



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 16, 2000**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, March 16, 2000.

Closed Session - City Council Chambers - Lower Level

3:30 p.m. Property acquisition
 Litigation

Work Session - City Council Chambers - Lower Level

4:45 p.m. Council questions and comments
 Review of regular meeting:
 Plat amendments
 Contracts/lease
 Land Management Code revisions - Phase 1
5:45 p.m. Break

Regular Meeting - City Council Chambers - Lower Level

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF FEBRUARY 24, 2000

V CONSENT AGENDA PUBLIC HEARING

1. Ordinance approving a subdivision plat which combines two metes and bounds parcels into one lot of record at 1508 Park Avenue, Park City, Utah
2. Ordinance approving the subdivision plat amendment which combines one platted lot and one metes and bounds parcel into one lot to accommodate an existing historic structure and addition at 586 Main Street, Park City, Utah

3. Ordinance approving the plat amendment which combines Lot 17 and Lot 18, and the north half of Lot 10, Block 3, of the Park City Survey into one lot to accommodate a new single family structure at 364 Woodside Avenue, Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving a subdivision plat to combine two metes and bounds parcels into one lot of record at 1508 Park Avenue, Park City, Utah
2. Ordinance approving the plat amendment to approve the subdivision which combines one platted lot and one metes and bounds parcel into one (1) lot to accommodate an existing historic structure and addition at 586 Main Street, Park City, Utah
3. Ordinance approving the plat amendment which combines Lot 17 and Lot 18, and the north half of Lot 10, Block 3, of the Park City Survey into one (1) lot to accommodate a new single family structure at 364 Woodside Avenue, Park City, Utah
4. Donation of mucking/drilling equipment - request concerning placement of a 1930 mining machine in Miners Plaza

VII RESIGNATIONS AND APPOINTMENTS

Appointment of two members to the Board of Adjustment for terms expiring January 2005

VIII PUBLIC HEARING

Land Management Code revisions - Phase 1 (Chapters: General Provisions, Parking, Non-Conforming Uses and Buildings, Definitions)

IX ADJOURNMENT

Posted: 3/13/00
See parkcity2002.org



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 16, 2000**

Present: Mayor Brad Olch; Council members Peg Bodell, Candace Erickson, Roger Harlan, and Fred Jones.

Toby Ross, City Manager; Mark Harrington, City Attorney; Toby Ross, City Manager; Mark Harrington, City Attorney; Rick Lewis, Community Development Director; Jerry Gibbs, Public Works Director; Patrick Putt, Planning and Zoning Administrator; Matthew Twombly, Parks Planner.

Absent: Council member Shauna Kerr

Council questions and comments.

Skateboard Park - Council member Jones recommended thorough review of project costs and alternatives; feels a \$600,000 budget is inappropriate for a skateboard park and there should be specific criteria/perimeters developed at an early stage so the design firm does not have to cut back late in the project. Roger Harlan stated the proposal went out with a cap of \$500,000 to various landscape firms who will coordinate with other groups that have expertise in planning skateboard parks. Parks Planner Matt Twombly reported the project was opened for bid by engineers, architects, landscape architects, anyone who could provide service for skateboard park design and engineering for Phase I improvements to the south end of City Park; noted the proponents selected for interview are firms that include a combination of skateboard park designers, engineers and landscape architects. City Manager Ross stated the design team will be looking at an area that includes a skateboard park but also finishes the surrounding area, the specific construction project has not yet been determined and may be just a narrow area; noted the skateboard park designer must be licensed, those who design skateboard equipment would not be qualified to design the park.

Affordable Housing Update/Study - Council member Jones noted the update was a year old and inquired if future updates could be completed in a more timely manner. Director Lewis explained there is an unavoidable delay in obtaining some of the data which is not available the same year, however, agreed the update could be bound and distributed sooner. Council member Erickson commented she reviewed the Affordable Housing study and attended the Mountainlands Housing Trust meeting, noting those members have worked diligently to purchase Holiday Village in the near future, have also been approached by Park Side, and are working on Kamas and Oakley units, all of which look promising; complimented Mountainlands and especially Phyllis Robinson for doing a great job, pointed out Mountainlands financial review for the year show they are in the black, and stated she hopes the city can continue to support them.

Water Issues - Council member Jones reported he attended Wednesday's County Commissioner meeting concerning two items; one item concerned water and it is clear the Commissioners are anxious to find a program limiting their front end exposure as currently the plan they are putting forward is divergent from what was envisioned in the MOU. Stated he believes the city needs to hear and understand where the county is going, work closely with them to address the issues, at the same time protecting the city's interests. Stated although it is historic, there is unfortunately still a substantial amount of distrust between the county and city particularly in regard as to who is doing what; believes the meeting scheduled for the 24th will be a good opportunity to put some of that distrust to rest by agreeing to work together, use straightforward negotiation, and try to meet the objectives of both groups.

Trash/BFI - Council member Jones stated the second Commission meeting item he was interested concerned trash issues; reported he was asked about delinquent Main Street accounts, there was discussion about the county not wanting to serve as bill collector and possibility of Park City putting these charges to water bills, at which time he pointed out the city did not want to be the bill collector either, the final decision was collection should be the responsibility of BFI. Reported BFI representatives presented a sample letter they plan to distribute which provides history and explanation of charges; stated he believes the letter is a good first step and from that BFI will begin bill collecting procedures. Council member Bodell stated the city should address the reason people are angry and not paying bills. Council member Jones noted part of the problem is the old service company charged some merchants for the dumpsters in Swede Alley for the benefit of others. City Manager Ross explained some businesses owned their own dumpsters and paid their collection fee, however, were over-charged because their fee absorbed the collection costs of the free Swede Alley dumpsters. Council member Jones stated the purpose of the BFI letter was to provide an explanation of the past and present differences.

As a related issue, Mayor Olch reported he received a call today from a Main Street restaurant manager/owner who was not objecting to the collection fee, but objecting an additional clean-up fee of \$14 a month for clean up around the dumpsters; the caller stated he has his staff clean around the dumpster and was asking why should he have to pay twice. Public Works Director Gibbs responded the city asked BFI to include that extra charge so city staff did not have to go out and pick up the trash around the containers; requested callers be referred to him for explanation.

Council member Bodell noted another trash problem along Sullivan Road with overflowing dumpsters by City Park, Vie Retreat, 7-11, and condos; reported there is evidently no longer a regular pickup. Council member Harlan reported similar problem on Sidewinder. Director Gibbs requested council members contact him for follow up if they not problems such as these.

Clean Up Day - Council member Jones requested staff provide information regarding Park City Clean Up Day plans; suggested reinstatement of the Clean Up Day where everyone picked up trash around town as well as clean up backyards.

City Facility Tours - Council member Jones suggested Clean Up Day coincide with other community activities such as tours of city facilities like the water plant and public works building. City Manager Ross responded historically these tours were conducted by the Chamber Bureau and there may be a possibility of coordinating responsibility with them.

U of U Park City Family Clinic - Council member Jones requested discussion regarding the situation with the clinic and doctors, what the city could do to try to get the problem resolved. Mayor Olch shared contents of a faxed letter from Jones Waldo Holbrook and McDonough, legal counsel representing the University, which essentially asked Council and community to assist and encourage the physicians to proceed with the purchase of the clinic; stated it was his understanding the University put a tight time frame on this transaction and believes because of that the doctors will be unable to do it; inquired if it was appropriate for the city to send a letter to the attorney requesting extension of that deadline in order to give the doctors and community members an opportunity to negotiate a fair agreement satisfactory to both parties; reported he has also been encouraged to see if Council would entertain and send a resolution of support, and possibly sending a letter to the Governor keeping in mind the doctors are indirectly employees of the state; reported the community meeting turnout last night was substantial and supportive. Council member Jones noted the letter from the University attorneys gives Council an opportunity to respond in a neutral manner, relay a message we are concerned as a community and would like to see what can be done to facilitate a solution. City Manager Ross commented he believes the letter in reality asks for the city to float a loan to the doctors, noted the price the clinic is offered at is probably not justifiable based on its cash flow and the doctors probably do not have the money; commented if Council wishes to pursue assistance, staff or Mayor Olch should first talk to the doctors to find out what terms they would be willing to undertake the purchase, then decide if the city should serve in a facilitating role. Mayor Olch pointed out if a decision is made to assist this group of doctors financially, the city may be setting itself up for consequences such as being asked to provide support to other local clinics, doctors, businesses; stated he is supportive of sending a letter to the attorney asking consideration of a time extension as he believes the doctors need an opportunity to explore all their options and decide whether a purchase will work for them. Council member Bodell stated although she did not attend the community meeting and has heard only bits and pieces of information from the media, she is uncomfortable with involvement and does not support the city contributing monetarily. Council member Harlan commented he felt it would be appropriate to write a noncommittal letter expressing concern and interest but not offer money; stated he was struck by the quality and emotion of the testimonies of a number of the people in attendance, and the fact that even on rather short notice he believed over 200 people showed up. City Manager Ross stated a letter to the Governor requesting mediation from the state may be another option. Council member Erickson pointed out the city has heard only from the attorney for the sellers, the doctors have not formally requested anything from the city.

County Commission Meetings - Council member Bodell inquired if Council wishes her to attend next Monday's Commission meeting, and advise Council member Kerr she will take the following

Monday meeting; no objections from Council.

HDC Update - Council member Bodell reported she attended the last HDC meeting, there is not any substantial issues going on but the Commission was making progress with their retreat coming up Sunday.

PCMR - Council member Bodell expressed thanks to PCMR for the World Cup invitation, enjoyed attending the snowboarding event that had an Olympics feel; stated the resort bussed up a large number of Salt Lake City kids and has a good understanding what must be done to transport the kids to Park City Mountain Resort for the Olympics.

Egyptian Theater - Council member Bodell recommended seeing 'All I Really Needed To Know I Learned In Kindergarten'.

Olympic Welcome Plaza - Council member Bodell commented Myles Rademan will probably have to begin some agreements to get the project going. Mayor Olch reported he had a conversation today with Bill Malone who advised him an executive committee meeting was held last Tuesday and they have developed a proposal; he contacted the organizing committee and ran the proposal by Shelley, who found it favorable.

Brighton Estates - Council member Bodell reported she met with Brighton Estates people to obtain some background information and history.

Updates - Council member Bodell thanked staff for their time informing and getting her up to speed about various issues, stated she met with Tom Bakaly about the Transit Center which is moving ahead with the public art portion, also met with Jerry Gibbs and Kent Cashel concerning the transportation plan.

