, or under common control with the Contractor; or (10) shall take action for the purpose of any of the foregoing,

After serving ten (10) days written notice on the Contractor and its surety of its intention to terminate the services of Contractor, and if within ten (10) days after serving such notice, the violation is not corrected to City's reasonable satisfaction, the City then may take over the work and prosecute it to completion by contract or by any other method it may deem advisable at the expense of the Contractor. The Contractor and the bonding company shall be liable to the City for any reasonable cost occasioned by the City in excess of the amount agreed for the service herein.

The Contractor shall be entitled to a hearing before a City hearing officer upon the issue of termination if it submits a written request therefore within seven (7) days of the service of the notice of the City's intent to terminate. The Contractor shall be entitled to be heard at such hearing on the issue of termination. The Contractor shall not bring an action against the City, its officers, agents or employees arising out of or relating to the termination of this Agreement before the decision is issued by the City's hearing officer(s).

Waiver of any default shall not be deemed to be a waiver of any subsequent default. Waiver of any provision of this Agreement shall not be construed to be modification of the terms of this Agreement, unless stated to be such in writing, signed by the City's authorized representative.

The Contractor shall continue the performance of this agreement to the extent not terminated under the provisions of this section.

The rights and remedies of the City provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this agreement.

SECTION 11. HOLD HARMLESS INDEMNIFICATION. The Contractor clearly and unequivocally agrees to indemnify and to hold the City and its agents, employees, and officers, harmless from and shall process and to defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Contractor's performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Contractor or others; and provided further, that nothing herein shall require the Contractor to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Contractor expressly agrees that the indemnification provided herein constitutes the contractor's waiver of immunity under Utah Code Section 34A-2-105 for the purposes of this Agreement. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

SECTION 12. CONTROLLING LAW. These general conditions shall be construed in accordance with and enforced under the laws of the State of Utah. Any action of law, suit in equity, or judicial proceeding for the enforcement of the Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

SECTION 13. ASSIGNMENT. The Contractor shall not assign nor transfer any interest in this agreement without the prior written consent of the City, provided however, that claims for compensation due or to become due the Contractor from the City under this agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment shall be promptly furnished to City.

SECTION 14. SAFETY AND TRAFFIC CONTROL. Contractor shall take all reasonable precautions to protect the safety of pedestrians, school children, motorists, and others who may use or come near to the Project site, including but not limited to compliance with the Manual of Uniform Traffic Control Devices.

SECTION 15. SAFETY AND PROTECTION OF THE WORK. Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the project work. Contractor shall provide reasonable protection to prevent damage, injury or loss to employees on the Project work and all other persons who may be affected thereby, materials and equipment, whether on or off the site, and other property at the work site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation or replacement in the course of construction. In addition, the Contractor shall give all notices and comply with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the safety of persons or property or their protection from damage, injury or loss.

The Contractor shall erect and maintain, as required by the existing conditions and progress of the work, all reasonable safeguards for safety and protection, including posting danger signs and other warnings against hazards, setting safety regulations, and notifying owners and user of adjacent utilities.

The Contractor shall promptly remedy all damage or loss to any property referred to in this Section caused in whole or in party by the Contractor, any subcontractor, sub-subcontractor or anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable and for which the Contractor is responsible, except for acts or omissions by the City or anyone directly or indirectly employed by it, or by anyone for whose acts it may be liable, and not attributable to the fault or negligence of the Contractor. Contractor shall remove from the site all cuttings, debris, equipment and unused material.

SECTION 16. UNENFORCEABLE CONTRACT, WAIVERS. In the event that any provision of this contract shall be ruled invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same provision by the other party.

SECTION 17. ENTIRE AGREEMENT. This contract represents the entire integrated agreement between City and Contractor and supersedes all prior negotiations, representations or agreements, either written or oral. This agreement may be amended only by written modification signed by both parties.

SECTION 18. COMMENCEMENT OF WORK. Contractor will commence work as required by the specifications within ten calendar days after receiving the NOTICE TO PROCEED.

SECTION 19. UTILITIES. The right is reserved to the owners of public utilities and franchises to enter upon the street or work site for the purpose of making repairs or changes of their property that may become necessary by the work. The City shall also have the privilege of entering upon the street or work site for the purpose of repairing culverts, storm drains, water system repairs or adjustments and any and all other necessary City work.

The Contractor takes the whole risk, responsibility and expense with respect to the location of utilities, and in working with utility owners about locating, moving, repairing, and modifying utilities. All utility locations shown on the plans and specifications are approximate and are marked on the plans, if at all, only for convenience. The City makes no representation about the location of any such utilities, and Contractor is encouraged to contact utility companies and owners about the location of all utilities that may be impacted by or impact the Project work.

SECTION 20. HOURS AND DAYS OF WORK. All work performed by the Contractor, its subcontractors, materialmen, agents and employees shall be performed during work hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday unless otherwise specified in a Conditional Use Permit or Construction Mitigation Plan. In individual Construction Mitigation Plans, the Building Official may further reduce the hours or days of work for Special Events or as other circumstances may reasonably warrant. When work is prohibited, no exterior construction, excavation or delivery of supplies and concrete are allowed. Interior work, however, may be allowed Monday through Sunday, with no limitation on hours for the following types of construction:

A. Interior work on individual single-family home construction or addition projects not involving materials or supply deliveries

B. Construction of decks, patios, landscape walls less than 4 feet in height, and fences on individual single-family lots

C. Non-mechanized exterior painting on individual single-family residences

D. Non-mechanized landscaping on individual single-family residences

E. Survey work not involving grading or use of power equipment to cut vegetation.

Extended Hours Special Permit. The Building Official may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation or modify or waive the hours of work on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants. In such cases, the Building Official shall issue a Special Permit identifying the extended hours. Contractor shall display the special permit on site.