Awards: Library and Leisure Services - Council member Harlan announced he has been informed about two awards presented to city departments, congratulated Librarian Carol Simmons who will be featured on the cover of the April addition of the Library Journal, a publication with about 100,000 issues circulated to professional librarians across the country and an extensive inside article will also be included, the Library Board is delighted. Also congratulated the Leisure Services Department who was awarded the outstanding department award from the Utah Association of Recreational Directors and Parks for towns under 10,000 population, noted the presentation took place in St. George and included a very creative video produced by staff.

Trail Head Parking - Council member Harlan noted an emerging problem resulting from the success of some trails and a substantial number of cars parked at the trail heads; stated there is not a solution yet but it will be addressed by the Parks and Recreation Beautification Board in the near future.

Olympic Celebration Roundtable - Myles Rademan announced the Roundtable will be held on Tuesday, March 21, at the Yarrow Hotel, 6:30 PM to 9:00 PM and invited public/community attendance; said it would be a good idea if some Councilmembers made public service announcements about the meeting. Council members Jones and Bodell volunteered to make the announcements; no objections.

Review of Regular Meeting.

Subdivision Plat, 1508 Park Avenue; Subdivision Plat Amendment, 586 Main Street; and Plat Amendment, 364 Woodside Avenue - no discussion, questions or comments from Council or public.

Land Management Code Revisions - Phase 1. Planning and Zoning Administrator Patrick Putt stated drafts of the General Provisions, Definitions, Non-Conforming Uses and Off-Street Parking chapters were distributed to Council a couple of weeks ago at the time Council adopted the HR-1 and HRL chapters; staff will take tonight's input and return on March 30 for formal action on these sections, then return again on April 27 with the remaining chapters of Phase I which will mark the end of the Phase I LMC revisions. The Planning Commission will be taking public comment on the remaining Phase I chapters on Wednesday night which will be the last round for the public to have to give comments and input before sending to Council for possible final action.

Council member Bodell inquired what kind of public participation has occurred recently concerning the LMC revisions. Pat Putt responded there has been a fairly good turnout any time the zoning districts within the Historic District are addressed, particularly HR-1 and HRL; on Wednesday night, March 22, the Planning Commission will address the HCB, the Main Street core, and there should be a fairly good turnout for that because it effects the upper Park Avenue homeowners and interface areas around the Main Street core; there has not been notable input addressing the other zoning districts such as the RC zone, however, Bob Wells and Doug Clyde have attended the public meetings and are involved with the ROS zone revisions. Council member Bodell stated she does not want the public coming to the meeting at the time the chapters are presented to Council for final adoption and saying this is the first time they have heard about it. Pat Putt responded staff will look at what can be done between now and final adoption in April to heighten visibility of the LMC changes, possibly get more radio exposure; noted a substantial number of meetings have been held addressing the revisions and have been ongoing for a long time and he is confident most people have been brought up to speed; reported he spoke to Peter Barnes who sends his regard but will not be attending tonight's hearing, a lot of the issues that originally concerned Peter have been worked through.

Pat Putt reported work has begun on Phase II, Derek Satchell has been working hard on the HDC Chapter 4, which includes Historic District Commission rules and regulations, and operating procedures; this chapter will be ready for Planning Commission public hearings starting April.

Stated another big chapter in Phase II is Chapter 10, the Master Planned Development section, which includes what the Planning Commission does and the criteria they apply in the process; this chapter is scheduled for work session March 29 and the objective of that meeting is to determine the primary issues that need to be addressed in Chapter 10; stated there has been past discussion about a public participation free application process, similar to what other communities do, which CARG has brought up for a number of years, and that will be one of the issues examined; existing criteria will also be reviewed, what works, what doesn't, is new criteria needed, then an approach formulated, legislation drafted, and brought back to the Planning Commission hopefully by the end of April; the timeline for Phase II would be completion by summer.

Pat Putt reported the General Provisions chapter has been amended eliminating the requirement for 51% lot owner signatures for zoning amendments within subdivisions as few zone change requests are received, simplifying the process for someone getting before the Planning Commission and City Council. Council member Harlan inquired what the new process would be. Pat Putt explained it would just be an application submittal requirement which would not effect the noticing requirements or procedures; stated state standards, limitations and requirements for Temporary Zoning Ordinances (TZO's) have been inserted, and the process that was part of the code has been taken out of the code and applied to the applications so every time a change needs to be made to a requirement the zoning ordinance does not have to be amended by Resolution. Council member Bodell inquired how subjective that would be. Pat Putt responded that he hasn't seen that problem since he has been here.

Pat Putt reported zoning ordinance violations have been changed to a Class C misdemeanor, consistent with the state; the constitutional takings and review and appeal process has been included, again reflective of state statute; the noticing matrix amended for consistency, updated with state requirements, and format made more user friendly.

Pat Putt reported the Definitions chapter has been amended to include a substantial number of new definitions, regulatory language has been taken out of the definitions and included only in the body of the ordinance.

Pat Putt reported the Non-Conforming Use chapter has been amended by City Attorney Mark Harrington to a format people could read and understand its meaning while still being consistent with state laws. New standards have been added for enlarging, altering, moving non-conforming uses, and more restrictive criteria concerning changing non-conforming uses. Explained the concept of a non-conforming use is not to take a right away, but slowly over time bring that particular use or structure into conformance with the surrounding neighborhood and zoning. City Attorney Harrington recommended Council closely review this chapter as it is a significant policy change from the existing LMC in accordance with input by the past Council. Mark Harrington noted another part of this chapter distinguishes non-conforming uses from non-conforming structures, and stated most of the problems are non-conforming structures due to the plats; explained the criteria in the old code was written for non-conforming uses as opposed to non-conforming structures and was



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 16, 2000**

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6:00 p.m. at the Marsac Municipal Building, City Council Chambers, on Thursday, March 16, 2000. Members in attendance were Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, and Fred Jones. Shauna Kerr was absent. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Rick Lewis, Community Development Director; Patrick Putt, Planning and Zoning Administrator; Alison Kuhlow, Planner; and Denise Payne, Leisure Services Administrative Assistant.

II PUBLIC INPUT

Mayor Olch invited the public to comment on any matter of City business not scheduled on the agenda. There was no public comment.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Council member Bodell reported she noticed a car driving on the city park lawn to deliver snow shoes to event participants and requested them not to do that. Extended invitation to the Arts Council membership event 'Culture In the Canyons' this Sunday which will have wine tasting, performing, visual and culinary artists at five different locations.

City Manager Ross reported the State Transportation Commission addressed the SR 224 issue this morning and continued it until three specific issues were discussed with Park City; stated Glen Brown plans to meet with him next week to discuss the following: 1) provision of a qualifying statement that Park City will continue access according to peoples existing rights; City Manager Ross noted he does not believe this to be an effort to add an additional condition beyond what would otherwise be done, however, the language should be crafted carefully so it is not misleading; 2) the retaining wall; City Manager Ross pointed out this is a substantially bigger issue, believes the wall worth is approximately \$500,000 which amount was arrived from an engineering study that assigned present value for future wall improvements, and because of that cost the State may be willing to keep it; stated he will report back and if the meeting results in any change of conditions it will be brought back to Council; 3) inclusion of liability language; City Manager Ross stated he feels this can be clarified without a problem.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF FEBRUARY 24, 2000

Hearing no additions or corrections, Mayor Olch requested a motion to approve the minutes of February 24, 2000. Motion by Council member Harlan to approve; seconded by Council member Jones. Motion carried 4-0, Council member Kerr absent.

Roger Harlan	Aye
Fred Jones	Aye
Candace Erickson	Aye
Peg Bodell	Aye
Shauna Kerr	Absent

V CONSENT AGENDA PUBLIC HEARING

1. Ordinance approving a subdivision plat which combines two metes and bounds parcels into one lot of record at 1508 Park Avenue, Park City, Utah - Mayor Olch opened the public hearing; Planner Kuhlow presented the staff report and recommendation to approve the Ordinance. Council member Bodell inquired if parking or equipment will be relocated; Planning and Zoning Administrator Putt responded the existing south parking area will remain, a northside driveway, rear garage and equipment will be eliminated. There were no comments or questions from the public. Mayor Olch closed the public hearing.

2. Ordinance approving the subdivision plat amendment which combines one platted lot and one metes and bounds parcel into one lot to accommodate an existing historic structure and addition at 586 Main Street, Park City, Utah - Mayor Olch opened the public hearing; Planner Kuhlow presented the staff report and recommendation to approve the Ordinance, provided backup attachments to Council. Council member Bodell inquired if the alley would be kept open; Planner Kuhlow responded the alleyway is on the Gateway center property and will be kept open. There were no questions or comments from the public. Mayor Olch closed the public hearing.

3. Ordinance approving the plat amendment which combines Lot 17 and Lot 18, and the north half of Lot 10, Block 3, of the Park City Survey, into one lot to accommodate a new single family structure at 364 Woodside Avenue, Park City, Utah - Mayor Olch opened the public hearing; Planner Kuhlow presented the staff report and recommendation to approve the Ordinance. Council member Harlan inquired if Todd Mather was out of state; Planner Kuhlow responded that he moved out of state but returns and is the architect for this project. There were no questions or comments from the public. Mayor Olch closed the public hearing.

VI CONSENT AGENDA

Council member Jones inquired what mucking machine equipment will be used for the mucking contests. Rich Martinez, United Park City Mines Company, responded another machine will be used for future contests, the donated machine has historically been used in the mucking contests for 45 or 50 years and will be placed at Miners Plaza; noted engineers representing the History and Heritage Committee for the Utah Section of the American Society of Mechanical Engineers (ASME) completed a 78 page application for this donation and the equipment will be designated as an ASME Historic Mechanical Engineering Landmark. Council member Harlan introduced Donald King, Chair of Utah Section of ASME Executive Committee, and David Merrill, ASME Region Twelve, History and Heritage Committee; requested a summary of what was planned.

Mr. King reported he is presently retired, past-employee of the company that made the machine; he was asked by an ASME Executive Committee member if he could identify a machine that was designed and built in Utah, that contributed to the advance of a particular industry and had a major impact, and would qualify as a Historic Mechanical Engineering Landmark; he decided the Eimco Rocker Shovel Loader, Model 12B, also known as a mucking machine, was a candidate and prepared and submitted an application which was approved.