Special Event Regulations. The Building Official and/or Police Chief may, at their discretion, restrict construction activity, including governmental or special improvement agencies, in order to assure the public safety during special events within the City. Special events shall include, but not be limited to the Art Festival, Film Festival, ski events, and holiday events.

SECTION 21. CONSTRUCTION MANAGEMENT PLANS. Contractor shall submit a Construction Mitigation Plan to be approved by the Community Development Department, for all building permits. The Community Development Department may waive this requirement for minor remodels, additions and interior construction where the impact on adjacent property is minimal. This plan shall be written and shall address, to the satisfaction of the Community Development Department.

A. **Hours and Days of Operation**. The Construction Mitigation Plan shall specify the daily construction start and finish times. Construction activity occurring outside of the times specified in Section 11-14-6 of the Park City Municipal Code may only be allowed by Special Permit issued by the Building Official or the City Engineer.

B. **Parking**. The Construction Mitigation Plan shall include a parking plan. Construction vehicle parking may be restricted at construction sites so as to not block reasonable public and safety vehicle access along streets and sidewalks. Construction parking in paid or permit only parking areas require the Public Works Department review and approve a parking plan. The plan shall also include anticipated temporary parking, e.g. delivery vehicles, large equipment parking.

C. **Deliveries**. The Construction Mitigation Plan shall identify proposed delivery locations and routes. Deliveries of construction materials and supplies including concrete may be regulated as to time and routing if such deliveries will cause unreasonable noise, parking, or access issues. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on or near the site may be required. In the case of multiple construction sites in close proximity, a common materials storage and staging site may be required.

D. **Construction Phasing**. Due to the narrow streets, small lot configuration, topography, traffic circulation, weather, construction parking and material staging problems, projects in the Historic District and other areas of the City may be required to be phased if more than one project is under construction in close enough proximity to create public safety or nuisance problems. In cases where phasing is deemed necessary by the Community Development Department, the first project to receive a building permit shall have priority, however, the Building Official shall have the authority to phase projects as necessary to assure efficient, timely and safe construction.

E. **Trash Management and Recycling**. Construction sites shall provide adequate storage and a program for trash removal.

F. **Control of Dust and Mud on Streets**. A program for the control of dust or other airborne debris shall be required. Provision must be made to eliminate the tracking of mud on streets and a program shall be required to remove any such mud daily.

G. **Noise**. Construction activity shall not exceed the noise standards as specified in Section 6-3-9 of the Park City Municipal Code.

H. Grading and Excavation. Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of excavated material shall be noted.

I. Construction Sign Requirements. A sign, indicating the name of the party responsible for the Project shall be posted in a location where such sign is readable from the street or driveway to the construction site. The sign shall not exceed 12 square feet in size, six feet in height and shall not exceed a letter type of 4". Information on the sign shall include, at a minimum:

1. Name, address and phone number of contractor;
2. Name, address, and phone number of person responsible for the project; and
3. Phone number of party to call in case of emergency.

No additional fee is required for this sign.

SECTION 22. TOILET FACILITIES AND CONTAINERIZED TRASH SERVICE REQUIRED.

A. The Contractor shall obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction related refuse created or accumulated on the site. All such construction refuse shall be maintained in a closed container at all times, until transferred to the landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists on adjoining streets and thereby create traffic hazards. Contractor shall not permit accumulated debris, litter, or trash on the construction site to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, or on transit to the landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing.

B. The Project site shall have permanent toilets, or an approved temporary toilet facility positioned in a location approved by the Building Department, at the rate of one toilet per fifteen on-site employees (1-15 employees = one toilet, 16-30 employees= two toilets and so on).

SECTION 23. OBEY LAWS. Contractor shall obey all laws, ordinances and regulations of the United States, the State of Utah, and Park City in performing this Agreement.

SECTION 24. NONDISCRIMINATION.

A. The City is an equal opportunity employer.

B. In the performance of this Agreement, the Contractor will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Contractor shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The Contractor shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

C. The Contractor will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

D. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Contractor shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

SECTION 25. THIRD PARTY RIGHTS. Nothing herein is intended to confer rights of any kind in any third party. No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

SECTION 26. PROJECT MANAGER/ENGINEER. The Project Manager/Engineer for this Project is **Rod Coles Architects Studio** , or such other person designated by the City Engineer or Public Works Director to the Contractor orally or in writing.

SECTION 27. PARTIES' REPRESENTATIVES. For purposes of notice required or desired by the parties, or communication involving the services under this Agreement, such notice or communication shall be deemed to have been given when personally delivered or mailed, or sent by facsimile transmission certified mail, postage pre-paid, to the parties at the following addresses:

Contractor: **Kevin Merritt** , or such other person designated in writing by the Contractor's chief administrative officer, at the Contractor's address set out first above;

Park City: Project Manager/Engineer, at the address set out first above for the City, or when given to such other person as either of the above representatives shall designate in writing. The designation of any address may be changed by notice given in the same manner as provided in this paragraph.

SECTION 28. SEVERABILITY. Should any part of this Agreement for any reason be declared invalid, such decision shall not affect the validity of any remaining provisions, which remaining provisions shall remain in force and effect as if this Agreement had been executed with the invalid portion thereof eliminated, and it is hereby declared the intention of the parties that they would have executed the remaining portion of this Agreement without including any such part, parts, or portions which may, for any reason, be hereafter declared invalid. If any provision of this Agreement is held invalid or unenforceable with respect to particular circumstances, such provision shall nevertheless remain in full force and effect in all other circumstances.

IN WITNESS WHEREOF, the parties have entered into this agreement on the day and year set out at the top of this Agreement.

City Council
Staff Report

PLANNING DEPARTMENT

Author: David Maloney
Subject: 1021 Norfolk Avenue – Plat Amendment
Date: March 30, 2006
Type of Item: Plat Amendment - Legislative

SUMMARY RECOMMENDATION:
The Planning Commission recommends City Council deny the attached ordinance according to the Findings of Facts and Conclusions of Law incorporated herein.

Applicant: Todd Ford on behalf of Connie and Chad Bilbrey
Location: 1021 Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Use: Low and Medium Density Residential, Institutional (Library)

BACKGROUND
The application was received on November 2, 2005. The applicant proposed to subdivide the property known as Lot 7, 8, 9, 10, 11, half of Lot 12 and portions of Lot 21, 22, 23, 24, 25, and 26 of Block 16 of the Snyder's Addition to the Park City Survey into five (5) legal lots of record, identified on the proposed plat as Lots 1, 2, 3, 4 and 5. There is an existing historic house and garage located on the south side of the property and the remainder of the land is vacant. The Historic Preservation Board determined on August 19, 2004 that the detached garage located on the property is not historic. The applicant is proposing to demolish the garage and relocate the historic house further to the south of the property. The proposed plat amendment would create one (1) lot for the relocated historic house, and four (4) additional lots that are intended to be developed into single-family houses. Four (4) Historic District Design Review Applications were submitted to the City; however, they cannot receive approval prior to the recordation of this plat.

The application was first heard by the Planning Commission on January 25, 2006. The Planning Commission discussed concerns that the proposed 5 units of housing would be a substantial increase to the existing density of the land as currently only two single family houses could be built in addition to the existing historic house on the property. The Planning Commission directed Staff and the applicant to study the options for this property and consider reducing the density of the proposal. The applicant believes that the proposed density is appropriate and has not amended the proposal since the January 25, 2006 Planning Commission meeting. Staff prepared a thorough analysis of the density of this sector of Old Town, including the impacts on housing density of the proposed plat amendment.

The application was continued at the January 25, 2006 Planning Commission meeting to February 22, 2006. The February 22, 2006 Planning Commission meeting was moved to March 1, 2006. The application was continued at the March 1, 2006 meeting to March 8, 2006 so that the density study could be completed.

The application was brought back to the Planning Commission on March 8, 2006 when the Planning Commission voted in favor for a motion to recommend the City Council deny the plat amendment proposal based on concerns regarding the proposed density on site.

ANALYSIS
The property consists of five (5) platted lots and small remnant portions of six (6) other lots. There is an existing historic house on the south side of the property spanning three (3) platted lots. Currently there are two (2) vacant platted lots that are buildable. The proposed plat amendment will result in four (4) vacant buildable lots. The movement of the historic house and the establishment of four (4) vacant lots results in an increase in the number of buildable lots from two (2) to four (4).

Pursuant to LMC Section 15-7.1-6(B) the Planning Commission forwards a negative recommendation to City Council based on the premise that the result of the proposed plat amendment and subsequent build out of the property would be a one hundred percent (100%) increase in the number of buildable lots.

RECOMMENDATION
Staff recommends the Planning Commission forward a recommendation to City Council for denial of this proposed plat amendment in accordance with the Findings of Facts and Conclusions of Law outlined below;

Findings of Fact:

1) The property is located within the HR-1 zoning district.
2) The dimensions of the entire property are approximately 137.5' x 80' for a total of 10,800 sq. ft.
3) The minimum HR-1 lot size is eighteen hundred and seventy five (1875) square feet.
4) The applicant is proposing to create five (5) legal lots of records (Lots 1 to 5).
5) There is an existing historic house on the south side of the property spanning three (3) platted lots.
6) There is an existing non-historic garage, to be demolished, located on what would be Lot 1.
7) There are currently five (5) platted lots on the property, plus remnant pieces of six (6) lots.
8) The proposed plat amendment results in an increase in the number of platted, buildable lots on the property, given the location of the existing platted lots and the historic house.
9) There are two (2) platted, vacant lots that are currently buildable.

10) The proposal would increase the number of platted, vacant lots to four (4).

Conclusions of Law:

1) There is not good cause for this plat amendment based on the increase in number of buildable lots.

Exhibit A: March 8, 2006 Planning Commission Report

Exhibit A: March 8th, 2006 Planning Commission Report

Planning Commission
Staff Report

PLANNING DEPARTMENT

Author: David Maloney
Subject: 1021 Norfolk Avenue – Plat Amendment
Date: March 8, 2006
Type of Item: Plat Amendment

SUMMARY RECOMMENDATION:
Staff recommends that the Planning Commission review the proposed plat amendment and attached density study, conduct a public hearing and forward a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval outlined in the attached draft ordinance.

Applicant: Todd Ford
Location: 1021 Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Use: Low and Medium Density Residential, Institutional (Library)

BACKGROUND
The application was received on November 2, 2005. The applicant is proposing to subdivide the property known as Lot 7, 8, 9, 10, 11, half of Lot 12 and portions of Lot 21, 22, 23, 24, 25, and 26 of Block 16 of the Snyder's Addition to the Park City Survey into 5 legal lots of record, identified on the proposed plat as Lots 1, 2, 3, 4 and 5. There is an existing historic house and garage located on the south side of the property and the remainder of the land is vacant. The Historic Preservation Board determined on August 19, 2004 that the detached garage located on the property is not historic. The applicant is proposing to demolish the garage and relocate the historic house further to the north of the property. The proposed plat amendment will create one lot for the relocated historic house, and four additional lots that are intended to be developed into single-family houses. Three Historic District Design Review Applications have been submitted to the City; however, they cannot receive approval prior to the recordation of this plat.