Mr. King stated the machine was the first of a series of loaders that in the early 1930s revolutionized the manner in which underground hard rock mining was done. It was developed by two local men who worked in the Eureka Mining District, and discovered by the President of Eimco on a tour of that area in 1930 when he came across these men and their machine. It took Eimco four years to make the decision to invest in the development and sale of the machine; Eimco purchased the manufacturing rights and patents from the designers, proceeded to build the machines and about that time World War II began and there was a strong demand for strategic minerals. Eimco no longer exists as a company in Salt Lake City, the company was purchased by a Swedish Company. The machine is no longer newly manufactured, however, parts are still supplied for many machines world wide. Mr. King noted the public benefit to see how the mining was done, especially in Park City with 1,200 miles of tunnels under the city, some of which were dug by this machine or similar equipment. Mr. King stated the ASME History and Heritage Committee will furnish a plaque to identify the machine, its developers, its inventors, and give a brief description of how it works.

Mr. Martinez added there is only one other Historic Mechanical Engineering Landmark in Utah at the Browning Firearms in Ogden. Mr. King stated it is unfortunate the Silver Mine Adventure closed pointing out the mine is an underground treasure house of old mining machinery that is in excellent condition and should also be designated. Council thanked the ASME members and Mr. Martinez for their contribution.

Motion by Council member Jones to approve the following Consent Agenda; seconded by Council member Harlan. Motion carried 4-0, Council member Kerr absent.

Roger Harlan	Aye
Fred Jones	Aye
Candace Erickson	Aye
Peg Bodell	Aye
Shauna Kerr	Absent

1. Ordinance approving a subdivision plat to combine two metes and bounds parcels into one lot of record at 1508 Park Avenue, Park City, Utah
2. Ordinance approving the plat amendment to approve the subdivision which combines one platted lot and one metes and bounds parcel into one (1) lot to accommodate an existing historic structure and addition at 586 Main Street, Park City, Utah
3. Ordinance approving the plat amendment which combines Lot 17 and Lot 18, and the north half of Lot 10, Block 3, of the Park City Survey, into one (1) lot to accommodate a new single family structure at 364 Woodside Avenue, Park City, Utah
4. Donation of mucking/drilling equipment - request concerning placement of a 1930 mining machine(Eimco Rocker Shovel Loader Model 12 B mucking machine) in Miners Plaza

VII RESIGNATION AND APPOINTMENTS

Appointment of Board of Adjustment Member and Alternate - Mayor Olch requested consideration of the appointment of two members to the Board of Adjustment. Motion by Council member Harlan to appoint Ray Craig Johnson as regular member and Gil Blonsley as alternate for terms expiring January, 2005; motion seconded by Council member Bodell. Motion carried 4-0, Council member Kerr absent.

Roger Harlan	Aye
Fred Jones	Aye
Candace Erickson	Aye
Peg Bodell	Aye
Shauna Kerr	Absent

VIII PUBLIC HEARING

Land Management Code revisions - Phase I (Chapters: General Provisions/Procedures, Off-Street Parking, Non-Conforming Uses and Buildings, Definitions - (Also see Work Session Notes) Mayor

Olch opened the Public Hearing to consider Land Management Code revisions. Planning and Zoning Administrator Putt noted high points and significant changes were reviewed during work session; recommended the Public Hearing be opened to receive council and public input, and continued to March 30, 2000 for additional public input and possible adoption.

Mayor Olch invited council and public comment - None. Mayor Olch invited motion to continue the hearing. Motion by Council member Jones to continue review and hearing to March 30, 2000; seconded by Council member Erickson. Motion carried 4-0, Council member Kerr absent.

Roger Harlan	Aye
Fred Jones	Aye
Candace Erickson	Aye
Peg Bodell	Aye
Shauna Kerr	Absent

IX ADJOURNMENT

With no further business, the regular meeting of the City Council adjourned at 6:30 p.m.

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MEMORANDUM OF CLOSED SESSION

The City Council met in Closed Session at approximately 3:30 p.m. Members in attendance were Mayor Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, and Fred Jones. Shauna Kerr was excused. Staff present were Toby Ross, City Manager, and Mark Harrington, City Attorney. Roger Harlan, "I move to open Closed Session to discuss property acquisition and litigation matters". Fred Jones seconded. Motion carried 4-0, Council member Kerr absent.

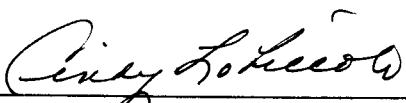
Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Aye
Shauna Kerr	Absent

Closed Session adjourned at approximately 4:30 p.m.

* * * * *

The meeting for which these minutes were prepared was noticed by posting 72 hours in advance and by delivery to the news media four days prior to the meeting.

Prepared by Cindy LoPiccolo.


Cindy LoPiccolo, Deputy City Recorder





CITY COUNCIL REPORT

DATE: March 16, 2000
DEPARTMENT: Planning
AUTHOR: Thomas E. Barlow
TITLE: US West - Addition/Remodel
TYPE OF ITEM: Regular Agenda Item - Subdivision Plat

SUMMARY RECOMMENDATIONS: Hold a public hearing and consider Staff's recommendation to approve the applicant's proposal for a subdivision plat based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

A. PROJECT STATISTICS

Applicant: US West - NJRA Architects
Location: 1508 Park Avenue
Proposal: Subdivision Plat
Zoning: General Commercial (GC) with a Frontage Protection Zone (FPZ) overlay
Adjacent Land Uses: Residential/Commercial
Date of Application: November 12, 1999

B. BACKGROUND

The applicant submitted an application to the Planning Department for a Conditional Use Permit to build an addition within the Frontage Protection Zone and execute a Subdivision Plat.

This application was before the Planning Commission on February 23, 2000, where they had concerns about tailings near the site which might affect excavation on the property. The parcels are located within the Prospector Soils and Maintenance area and is subject to the Prospector Landscaping and Maintenance of Soils Ordinance dated December 8, 1988. The Commission at that meeting approved the Conditional Use Permit and forwarded the subdivision plat with a positive recommendation to City Council.

The applicant is proposing a one-lot subdivision to formally and legally combine two metes

and bounds parcels into one single lot of record at 1508 Park Avenue. US West is currently using the property as a single piece of property. Creation of a single lot is required to meet setbacks for the proposed addition. The proposed construction will consist of a 5,200 square foot addition to the "rear" or northeast side of the existing US West building. The work will consist of a basement and ground-level main floor addition to facilitate telephone switch equipment that is needed in order to accommodate growth in the Park City area.

C. ANALYSIS

The applicant is proposing a subdivision plat to combine two metes and bounds parcels into one. The larger parcel is 24,500 square feet, the smaller parcel is 11,998 square feet. The total combined area is 36,498 square feet or 0.84 acre. The reason for the subdivision plat is to accommodate an addition used to house mechanical equipment. The existing detached building on the south westerly end of the site will be demolished. The existing detached garages on the north easterly portion of the site will also be demolished to make room for the addition. New landscaping will occur in both locations. The landscape plan submitted on February 10 calls for sod, trees, and ground cover in these areas. The existing driveway on the north side of the lot will be removed and replaced with sod and trees. Staff is requesting the Planning Department be allowed to do the final review and approval of the landscape plan. The applicant is requesting final approval of the subdivision plat. Staff finds the proposal to be consistent with Land Management Code, Chapters 7 and 15.

RECOMMENDATION:

Staff recommends the City Council approve the applicant's request for a subdivision plat, based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Planning Commission forwarded a positive recommendation on the subdivision plat to the City Council on February 23, 2000.
2. The proposed building addition is located within the General Commercial zone and the Frontage Protection Zone.
3. The site is located within an area subject to the Prospector Landscaping and Maintenance of Soils Ordinance.
4. The applicant agrees with the conditions of approval
5. The proposed subdivision plat will combine two (2) metes and bounds parcels into one (1) lot of record to allow for the construction of an addition an existing commercial structure.

Conclusions of Law:

1. There is good cause for the subdivision plat amendment as it will allow for one platted lot of record.
2. Neither the public nor any person will be materially injured by the proposed subdivision plat.

3. The proposal is consistent with the Park City Land Management Code Chapter 7 and Chapter 15.

Conditions of Approval:

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Community Development Department is a condition precedent to the issuance of any building permit. The CMP shall outline specific measures, including soil testing and management to be undertaken during construction to ensure compliance with the Prospector Landscaping and Maintenance of Soils Ordinance.
2. City Attorney and City Engineer review and approval of the subdivision plat for compliance with the Land Management Code, State of Utah Code and these conditions of approval is a condition precedent to plat recording.
3. This approval shall expire one year from the date of City Council approval, unless this subdivision plat is recorded with Summit County prior to that date.
4. A building permit for the proposed work may not be issued until the plat is recorded.
5. All standard conditions of approval shall apply.
6. A final landscape plan shall be submitted to the City for review and approval prior or any permit issuance.
7. A building permit for the proposed work may not be issued until the plat is recorded.

EXHIBITS:

Exhibit A - Location Map
Exhibit B - Site plan
Exhibit C - Proposed Subdivision Plat
Exhibit D - Standard Project Conditions
Exhibit E - Proposed Ordinance