The application was first heard by the Planning Commission on January 25, 2006. The Planning Commission discussed concerns that the proposed 5 units of housing would be a substantial increase to the existing density of the land as currently only two single family houses could be built in addition to the existing historic house on the property. The Planning Commission directed Staff and the applicant to study the options for this property and consider reducing the density of the proposal. The applicant believes that the proposed density is appropriate and has not amended the proposal since the January 25, 2006 Planning Commission meeting. Staff has prepared a thorough analysis of the density of this sector of Old Town, including the impacts on housing density of the proposed plat amendment.

The application was continued at the January 25, 2006 Planning Commission meeting to February 22, 2006. The February 22, 2006 Planning Commission meeting was moved to March 1, 2006. The application was continued at the March 1, 2006 meeting to March 8, 2006 so that the density study could be completed.

ANALYSIS

The dimensions of the proposed lots are as follows; Lot 1 = 37.5' x 78.30', Lot 2 = 25' x 78.30', Lot 3 = 25' x 78.30', Lot 4 = 25' x 83.30' and Lot 5 = 25' x 83.30'. Each lot meets the minimum lot size standard (1875 sq. ft.) for residential lots within the HR-1 zoning district [15-2.2-3(a)].

There is an existing house that sits on the subject property, which will be relocated to the proposed Lot 1 as part of this proposed plat amendment application. The house will be situated approximately 5 feet from the adjacent property to the south and 3 feet from the vacant lot to be identified as Lot 2. The front yard setback is proposed to be 10 feet and the rear yard setback is 29 feet. These setbacks are in compliance with the HR-1 setback requirements as written in LMC 15-2.2-3(e)–(i). The building footprint for this house located on the proposed Lot 1 is approximately 880 sq. ft which is within the maximum allowed foot print for a lot of this size (approximately 1220 sq. ft.) as per LMC 12-2.2-3(d).

Snow shedding has been addressed through two measures. The owner of 1021 Norfolk Avenue has accepted the potential for future damages to the existing historic structure from the house that sits on 1019 Norfolk Avenue, directly to the south of the proposed Lot 1 (see Exhibit D). Furthermore, there is currently an attempt to establish a snow shed easement agreement between the property owners of 1021 and 1019 Norfolk Avenue, owned by Shawn Johnson. These measures have satisfied the requirements of LMC 12-2.2-3(j) as it relates to snow shedding from the southernmost lot on to the lot to the south of it.

DEPARTMENTAL REVIEW

This application was reviewed at the November 17, 2005 Staff Review meeting. Representatives from the Planning and Engineering, Building, Legal, Public works departments as well as representatives from local utility organizations were in attendance. The issues discussed related to the recordation of the plat and the sequence of events that would be satisfy legal requirements. It was determined that the garage would have to be demolished and the existing historic house would have to be moved prior to the recordation of the plat and the construction of houses on the proposed newly configured lots that are vacant. Furthermore, the Planning Department reviewed the density of the surrounding neighborhood of the subject property, following the January 25, 2006 meeting, so to inform the Planning Commission about the existing and proposed housing density along Norfolk Avenue and within the adjacent neighborhood.

NOTICING

This application has been noticed in the Park Record, a sign has been posted on the property and letters have been sent to property owners within 300 feet of the subject property, in accordance with the noticing requirements outlined in the LMC 15-1-2.

Input was received from Shawn Johnson, property owner of 1019 Norfolk Avenue. His concern was with regard to the establishment of a snow shedding agreement. Mr. Johnson would like to establish a snow shed agreement between him and the owner of 1021 Norfolk Avenue to address snow shedding issues between the existing house at 1019 Norfolk Avenue and the existing historic house at 1021 which is proposed to be moved to Lot 1 of the proposed new plat.

A letter was received by the Planning Department on February 7, 2006 from Mary Ann and Scott Petler who own the house at 1024 Empire Avenue (please refer to Exhibit B).

ALTERNATIVES

Planning Commission can decide to approve the plat amendment as conditioned, approve the plat amendment with different conditions, or deny the plat amendment.

SIGNIFICANT IMPACTS

There are no significant impacts associated with the approval of this plat amendment.

CONSEQUENCES OF NOT TAKING RECOMMENDED ACTION

Without the approval of this plat amendment application, the applicant would not be able to relocate and renovate the historic house to the proposed Lot 1. Furthermore, the applicant would not be able to create the four proposed vacant lots where four single family houses are proposed.

RECOMMENDATION

Staff recommends the Planning Commission forward a positive recommendation to City Council according to the Findings of Facts, Conclusions of Law, and Conditions of Approval as found in the attached ordinance.

Findings of Fact:

The property is located within the HR-1 zoning district.
The dimensions of the entire property are approximately 137.5' x 80' for a total of 10,800 sq. ft.
The applicant is proposing to create 5 legal lots of records (Lots 1 to 5).
Lots 2 through 5 are proposed to have 25' of frontage along Norfolk Avenue.
Lot 1 is proposed to have 37.5' of width and 78.30' of depth.
There is an existing non-historic garage located on what will be Lot 1.
The garage is to be demolished as part of this plat amendment.
There is an existing historic house on the property that will be relocated to Lot 1.
The proposed relocation of the historic house meets all LMC requirements for the HR-1

zone.