1508 Park Ave.

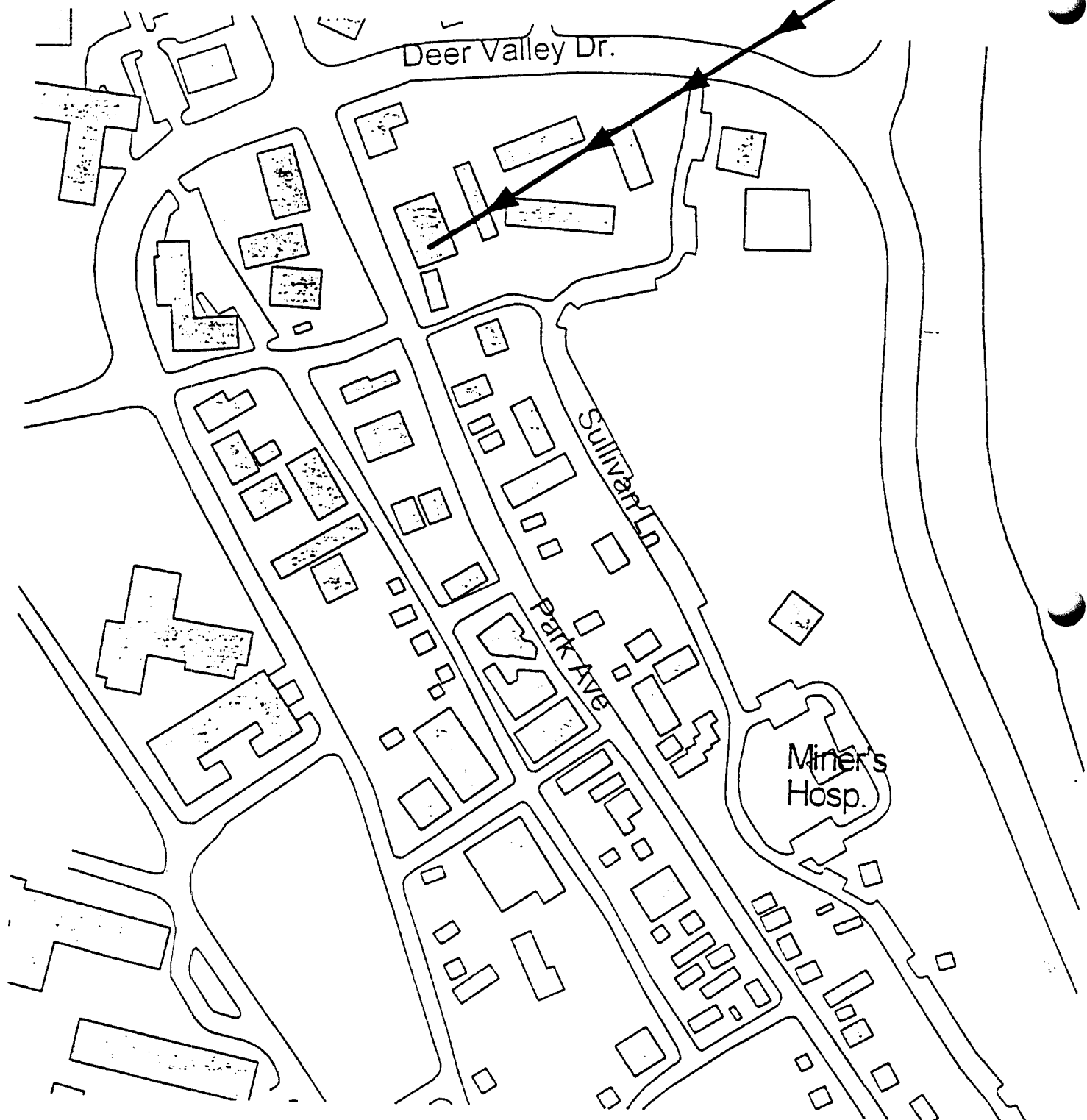
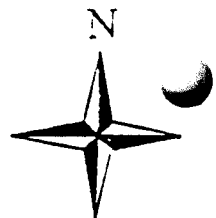


Exhibit A Vicinity Map



STATEMENTS OF FACT

1. The property is located in the City of Salt Lake County, Utah, and is bounded by the following: North by the 1000' wide right-of-way of the Salt Lake Valley Road, East by the 1000' wide right-of-way of the Salt Lake Valley Road, South by the 1000' wide right-of-way of the Salt Lake Valley Road, and West by the 1000' wide right-of-way of the Salt Lake Valley Road.

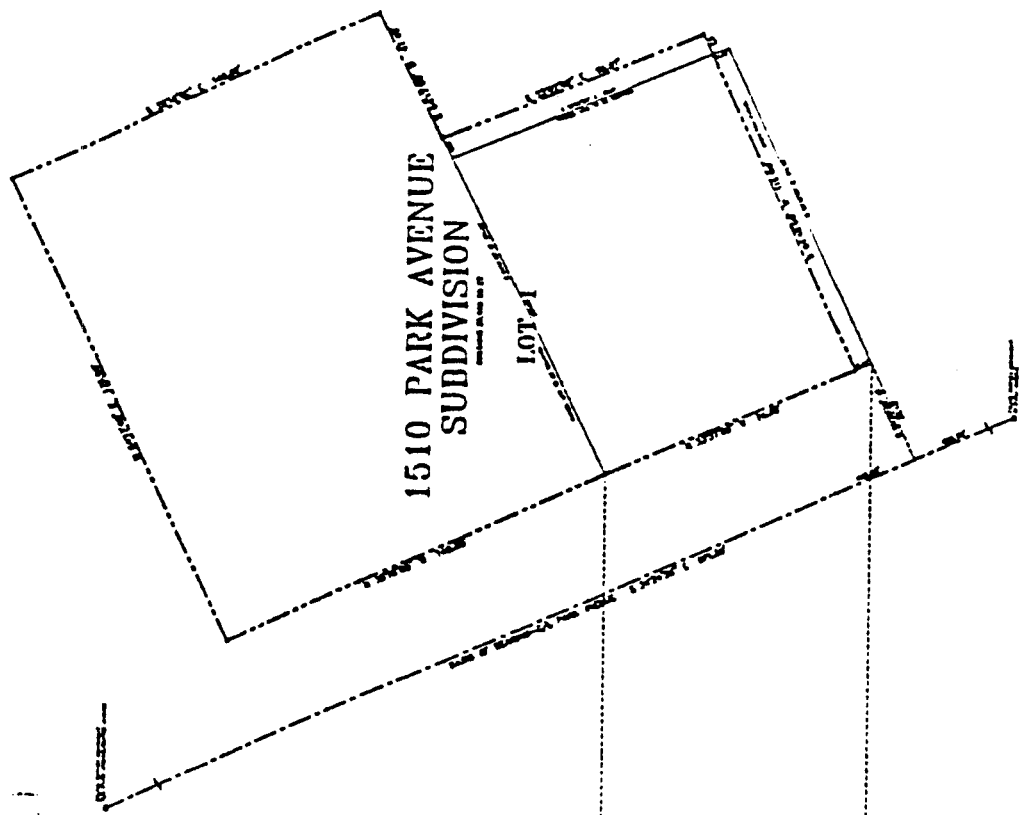
LEGAL DESCRIPTION

Beginning at a point in the 1000' wide right-of-way of the Salt Lake Valley Road, and running North 89° 15' 00" East 1000' to a point in the 1000' wide right-of-way of the Salt Lake Valley Road, and running North 0° 00' 00" East 1000' to a point in the 1000' wide right-of-way of the Salt Lake Valley Road, and running North 89° 15' 00" West 1000' to the point of beginning.

Beginning at a point in the 1000' wide right-of-way of the Salt Lake Valley Road, and running North 89° 15' 00" East 1000' to a point in the 1000' wide right-of-way of the Salt Lake Valley Road, and running North 0° 00' 00" East 1000' to a point in the 1000' wide right-of-way of the Salt Lake Valley Road, and running North 89° 15' 00" West 1000' to the point of beginning.

Beginning at a point in the 1000' wide right-of-way of the Salt Lake Valley Road, and running North 89° 15' 00" East 1000' to a point in the 1000' wide right-of-way of the Salt Lake Valley Road, and running North 0° 00' 00" East 1000' to a point in the 1000' wide right-of-way of the Salt Lake Valley Road, and running North 89° 15' 00" West 1000' to the point of beginning.

Beginning at a point in the 1000' wide right-of-way of the Salt Lake Valley Road, and running North 89° 15' 00" East 1000' to a point in the 1000' wide right-of-way of the Salt Lake Valley Road, and running North 0° 00' 00" East 1000' to a point in the 1000' wide right-of-way of the Salt Lake Valley Road, and running North 89° 15' 00" West 1000' to the point of beginning.



A PARCEL COMBINATION PLAT

1510 PARK AVENUE SUBDIVISION

LOCATED IN SECTION 9, T11N, R11E, S4E, SALT LAKE COUNTY, UTAH
TOWNSHIP 3 SOUTH, RANGE 11 EAST, SECTION 9

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing petition for the subdivision of the above described land, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 1999.

My commission expires _____

APPROVED:

County of _____

On this day of _____, 1999, before me, the undersigned authority, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing petition for the subdivision of the above described land, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My commission expires _____

NOTICE

(100) and return to the State

1000' 1000' 1000'

RECEIVED
NOV 12 1999
PARK CITY
PLANNING DEPT.

10 20 30'

UTAH DEPARTMENT OF HERITAGE STATE OF UTAH COUNTY OF _____ AND 1880 DATE _____ TIME _____		RECEIVED STATE OF UTAH COUNTY OF _____ AND 1880 DATE _____ TIME _____	
ENGINEER'S CERTIFICATE I, the undersigned, being a duly licensed Professional Engineer in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as the same appears on the records of the State of Utah. DATE _____	PLANNING COMMISSION APPROVED BY THE PLANNING COMMISSION OF THE CITY OF PARK CITY, UTAH, on this _____ day of _____, 1999. DATE _____	APPROVAL AS TO FORM APPROVED AS TO FORM BY THE CITY CLERK OF THE CITY OF PARK CITY, UTAH, on this _____ day of _____, 1999. DATE _____	CERTIFICATE OF ATTEST I, the undersigned, being a duly licensed Professional Engineer in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as the same appears on the records of the State of Utah. DATE _____
SHERRILL BISHOP ENGINEERING BUSINESS 1000' 1000' 1000'		APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTED BY THE PLANNING DEPT. OF THE CITY OF PARK CITY, UTAH, on this _____ day of _____, 1999. DATE _____	

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of

disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.



Ordinance No. 00-

AN ORDINANCE APPROVING A SUBDIVISION PLAT TO COMBINE TWO METES AND BOUNDS PARCELS INTO TWO ONE LOT OF RECORD AT 1508 PARK AVENUE, SE 1/4, SW 1/4 OF SECTION 9, PARK CITY, UTAH

WHEREAS, the owner, US West, of the property known as 1508 Park Avenue, have petitioned the City Council for approval of a subdivision plat; and

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

WHEREAS, on February 23, 2000 the Planning Commission held a public hearing to receive public input on the proposed final subdivision plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner; and

WHEREAS, the proposed subdivision plat allows the property owner to consolidate portions of two metes and bounds parcels into one lot of record; and

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

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 Planning Commission forwarded a positive recommendation for the subdivision plat to the City Council on February 23, 2000.
2. The proposed dwelling is located within the General Commercial zone and the Frontage Protection Zone.
3. The applicant agrees with the conditions of approval

4. The proposed subdivision plat will combine two (2) metes and bounds parcels into one (1) lot of record to allow for the construction of an addition to an existing commercial structure.

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

1. There is good cause for the subdivision plat amendment as it will allow for one platted lot of record.
2. Neither the public nor any person will be materially injured by the proposed subdivision plat.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15.

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

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Community Development Department is a condition precedent to the issuance of **any** building permit.
2. City Attorney and City Engineer review and approval of the subdivision plat for compliance with the Land Management Code, State of Utah Code and these conditions of approval are a condition precedent to plat recording.
3. This approval shall expire one year from the date of City Council approval, unless this subdivision plat is recorded with Summit County.
4. A building permit for the proposed work may not be issued until the plat is recorded.
5. All standard conditions of approval shall apply.
6. A building permit for the proposed work may not be issued until the subdivision plat is recorded.