The relocation of the historic house to Lot 1 is in compliance with the maximum footprint dictated by LMC 12-2.2-3(d).

The owner of the property agrees to sign a snow shed easement agreement with the owner of 1019 Norfolk Avenue.

The discussion in the Analysis section is incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

1) The City Attorney and City Engineer will review and approve of the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
2) No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3) The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4) A financial guarantee for public improvements shall be satisfactorily in place prior to plat recordation, in an amount to be approved by the City Engineer and in a form to be approved by the City Attorney.
5) Snow shed agreements for Lot 1 and 1019 Norfolk Avenue in a form approved by the Chief Building Official must be recorded with the plat.
6) No remnant lot is separately developable.

EXHIBITS:

Exhibit A: Existing Conditions
Exhibit B: Proposed Plat with Existing Conditions
Exhibit C: Proposed Plat
Exhibit D: Letter of Snow Shed Acknowledgement
Exhibit E: Letter from Neighbor
Exhibit F: Density Analysis

Ordinance No. 06-

AN ORDINANCE APPROVING A SUBDIVISION OF LOTS 7, 8, 9, 10, 11 & ONE HALF OF LOT 12 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, LOCATED AT 1021 PARK AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 1021 Norfolk Avenue, has petitioned the City Council for approval of a Subdivision; and

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

WHEREAS, on March 8, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on March 30, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to establish 5 lots of record; and

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

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

<u>SECTION 1. FINDINGS OF FACT.</u> The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located within the HR-1 zoning district.
2. The dimensions of the entire property are approximately 137.5' x 80' for a total of 10,800 sq. ft.
3. The applicant is proposing to create 5 legal lots of records (Lots 1 to 5).
4. Lots 2 through 5 are proposed to have 25' of frontage along Norfolk Avenue.
5. Lot 1 is proposed to have 37.5' of width and 78.30' of depth.
6. There is an existing non-historic garage located on what will be Lot 1.
7. The garage is to be demolished as part of this plat amendment.
8. There is an existing historic house on the property that will be relocated to Lot 1.
9. The proposed relocation of the historic house meets all LMC requirements for the HR-1 zone.
10. The relocation of the historic house to Lot 1 is in compliance with the maximum footprint dictated by LMC 12-2.2-3(d).
11. The owner of the property agrees to sign a snow shed easement agreement with the owner of 1019 Norfolk Avenue.
12. The discussion in the Analysis section is incorporated herein.

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

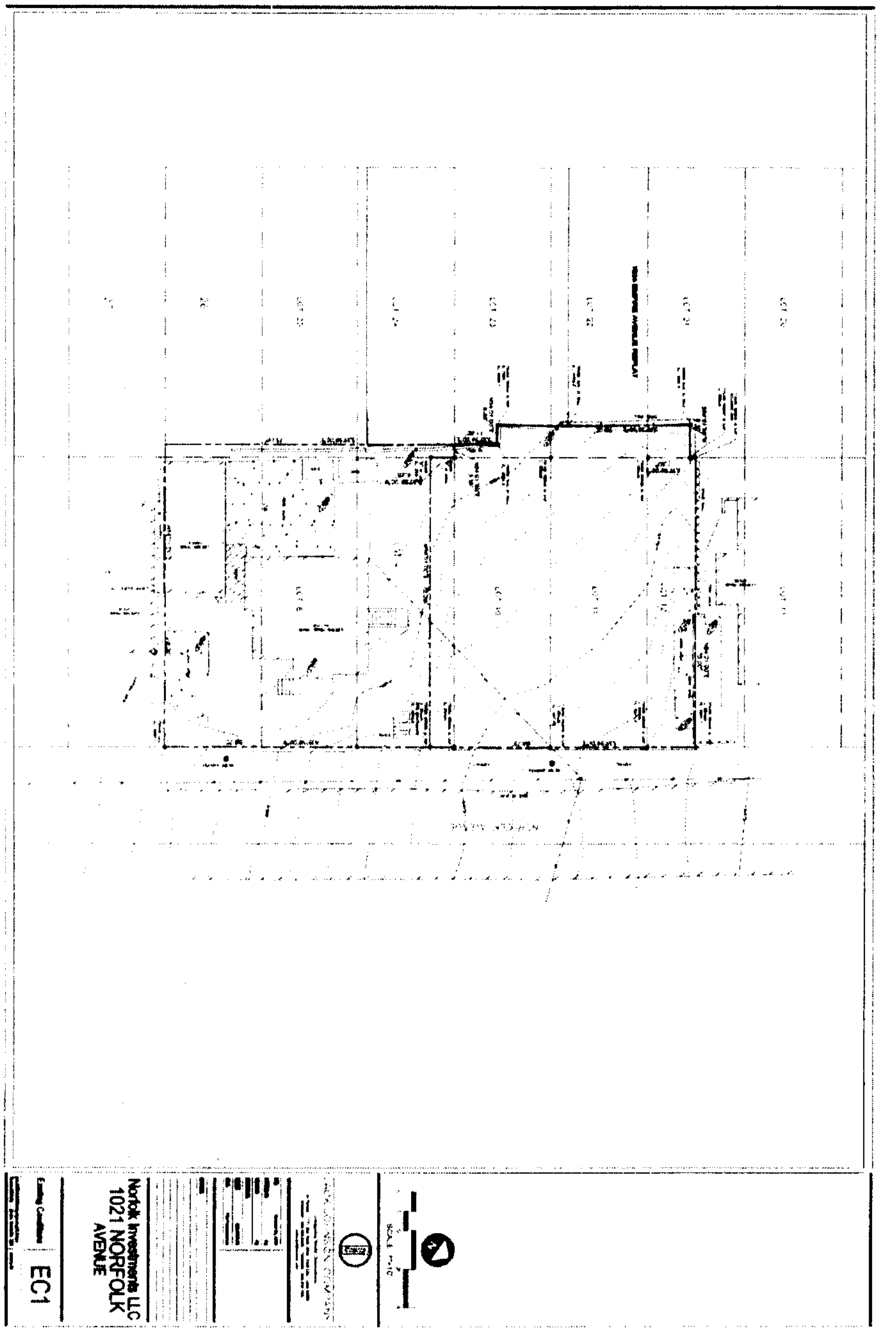
1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. As conditioned the plat amendment is consistent with the Park City General Plan and Land Management Code.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve of the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. A financial guarantee for public improvements shall be satisfactorily in place prior to plat recordation, in an amount to be approved by the City Engineer and in a form to be approved by the City Attorney.
5. Snow shed agreements for Lot 1 and 1019 Norfolk Avenue in a form approved by the Chief Building Official must be recorded with the plat.
6. No remnant lot is separately developable.