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

PASSED AND ADOPTED this 20th day of March, 2000.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

CITY COUNCIL
STAFF REPORT

DATE: March 16, 2000
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow, AICP
TITLE: 586 Main Street Subdivision
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct a public hearing, consider public input and approve the Subdivision which combines one platted lot and one metes and bounds parcel into one (1) lot to accommodate an existing historic structure and addition.

DESCRIPTION:**A. Topic.****PROJECT STATISTICS**

Applicant: David White, Architect
Owner: Sanford Sugar
Location: 586 Main Street
Zoning: Historic Commercial Business District (HCB)
Adjacent Land Uses: Commercial Structures
Date of Application: November 22, 1999

B. Background.

On March 8, 2000, the Planning Commission forwarded a positive recommendation to the City Council to approve the Subdivision to create one (1) lot to accommodate an existing historic commercial structure and addition.

The applicant, David White, submitted an application to combine the north 23.6 feet of Lot 22, Block 24 of the Park City Survey and one metes and bounds parcel into one platted lot to accommodate the existing historic structure and proposed addition. The structure currently encroaches 0.8' into the lot to the north and fronts both Main Street and Swede Alley. The existing structure's tenants are Kampai, a Japanese restaurant, and offices on the second floor. The proposed subdivision, if approved, will allow for an increase in the restaurant area and an additional office tenant space.

The subdivision application was presented to the Planning Commission for review on February 9, 2000. During the public hearing, Jim Tozer, owner of the Gateway Center, expressed concerns regarding the separation of the Gateway Center and any new construction on the proposed lot and mentioned a five foot (5') easement that he was required to provide on the south side of Gateway's property. At that time the Commission continued the public hearing in order for Staff to research the requirements of setback from property line provided by the Gateway Center.

Through research of the review and approval of the Gateway Center, it was found that the five foot (5') easement placed on the south side of the property was a result of a condition placed on the property by the building. The building has a fire exit and stairwell on the east side of the building, which backs up to the Main Street businesses. Due to exiting requirements, as stated in the Uniform Building Code, the building's exits must have access to a public way. The five foot (5') easement was needed to provide the required access to a public way.

An Historic District Design Review Application has been submitted to the Planning Department for an addition to the existing historic structure located at 586 Main Street. Staff is currently reviewing the application, and has not yet scheduled the application for an Historic District Commission Meeting.

C. Analysis

This request is to formally combine an existing platted lot and a metes and bound parcel to create one lot for a historic structure and addition. The new lot would be approximately 2,854 square feet.

The applicant is proposing to construct an addition to the historic structure. Because the existing structure is an historic structure the Floor Area Ratio of the HCB District does not apply. All other requirements of the Land Management Code shall apply. Any addition to the structure requires approval by the Historic District Commission and shall meet the applicable criteria of the Historic District Design Guidelines, including compatibility with the existing structures in the surrounding area. The property was assessed in 1984 for the Main Street Parking Special Improvement District and has fully paid, however, any new addition to the structure will need to provide parking at the rate of six (6) spaces per 1,000 square feet of building area over 1.5 FAR.

	Lot 1
Lot Size	2,854 square feet
Zone	HCB
Setbacks	
• Front	0 feet
• Rear	0 feet
• Side	0 feet
Height	45 feet*
F.A.R.	N/A

Land Management Code Volumetric for HCB District:

** A maximum building envelope shall be defined by a plane that rises vertically at the front lot line*

to a height of 30 feet measured above the natural grade and then proceeds at a 45 degree angle toward the rear of the property until it intersects with a point of 45 feet above that natural grade. No part of a building shall be erected to a height greater than 45 feet, measured from natural grade at the building site. Similarly, the rear portion of the bulk plane shall be defined by a plane that rises vertically at the rear lot line to a height of 30 feet measured above the average natural grade and then proceeds at a 45 degree angle toward the front of the property until it intersects with a point 45 feet above natural grade of the building site. This provision shall not be construed to encourage solid roofing to follow the 45 degree set back plane.

Issues regarding the setback from the north property line, will need to be addressed at the Historic District Commission. The parcels are zoned HCB and, through the Land Management Code, have no required setbacks from property lines. Any proposed construction on the parcel will be required to comply with the Historic District Design Guidelines. At that time, issues regarding design of the building and the use of materials will be discussed. Setbacks from the property line may be required at that time by the Historic District Commission due to neighborhood compatibility or may be required by criteria stated in the Uniform Building Code regarding the placement of windows on the facade and their setback from the property line.

E. Department Review

The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat prior to recordation. The request was discussed at a Staff Review Meeting on December 21, 1999, where representatives from local utilities and City Staff were in attendance.

F. Summary and Recommendation

Staff recommends that the Planning Commission conduct a public hearing, consider public input and approve the subdivision for 586 Main Street based on the following Findings of Fact, Conclusions of Law and Conditions of approval;

Findings of Fact:

1. The property is in the Historic Commercial Business District.
2. The proposed Subdivision will combine one (1) platted lot and a metes and bounds parcel into one (1) lot to accommodate an existing historic structure.
3. The existing structure is historic and contributory to the district.
4. The existing historic structure encroaches into the lot to the north by 0.8'.
5. Utility service is necessary to service new construction and to provide for the health, safety and welfare of the general public.

Conclusions of Law:

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.
4. The proposal complies with the Park City General Plan.

Conditions of Approval:

1. Prior to plat recordation the City Attorney and City Engineer shall review and approve the plat amendment for compliance with the Land Management Code and conditions of approval.
2. Any additions or new structures constructed on the newly created lot shall be reviewed for compliance with the Historic District Guidelines, pursuant to the Land Management Code Chapter 4.
3. Any additions or new structures shall meet the Land Management Code requirements for the HCB District, including parking.
4. A facade easement for the west elevation shall be recorded prior to the recordation of the Subdivision.
5. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
6. Any public utilities existing on, over, or under the property shall be relocated by the applicant as deemed necessary by the City Engineer.
7. All Standard Project Conditions shall apply (Please see Exhibit C - Standard Project Conditions).

EXHIBITS:

Exhibit A - Location Map

Exhibit B - Proposed Subdivision

Exhibit C - Standard Project Conditions

Ordinance No. 20-

AN ORDINANCE APPROVING A SUBDIVISION PLAT TO COMBINE THE NORTH 23.6 FEET OF LOT 22, BLOCK 24 OF THE PARK CITY SURVEY AND ONE METES AND BOUNDS PARCEL INTO ONE PLATTED LOT FOR 586 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owners of the north 23.6 fee of Lot 22, Block 24 of the Park City Survey and a metes and bounds parcel located at 586 Main Street have petitioned the City Council for approval of a final subdivision plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

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

WHEREAS, the Planning Commission held a public hearing on February 9, 2000, to receive input on the proposed subdivision plat;

WHEREAS, the Planning Commission, on March 8, 2000, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 16, 2000, the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The property is in the Historic Commercial Business District.
2. The proposed Subdivision will combine one (1) platted lot and a metes and bounds parcel into one (1) lot to accommodate an existing historic structure.
3. The existing structure is historic and contributory to the district.
4. The existing historic structure encroaches into the lot to the north by 0.8'.
5. Utility service is necessary to service new construction and to provide for the health, safety and welfare of the general public.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendment, that neither the public nor any person will be

materially injured by the proposed amendment and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The plat amendment to combine the north 23.6 fee of Lot 22, Block 24 of the Park City Survey and a metes and bounds parcel also know as the 586 Main Street Subdivision, is approved as shown on Exhibit B, with the following conditions:

1. Prior to plat recordation the City Attorney and City Engineer shall review and approve the plat amendment for compliance with the Land Management Code and conditions of approval.
2. Any additions or new structures constructed on the newly created lot shall be reviewed for compliance with the Historic District Guidelines, pursuant to the Land Management Code Chapter 4.
3. Any additions or new structures shall meet the Land Management Code requirements for the HCB District, including parking.
4. A facade easement for the west elevation shall be recorded prior to the recordation of the Subdivision.
5. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
6. Any public utilities existing on, over, or under the property shall be relocated by the applicant as deemed necessary by the City Engineer.
7. All Standard Project Conditions shall apply (Please see Exhibit C - Standard Project Conditions).

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

PASSED AND ADOPTED this 16th day of March, 2000 .

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, MAYOR

ATTEST:



Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

**CITY COUNCIL
STAFF REPORT**

DATE: March 16, 2000
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow, AICP
TITLE: 364 Woodside Avenue - Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct a public hearing and approve the Plat Amendment request combine Lot 17 and Lot 18, and the north half of Lot 19, Block 3, of the Park City Survey into one (1) lot to accommodate a new single family structure.

DESCRIPTION:**A. Topic.****PROJECT STATISTICS**

Applicant: Todd Mather, Architect
Owners: Jeff Wardell
Location: 364 Woodside Avenue
Proposal: Plat Amendment
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential

B. Background.

On February 23, 2000, the Planning Commission forwarded a positive recommendation to the City Council to approve the Plat Amendment to create one (1) lot to accommodate a new single family structure.

The owner of Lot 17 and Lot 18, and the north half of Lot 19, Block 3, of the Park City Survey, Jeff Wardell, submitted an application to combine two and a half lots into one (1) 4687.5 square foot lot to accommodate a new single family structure. The proposed project is located on the west side of Woodside Avenue. Lots 17, 18 and 19 are each a standard 25' x 75' old town lot and all are currently undeveloped.

The applicant submitted a Conditional Use Permit application on December 8, 1999. The application is for the construction of a single-family residence, on a 62 ½' x 75' lot in Old Town, having a slope greater than thirty per cent and a total square footage greater than 800 square feet. The applicant filed a conditional use permit since the Land Management Code HR-1 TZO requires

the Planning Commission to review and approve/deny any development on a steep slope within the HR-1 zone.

An HDC Design Review Application has also been submitted to the Planning Department for the proposed structure at 364 Woodside Avenue. Staff is currently reviewing the application, and has scheduled the review for the March 6, 2000, Historic District Commission Meeting.

C. Analysis

This request is to formally combine two and a half (2½) existing lots to create a parcel for a single family residence. The size of the structure located on the parcel will be limited by the current setback, and height requirements of the Land Management Code for the HR-1 District.

		Lot 1
Lot Size		4687.5 square feet
Building Pad		2723 square feet
Maximum Building Footprint		1801 square feet
Setbacks		
main structure	• Front	10'
	• Side	5', total 14'
	• Rear	10'
accessory structure	• Front	4' variance approved
	• Side	1'
	• Rear	10'
Height		27'
Parking		2 spaces

Lot combinations which result in larger than standard lots have been allowed in the past, in areas where the ownership pattern is one of several lots and surrounding houses are larger than typical old town houses. In the surrounding area, the lot ownership pattern is typically one and a half contiguous lots or more. Lots, in the area, range in size from approximately 1,875 square feet to 3,750 square feet.