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

PASSED AND ADOPTED this 30th day of March, 2006.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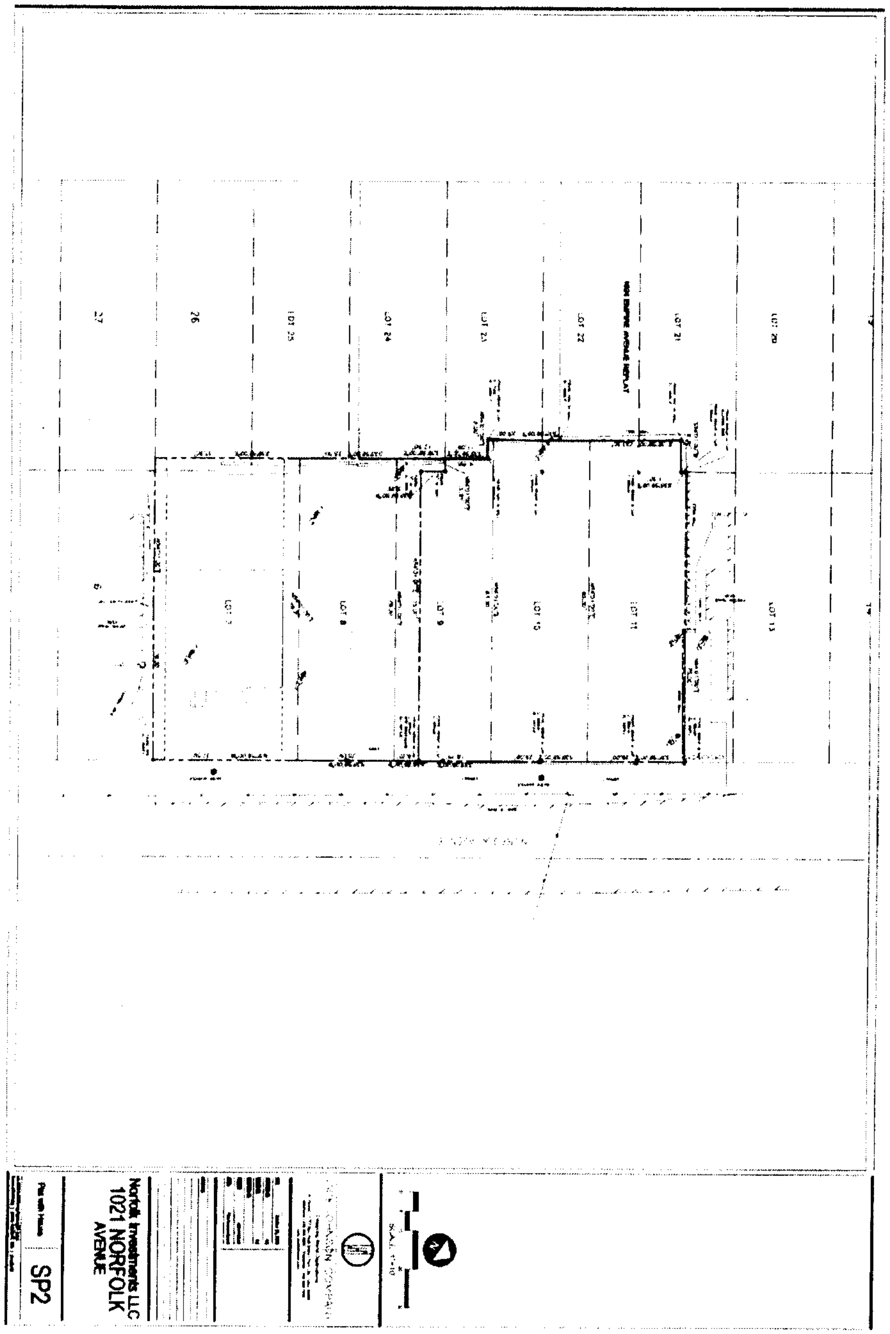
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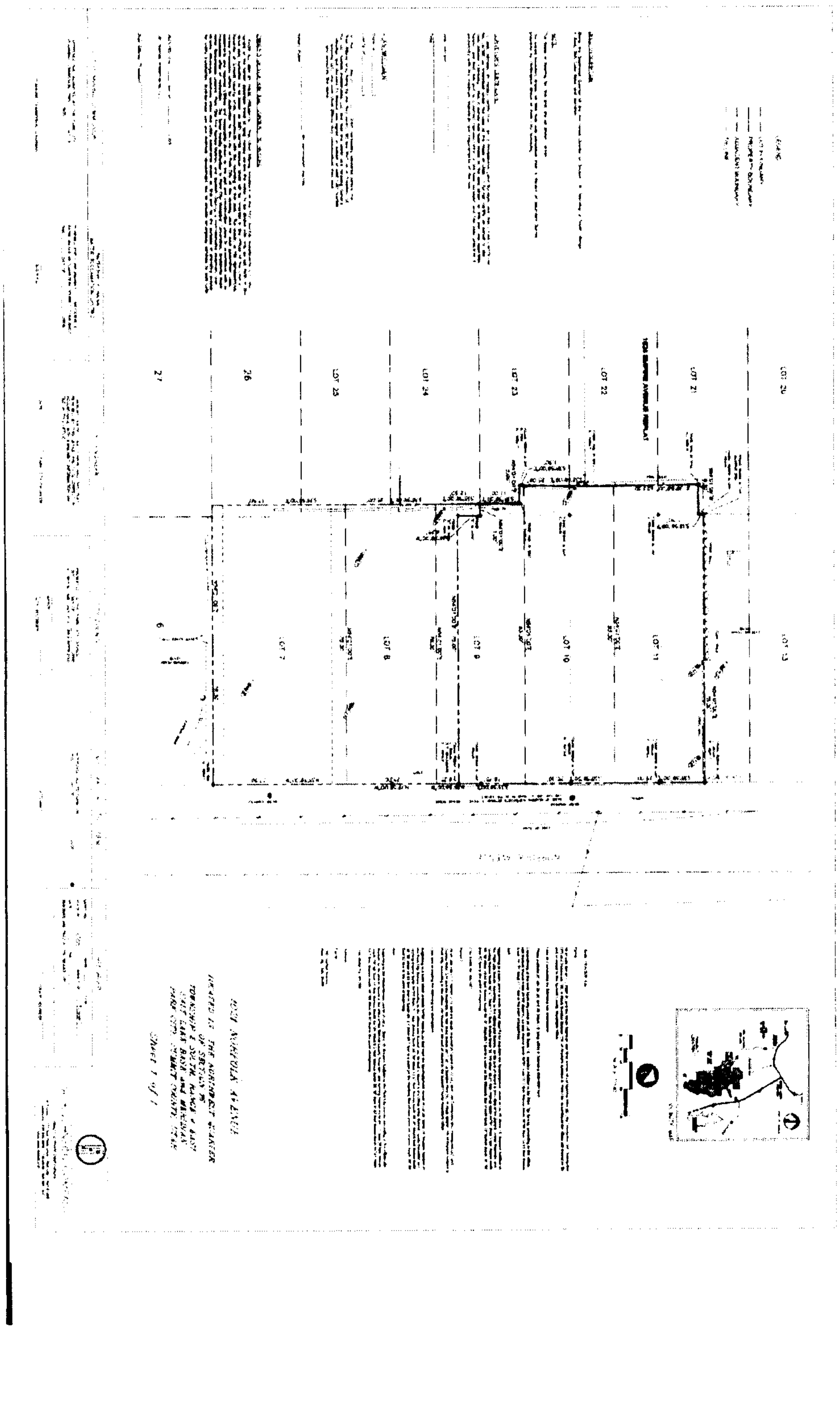

December 19, 2005

David Maloney
Planning Department
Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, UT 84060

RE: 1021 Norfolk Avenue Snow Shed Acknowledgement

Dear David,

The owners and representatives of 1021 Norfolk Ave. acknowledge that in times of heavy snow, the roof of the existing home located on Lot 6 may shed snow by natural gravity onto Lot 7. It is further acknowledged that the owner of Lot 6 shall do everything in their power to limit this snow shedding including appropriate snow melt systems. This is particularly important as the home on Lot 6 is located within the three-foot side yard setback. It is further acknowledged that the owner of Lot 7 shall not be responsible for removing the snow shed from the roof of the home on Lot 6, nor shall the owner of Lot 7 be responsible for damages caused by snow shedding from the roof of the structure on Lot 6.

Sincerely,

Todd Ford

Jack Johnson Company

Exhibit E: received via e-mail February 7, 2006

David,

Can you please forward this letter onto the Planning Commissioners?
Thanks,
Mary Ann Petler

To: Park City Planning Commissioners
From: Mary Ann and Scott Petler, Homeowners, 1024 Empire Ave.
Re: Plat amendment for 1021 Norfolk Avenue

Before attending the Jan. 25th Planning Commission meeting, I was not aware that the future lot density of the above mentioned property was in question. We thought the Commissioners were only going to vote on whether to approve the plat amendment as proposed by the planning department.

After attending the meeting and hearing that the Commissioners were not all in favor of the proposed plat amendment, we want to urge the Planning Commission to favorably recommend subdividing the Norfolk Ave. property to three lots (or less). We believe that, even though the zoning allows for up to five lots, the neighborhood doesn't need the increased density and an additional four lots will not provide a benefit to the City or to our neighborhood.

One of the Commissioners brought up the issue of five versus three driveways. He said that the additional driveways would detract from appeal of the road, limit snow storage, and provide less on-street parking. I would also like to add that houses built on larger lots generally have two-car garages. Fewer houses built on larger lots would provide more parking (inside and out), making street parking and traffic on Norfolk less of an issue. Less cars parked on the street provides better through way for cars, snow removal vehicles, and pedestrians.