D. Notice

Notice of this hearing was sent to property owners within 300' on January 18, 2000. No formal comments have been filed at the time of this report.

E. Department Review.

The Community Development Department has reviewed this request. The City Attorney's Office will review the plat prior to recordation. The request was discussed at a Staff Review Meeting on January 4, 2000, where representatives from local utilities and City Staff were in attendance. No issues were presented which remain unresolved insofar as the plat amendment is concerned..

ALTERNATIVES

- A. Recommend approval of the proposed subdivision plat amendment by combining Lot 17 and Lot 18, and the north half of Lot 19, Block 3, of the Park City Survey and thereby removing the common lot line between the lots.
- B. Deny the plat amendment and retain the original Record of Survey.
- C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The proposed amendment will result in one (1) lot which is larger than the standard "Old Town" lot measuring 62½' x 75'. The plat amendment will allow for the construction of a single family house. Given the required setbacks, the historic district height restrictions, and the predominant ownership pattern and house size in the area, the lot combination results in proposed structures which are compatible in mass and scale with the immediate neighborhood.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the lots would remain in their 25' x 75' configuration. Any development occurring on the lots would require a Conditional Use Permit for construction on a slope greater than 30%.

RECOMMENDATION:

Staff recommends that the City Council approve the Plat Amendment for 364 Woodside Avenue based on the following findings and conditions;

Findings of Fact:

- 1. The proposed Plat Amendment will combine two and a half (2½) lots into one (1) lot in order to allow for construction of a single family residence.
- 2. The property is located in the HR-1 District.
- 3. The applicant agrees with the conditions of approval

Conclusions of Law:

- 1. There is good cause for the amendment.
- 2. Neither the public nor any person will be materially injured by the proposed plat amendment.
- 3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and

Chapter 15 and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. The remnant half of Lot 19 is not separately developable.
3. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
4. A Building Permit may not be issued for 364 Woodside Avenue until the Plat Amendment is recorded.
5. All Standard Project Conditions shall apply (Please see Exhibit C - Standard Project Conditions).

EXHIBITS:

Exhibit A - Location Map

Exhibit B - Existing Conditions/Proposed Plat

Exhibit C - Standard Project Conditions

Ordinance No. 20-

AN ORDINANCE APPROVING A PLAT AMENDMENT REQUEST COMBINE LOT 17 AND LOT 18, AND THE NORTH HALF OF LOT 19, BLOCK 3, OF THE PARK CITY SURVEY INTO ONE (1) LOT FOR 364 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of Lot 17 and Lot 18, and the north half of Lot 19, Block 3, of the Park City Survey located at 364 Woodside Avenue have petitioned the City Council for approval of a final plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

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

WHEREAS, the Planning Commission held a public hearing on February 23, 2000, to receive input on the proposed subdivision plat;

WHEREAS, the Planning Commission, on February 23, 2000, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 16, 2000, the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The proposed Plat Amendment will combine two and a half (2½) lots into one (1) lot in order to allow for construction of a single family residence.
2. The property is located in the HR-1 District.
3. The applicant agrees with the conditions of approval

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendment, that neither the public nor any person will be materially injured by the proposed amendment and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The plat amendment to combine Lot 17 and Lot 18, and the north half of Lot 19, Block 3, of the Park City Survey also know as the 364 Woodside Avenue, is approved as shown on Exhibit B, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. The remnant half of Lot 19 is not separately developable.
3. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
4. A Building Permit may not be issued for 364 Woodside Avenue until the Plat Amendment is recorded.
5. All Standard Project Conditions shall apply (Please see Exhibit C - Standard Project Conditions).

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

PASSED AND ADOPTED this 16th day of March, 2000 .

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



MAR 10 2000

CITY LEGAL

RORY MURPHY
VICE PRESIDENT

March 9, 2000

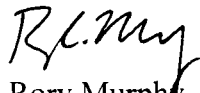
The Honorable Mayor and City Council
Park City Municipal Corporation
1255 Park Avenue
Park City, UT 84060

To the Honorable Mayor and City Council of Park City:

United Park City Mines Company intends to donate an Eimco 12 B Mucking machine to Park City. It is to be placed in the New Miners Park.

We will weld all of the moving parts on the machine and anchor it to the track. The bucket will be put down on the track and fixed so it can't be moved. I hope that this alleviates your concerns. Please let me know if there is additional information you require regarding this donation.

Thank you,


Rory Murphy
Vice President

HD



CITY COUNCIL AGENDA REPORT

DATE: March 16, 2000
DEPARTMENT: Leisure Services
AUTHOR: Denise Payne
TITLE: Miners Plaza
TYPE OF ITEM: Consent Item

SUMMARY RECOMMENDATIONS: Approve request regarding placement of a 1930 mining machine in Miners Plaza.

DESCRIPTION:

A. Topic:

Placement of an EIMCO ROCKER SHOVEL LOADER, MODEL 12B Mining machine to be placed in Miner's Plaza which would then be designated as an ASME Historic Mechanical Engineering Landmark.

B. Background:

Park City Municipal received the attached letter from Donald L. King, Chair of History and Heritage Committee for the Utah Section of the American Society of Mechanical Engineers (ASME) requesting placement of an EIMCO ROCKER SHOVEL LOADER, MODEL 12B Mining Machine.

This machine was designed in Utah around 1930 and manufactured in Salt Lake City. It is the same one used for the Mucking and Drilling Contest for Park City's Miners Day Celebration. Park City Mines Company is willing to donate, deliver and place the machine in the park. The park would be designated as an ASME Historic Mechanical Engineering Landmark. A plaque would also be installed with the machine which identifies the machine, its inventors, manufacturer and how it was used.

I have been working with Richard Martinez, Sr. and Troy Dayley, Parks Supervisor for placement of the machine, safety issues and other issues. The machine to be installed in Miners Plaza is the actual mucking machine that Park City has been using each year for the Mucking and Drilling Contest during the Miners Day Celebration.

C. Analysis:

The Parks Department has agreed to clean up the site after installation at a cost of approximately \$300. At this time, Parks staff does not feel there will be any future maintenance costs after installation. ASME has been informed that they will need to work with Park City Municipal staff, i.e. Melissa Caffey, Special Event Coordinator to coordinate a designation ceremony which is tentatively scheduled for September 23, 2000. All media announcements and invitations to the ceremony will need to be done through ASME and include Park City Municipal logo. Any plaque for the machine will be consistent with the Fireform Porcelain plaques throughout the park.

D. Department and Board Review:

PRBB reviewed the proposal during their February 16, 2000 meeting and the Board felt installation of the machine would enhance Miner's Plaza. Derek Satchell announced the information at the HDC meeting March 6, 2000. Community Development and Leisure Services have reviewed and approve installation of the machine. Legal has reviewed the information and has requested a letter from Park City Mines with information on the process they will use to ensure safety measures will meet with approval. The letter was received March 9, and forwarded to Tim Twardowski, Assistant City Attorney.

ALTERNATIVES:

1. **Approve Request**
2. **Deny Request**
3. **Continue Action** - Continue action if more information is requested.

RECOMMENDATION:

Staff recommends approval of the installation of the EIMCO ROCKER SHOVEL LOADER, MODEL 12B Mining machine in Miner's Plaza.

DONALD L. KING
993 EAST MILLBROOK WAY
BOUNTIFUL, UTAH 84010
Telephone 801 295 8318

January 11, 2000

Administrator of Parks
Park City, Utah

Dear Administrator,

Please excuse the lack of a name and complete address for this letter, as well as non-use of ASME letterhead for the organization I represent. It is important to get this letter to you very soon. Richard Martinez of Park City Mines Company has offered to deliver this letter.

I presently serve as chair of History and Heritage Committee for the Utah Section of the American Society of Mechanical Engineers, also known as ASME International. At the end of this letter I will provide summary information about ASME.

At the request of the Executive Committee of the Utah Section of ASME in early 1998, I have identified, and the Utah Section of ASME has nominated a mining machine, designed in Utah in about 1930 and manufactured in Salt Lake City, that qualifies as an International ASME Historic Mechanical Engineering Landmark. The ASME History and Heritage Committee at ASME Headquarters in New York City approved the nomination in June 1999.

The mining machine identified and approved is an EIMCO ROCKER SHOVEL LOADER, MODEL 12B. At the time of nomination and approval, the machine to be designated an International ASME Historic Mechanical Engineering Landmark was on display at the Silver Mine Adventure Tour. Park City Mines Company had agreed to allow designation of an EIMCO ROCKER SHOVEL MODEL 12B, and work on a brochure for the Designation Ceremony was proceeding when in about October 1999, Park City Mines Company decided to close the Silver Mine Adventure Tour. All activity for the ceremony was placed on hold until determination of an alternate designation plan.

Richard Martinez of United Park City Mines Company suggested that one of their machines could be donated to Park City if Park City would approve placing the machine at Miner's Plaza on Main Street in Park City. Richard offered to investigate this possibility and advise me.

Thus, this letter is a request to the Administrator of Parks in Park City, Utah, for permission to allow an EIMCO ROCKER SHOVEL LOADER, MODEL 12B Mining Machine to be placed at Miner's Plaza which could then be designated as an ASME Historic Mechanical Engineering Landmark.

Richard Martinez has stated to me that Park City Mines Company would donate, deliver and place the machine in the park if Park City would allow such to be done.

Hopefully, the answer to the request will be affirmative, and the next actions would be those associated with the placing of the machine in the Plaza and the planning of a designation ceremony. We of the Utah Section of ASME have to proceed under strict guidelines of the ASME History and Heritage Committee in New York City in addition to coordinating with the owner of the machine, which would be Park City.

The Designation Ceremony involves presentation of a commemorative cast bronze plaque, furnished by ASME, to the owner of the machine, which would be Park City. The plaque measures 12 by 18 inches with cast raised lettering of wording which identifies the designated machine, its inventors, its manufacturer, and how it

functions. The raised letters are polished, and the surface of the plaque is treated for resistance to the elements. ASME History and Heritage Committee of New York will periodically monitor the condition of the plaque via request to the Utah Section of ASME. The intent of monitoring is to insure that the designation remains special, as the requirements to qualify for designation are quite rigorous. When complete the proposed designation will be the second in the state of Utah.

Obviously you need additional information to answer my request. The following should answer the questions that I anticipate.