Our home is already surrounded on each side by two non-conforming houses. We realize that the applicant has the right to develop the property but we believe that developing four additional houses on the property is excessive is will not be an asset to the neighborhood. We know that the Commissioners were not inclined to support moving the existing structure, but we would fully support moving the existing house to the north side of the property, the lower height of this house and larger set-back would balance the very large non-conforming structures to both our south and north sides on Empire Ave.

Also, we would like to ask that any development below our house be required to install underground utilities (power, phone, and cable) from the pole to the houses.

Scott and Mary Ann Petler

Exhibit F: Density Analysis

Density Analysis – North Old Town (Library Area)

Date of Study: February 28th, 2006
Author: David Maloney, Planner

PARK CITY 1884

PLANNING DEPARTMENT

Area of Study:

The area of this study includes Old Town blocks between 9th Street on the south and 13th Street on the north and between Woodside Avenue on the east and Empire Avenue on the west. The study area also includes the northern terminus of Norfolk Avenue, just beyond the Library. This study excludes Block 7 where the City Library is located as there are no housing units on this Block. Specifically, the study area includes; half of Blocks 29, 28, 27, all of Blocks 15, 16, 17, 18, and a portion of Block 19 (up to the end of Norfolk Avenue just north of the Library), Blocks 12, 9, 8, and the western half (along Woodside Avenue) of Blocks 3, 4, 5 and 6. Each of the subject Blocks are in the Snyder's Addition to the Park City Survey (See Figure 1.0).

Purpose:

The purpose of this analysis is to determine the current density of the north end of Old Town, specifically along Norfolk Avenue, in order to provide background information to Staff and the Planning Commissioners. Understanding the current density will assist the Planning Commission in review of the development proposals in the area. The study is being conducted based on a request from the Planning Commission during the review of a proposal to replat an area of Block 16 of the Snyder's Addition to the Park City Survey that would result in increased density from what is existing.

Methodology:

The density of this neighborhood is determined by identifying the number of housing units on each of the above mentioned Blocks, or portions of Blocks then by dividing this number into the total area (in acres) of the Blocks. The number of housing units was determined by an initial drive-by of each of the blocks followed by an analysis of the 2005 plat maps identifying the respective areas. Furthermore, the number of units per condominium was derived from an existing inventory of housing units compiled by the Economic Development group in December of 2004. The total area of the Blocks is determined by the number of platted Old Town lots which are 25 feet by 75 feet, or 1875 square feet in area. The number of lots on the block is then multiplied by 1875 to determine the square footage of the block. The square footage value is then divided by 43,560 which will produce the acreage value. The number of units on the block is then divided by the number of acres to determine the density of housing units per acre.

A single family house, a condominium unit, and a suite in a guest lodge are considered to be one (1) unit for the purpose of this study, while dormitory beds are one quarter (25%) of a unit.

The density of each block within the study area is determined, along with the overall density of the neighborhood, the average density of all blocks, the median density and the current density of Block 16, where a development proposal has been submitted.

The density along Norfolk Avenue is calculated by first determining the number of platted Old Town lots (each 25 feet by 75 feet) and then counting the number of housing units, including single family houses, condominium apartment units, and dormitory beds (counted as 0.25 of a unit). The total area of the lots along the street is then converted into a value in acres. The total number of units along the street is then divided by the acreage to calculate the number of housing units per acre of land.

Analysis:

Figure 1.0

Location	# of Lots	Total Area	Non-Condo Units	Condo Units	Total Units	Total Density
Block 3	16.0	30000	11	0	11	16
Block 10	32.0	60000	20	2	22	16
Block 15	32.0	60000	20	0	20	15
Block 29	16.0	30000	9	0	9	13
Block 4	16.0	30000	6	2	8	12
Block 9	32.0	60000	14	0	14	10
Block 16	32.0	60000	15	4	19	14
Block 28	16.0	30000	12	0	12	17
Block 5	16.0	30000	6	0	6	9
Block 8	32.0	60000	6	12	18	13
Block 17	32.0	60000	14	24	38	28
Block 27	16.5	30938	6	6	12	17
Block 18	44.0	82500	4	82	86	45
Block 19	13.0	24375	7	4	11	20
Block 26	22.0	41250	12	38	50	53
Norfolk Avenue	93.0	174375	42	79	121	30
Proposed Norfolk	93.0	174375	46	79	125	31
Proposed Block 16	32.0	60000	19	4	23	17

Conclusions:

- Total Density of Neighborhood = 21 units / acre

- Average Density of Blocks = 20 units / acre
- Median Density of Neighborhood = 16 units / acre
- Existing Density of Block 16 = 14 units / acre
- Proposed Density of Block 16 = 17 units /acre
- Density along Norfolk Avenue = 30 units / acre

Summary:

The proposed plat amendment at 1021 Norfolk would increase the density of Block 16 from 14 housing units per acre to approximately 17 housing units per acre. The proposed increase in density would result in a housing density that is about 19% lower than the total existing neighborhood density. The proposed increase in density is 1 unit of housing more dense than the median housing density for all the blocks in the neighborhood, but 3 units less dense than the average housing density of the blocks in the neighborhood. The density along Norfolk Avenue is currently 30 units per acre and the proposed plat would increase this density to 31 units per acre. The majority of the density along Norfolk Avenue is associated with condominium units concentrated north of 12th Street. Overall the density of the neighborhood increases significantly on the north side of 12th Street as this is where the majority of the medium density, multi-unit housing developments are located.