1. What type of machine is the EIMCO ROCKER SHOVEL LOADER, MODEL 12B, And how does it work?

The EIMCO ROCKER SHOVEL LOADER, MODEL 12B, WAS THE FIRST SUCCESSFUL MECHANICAL DEVICE TO REPLACE THE HUMAN LABOR IN REMOVING ROCK AND RUBBLE FOLLOWING BLASTING IN UNDERGROUND HARD ROCK MINES. PRESSURIZED AIR OPERATED, THE BUCKET DIGS INTO THE ROCK AND RUBBLE, LIFTS AND THROWS IT REARWARD INTO A MINE CAR WITH A SNAP! DESIGNED BY: EDWIN BURT ROYLE AND JOHN FINLAY. DEVELOPED, MANUFACTURED AND SOLD INTERNATIONALLY BY THE EIMCO CORPORATION, SALT LAKE CITY, UTAH.

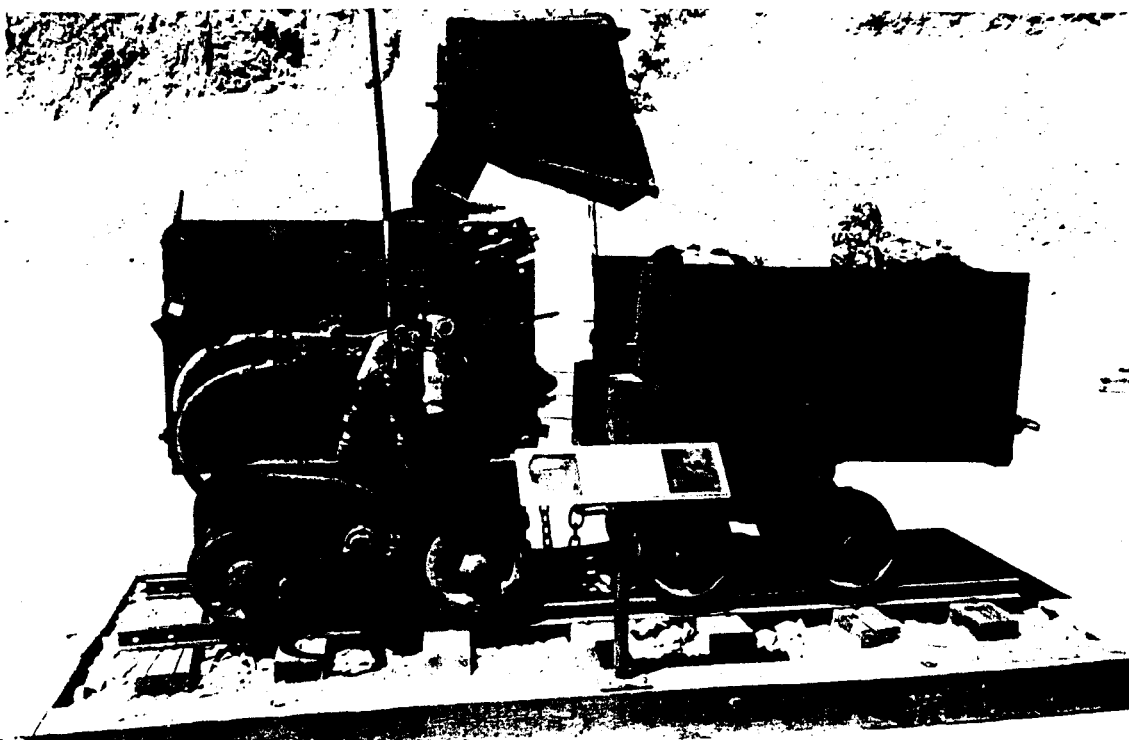
DONATED BY: PARK CITY MINES COMPANY.

OWNER: PARK CITY CORPORATION,

Note: The above is also the proposed plaque wording.

2. How is it proposed to mount the machine in the Miner's Plaza, and what is required by Park City to do so?

Refer to the photograph below which was taken in June 1998 of a model 12B located at the Kennecott Copper Corporation's Bingham Canyon Mine Visitor's Center. The photograph is self-explanatory, and it is believed this type mounting is very appropriate and safe. There is presently a mine car in Miner's Plaza, and it could be coupled to the loader. With the bucket of the loader in locked raised position, and rocks in the car, the operation of the machine should be obvious.



There is need for a mount for the plaque.

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Because the EIMCO Corporation no longer exists, I hope that Park City Mines Company, the donor, will be willing to provide rails, ties, rock fill, surrounding ties and placement of the loader in the Miner's Plaza. The loader weighs approximately 4200 pounds.

3. Why was the loader shown in the photograph at the Kennecott mine in Bingham not selected as the Landmark to be designated?

a. The reason is the Kennecott Bingham Canyon Mine Visitors Center is closed from end of October through April 1, whereas Park City Main Street is open all year, and many more people will see it.

b. Also, this type of loader was used for a large portion of the approximate 1200 miles of mine tunnel under Park City.

4. When is the proposed designation ceremony planned to take place?

a. The schedule is dependent upon the following actions by the Utah Section of ASME after Park City agrees to the request.

b. Preparation of a draft brochure for the Designation Ceremony, and approval of the draft by Park City. The brochure will be given to all invited to attend the ceremony as well as to Park City as a record of the Landmark.

c. Submittal of the draft brochure to ASME History and Heritage Committee in New York along with a request to revise the location of the Landmark from Silver Mine Adventure Tour to Miner's Plaza in Park City. For this a letter from Park City Mines indicating donation of the Machine to Park City and a letter from Park City indicating acceptance of the donated machine for location in Miner's Plaza.

d. ASME History and Heritage Committee in New York comments and return for revisions.

e. On the assumption that the Committee approval will require only one draft and a final submittal, the ceremony date can be selected and the plaque ordered.

- Assume Park City approval-----Jan 28.
- Draft brochure preparation and revised site approval request---Feb 18.
- ASME History and Heritage approval. Four weeks-----Mar 17-24.
- Order plaque. Six month delivery. -----Sep 19-29.

The final date selection must be such that it does not conflict with planned activities in Park City. There is an ASME Regional Administrative Committee meeting scheduled for Park City about September 29. A ceremony planned to be near that time may be very appropriate.

5. What expenses are necessary by Park City?

a. On the assumption that Park City Mines Company will install the loader as described in item 2, only the clean up work associated with the installation should be necessary.

6. What does ASME furnish other than the plaque?

- A brochure, probably 4 to 6 8.5x11 pages lettered both sides, for each person invited to attend. Copies for Park City records will be provided.
- Written invitations with RSVP to: At a minimum all 575 members of the Utah Section of ASME; the Utah Section of Society of Mining Engineers; approximately 100 former EIMCO employees; The Joseph Rosenblatt family (Mr. Rosenblatt was president of EIMCO when and after the decision to finance and develop the Rocker Shovel Loader); Family member of Edwin Burt Royle; Family members of John Finlay; University of Utah Alumni officers and officers of the University of

Utah because Mr. Rosenblatt was, until he passed away recently, active in Alumni activities (the residence of the president of the University of Utah was donated to the University by Mr. Rosenblatt); selected civic, government, and church leaders who knew Mr. Rosenblatt.

- Media announcements leading up to the ceremony and describing Park City, EIMCO, the EIMCO ROCKER SHOVEL LOADER, MODEL 12B, THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS and its History and Heritage program. **All media announcements need ASME History and Heritage approval to be certain the name and logo comply with copyright and ASME facts.**

ASME Utah section will need advice from Park City as to the best way to plan for the attendance of invited guests and others, i.e. Parking, Possible Transit to the site, PA system, time of day, etc.

About the ceremony: The guidelines from ASME History Heritage in New York suggest a brief ceremony, one hour or less including presentation of the plaque to the owner.

THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS AND ITS HISTORY AND HERITAGE PROGRAM.

The American Society of Mechanical Engineers is a non-profit technical organization of Mechanical Engineers whose membership is approximately 125,000. Membership is voluntary. The Society promotes technical standards for design for public safety and serves as an organization for the exchange of technical information. The Society was organized in the 1880s.

The ASME History and Heritage Recognition Program began in September 1971. To implement and achieve its goals, ASME formed a History and Heritage Committee, composed of mechanical engineers, historians of technology, and the Curator Emeritus of Mechanical and Civil Engineering at the Smithsonian Institution. The Committee provides a public service by examining, noting, recording, and acknowledging mechanical engineering achievements of particular significance. The History and Heritage Committee is part of the ASME Council on Public Affairs and Board on Public Information. For further information, please contact; please contact Public Information, The American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5900, 212-591-7740; fax 212-591-8676.

An ASME landmark represents a progressive step in the evolution of mechanical engineering. Site designations note an event or development of clear historical importance to mechanical engineers.

I enclose a letter from Park City Mines Company received prior to closing the Silver Mine Adventure Tour which is illustrative of the type of letter required for the ASME History and Heritage Committee to approve a change of site of the landmark designation.

The Utah Section of ASME sincerely hopes Park City will respond favorably to this request.

Very truly yours,

Donald L. King

Enclosures:

One copy of the original nomination request to ASME History and Heritage. It provides description and history of the machine.
Copy of current list of ASME Historic Mechanical Engineering Designated Landmarks.
Copy of letter from Park City Mines granting permission for designation of the machine which was received to the decision to close the Silver Mine Adventure Tour.

CC: Bill Brown, Chair Utah Section of ASME Executive Committee.
David Merrill, ASME Region Twelve, History and Heritage Committee.
Richard Martinez, Park City Mines Company.

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CITY COUNCIL STAFF REPORT

DATE: March 9, 2000 (March 16, 2000 Meeting)
DEPARTMENT: Planning and Legal Departments
AUTHOR: Patrick Putt and Kirsten Whetstone KA ✓
TITLE: LMC Re-Write Phase 1; General Provisions/Procedures, Definitions, Non Conforming Uses, and Off-Street Parking.
TYPE OF ITEM: Public Hearing and Discussion

SUMMARY RECOMMENDATIONS: Conduct a public hearing and discussion on Phase I of the Land Management Code re-write and proposed zone changes. No action is requested at this meeting.

A. Background. On February 23, 2000 the Planning Commission forwarded to City Council a positive recommendation on specific portions of Phase I of the Land Management Code revisions. Phase I consists of General Provisions/Procedures, Definitions, Districts and Regulations, Non Conforming Uses, and Off- Street Parking. The general philosophy of the rewrite is to:

- *reorganize the document structure;
- *clarify and resolve existing inconsistencies;
- *update regulations to be consistent with the General Plan;
- *provide self-contained (user-friendly) chapters;
- *make the document easier to read; and
- *provide graphics and illustrations.

In December 1998 the Planning Commission forwarded to City Council a positive recommendation on Phase I. Council conducted several work sessions and public hearings, including a public hearing on February 25, 1999, and remanded portions of the draft back to the Planning Commission for additional revisions. On February 23, 2000 the Planning Commission forwarded a positive recommendation on the following sections: HRL and HR-1 zoning districts, General Provisions, Definitions, Non-Conforming Uses, and Off-Street Parking. On March 2, 2000 the City Council adopted

the revised HRL and HR-1 zoning district sections. The Commission had no outstanding issues with the remainder of these forwarded sections.

The Planning Department recommends that Council take public comment on Phase I of the LMC re-write, discuss any necessary modifications and direct staff to prepare an ordinance for adoption of the following revised sections (General Provisions and Procedures, Definitions, Non-Conforming Uses, and Off-Street Parking) at the next available Council meeting.

Planning Commission public hearings for the remainder of Chapter 7, Zoning Districts and Regulations, are scheduled for March 22 and April 26, 2000. Once these remaining sections have been forwarded to City Council, staff will schedule a public hearing before the City Council. Staff anticipates adoption of the remainder of Phase I of the LMC re-write by early May. Work has begun on Phase II and a work session with the Planning Commission is scheduled for March 29, 2000 to discuss revisions to Chapter 10, Master Planned Developments.

A summary of the general Phase I changes is attached. A draft of the revised sections was delivered to the Council with the March 2, 2000 packet.

B. Recommendation. The purpose of Thursday's meeting is to allow Council an opportunity to re-acquaint itself with the proposed changes and issues related to the LMC Phase I re-write and specifically to the following Sections: General Provisions and Procedures, Definitions, Off-Street Parking, and Non-conforming Uses. No formal action is requested at this meeting. The Planning Department recommends that the Council open the public hearing and take specific input concerning the current Phase I draft. Staff further recommends that the Council provide direction on necessary modifications, additions, and/or deletions along with any specific input on issues that may be raised at the public hearing.

LAND MANAGEMENT CODE
COMPREHENSIVE and SUBSTANTIVE RE-WRITE
SUMMARY OF CHANGES as of March 13, 2000

1. **Purpose of the Re-Write:**
 - a. Reformat existing layout.
 - b. Reorganize chapters to make the code more user friendly.
 - c. Clarify and resolve current inconsistencies.
 - d. Update and propose changes to current regulations, including zone district and boundary changes, reflective of the current General Plan.
 - e. Make Chapters all-inclusive (move information that is currently buried in other Chapters, into Chapter 7 and individual zoning districts).
 - f. Added graphics.
2. **Phase I consists of the following chapters:**
 - a. Chapter 1 General Provisions
 - b. Chapter 2 Definitions
 - c. Chapter 7 Districts and Regulations
 - d. Chapter 12 Non-conforming uses
 - e. Chapter 13 Off-street parking
3. **Chapter 1 Changes:**
 - a. Reorganized, clarified, and updated.
 - b. Eliminated 51% lot owner signature requirement for zone amendments within platted subdivisions.
 - c. Expanded time-frame for Commission action from "next meeting" to 30 days, added provision for Council to act if Planning Commission does not.
 - d. Inserted state standards and clarified limitations and requirements for Temporary Zoning Ordinance (TZO).
 - e. Removed details of submittal requirements from LMC and include them on the application forms.
 - f. Replaced infrastructure language (already in Uniform Building Code (UBC) and Uniform Fire Code (UFC) with more stringent review criteria for steep slopes and lots with questionable access/utilities.
 - g. Modified process and requirements for termination of projects when no action has occurred after six months.
 - h. Changed violations of the LMC to a Class C misdemeanor, per State Law.

- i. Reorganized and clarified the Appeals, Reconsideration, and Call-up process;
- j. Included Constitutional Takings Review & Appeal (reflect State law);
- k. Amended Noticing Matrix for consistency and clarity.

4. Chapter 2 Changes:

- a. Removed regulatory language from definitions.
- b. Clarified, organized, and updated definitions.
- c. Changed definition of building height, basement, common area, open space, bed and breakfast inn, agriculture, crawl space, grade, kitchen, office, and screen.
- d. Added definitions such as: accessory use, architectural detail, bakery, bay window, bill board, blank wall, building envelope, building pad, boarding house, business, café, cluster development, compatible, construction activity, construction mitigation plan, disabled care, building facade, first story, existing grade, group care facilities, grubbing, hardship, historic, hospital and limited care hospital, inaction, indoor entertainment facility, kitchenette, landmark, neighborhood convenience commercial, office uses, parcel, preservation easement, resort support commercial, ridge line area, satellite receiving station, steep slope, street scape, slope, suitability determination, TDR open space, and significant wetland.
- e. Added a list of defined terms.

5. Chapter 7 Changes:

- a. **HR-1:** Conditional Use Permit (C.U.P.) process and review criteria added for development on the portion of a lot that exceeds slopes greater than 30%; eliminated Floor Area Ratio (FAR); added building footprint limitations and formulas for achieving compatible building volume, mass, and scale; reduced total front and rear setbacks to 20' from 30' for standard lot; eliminated MPDs; changed duplexes to a conditional use permit; and modified criteria for bed and breakfast inns.
- b. **HRC:** Height reduction from 35' to 32', left Heber Ave Sub-zone in place, commercial uses greater than 2,000 sf allowed in historic and non-historic buildings only with a CUP, and eliminated MPDs.
- c. **HCB:** Added Swede Alley development criteria, reduced Swede Alley building facade height to 24' from 30', added facade stepping requirements for property adjacent to residential districts, eliminated MPDs, changed bars to permitted use.
- d. **HTO/HR-2: Still under review and consideration by the Planning Commission.** Proposed combining HR-2 zone and HTO overlay into new HR-2 zone creating two sub-areas with less intensive commercial uses allowed in historic structures and commercial uses on Park Avenue permitted only in subterranean spaces as an extension of Main Street businesses with residential uses above ground and fronting on Park Avenue. All new construction to meet HR-1 site and design requirements. Eliminate MPDs and prohibit tri-plexes.
- e. **HRL:** C.U.P. process for development on the portion of a lot where slopes exceed

- c. No continuation of non-conforming use if damage is more than 50%
- d. No restoration of non-complying structure if building is damaged by more than 50%.
- e. Entire chapter brought into conformance with Utah State law regarding non-conforming uses.
- f. Put definitions into Chapter 2.

7. Chapter 13 Changes:

- a. Included lighting standards for parking lots.
- b. Proposing new landscape guidelines for parking lots.
- c. Changed to allow tandem spaces in all zones for SF and duplex units.
- d. Expanded parking ratio table to be consistent with land use table.
- e. Deleted old multi-family table, incorporated new ratios in residential table.
- f. Changed parking ratio for multi-family uses- consistent throughout city.
- g. Added bicycle parking requirements and guidelines.
- h. Added driveway standards for private driveways within platted, unbuilt city streets.
- i. Changed parking ratios for offices uses to differentiate intensity of use.

8. Proposed Zone Boundary Changes -as mentioned above, including but not limited to the following:

- a. Propose changing to the new HRM zone, the RM and HCB zoned properties located on Park Avenue, north of Tenth Street and south of 15th Street. Propose changing to HRM the HR-1 properties on the east side of Park Avenue, north of tenth street. Propose changing GC zoned property on the west side of Park Avenue to RC. Propose changing RM property, north of 15th Street, to RC. Propose changing E zoned City Park property to ROS. **(Still under review by the Planning Commission.)**
- b. Propose changing to the HRL zone, the HR-1 properties located south and east of Ontario and Marsac Avenues.
- c. Propose changing to the new HR-2 zone, current HTO/ HR-2 property located east and west of Main Street, with the exception of property owned by the City along Marsac and Swede Alley. **(Still under review by the Planning Commission.)**
- d. Propose removing the HTO overlay from the City owned property along Marsac Avenue (including China Bridge, Marsac Building, and Sandridge Parking Lots). Underlying zoning is HR-1, permitting essential municipal facilities and buildings as a C.U.P.).

30%; included HR-1 changes; elimination of Floor Area Ratio (FAR); addition of building footprint limitations; nightly rental as a CUP; propose change of HR-1 property southeast of Ontario and Marsac; leave west side of Marsac in HR-1; eliminated MPDs.

- f. **HRM: Still under review and consideration by the Planning Commission.** New zone, similar to RM with added Historic District review; added Sullivan Road development criteria; reduced max. height from 33' to 27'; propose applying to all RM and HCB property along Park Avenue (north of 10th) to 15th Street. Propose changing GC on west side of Park Avenue to RC. Propose changing RM property on west side of Park Avenue, north of 15th street, to RC. Propose allowing less intensive uses in historic structures only.
- g. **GC:** Updated and reorganized uses, require C.U.P. for residential uses, decreased front and increased rear setbacks for parking in rear.
- h. **RC:** Replaced development credits with unit equivalents; added Floor Area Ratio of 1.0; mandatory Historic Commission Review for single family and duplexes within two blocks of Historic District; added support commercial uses as C.U.P.
- i. **SF:** Modified setbacks to set front facing garage facade back from plane of house, allowed Bed and Breakfast as C.U.P., eliminated cemeteries and riding academies.
- j. **SF-N:** Eliminated chapter, included in SF zone, added Prospector Village regulations for nightly rental.
- k. **RD, RDM, RM:** Increased garage setbacks; added support commercial retail as a C.U.P.
- l. **R-1:** Change tri-plex to C.U.P, include Historic District Commission (HDC) design review criteria, increased garage setbacks.
- m. **E:** Added Bed and Breakfast as C.U.P, eliminated residential other than single family and duplex, added parking lots and common garages, eliminated commercial recreation uses, added nurseries as CUP.
- n. **E-40:** Created new "holding zone" annexation tool, one unit per 40 acre density restriction.
- o. **ROS:** All uses except Conservation Activities and agriculture now require a conditional use permit, some as an administrative review, others with Planning Commission action. No change in height.
- p. **LI:** Require residential uses as a C.U.P. and increased open space requirement from 20% to 30%.
- q. **RCO:** Added as C.U.P -boarding house, hostel, transportation services, heliports.
- r. **SLO, FPZ:** Added Sensitive Lands Overlay and Frontage Protection Overlay criteria as a separate zoning district section from related ordinances and from Chapter 8.

6. Chapter 12 Changes:

- a. Added new standards for enlarging, altering and moving non-conforming uses.
- b. Added more restrictive criteria for change of non-conforming use.